

ASSEMBLY, No. 174

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Makes engaging in business of electrical contracting without business permit or license a crime of the fourth degree under certain circumstances.

CURRENT VERSION OF TEXT

As Introduced.



1 AN ACT concerning electrical contractors and amending P.L.1962,
2 c.162 and supplementing chapter 21 of Title 2C of the New Jersey
3 Statutes.

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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 21 of P.L.1962, c.162 (C.45:5A-21) is amended to read
9 as follows:

10 21. Any person advertising or engaging in the business of electrical
11 contracting without having a business permit or license from the board
12 is a disorderly person.

13 (cf: P.L.1990, c.108, s.2)

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15 2. (New section) a. A person is guilty of a crime of the fourth
16 degree if that person knowingly engages in the business of electrical
17 contracting without having a business permit or license issued by the
18 Board of Examiners of Electrical Contractors and:

19 (1) Creates or reinforces a false impression that the person is
20 licensed as an electrical contractor or possesses a business permit; or

21 (2) Derives a benefit; or

22 (3) In fact causes injury to another.

23 b. For the purposes of this section, the phrase "in fact" indicates
24 strict liability.

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26 3. This act shall take effect immediately.

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STATEMENT

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31 This bill makes it a crime of the fourth degree for any person to
32 knowingly engage in the business of electrical contracting without
33 having a business permit or license issued by the Board of Examiners
34 of Electrical Contractors and to: (1) create or reinforce a false
35 impression that the person is licensed as an electrical contractor or
36 possesses a business permit; or (2) derive a benefit; or (3) in fact cause
37 injury to another. For the purposes of the bill, the phrase "in fact"
38 indicates strict liability. Without this phrase, a prosecution would
39 require proof that the defendant knowingly caused injury to another.
40 Under this provision, a person who knowingly engages in the business
41 of electrical contracting without having a business permit or license is
42 guilty of a crime of the fourth degree regardless of his intent in causing
43 injury to another and is not exonerated because the prosecution is

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.

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1 unable to prove beyond a reasonable doubt that the person acted
2 purposely, knowingly, recklessly, or negligently in causing injury to
3 another.

4 The bill also provides that any person advertising or engaging in the
5 business of electrical contracting without having a license from the
6 Board of Examiners of Electrical Contractors is a disorderly person.
7 Under current law, any person advertising or engaging in the business
8 of electrical contracting without having a business permit from the
9 board is a disorderly person.