

**56:11-53 to 56:11-55**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2017                    **CHAPTER:** 124

**NJSA:** 56:11-53 to 56:11-55 ("Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes.)

**BILL NO:** S1913                    (Substituted for A2794)

**SPONSOR(S)** Addiego and others

**DATE INTRODUCED:** 3/10/2016

**COMMITTEE:**                    **ASSEMBLY:** Consumer Affairs  
   **SENATE:** Community & Urban Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/22/2017  
   **SENATE:** 6/29/2017

**DATE OF APPROVAL:** 7/21/2017

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second Reprint enacted) Yes

**S1913**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**A2794**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No  
**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA

P.L.2017, CHAPTER 124, *approved July 21, 2017*  
Senate, No. 1913 (*Second Reprint*)

1 **AN ACT** concerning the collection of certain personal information  
2 and supplementing Title 56 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. This act shall be known and may be cited as the “Personal  
8 Information and Privacy Protection Act.”

9  
10 2. a. For the purposes of this section:

11 <sup>2</sup>“Credit” means the right granted by a creditor to a debtor to  
12 defer payment of debt, or to incur debt and defer its payment, or to  
13 purchase property or services and defer payment therefor.<sup>2</sup>

14 “Identification card” means a driver’s license, issued pursuant to  
15 R.S.39:3-10, a probationary license, issued pursuant to section 4 of  
16 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification  
17 card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3),  
18 or any similar card issued by another state or the District of  
19 Columbia for purposes of identification or permitting its holder to  
20 operate a motor vehicle.

21 “Scan” means to access the barcode or any other machine-  
22 readable section of a person’s identification card with an electronic  
23 device capable of deciphering, in an electronically readable format,  
24 information electronically encoded on the identification card.

25 b. A retail establishment shall scan a person’s identification  
26 card only for the following purposes:

27 (1) to verify the authenticity of the identification card or to  
28 verify the identity of the person if the person pays for goods or  
29 services with a method other than cash, returns an item, or requests  
30 a refund or an exchange;

31 (2) to verify the person’s age when providing age-restricted  
32 goods or services to the person;

33 (3) to prevent fraud or other criminal activity if the person  
34 returns an item or requests a refund or an exchange and the business  
35 uses a fraud prevention service company or system;

36 (4) <sup>2</sup>to prevent fraud or other criminal activity related to a credit  
37 transaction to open or manage a credit account;

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCU committee amendments adopted June 16, 2016.

<sup>2</sup>Assembly floor amendments adopted June 8, 2017.

1       (5)<sup>2</sup> to establish or maintain a contractual relationship;

2       <sup>2</sup>[(5)] (6)<sup>2</sup> to record, retain, or transmit information as required  
3 by State or federal law;

4       <sup>2</sup>[(6)] (7)<sup>2</sup> to transmit information to a consumer reporting  
5 agency, financial institution, or debt collector to be used as  
6 permitted by the federal "Fair Credit Reporting Act," 15 U.S.C.  
7 s.1681 et seq., "Gramm-Leach-Bliley Act," 15 U.S.C. s.6801 et  
8 seq., and the "Fair Debt Collection Practices Act," 15 U.S.C. s.1692  
9 et seq.; or

10       <sup>2</sup>[(7)] (8)<sup>2</sup> to record, retain, or transmit information by a covered  
11 entity governed by the medical privacy and security rules pursuant  
12 to Parts 160 and 164 of Title 45 of the Code of Federal Regulations,  
13 established pursuant to the "Health Insurance Portability and  
14 Accountability Act of 1996," Pub.L.104-191.

15       c. Information collected by scanning a person's identification  
16 card pursuant to subsection b. of this section shall be limited to the  
17 person's name, address, date of birth, <sup>1</sup>the State issuing the  
18 identification card,<sup>1</sup> and identification card number.

19       d. (1) No retail establishment shall retain information obtained  
20 pursuant to paragraphs (1) and (2) of subsection b. of this section.

