

51:12-1 to 9

LEGISLATIVE HISTORY CHECKLIST

NJSA 51:12-1 to 12-9

Laws of 1971 Chapter 369

Bill No. A496

Sponsor(s) Raymond, Turner & Shusted

Date Introduced January 29, 1970

Committee: Assembly Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly March 8, 1971; Re-enacted Dec. 2, 1971

Senate April 29, 1971; Re-enacted Dec. 6, 1971

Date of approval Dec. 28, 1971

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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APPROVED DECEMBER 28, 1971

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ASSEMBLY, No. 496

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1970

By Assemblymen RAYMOND, TURNER and SHUSTED

Referred to Committee on Law, Public Safety and Defense

AN ACT to regulate the use of safety glazing material, directing the Commissioner of ***[Labor and Industry]*** ***Community Affairs*** to promulgate standards for safety glazing material, and providing penalties for the violation of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Safety glazing material" means any glazing material, such
3 as tempered glass, laminated glass, wire glass or rigid plastic, which
4 meets the test requirements of the United States of America
5 Standards Institute code number Z-97.1-1966 ***and Z-97.1-1971,
6 or the stricter thereof,** and such further requirements as shall
7 be adopted by the Department of ***[Labor and Industry]***
8 ***Community Affairs*** after notice and hearing required by the
9 "Administrative Procedure Act," approved January 14, 1969 (P. L.
10 1968, c. 410), and which are so constructed, treated, or combined
11 with other materials as to minimize the likelihood of cutting and
12 piercing injuries resulting from human contact with the glazing
13 material.

14 b. "Hazardous locations" means those installations, glazed or
15 to be glazed, in residential, commercial and public buildings
16 ***subject to this act,** known as sliding glass doors, framed or
17 unframed glass doors and adjacent fixed glazed panels which may
18 be mistaken for means of ingress or egress, storm doors, shower
19 doors, and tub enclosures, whether or not the glazing in such doors,
20 panels or enclosures is transparent, and in any other area wherein
21 the use of other than safety glazing materials would constitute a
22 hazard as the Commissioner of ***[Labor and Industry]***
23 ***Community Affairs*** may determine after notice and hearings

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

24 as required by the "Administrative Procedure Act," approved
25 January 14, 1969 (P. L. 1968, c. 410).

1 2. a. Each light of safety glazing material manufactured,
2 distributed, imported, or sold for use in hazardous locations or
3 installed in such a location within the State shall be permanently
4 labeled by such means as etching, sandblasting or firing ceramic
5 material on the safety glazing material. The label shall identify
6 the labeler, whether manufacturer, fabricator or installer, and the
7 nominal thickness and the type of safety glazing material and
8 ***[the fact that]*** *whether**** said material meets ***or
9 exceeds*** the test requirements of the United States of America
10 Standards Institute code Z-97.1-1966 and such further require-
11 ments as may be adopted by the Department of ***[Labor and
12 Industry]*** *Community Affairs.****

13 The label must be legible and visible after installation.

14 b. Such safety glazing labeling shall not be used on other than
15 safety glazing materials.

1 3. ***[It shall be unlawful]*** *After the effective date of this*
2 *act no person shall**** within the State ***[to]*** knowingly sell,
3 fabricate, assemble, glaze, install, consent or cause to be installed
4 glazing materials other than safety glazing materials in, or for
5 use in, any hazardous location. *For purposes of this section*
6 *the terms "install" or "installed" shall not be deemed to mean or*
7 *refer to the changing of storm doors or windows on existing build-*
8 *ings subject to this act on its effective date.****

1 ***4. All transparent glass doors or adjacent fixed glass panels
2 subject to this act, and all doors or adjacent fixed glass panels
3 which may reasonably be mistaken for a means of egress or ingress
4 constructed of safety glazing material shall be posted, painted or
5 otherwise marked in such a manner as to alert any person attempt-
6 ing to pass through the doorway that such door is opened or closed,
7 or that such adjacent fixed glass panel, is, in fact, not a door. Such
8 doors or adjacent fixed glass panels shall be marked in accordance
9 with rules and regulations prescribed by the Commissioner of the
10 Department of Community Affairs.

