

48:13A-12

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:13A-12

(Solid waste collection & disposal--violations--clarify penalties)

LAWS OF: 1989

CHAPTER: 95

Bill No: A3625

Sponsor(s): Shinn

Date Introduced: August 12, 1988

Committee: Assembly: Solid Waste Management

Senate: Energy & Environmental

Amended during passage: No

Date of Passage: Assembly: February 23, 1989

Senate: May 8, 1989

Date of Approval: June 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L.1989, CHAPTER 95, approved June 14, 1989
1988 Assembly No. 3625

1 AN ACT concerning the collection and disposal of solid waste,
and amending P.L. 1970, c. 40.

3

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

1. Section 13 of P.L. 1970, c. 40 (C.48:13A-12) is amended to
7 read as follows:

13. a. Any person or any officer or agent thereof who shall
9 knowingly violate any of the provisions of this act or aid or advise
in such violation, or who, as principal, manager, director, agent,
11 servant or employee knowingly does any act comprising a part of
such violation, is guilty of a misdemeanor and shall be punished
13 by imprisonment for not more than 3 years or by a fine of not
more than \$50,000.00, or both; and if a corporation by a fine of
15 not more than \$100,000.00. Each day during which the violation
continues constitutes an additional, separate and distinct offense.

b. Any person who shall violate any provision of this act or any
17 rule, regulation or administrative order [promulgated] adopted or
issued hereunder, including an interdistrict waste flow order
19 issued in conjunction with the Department of Environmental
Protection, or under any applicable provision of Title 48 of the
Revised Statutes, or who shall engage in the solid waste
21 collection business or solid waste disposal business without having
been issued a certificate of public convenience and necessity,
23 shall be liable to a penalty of not more than \$1,000.00 for a first
offense, not more than \$5,000.00 for a second offense and not
25 more than \$10,000.00 for a third and every subsequent offense.
Each day during which the violation continues constitutes an
27 additional, separate and distinct offense. The penalties herein
provided shall be enforced by summary proceedings instituted by
29 the board under "the penalty enforcement law" (N.J.S. 2A:58-1
et seq.). The Superior Court and the municipal courts shall all
31 have jurisdiction to enforce "the penalty enforcement law" in
33 connection with this act.

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.

ASSEMBLY, No. 3625
STATE OF NEW JERSEY

INTRODUCED AUGUST 12, 1988

By Assemblyman SHINN

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and amending P.L. 1970, c. 40.

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5 *State of New Jersey:*

1. Section 13 of P.L. 1970, c. 40 (C.48:13A-12) is amended to
7 read as follows:

13. a. Any person or any officer or agent thereof who shall
9 knowingly violate any of the provisions of this act or aid or advise
in such violation, or who, as principal, manager, director, agent,
11 servant or employee knowingly does any act comprising a part of
such violation, is guilty of a misdemeanor and shall be punished
13 by imprisonment for not more than 3 years or by a fine of not
more than \$50,000.00, or both; and if a corporation by a fine of
15 not more than \$100,000.00. Each day during which the violation
continues constitutes an additional, separate and distinct offense.

b. Any person who shall violate any provision of this act or any
17 rule, regulation or administrative order [promulgated] adopted or
19 issued hereunder, including an interdistrict waste flow order
issued in conjunction with the Department of Environmental
21 Protection, or under any applicable provision of Title 48 of the
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23 collection business or solid waste disposal business without having
been issued a certificate of public convenience and necessity,
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Each day during which the violation continues constitutes an
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31 the board under "the penalty enforcement law" (N.J.S. 2A:58-1
et seq.). The Superior Court and the municipal courts shall all
33 have jurisdiction to enforce "the penalty enforcement law" in
connection with this act.

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 c. Whenever it shall appear to the board that any person has
3 violated, intends to violate, or will violate any provision of this
5 act or any rule, regulation or administrative order duly
7 promulgated hereunder, or under any applicable provision of Title
9 48 of the Revised Statutes, the board may institute a civil action
in the Superior Court for injunctive relief and for such other
relief as may be appropriate in the circumstances, and the said
court may proceed in any such action in a summary manner.

(cf: P.L.1987, c.149, s.1)

2. This act shall take effect immediately.
11

13 STATEMENT

15 This bill would clarify that the penalties the Board of Public
17 Utilities may seek to collect for violations of the "Solid Waste
19 Utility Control Act of 1970," (P.L.1970, c.40), or any rule,
21 regulation or administrative order adopted or issued pursuant to
23 the act, including an interdistrict waste flow order issued in
conjunction with the Department of Environmental Protection, or
under any applicable provision of Title 48 of the Revised
Statutes, are applicable for each day during which a violation
continues as separate, distinct offenses.

25

ENVIRONMENT

27 Solid Waste

29 Clarifies penalties BPU may seek to collect for violations of
31 P.L.1970, c.40 and related statutes, rules, regulations and
administrative orders.

A3625 (1989)

ASSEMBLY SOLID WASTE MANAGEMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3625

STATE OF NEW JERSEY

DATED: AUGUST 12, 1988

The Assembly Solid Waste Management Committee favorably reports Assembly Bill No. 3625.

A-3625 would clarify that the penalties the Board of Public Utilities may seek to collect for violations of the "Solid Waste Utility Control Act of 1970," (P.L.1970, c.40), or any rule, regulation or administrative order adopted or issued pursuant to the act, including an interdistrict waste flow order issued in conjunction with the Department of Environmental Protection, or under any applicable provision of Title 48 of the Revised Statutes, are applicable for each day during which a violation continues as separate, distinct offenses.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3625

STATE OF NEW JERSEY

DATED: APRIL 27, 1989

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 3625.

Assembly Bill No. 3625 would clarify that the penalties the Board of Public Utilities may seek to collect for violations of the "Solid Waste Utility Control Act of 1970," (P.L.1970, c.40), or any rule, regulation or administrative order adopted or issued pursuant to the act, including an interdistrict or intradistrict waste flow order issued in conjunction with the Department of Environmental Protection, or under any applicable provision of Title 48 of the Revised Statutes, are applicable for each day during which a violation continues as separate, distinct offenses.