

P.L. 2021, CHAPTER 482, *approved January 18, 2022*
Assembly, No. 6150

1 **AN ACT** concerning the transfer of certain professional and
2 occupational licenses and amending P.L.1978, c.73 and
3 supplementing P.L.2004, c.16 (C.56:8-136 et seq.).
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Section 12 of P.L.1978, c.73 (C.45:1-25) is amended to read
9 as follows:

10 12. a. Any person who engages in any conduct in violation of any
11 provision of an act or regulation administered by a board shall, in
12 addition to any other sanctions provided herein, be liable to a civil
13 penalty of not more than \$10,000 for the first violation and not more
14 than \$20,000 for the second and each subsequent violation. For the
15 purpose of construing this section, each act in violation of any
16 provision of an act or regulation administered by a board shall
17 constitute a separate violation and shall be deemed a second or
18 subsequent violation under the following circumstances:

19 (1) an administrative or court order has been entered in a prior,
20 separate and independent proceeding;

21 (2) the person is found within a single proceeding to have
22 committed more than one violation of any provision of an act or
23 regulation administered by a board; or

24 (3) the person is found within a single proceeding to have
25 committed separate violations of any provision of more than one act
26 or regulation administered by a board.

27 b. In lieu of an administrative proceeding or an action in the
28 Superior Court, the Attorney General may bring an action in the name
29 of any board for the collection or enforcement of civil penalties for
30 the violation of any provision of an act or regulation administered by
31 such board. Such action may be brought in summary manner pursuant
32 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
33 (C.2A:58-10 et seq.) and the rules of court governing actions for the
34 collection of civil penalties in the municipal court where the offense
35 occurred. Process in such action may be by summons or warrant and
36 in the event that the defendant in such action fails to answer such
37 action, the court shall, upon finding an unlawful act or practice to
38 have been committed by the defendant, issue a warrant for the
39 defendant's arrest in order to bring such person before the court to
40 satisfy the civil penalties imposed. In any action commenced
41 pursuant to this section, the court may order restored to any person

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.

1 in interest any moneys or property acquired by means of an unlawful
2 act or practice.

3 c. Any action alleging the unlicensed practice of a profession or
4 occupation shall be brought pursuant to this section or, where
5 injunctive relief is sought, by an action commenced in the Superior
6 Court.

7 d. In any action brought pursuant to this act, a board or the court
8 may order the payment of costs for the use of the State, including,
9 but not limited to, costs of investigation, expert witness fees and
10 costs, attorney fees and costs, and transcript costs.

11 e. In addition to any other penalty provided by law, an individual
12 regulated by the Board of Examiners of Electrical Contractors; the
13 Elevator, Escalator, and Moving Walkway Mechanics Licensing
14 Board; the Fire Alarm, Burglar Alarm and Locksmith Advisory
15 Committee; the Licensed Master Hearth Specialist Advisory
16 Committee; the State Board of Examiners of Heating, Ventilating,
17 Air Conditioning and Refrigeration Contractors; the State Board of
18 Examiners of Master Plumbers; or other State entity created to
19 regulate a skilled trade occupation in the Division of Consumer
20 Affairs in the Department of Law and Public Safety who transfers a
21 license provided to the individual by the requisite board to another
22 individual shall be liable to a civil penalty of not more than \$15,000
23 for the first violation and not more than \$25,000 for the second and
24 each subsequent violation.

25 For the purpose of construing this section, each violation of any
26 provision of an act or regulation administered by a board shall
27 constitute a separate violation and shall be deemed a second or
28 subsequent violation under the circumstances listed in paragraphs
29 (1), (2), and (3) of subsection a. of this section.

30 (cf: P.L.2001, c.307, s.3)

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32 2. (New section) In addition to any other penalty provided by
33 law, a person who knowingly violates section 10 of P.L.2004, c.16
34 (C.56:8-145) or who otherwise transfers a registration obtained
35 pursuant to section 3 of P.L.2004, c.16 (C.56:8-138) shall be liable
36 to a civil penalty of not more than \$15,000 for the first violation and
37 not more than \$25,000 for the second and each subsequent violation.

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39 3. This act shall take effect immediately.

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STATEMENT

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44 This bill heightens penalties for the transfer of licenses, or license
45 lending, issued by certain boards. Under the bill, in addition to any
46 other penalty provided by law, an individual regulated by the Board
47 of Examiners of Electrical Contractors; the Elevator, Escalator, and
48 Moving Walkway Mechanics Licensing Board; the Fire Alarm,

1 Burglar Alarm and Locksmith Advisory Committee; the Licensed
2 Master Hearth Specialist Advisory Committee; the State Board of
3 Examiners of Heating, Ventilating, Air Conditioning and
4 Refrigeration Contractors; the State Board of Examiners of Master
5 Plumbers; or other State entity created to regulate a skilled trade
6 occupation in the Division of Consumer Affairs in the Department of
7 Law and Public Safety who transfers a license provided to the
8 individual by the requisite board to another individual is liable to a
9 civil penalty of not more than \$15,000 for the first violation and not
10 more than \$25,000 for the second and each subsequent violation.
11 Current law stipulates any person who engages in conduct in
12 violation of any provision of an act or regulation administered by a
13 board, which includes license transfer, is liable to a civil penalty of
14 \$10,000 for the first violation and not more than \$20,000 for the
15 second and each subsequent violation.

16 This bill also imposes the same heightened penalties for home
17 improvement and home elevation contractors, who are regulated
18 separately under Title 56.

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23 Revises penalties for transfer of certain professional and
24 occupational licenses.