1 5. The Commissioner of the Department of Community Affairs
2 is authorized to promulgate, amend and repeal rules and regula-
3 tions necessary for the administration of this act.

1 6. Any person who shall violate any provisions of this act, or any
2 rule or regulation of the commissioner promulgated pursuant to
3 this act shall be subject to a penalty of not more than \$200.00 for
4 a first offense and not more than \$2,000.00 for each subsequent
5 offense. Proceedings to collect and enforce such penalties shall be

6 *summary pursuant to the State Penalty Enforcement Law (N. J. S.*
 7 *2A:58-1 et seq.) in the Superior Court, County Court, county*
 8 *district court, or a municipal court, all of which shall have jurisdic-*
 9 *tion to enforce said Penalty Enforcement Law in connection with*
 10 *this act.*

1 7. *This act shall not apply to buildings and structures which are*
 2 *subject to the Hotel and Multiple Dwelling Health and Safety Law,*
 3 *P. L. 1967, c. 76 (C. 55:13A-1 et seq.); the Worker Health and*
 4 *Safety Act, P. L. 1965, c. 154 (C. 34:6A-1 et seq.); or Title 18,*
 5 *Education, and which are subject to rules and regulations*
 6 *promulgated thereunder establishing standards for safety glazing*
 7 *materials.****

1 ***[4.]*** **8.*** No liability under this act shall be created
 2 as to workmen who are employees of a contractor, subcontractor,
 3 or other employer responsible for compliance with this act.

1 ***[5.]*** Whoever violates the provisions of this act shall be guilty
 2 of **[a misdemeanor]*** *disorderly persons violation* and upon
 3 conviction thereof, shall be sentenced to pay a fine of not **[less
 4 *than \$500.00 or]**** more than **[\$10,000.00]*** **\$500.00** or to
 5 undergo imprisonment of not more than **[1 year]*** **6
 6 *months****, or both.***

1 ***[6.]*** **9.*** This act shall ***not*** supersede any
 2 municipal ordinance or parts thereof relating to the subject matter
 3 hereof ***more stringent than the requirements of this act. This
 4 *act and all rules and regulations promulgated hereunder shall be*
 5 *enforced by the Department of Community Affairs, by every local*
 6 *building inspector, and by any municipal officer charged with or*
 7 *responsible for the enforcement of building codes.****

1 ***[7.]*** **10.*** This act shall take effect ***[January 1,
 2 **[1971]* *1972*]**** **90 days after enactment.***

5 material on the safety glazing material. The label shall identify
6 the labeler, whether manufacturer, fabricator or installer, and the
7 nominal thickness and the type of safety glazing material and the
8 fact that said material meets the test requirements of the United
9 States of America Standards Institute code Z-97.1-1966 and such
10 further requirements as may be adopted by the Department of
11 Labor and Industry.

12 The label must be legible and visible after installation.

13 b. Such safety glazing labeling shall not be used on other than
14 safety glazing materials.

1 3. It shall be unlawful within the State to knowingly sell, fabri-
2 cate, assemble, glaze, install, consent or cause to be installed glazing
3 materials other than safety glazing materials in, or for use in, any
4 hazardous location.

1 4. No liability under this act shall be created as to workmen who
2 are employees of a contractor, subcontractor, or other employer
3 responsible for compliance with this act.

1 5. Whoever violates the provisions of this act shall be guilty of
2 a misdemeanor and upon conviction thereof, shall be sentenced to
3 pay a fine of not less than \$500.00 or more than \$10,000.00 or to
4 undergo imprisonment of not more than 1 year, or both.

1 6. This act shall supersede any municipal ordinance or parts
2 thereof relating to the subject matter hereof.

1 7. This act shall take effect January 1, 1971.

STATEMENT

The purpose of this bill is to protect the consumer and encourage the highest standards of construction safety by requiring the use of safety glazing materials in hazardous locations in residential, commercial or public buildings.

A496 (1970)

FISCAL NOTE TO
ASSEMBLY, No. 496

STATE OF NEW JERSEY

DATED: MARCH 16, 1970

Assembly Bill No. 496 is an act to regulate the use of safety glazing material, directing the Commissioner of Labor and Industry to promulgate standards for safety glazing material, and providing penalties for the violation of this act.

