

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

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

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

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

38        2. This act shall take effect immediately.

42 Increases penalties for energy “slamming” practices.

**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.**