21       (2) Any information retained by a retail establishment pursuant  
22 to paragraphs (3) through <sup>2</sup>[(7)] (8)<sup>2</sup> of subsection b. of this section  
23 shall be securely stored, and any breach of the security of the  
24 information shall be promptly reported to the Division of State  
25 Police in the Department of Law and Public Safety and any affected  
26 person, in accordance with section 12 of P.L.2005, c.226 (C.56:8-  
27 163).

28       (3) No retail establishment shall sell or disseminate to a third  
29 party any information obtained pursuant to this section for any  
30 purpose, including marketing, advertising, or promotional activities,  
31 except dissemination as permitted by paragraphs (3) through <sup>2</sup>[(7)]  
32 (8)<sup>2</sup> of subsection b. of this section <sup>1</sup>; provided, however, that  
33 nothing in this subsection shall be construed to prevent an  
34 automated return fraud system from issuing a reward coupon to a  
35 loyal customer<sup>1</sup>.

36  
37       3. a. Any person who violates the provisions of this act shall  
38 be subject to a civil penalty of \$2,500 for a first violation and  
39 \$5,000 for any subsequent violation. The penalty prescribed in this  
40 section shall be collected in a civil action by a summary proceeding  
41 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
42 c.274 (C.2A:58-10 et seq.).

43       b. In addition to the penalties described in this section, any  
44 person aggrieved by a violation of this act may bring an action in  
45 Superior Court to recover damages.

**S1913 [2R]**

3

1       4. This act shall take effect on the first day of the third month  
2 next following the date of enactment.

3

4

5

6

7       "Personal Information and Privacy Protection Act"; restricts  
8 collection and use of personal information by retail establishments  
9 for certain purposes.

**SENATE, No. 1913**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED MARCH 10, 2016

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**  
**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

**Senator Beck**

**SYNOPSIS**

"Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/17/2016)**

S1913 ADDIEGO

2

1 AN ACT concerning the collection of certain personal information  
2 and supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Personal  
8 Information and Privacy Protection Act.”

9

10 2. a. For the purposes of this section:

11 “Identification card” means a driver’s license, issued pursuant to  
12 R.S.39:3-10, a probationary license, issued pursuant to section 4 of  
13 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification  
14 card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3),  
15 or any similar card issued by another state or the District of  
16 Columbia for purposes of identification or permitting its holder to  
17 operate a motor vehicle.

18 “Scan” means to access the barcode or any other machine-  
19 readable section of a person’s identification card with an electronic  
20 device capable of deciphering, in an electronically readable format,  
21 information electronically encoded on the identification card.

22 b. A retail establishment shall scan a person’s identification  
23 card only for the following purposes:

24 (1) to verify the authenticity of the identification card or to  
25 verify the identity of the person if the person pays for goods or  
26 services with a method other than cash, returns an item, or requests  
27 a refund or an exchange;

28 (2) to verify the person’s age when providing age-restricted  
29 goods or services to the person;

30 (3) to prevent fraud or other criminal activity if the person  
31 returns an item or requests a refund or an exchange and the business  
32 uses a fraud prevention service company or system;

33 (4) to establish or maintain a contractual relationship;

34 (5) to record, retain, or transmit information as required by State  
35 or federal law;

36 (6) to transmit information to a consumer reporting agency,  
37 financial institution, or debt collector to be used as permitted by the  
38 federal "Fair Credit Reporting Act," 15 U.S.C. s.1681 et seq.,  
39 “Gramm-Leach-Bliley Act,” 15 U.S.C. s.6801 et seq., and the "Fair  
40 Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.; or

41 (7) to record, retain, or transmit information by a covered entity  
42 governed by the medical privacy and security rules pursuant to  
43 Parts 160 and 164 of Title 45 of the Code of Federal Regulations,  
44 established pursuant to the “Health Insurance Portability and  
45 Accountability Act of 1996,” Pub.L.104-191.