The Department of Labor and Industry feels that the most effective approach to enforcement of the provisions of this legislation is in the wide dissemination of the appropriate information. This would confine inspection work mainly to the investigation of complaints. This activity would require the services of two inspectors, one supervisor and one clerk-stenographer.

The Department estimates that enactment of this legislation would require a State expenditure of \$26,600.00 in fiscal 1970-71 and \$36,200.00 in fiscal 1971-72.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 15, 1971

ASSEMBLY BILL NO. 496 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 496 (2nd OCR), without my approval, for reconsideration.

This bill would require by legislation in all residential, commercial and public buildings the use of safety-glazed material, including tempered and laminated glass, wire glass or rigid plastic, in glass doors, sliding glass doors and adjacent fixed glazed panels which might be mistaken for means of ingress or egress, storm doors, shower doors, and tub enclosures, and in any other area where its absence would constitute a hazard as determined by the Commissioner of Labor and Industry. The bill would give total responsibility for enforcement and regulation to the Department of Labor and Industry, which presently has jurisdiction only over Worker Health and Safety but does not have responsibility for residential and public buildings or strictly office buildings. It would remove jurisdiction from other State Departments, such as Community Affairs and Education, which have expertise in the area, as well as from municipal governments. Violations of the act are made disorderly persons offenses, which are cognizable in the criminal courts.

In concept, this bill is similar to Assembly Bill No. 484 of 1969, which was vetoed by then Governor Richard Hughes on November 17, 1969.

I am certainly in accord with the concept of protecting individuals from injury and that the use of safety glazed material is desirable in the areas intended to be covered by the bill and should be encouraged. It is my belief that this bill in its present form fails to provide the flexibility and the type of protection that is needed. This bill also fails to provide for marking of the glass or material used in entrance-ways and adjacent areas to alert persons of a glass or transparent partition. I believe this deficiency should be corrected. It also may create a false sense of security. Material meeting the standards referred to in the bill will break. Thus, cuts, concussions, contusions and fractured noses are possibilities. The bill also

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assumes that preventive measures, such as grille work, raised kick plates and similar measures are not in use or available to minimize the possibility of injuries in existing dwellings and those constructed in the future.

Assembly Bill No. 496 (2nd OCR) has serious deficiencies in the area of enforcement and duplicates many provisions of various building codes. It fails to recognize the proper division of responsibility between the various State Departments and the expertise these departments develop in their particular spheres of influence. For instance, the Department of Community Affairs has adopted regulations covering hotels and multiple dwellings (3 N.J.R. 147 (e)) under the Hotel and Multiple Dwelling Health and Safety Law, P.L. 1967, c. 76 (N.J.S. 55:13A-1, et seq.). Under the Worker Health and Safety Act, P.L. 1965, c. 154 (N.J.S. 34:6A-1, et seq.), manufacturing and commercial establishments are subject to regulation by the Department of Labor and Industry. The State Board of Education establishes construction standards for schools and school districts (N.J.S. 18A:18-1, et seq.), and the Department of Higher Education has similar duties regarding state and county colleges. From the foregoing it can be seen that there already exists requirements for the use of safety glazed materials. I recommend that these regulations be continued under the supervision of these departments, rather than being summarily swept aside as would happen under the bill as written. Enforcement of such a law by one State Department would be extremely difficult, considering the number of existing homes and buildings, the number of potential hazardous areas, and the variety of areas involved. If local building inspectors have no enforcement powers, virtually the entire burden of enforcement would fall on the State. In my opinion local jurisdiction should be concurrent with State jurisdiction.

Presently uncovered by specific regulation, except as may be required by local building codes, are office buildings which are not part of a manufacturing building, some public buildings, and one and two-family

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ASSEMBLY BILL NO. 496 (2nd OCR)

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dwellings. My recommendations would cover these areas, but under supervision of the Department of Community Affairs, rather than the Department of Labor and Industry, since Community Affairs has direct responsibility now for multiple dwellings, and one and two-family residences will primarily be affected by this legislation.

