

# ASSEMBLY, No. 1683

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman AMY H. HANDLIN**

**District 13 (Monmouth)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

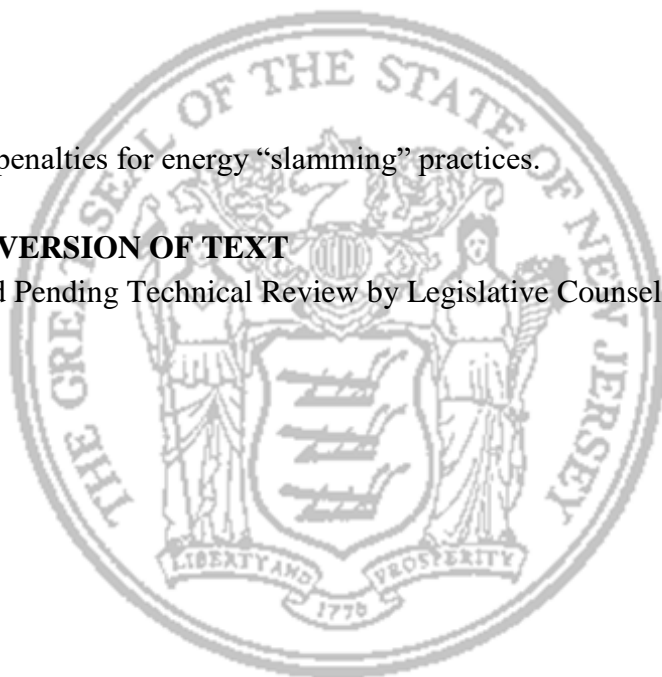
**Assemblywomen Pinkin, Downey, Assemblymen Gusciora, Johnson, Clifton, Auth, Webber, Assemblywoman N.Munoz, Assemblymen A.M.Bucco, Rooney, DiMaio, Peterson, Wolfe, Assemblywomen Muoio, B.DeCroce, Schepisi and Assemblyman S.Kean**

**SYNOPSIS**

Increases penalties for energy “slamming” practices.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning penalties for energy “slamming” practices and  
2 amending P.L.1999, c.23.

3

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

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7 1. Section 34 of P.L.1999, c.23 (C.48:3-83) is amended to read  
8 as follows:

9 34. Any person who violates any provision of **[this act]**  
10 P.L.1999, c.23 (C.48:3-49 et al.) shall be liable for a civil penalty of  
11 not more than \$5,000 for the first offense, except for a violation of  
12 section 37 of **[this act]** P.L.1999, c.23 (C.48:3-86), for which a  
13 person shall be liable for a civil penalty of not more than **[\$10,000]**  
14 \$20,000 for the first offense, and not more than **[\$25,000]** \$50,000  
15 for the second and each subsequent offense, for each day that the  
16 violation continues. Any civil penalty which may be imposed  
17 pursuant to this section may be compromised by the board. In  
18 determining the amount of the penalty, or the amount agreed upon  
19 in compromise, the board shall consider: the nature, circumstances,  
20 and gravity of the violation; the degree of the violator's culpability;  
21 any history of prior violations; the prospective effect of the penalty  
22 on the ability of the violator to conduct business; any good faith  
23 effort on the part of the violator in attempting to achieve  
24 compliance; the violator's ability to pay the penalty; and other  
25 factors the board determines to be appropriate. The amount of the  
26 penalty when finally determined, or the amount agreed upon in  
27 compromise, may be deducted from any sums **[owing]** owed by the  
28 State to the person charged, or may be recovered, if necessary, in a  
29 summary proceeding pursuant to **[“the penalty enforcement law,”**  
30 N.J.S.2A:58-1 et seq.] the “Penalty Enforcement Law of 1999,”  
31 P.L.1999, c.274 (C.2A:58-10 et seq.).

32 The Superior Court shall have jurisdiction to enforce the  
33 provisions of **[“the penalty enforcement law”]** the “Penalty  
34 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.) in  
35 connection with **[this act]** P.L.1999, c.23 (C.48:3-49 et al.).  
36 (cf: P.L.1999, c.23, s.34)

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38 2. This act shall take effect immediately.

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#### STATEMENT

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43 This bill increases civil penalties for energy “slamming”  
44 practices from \$10,000 for the first offense, and not more than

**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.

**A1683 DANCER, BENSON**

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1 \$25,000 for the second and each subsequent offense, to \$20,000 for  
2 the first offense, and not more than \$50,000 for the second and each  
3 subsequent offense. Energy “slamming” is a practice that involves  
4 changing consumers’ electric power or gas supplier without their  
5 knowledge or consent.

6 This bill addresses growing concerns over certain third-party  
7 energy suppliers engaged in slamming practices.