SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3208

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2023

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3208.

As amended, this bill would provide a State agency with the discretion to suspend enforcement of any administrative fine or civil penalty against a business for certain first-time violations that do not or would not result in a significant adverse impact to public safety or welfare. A business would not be eligible for suspension of enforcement of a fine or penalty if the violation is:

(1) of a criminal nature;

(2) an intentional or knowing act;

(3) grounds for the revocation or suspension of the license, certification, good standing, or other authorization to operate the business;

(4) grounds for the business to be debarred by the Department of Labor and Workforce Development from engaging in or bidding on public works contracts in New Jersey; or

(5) any State employment or labor-related law.

Under the bill, the business would have 60 calendar days to address and resolve the violation or would be assessed all fines and penalties available under the law upon the expiration of that term.

The bill provides that a State agency, department, or authority is required to report, on an annual basis, any infractions it has waived over the prior calendar year in a prominent manner that is accessible to the public on its Internet website.

As amended and reported, this bill is identical to Assembly Bill No. 4753, as also amended and reported by this committee.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a business has 60 calendar days to cure a violation.