46 c. Information collected by scanning a person’s identification  
47 card pursuant to subsection b. of this section shall be limited to the

**S1913 ADDIEGO**

1 person's name, address, date of birth, and identification card  
2 number.

3 d. (1) No retail establishment shall retain information obtained  
4 pursuant to paragraphs (1) and (2) of subsection b. of this section.

5 (2) Any information retained by a retail establishment pursuant  
6 to paragraphs (3) through (7) of subsection b. of this section shall  
7 be securely stored, and any breach of the security of the information  
8 shall be promptly reported to the Division of State Police in the  
9 Department of Law and Public Safety and any affected person, in  
10 accordance with section 12 of P.L.2005, c.226 (C.56:8-163).

11 (3) No retail establishment shall sell or disseminate to a third  
12 party any information obtained pursuant to this section for any  
13 purpose, including marketing, advertising, or promotional activities,  
14 except dissemination as permitted by paragraphs (3) through (7) of  
15 subsection b. of this section.

16

17 3. a. Any person who violates the provisions of this act shall  
18 be subject to a civil penalty of \$2,500 for a first violation and  
19 \$5,000 for any subsequent violation. The penalty prescribed in this  
20 section shall be collected in a civil action by a summary proceeding  
21 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
22 c.274 (C.2A:58-10 et seq.).

23 b. In addition to the penalties described in this section, any  
24 person aggrieved by a violation of this act may bring an action in  
25 Superior Court to recover damages.

26

27 4. This act shall take effect on the first day of the third month  
28 next following the date of enactment.

29

30

31

**STATEMENT**

32

33 This bill establishes the "Personal Information and Privacy  
34 Protection Act" (PIPPA). The bill places restrictions on the way  
35 retail establishments may collect and use the personal information  
36 contained in the electronic data embedded in identification cards,  
37 such as driver's licenses.

38 Businesses commonly engage in the practice of "scanning" the  
39 barcodes on identification cards for purposes of verifying the  
40 authenticity of the card, verifying a consumer's age and identity,  
41 and preventing fraudulent merchandise return practices. Current  
42 identity theft law only provides that a consumer and the State Police  
43 must be notified in the case of a security breach related to a  
44 computerized record of personal information.

45 This bill sets forth the purposes for which identification cards  
46 may be scanned by retail establishments and describes the  
47 information that may be gathered by scanning. Under the bill, a



**S1913 ADDIEGO**

1 retail establishment may scan a person's identification card only for  
2 the following purposes:

3 (1) to verify the authenticity of the card or to verify the age or  
4 identity of the person in certain circumstances;

5 (2) to prevent fraud or other criminal activity, in the case of  
6 merchandise return or exchange, via a fraud prevention service  
7 company or system;

8 (3) to establish or maintain a contractual relationship.

9 (4) to record, retain, or transmit information as required by State  
10 or federal law;

11 (5) to transmit information to a consumer reporting agency,  
12 financial institution, or debt collector to be used as permitted by  
13 federal law; or

14 (6) to record, retain, or transmit information by a covered entity  
15 governed by medical privacy and security rules established pursuant  
16 to federal law.

17 Information that may be collected is limited to the person's  
18 name, address, date of birth, and identification card number. The  
19 bill also specifies that any information collected, which is permitted  
20 to be retained by a retail establishment, must be securely stored and  
21 any security breach of the information must be reported to any  
22 affected person and the State Police in compliance with current law.

23 A violation of the bill's provisions will result in a civil penalty of  
24 \$2,500 for a first offense and \$5,000 for any subsequent offense.  
25 Additionally, the bill provides that any person aggrieved by a  
26 violation may bring an action in Superior Court to recover damages.

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1913**

# **STATE OF NEW JERSEY**

DATED: MAY 11, 2017

The Assembly Consumer Affairs Committee reports favorably Senate Bill No. 1913 (1R).

As reported by the committee, Senate Bill No. 1913 (1R) establishes the “Personal Information and Privacy Protection Act” (PIPPA). The bill places restrictions on the way retail establishments may collect and use the personal information contained in the electronic data embedded in identification cards, such as driver’s licenses.

