

SENATE, No. 1109

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senator SINAGRA

1 AN ACT concerning penalties for certain violations regarding hotels  
2 and multiple dwellings and amending P.L.1967, c.76.

3

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

6

7 1. Section 19 of P.L.1967, c.76 (C.55:13A-19) is amended to read  
8 as follows:

9 19. (a) No person shall

10 (1) Obstruct, hinder, delay or interfere with, by force or otherwise,  
11 the commissioner in the exercise of any power or the discharge of any  
12 function or duty under the provisions of this act; or

13 (2) Prepare, utter or render any false statement, report, document,  
14 plans or specifications permitted or required to be prepared, uttered  
15 or rendered under the provisions of this act; or

16 (3) Render ineffective or inoperative any protective equipment  
17 installed, or intended to be installed, in any hotel or multiple dwelling;  
18 or

19 (4) Refuse or fail to comply with any lawful ruling, action, order or  
20 notice of the commissioner; or

21 (5) Violate, or cause to be violated, any of the provisions of this  
22 act.

23 (b) Any person who violates, or causes to be violated, any provision  
24 of subsection (a) of this section shall be liable to a penalty of not [less  
25 than \$50.00 nor] more than \$500.00 for each violation, and a penalty  
26 of not [less than \$500.00 nor] more than \$5,000.00 for each  
27 continuing violation. Any person who willfully violates any provision  
28 of paragraph (1), (2) or (3) of subsection (a) of this section shall be  
29 liable for a penalty of not more than \$10,000 for each violation.

30 Where any violation of subsection (a) of this section is of a continuing  
31 nature, each day during which such continuing violation remains  
32 unabated after the date fixed by the commissioner in any order or  
33 notice for the correction or termination of such continuing violation,  
34 shall constitute an additional, separate and distinct violation, except

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 during the time on appeal from said order may be taken or is pending.  
2 The commissioner, in the exercise of his administrative authority  
3 pursuant to this act, may levy and collect penalties in the amounts set  
4 forth in this section. Where the administrative penalty order has not  
5 been satisfied within 30 days of its issuance the penalty may be sued  
6 for, and recovered by and in the name of the commissioner in a civil  
7 action by a summary proceeding under the Penalty Enforcement Law  
8 (N.J.S. 2A:58-1 et seq.) in the Superior Court.

9 (c) Any person shall be deemed to have violated, or to have caused  
10 to be violated, any provision of subsection (a) of this section whenever  
11 any officer, agent or employee thereof, under the control of and with  
12 the knowledge of said person shall have violated or caused to be  
13 violated any of the provisions of subsection (a) of this section.

14 (d) The commissioner may cancel and revoke any permit, approval  
15 or certificate required or permitted to be granted or issued to any  
16 person pursuant to the provisions of this act if the commissioner shall  
17 find that any such person has violated, or caused to be violated, any of  
18 the provisions of subsection (a) of this section.

19 (cf: P.L.1970, c.138, s.11)

20  
21 2. This act shall take effect immediately .  
22  
23

#### 24 STATEMENT 25

26 This bill would amend the penalty provisions of the "Hotel and  
27 Multiple Dwelling Law" by eliminating minimum penalties and  
28 increasing to a maximum of \$10,000 the penalty for the willful  
29 violation of prohibitions against obstructing the commissioner,  
30 preparing or rendering false statements or documents and rendering  
31 protective equipment ineffective or inoperative.

32 The bill makes clear a distinction between violations of paragraphs  
33 (1) through (5) of subsection (a) of section 19 of P.L.1967, c.75  
34 (C.55:13A-19), which carry a maximum penalty of \$5,000, and willful  
35 violations of paragraphs (1), (2) or (3) of subsection (a) of that  
36 section, which would carry a maximum penalty of \$10,000 under the  
37 bill.

38 Deletion of minimum penalties will remove an unnecessary  
39 restriction on the Department's flexibility in dealing with violations.  
40 Making willful obstruction of the commissioner, which includes  
41 attempted corruption of enforcement personnel, and other serious  
42 violations, subject immediately to a maximum penalty of \$10,000,  
43 rather than to a maximum penalty of only \$5,000, is intended to serve  
44 as a deterrent to such actions.

1

\_\_\_\_\_

2

3 Changes certain penalty provisions under “Hotel and Multiple

4 Dwelling Law.”