

[Second Reprint]

ASSEMBLY, No. 4453

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 27, 2020

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

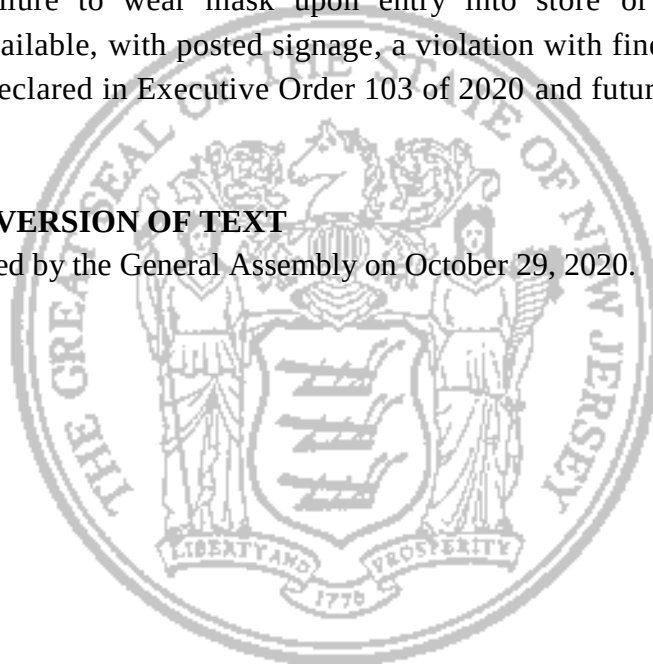
Assemblyman Verrelli, Assemblywomen Tucker and Jasey

SYNOPSIS

Makes failure to wear mask upon entry into store or transportation publically available, with posted signage, a violation with fine during public emergency declared in Executive Order 103 of 2020 and future public health emergencies.

CURRENT VERSION OF TEXT

As amended by the General Assembly on October 29, 2020.



(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT concerning ¹**[the offense of trespass]** mask wearing¹
 2 during public health emergency declared by Executive Order 103
 3 of 2020 ²and any subsequently declared public health emergency
 4 and supplementing Title 26 of the Revised Statutes².

5
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 7 *of New Jersey:*
 8

9 1. During the public health emergency ²**[and state of**
 10 **emergency]**² declared by the Governor in Executive Order 103 of
 11 2020, ²and any Public Health Emergency, subsequently declared
 12 pursuant to the "Emergency Health Powers Act," P.L.2005, c.222
 13 (C.26:13-1 et seq.),² a person ²**[commits a** ¹**[petty disorderly**
 14 **persons offense]** violation¹ if, knowing that he is not licensed or
 15 privileged to do so, he **]** over age four and able to medically tolerate
 16 a mask or face covering, who² enters or remains in a store or
 17 mercantile retail establishment², any public transportation or public
 18 transportation service, any autocab business or transportation
 19 network service,² as to which notice against trespass is given by
 20 signage posted that is visible and unobstructed which requires that
 21 any person entering the premises of a store or retail mercantile
 22 establishment establishment², or any public transportation or public
 23 transportation service, any autocab business or transportation
 24 network service,² must be ¹properly¹ wearing a mask ¹or face
 25 covering which at a minimum simultaneously covers the nose and
 26 mouth¹ ²**[and** ¹**[a]** the¹ person does not ¹properly¹ wear ¹such¹ a
 27 mask². ¹The violation established by this section shall², for a first
 28 offense², be subject to a fine of ²**[a minimum of]**² \$50² and for a
 29 second or subsequent violation, to a fine of between \$50² up to
 30 \$500.¹

31 ²As used in this section "public transportation or public
 32 transportation service" means rail passenger service, motorbus
 33 regular route service, paratransit service, motorbus charter service,
 34 and ferry passenger service. "Autocab" means and includes any
 35 automobile or motor car, commonly called taxi, engaged in the
 36 business of carrying passengers for hire which is held out,
 37 announced or advertised to operate or run or which is operated or
 38 run over any of the streets or public highways of this state, and
 39 particularly accepts and discharges such persons as may offer
 40 themselves for transportation from points or places to points or
 41 places within or without the state. "Transportation network
 42 service" means a corporation, partnership, sole proprietorship, or
 43 other entity that is registered as a business in the State or operates
 44 in this State, and uses a digital network to connect a transportation

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted September 17, 2020.

²Assembly floor amendments adopted October 29, 2020.

1 network company rider to a transportation network company driver
2 to provide a prearranged ride. A transportation network company
3 shall not include an individual, corporation, partnership, sole
4 proprietorship, or other entity arranging non-emergency medical
5 transportation for individuals qualifying for Medicaid under
6 P.L.1968, c.413 (C.30:4D-1 et seq.) or Medicare under Pub.L.89-97
7 (42 U.S.C. s.1395 et seq.) pursuant to a contract with the State or a
8 managed care organization, whereby Medicaid or Medicare funding
9 is used to pay for the non-emergency medical transportation
10 services.²
11

12 2. This act shall take effect immediately ²【and shall expire
13 upon the expiration of the state of emergency declared by the
14 Governor in Executive Order 103 of 2020】².