Businesses commonly engage in the practice of “scanning” the barcodes on identification cards for purposes of verifying the authenticity of the card, verifying a consumer’s age and identity, and preventing fraudulent merchandise return practices. Current identity theft law only provides that a consumer and the State Police must be notified in the case of a security breach related to a computerized record of personal information.

This bill sets forth the purposes for which identification cards may be scanned by retail establishments and describes the information that may be gathered by scanning. Under the bill, a retail establishment may scan a person’s identification card only for the following purposes:

- (1) to verify the authenticity of the card or to verify the age or identity of the person in certain circumstances;
- (2) to prevent fraud or other criminal activity, in the case of merchandise return or exchange, via a fraud prevention service company or system;
- (3) to establish or maintain a contractual relationship.
- (4) to record, retain, or transmit information as required by State or federal law;
- (5) to transmit information to a consumer reporting agency, financial institution, or debt collector to be used as permitted by federal law; or
- (6) to record, retain, or transmit information by a covered entity governed by medical privacy and security rules established pursuant to federal law.

Information that may be collected is limited to the person’s name, address, date of birth, and identification card number. The bill also

specifies that any information collected, which is permitted to be retained by a retail establishment, must be securely stored and any security breach of the information must be reported to any affected person and the State Police in compliance with current law.

A violation of the bill's provisions will result in a civil penalty of \$2,500 for a first offense and \$5,000 for any subsequent offense. Additionally, the bill provides that any person aggrieved by a violation may bring an action in Superior Court to recover damages.

As reported by the committee, Senate Bill No. 1913 (1R) is identical to Assembly Bill No. 2794, as amended and reported by the committee on this date.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1913**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2016

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 1913.

This bill establishes the “Personal Information and Privacy Protection Act” (PIPPA). The bill places restrictions on the way retail establishments may collect and use the personal information contained in the electronic data embedded in identification cards, such as driver’s licenses.

Businesses commonly engage in the practice of “scanning” the barcodes on identification cards for purposes of verifying the authenticity of the card, verifying a consumer’s age and identity, and preventing fraudulent merchandise return practices. Current identity theft law only provides that a consumer and the State Police must be notified in the case of a security breach related to a computerized record of personal information.

This bill sets forth the purposes for which identification cards may be scanned by retail establishments and describes the information that may be gathered by scanning. Under the bill, a retail establishment may scan a person’s identification card only for the following purposes:

(1) to verify the authenticity of the card or to verify the age or identity of the person in certain circumstances;

(2) to prevent fraud or other criminal activity, in the case of merchandise return or exchange, via a fraud prevention service company or system;

(3) to establish or maintain a contractual relationship.

(4) to record, retain, or transmit information as required by State or federal law;

(5) to transmit information to a consumer reporting agency, financial institution, or debt collector to be used as permitted by federal law; or

(6) to record, retain, or transmit information by a covered entity governed by medical privacy and security rules established pursuant to federal law.

Information that may be collected is limited to the person’s name, address, date of birth, and identification card number. The bill also

specifies that any information collected, which is permitted to be retained by a retail establishment, must be securely stored and any security breach of the information must be reported to any affected person and the State Police in compliance with current law.

A violation of the bill's provisions will result in a civil penalty of \$2,500 for a first offense and \$5,000 for any subsequent offense. Additionally, the bill provides that any person aggrieved by a violation may bring an action in Superior Court to recover damages.

#### COMMITTEE AMENDMENTS

The amendments clarify that coupons issued by an automated fraud prevention systems may still be issued. The amendments also allow for the storage of information indicating which State issued a person's identification card.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 1913**

with Assembly Floor Amendments  
(Proposed by Assemblyman LAGANA)

ADOPTED: JUNE 8, 2017

Senate Bill No. 1913 (1R) establishes the “Personal Information and Privacy Protection Act” (PIPPA), which places restrictions on the way retail establishments may collect and use the personal information contained in the electronic data embedded in identification cards, such as driver’s licenses.