Assembly Bill No. 496 (2nd OCR) also makes it a disorderly persons offense to sell, assemble, or install glazing materials other than safety glazing material, in or for use, in any hazardous locations. Since this places the burden of enforcement on the criminal courts it appears to me undesirable. I recommend that a civil penalty be adopted which can be collected under the Penalty Enforcement Law, but which will be sufficiently severe to insure compliance. I also recommend allowing a 90-day time period for the act to take effect to allow for sufficient preparation for implementation of the act.

I am, therefore, returning Assembly Bill No. 496 (2nd OCR) without my approval and recommend adoption of the following amendments:

Page 1, Title, Line 2: Delete "Labor and Industry" and
insert in lieu thereof "Community Affairs"

Page 1, Section 1, Line 5: After "Z-97.1-1966" insert
"and Z-97.1-1971, or the stricter thereof,"

Page 1, Section 1, Lines 6-7: Delete "Labor and Industry"
and insert in lieu thereof "Community Affairs"

Page 1, Section 1, Line 13: After "buildings" insert
"subject to this act,"

Page 1, Section 1, Line 21: Delete "Labor and Industry"
and insert in lieu thereof "Community Affairs"

Page 2, Section 2, Lines 7-8: Delete "the fact that" and
insert in lieu thereof "whether"

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Page 2, Section 2, Line 8: After "meets" insert "or exceeds"

Page 2, Section 2, Line 11: Delete "Labor and Industry" and
insert in lieu thereof "Community Affairs"

Page 2, Section 3, Line 1: Delete "It shall be unlawful" and
insert in lieu thereof: "After the effective date of this
act no person shall"

Page 2, Section 3, Line 1: Delete "to"

Page 2, Section 3, Line 4: After "location." insert a new
sentence as follows: "For purposes of this section the
terms "install" or "installed" shall not be deemed to
mean or refer to the changing of storm doors or windows on
existing buildings subject to this act on its effective
date."

Page 2, Section 3, after Line 4: Insert new sections 4, 5, 6
and 7 as follows:

- "4. All transparent glass doors or adjacent fixed glass panels subject to this act, and all doors or adjacent fixed glass panels which may reasonably be mistaken for a means of egress or ingress constructed of safety glazing material shall be posted, painted or otherwise marked in such a manner as to alert any person attempting to pass through the doorway that such door is opened or closed, or that such adjacent fixed glass panel, is, in fact, not a door. Such doors or adjacent fixed glass panels shall be marked in accordance with rules and regulations prescribed by the Commissioner of the Department of Community Affairs.
- "5. The Commissioner of the Department of Community Affairs is authorized to promulgate, amend and repeal rules and regulations necessary for the administration of this act.
- "6. Any person who shall violate any provisions of this act, or any rule or regulation of the Commissioner promulgated pursuant to this act shall be subject to a penalty of not more than \$200 for a first offense and not more than \$2,000 for each subsequent offense. Proceedings to collect and enforce such penalties shall be summary pursuant to the State Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.) in the Superior Court, County Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act.

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"7. This act shall not apply to buildings and structures which are subject to the Multiple Dwelling Health and Safety Law, P.L. 1967, c. 76 (C.55:13A-1 et seq.); the Worker Health and Safety Act, P.L. 1965, c. 154 (C.34:6A-1 et seq.); or Title 18, Education, and which are subject to rules and regulations promulgated thereunder establishing standards for safety glazing materials."

Page 2, Section 4, Line 1: Delete "4." and insert "8."

Page 2, Section 5, Lines 1-6: Delete in their entirety.

Page 2, Section 6, Line 1: Delete "6." and insert "9."

Page 2, Section 6, Line 1: After "shall" insert "not"

Page 2, Section 6, Line 2: After "hereof" insert "more

stringent than the requirements of this act. This act and all rules and regulations promulgated hereunder shall be enforced by the Department of Community Affairs, by every local building inspector, and by any municipal officer charged with or responsible for the enforcement of building codes."

Page 2, Section 7, Line 1: Delete "7." and insert "10."

Page 2, Section 7, Line 1: Delete "January 1, 1972" and insert in lieu thereof "90 days after enactment"

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest·

/s/ Jean E. Mulford

Acting Secretary to the Governor