

**SENATE, No. 4119**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED NOVEMBER 12, 2021

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Revises penalties for transfer of certain professional and occupational licenses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/16/2021)**

1 AN ACT concerning the transfer of certain professional and  
2 occupational licenses and amending P.L.1978, c.73 and  
3 supplementing P.L.2004, c.16 (C.56:8-136 et seq.).  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. Section 12 of P.L.1978, c.73 (C.45:1-25) is amended to read  
9 as follows:

10 12. a. Any person who engages in any conduct in violation of  
11 any provision of an act or regulation administered by a board shall,  
12 in addition to any other sanctions provided herein, be liable to a  
13 civil penalty of not more than \$10,000 for the first violation and not  
14 more than \$20,000 for the second and each subsequent violation.  
15 For the purpose of construing this section, each act in violation of  
16 any provision of an act or regulation administered by a board shall  
17 constitute a separate violation and shall be deemed a second or  
18 subsequent violation under the following circumstances:

19 (1) an administrative or court order has been entered in a prior,  
20 separate and independent proceeding;

21 (2) the person is found within a single proceeding to have  
22 committed more than one violation of any provision of an act or  
23 regulation administered by a board; or

24 (3) the person is found within a single proceeding to have  
25 committed separate violations of any provision of more than one act  
26 or regulation administered by a board.

27 b. In lieu of an administrative proceeding or an action in the  
28 Superior Court, the Attorney General may bring an action in the  
29 name of any board for the collection or enforcement of civil  
30 penalties for the violation of any provision of an act or regulation  
31 administered by such board. Such action may be brought in  
32 summary manner pursuant to the "Penalty Enforcement Law of  
33 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and the rules of court  
34 governing actions for the collection of civil penalties in the  
35 municipal court where the offense occurred. Process in such action  
36 may be by summons or warrant and in the event that the defendant  
37 in such action fails to answer such action, the court shall, upon  
38 finding an unlawful act or practice to have been committed by the  
39 defendant, issue a warrant for the defendant's arrest in order to  
40 bring such person before the court to satisfy the civil penalties  
41 imposed. In any action commenced pursuant to this section, the  
42 court may order restored to any person in interest any moneys or  
43 property acquired by means of an unlawful act or practice.

44 c. Any action alleging the unlicensed practice of a profession  
45 or occupation shall be brought pursuant to this section or, where

**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.

1 injunctive relief is sought, by an action commenced in the Superior  
2 Court.

3 d. In any action brought pursuant to this act, a board or the  
4 court may order the payment of costs for the use of the State,  
5 including, but not limited to, costs of investigation, expert witness  
6 fees and costs, attorney fees and costs, and transcript costs.

7 e. In addition to any other penalty provided by law, an  
8 individual regulated by the Board of Examiners of Electrical  
9 Contractors; the Elevator, Escalator, and Moving Walkway  
10 Mechanics Licensing Board; the Fire Alarm, Burglar Alarm and  
11 Locksmith Advisory Committee; the Licensed Master Hearth  
12 Specialist Advisory Committee; the State Board of Examiners of  
13 Heating, Ventilating, Air Conditioning and Refrigeration  
14 Contractors; the State Board of Examiners of Master Plumbers; or  
15 other State entity created to regulate a skilled trade occupation in  
16 the Division of Consumer Affairs in the Department of Law and  
17 Public Safety who transfers a license provided to the individual by  
18 the requisite board to another individual shall be liable to a civil  
19 penalty of not more than \$15,000 for the first violation and not  
20 more than \$25,000 for the second and each subsequent violation.

21 For the purpose of construing this section, each violation of any  
22 provision of an act or regulation administered by a board shall  
23 constitute a separate violation and shall be deemed a second or  
24 subsequent violation under the circumstances listed in paragraphs  
25 (1), (2), and (3) of subsection a. of this section.

26 (cf: P.L.2001, c.307, s.3)

27  
28 2. (New section) In addition to any other penalty provided by  
29 law, a person who knowingly violates section 10 of P.L.2004, c.16  
30 (C.56:8-145) or who otherwise transfers a registration obtained  
31 pursuant to section 3 of P.L.2004, c.16 (C.56:8-138) shall be liable  
32 to a civil penalty of not more than \$15,000 for the first violation  
33 and not more than \$25,000 for the second and each subsequent  
34 violation.

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36 3. This act shall take effect immediately.

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#### STATEMENT

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41 This bill heightens penalties for the transfer of licenses, or  
42 license lending, issued by certain boards. Under the bill, in addition  
43 to any other penalty provided by law, an individual regulated by the  
44 Board of Examiners of Electrical Contractors; the Elevator,  
45 Escalator, and Moving Walkway Mechanics Licensing Board; the  
46 Fire Alarm, Burglar Alarm and Locksmith Advisory Committee; the  
47 Licensed Master Hearth Specialist Advisory Committee; the State  
48 Board of Examiners of Heating, Ventilating, Air Conditioning and

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1 Refrigeration Contractors; the State Board of Examiners of Master  
2 Plumbers; or other State entity created to regulate a skilled trade  
3 occupation in the Division of Consumer Affairs in the Department  
4 of Law and Public Safety who transfers a license provided to the  
5 individual by the requisite board to another individual is liable to a  
6 civil penalty of not more than \$15,000 for the first violation and not  
7 more than \$25,000 for the second and each subsequent violation.  
8 Current law stipulates any person who engages in conduct in  
9 violation of any provision of an act or regulation administered by a  
10 board, which includes license transfer, is liable to a civil penalty of  
11 \$10,000 for the first violation and not more than \$20,000 for the  
12 second and each subsequent violation.

13 This bill also imposes the same heightened penalties for home  
14 improvement and home elevation contractors, who are regulated  
15 separately under Title 56.