These Assembly amendments allow a retail establishment to scan a person’s identification card to prevent fraud or other criminal activity related to a credit transaction to open or manage a credit account.

# ASSEMBLY, No. 2794

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblywoman Rodriguez-Gregg and Assemblyman Howarth**

**SYNOPSIS**

“Personal Information and Privacy Protection Act”; restricts collection and use of personal information by retail establishments for certain purposes.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/16/2017)

1 AN ACT concerning the collection of certain personal information  
2 and supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Personal  
8 Information and Privacy Protection Act.”

9

10 2. a. For the purposes of this section:

11 “Identification card” means a driver’s license, issued pursuant to  
12 R.S.39:3-10, a probationary license, issued pursuant to section 4 of  
13 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification  
14 card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3),  
15 or any similar card issued by another state or the District of  
16 Columbia for purposes of identification or permitting its holder to  
17 operate a motor vehicle.

18 “Scan” means to access the barcode or any other machine-  
19 readable section of a person’s identification card with an electronic  
20 device capable of deciphering, in an electronically readable format,  
21 information electronically encoded on the identification card.

22 b. A retail establishment shall scan a person’s identification  
23 card only for the following purposes:

24 (1) to verify the authenticity of the identification card or to  
25 verify the identity of the person if the person pays for goods or  
26 services with a method other than cash, returns an item, or requests  
27 a refund or an exchange;

28 (2) to verify the person’s age when providing age-restricted  
29 goods or services to the person;

30 (3) to prevent fraud or other criminal activity if the person  
31 returns an item or requests a refund or an exchange and the business  
32 uses a fraud prevention service company or system;

33 (4) to establish or maintain a contractual relationship;

34 (5) to record, retain, or transmit information as required by State  
35 or federal law;

36 (6) to transmit information to a consumer reporting agency,  
37 financial institution, or debt collector to be used as permitted by the  
38 federal "Fair Credit Reporting Act," 15 U.S.C. s.1681 et seq.,  
39 “Gramm-Leach-Bliley Act,” 15 U.S.C. s.6801 et seq., and the "Fair  
40 Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.; or

41 (7) to record, retain, or transmit information by a covered entity  
42 governed by the medical privacy and security rules pursuant to  
43 Parts 160 and 164 of Title 45 of the Code of Federal Regulations,  
44 established pursuant to the “Health Insurance Portability and  
45 Accountability Act of 1996,” Pub.L.104-191.

46 c. Information collected by scanning a person’s identification  
47 card pursuant to subsection b. of this section shall be limited to the



1 person's name, address, date of birth, and identification card  
2 number.

3 d. (1) No retail establishment shall retain information obtained  
4 pursuant to paragraphs (1) and (2) of subsection b. of this section.

5 (2) Any information retained by a retail establishment pursuant  
6 to paragraphs (3) through (7) of subsection b. of this section shall  
7 be securely stored, and any breach of the security of the information  
8 shall be promptly reported to the Division of State Police in the  
9 Department of Law and Public Safety and any affected person, in  
10 accordance with section 12 of P.L.2005, c.226 (C.56:8-163).

11 (3) No retail establishment shall sell or disseminate to a third  
12 party any information obtained pursuant to this section for any  
13 purpose, including marketing, advertising, or promotional activities,  
14 except dissemination as permitted by paragraphs (3) through (7) of  
15 subsection b. of this section.

16

17 3. a. Any person who violates the provisions of this act shall  
18 be subject to a civil penalty of \$2,500 for a first violation and  
19 \$5,000 for any subsequent violation. The penalty prescribed in this  
20 section shall be collected in a civil action by a summary proceeding  
21 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
22 c.274 (C.2A:58-10 et seq.).

23 b. In addition to the penalties described in this section, any  
24 person aggrieved by a violation of this act may bring an action in  
25 Superior Court to recover damages.

