

# ASSEMBLY, No. 2961

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**SYNOPSIS**

Establishes penalty for failure to include bittering agent in antifreeze.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning the use of bittering agents in antifreeze, and  
2 supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).  
3

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

7 1. a. Any person who violates any provision of section 2 of  
8 P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of  
9 \$500 for the first offense and \$1,000 for the second or subsequent  
10 offense, to be collected in a civil action by summary proceeding  
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
12 (C.2A:58-10 et seq.). The Superior Court and the municipal court  
13 shall have jurisdiction to enforce the provisions of the "Penalty  
14 Enforcement Law of 1999" in connection with this section. If the  
15 violation is of a continuing nature, each day during which it  
16 continues shall constitute an additional, separate and distinct  
17 offense.

18 b. The Department of Environmental Protection may institute a  
19 civil action for injunctive relief to enforce the provisions of  
20 P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit and prevent a  
21 violation of section 2 of that act, and the court may proceed in the  
22 action in a summary manner.  
23

24 2. This act shall take effect immediately.  
25  
26

27 STATEMENT  
28

29 This bill would establish a civil penalty applicable to any person  
30 who fails to include a bittering agent in antifreeze sold in the State.  
31 Although the law currently requires the use of a bittering agent in  
32 antifreeze products sold in New Jersey, it does not provide a penalty  
33 for persons who do not comply with this requirement. The bill  
34 would fill this gap in the law by providing, in particular, that any  
35 person who fails to include a bittering agent in antifreeze would be  
36 subject to a civil penalty of \$500 for the first offense and \$1,000 for  
37 the second or subsequent offense. The bill would further provide  
38 that when a violation is of a continuing nature, each day during  
39 which it continues would constitute an additional, separate and  
40 distinct offense.

41 The penalty established by the bill would be collectable in a civil  
42 action by summary proceeding under the "Penalty Enforcement  
43 Law of 1999." The bill would also authorize the Department of  
44 Environmental Protection to institute a summary civil action for  
45 injunctive relief, as necessary to enforce, and prohibit and prevent a  
46 violation of, the antifreeze law.

47 The penalty proposed to be established by the bill is consistent  
48 with other penalties established under law for similar offenses

- 1 involving the improper sale of toxic substances and the improper
- 2 sale of products containing toxic substances.