26

27 4. This act shall take effect on the first day of the third month  
28 next following the date of enactment.

29

30

31

#### STATEMENT

32

33 This bill establishes the "Personal Information and Privacy  
34 Protection Act" (PIPPA). The bill places restrictions on the way retail  
35 establishments may collect and use the personal information contained  
36 in the electronic data embedded in identification cards, such as driver's  
37 licenses.

38 Businesses commonly engage in the practice of "scanning" the  
39 barcodes on identification cards for the purposes of verifying the  
40 authenticity of the card, verifying a consumer's age and identity, and  
41 preventing fraudulent merchandise return practices. Current identity  
42 theft law only provides that a consumer and the State Police must be  
43 notified in the case of a security breach related to a computerized  
44 record of personal information.

45 This bill sets forth the purposes for which identification cards may  
46 be scanned by retail establishments and describes the information that  
47 may be gathered by scanning. Under the bill, a retail establishment

1 may scan a person's identification card only for the following  
2 purposes:

3 (1) to verify the authenticity of the card or to verify the age or  
4 identity of the person in certain circumstances;

5 (2) to prevent fraud or other criminal activity, in the case of  
6 merchandise return or exchange, via a fraud prevention service  
7 company or system;

8 (3) to establish or maintain a contractual relationship;

9 (4) to record, retain, or transmit information as required by State or  
10 federal law;

11 (5) to transmit information to a consumer reporting agency,  
12 financial institution, or debt collector to be used as permitted by  
13 federal law; or

14 (6) to record, retain, or transmit information by a covered entity  
15 governed by medical privacy and security rules established pursuant to  
16 federal law.

17 Information that may be collected is limited to the person's name,  
18 address, date of birth, and identification card number. The bill also  
19 specifies that any information collected, which is permitted to be  
20 retained by a retail establishment, must be securely stored and any  
21 security breach of the information must be reported to any affected  
22 person and the State Police in compliance with current law.

23 A violation of the amended bill's provisions will result in a civil  
24 penalty of \$2,500 for a first offense and \$5,000 for any subsequent  
25 offense. Additionally, the bill provides that any person aggrieved by a  
26 violation may bring an action in Superior Court to recover damages

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2794**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 11, 2017

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2794.

As amended and reported by the committee, Assembly Bill No. 2794 establishes the “Personal Information and Privacy Protection Act” (PIPPA). The bill places restrictions on the way retail establishments may collect and use the personal information contained in the electronic data embedded in identification cards, such as driver’s licenses.

Businesses commonly engage in the practice of “scanning” the barcodes on identification cards for the purposes of verifying the authenticity of the card, verifying a consumer’s age and identity, and preventing fraudulent merchandise return practices. Current identity theft law only provides that a consumer and the State Police must be notified in the case of a security breach related to a computerized record of personal information.

This bill sets forth the purposes for which identification cards may be scanned by retail establishments and describes the information that may be gathered by scanning. Under the bill, a retail establishment may scan a person’s identification card only for the following purposes:

(1) to verify the authenticity of the card or to verify the age or identity of the person in certain circumstances;

(2) to prevent fraud or other criminal activity, in the case of merchandise return or exchange, via a fraud prevention service company or system;

(3) to establish or maintain a contractual relationship;

(4) to record, retain, or transmit information as required by State or federal law;

(5) to transmit information to a consumer reporting agency, financial institution, or debt collector to be used as permitted by federal law; or

(6) to record, retain, or transmit information by a covered entity governed by medical privacy and security rules established pursuant to federal law.

Information that may be collected is limited to the person’s name, address, date of birth, and identification card number. The bill also

specifies that any information collected, which is permitted to be retained by a retail establishment, must be securely stored and any security breach of the information must be reported to any affected person and the State Police in compliance with current law.

A violation of the amended bill's provisions will result in a civil penalty of \$2,500 for a first offense and \$5,000 for any subsequent offense. Additionally, the bill provides that any person aggrieved by a violation may bring an action in Superior Court to recover damages

As amended and reported by the committee, Assembly Bill No. 2794 is identical to Senate Bill No. 1913 (1R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The amendments clarify that coupons issued by an automated fraud prevention system may still be issued. The amendments also allow for the storage of information indicating which State issued a person's identification card.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2794**

with Assembly Floor Amendments  
(Proposed by Assemblyman LAGANA)

ADOPTED: JUNE 8, 2017

Assembly Bill No. 2794 (1R) establishes the “Personal Information and Privacy Protection Act” (PIPPA), which places restrictions on the way retail establishments may collect and use the personal information contained in the electronic data embedded in identification cards, such as driver’s licenses.

These Assembly amendments allow a retail establishment to scan a person’s identification card to prevent fraud or other criminal activity related to a credit transaction to open or manage a credit account.

## Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

### Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

### Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

#### BILL SIGNINGS:

**S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco)** - Establishes data reporting requirements for emergency medical services providers and dispatch centers

**SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty)** - Authorizes health care providers to engage in telemedicine and telehealth

**S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones)** - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

**S-1295/A-3701 (Vitale/Eustace, Munoz)** - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

**S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter)** - Revises statutes regarding practice of physical therapy

**S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight)** - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

**S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey)** - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

**S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty)** - Adds two nurse educators to the New Jersey Board of Nursing

**S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt)** - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

**CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey)** - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

**S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo)** - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

**S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson)** - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

**S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin)** - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

**S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano)** - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

**S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji)** - Establishes State food waste reduction goal of 50 percent by 2030

**S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora)** - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

**S-3176/A-4898 (Madden/Mukherji, Singleton)** - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

**S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones)** - Extends voting rights of representatives of sending districts on receiving district board of education

**S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey)** - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

**S-3331/A-5039 (Cruz-Perez/Jones)** - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

**SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin)** - Designates August 29, 2017 as Governor James Florio Day in New Jersey

**SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti)** - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

**A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack)** - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

**A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco)** - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

**A-555/S-1847 (Pinkin, Eustace/Diegnan)** - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

**A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner)** - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

**A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz)** - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

**A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman)** - Creates fencing crime involving stolen domestic companion animals

**A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner)** - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

**A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein)** - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

**A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner)** - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

**A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham)** - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

**A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden)** - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

**A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan)** - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

**A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach)** - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

**A-3463/S-2038 (Coughlin/Vitale, Codey)** - Updates references to DOC and DHS and refers to persons receiving services from DHS

**A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho)** - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law



**A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach)** - Designates USS New Jersey as New Jersey State Ship

**A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney)** - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

**A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer)** - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

**A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner)** -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

**A-4246/S-3194 (Dancer/Lesniak, Beck)** - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

**A-4317/S-3206 (Prieto, Giblin/Diegnan)** - Concerns violations of certain occupational licensing laws

**A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz)** - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

**A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew)** - Requires gubernatorial candidates' statements be posted online

**A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham)** - Establishes Montclair State University as public research university

**ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho)** - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

**AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg)** - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

**ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach)** - Designates April 2nd of each year as "World Autism Awareness Day"

**AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco)** - Designates September 17 through September 23 of each year as "Constitution Week"

**AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco)** - Designates third Friday in September of every year as Concussion Awareness Day

**AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden)** - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

**AJR-137/SJR-102 (Mazzeo/Whelan)** - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

#### **BILLS VETOED:**

**SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin)** - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

**A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez)** - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

**A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez)** - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

**A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez)** - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

**A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale)** - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

**A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen)** - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

**A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg)** - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

**ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg)** - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

**A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL** - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

**A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL** - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

**A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL** - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

**A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE** - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

**A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE** - "Safe Transportation Jobs and Fair Employment Rules Act"

**ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL** - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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Press Contact:  
Brian Murray  
609-777-2600



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Office of the Governor  
PO Box 001  
Trenton, NJ 08625  
609-292-6000