

2A:170-90.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:170-90.2

(Prescribes penalties for an employer who fails to make timely payments into any pension or welfare fund... covered by a collective bargaining agreement)

LAWS OF: 1973

CHAPTER: 331

Bill No: S325

Sponsor(s): S325

Date Introduced: Rinaldo

Committee: Assembly: Law, Public Safety and Defense

Senate: Labor, Industry and Professions

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: March 22, 1973

Senate: Feb. 14, 1973

Date of approval: Dec. 27, 1973

Following statements are attached if available:

Sponsor statement: /// No

Committee statement: Assembly /// No

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

331  
APPROVED 12-27-73  
1973

[OFFICIAL COPY REPRINT]

SENATE, No. 325

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senator RINALDO

AN ACT to amend "An act concerning disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved June 17, 1966 (P. L. 1966, c. 121).

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

1 1. Section 1 of P. L. 1966, c. 121 (C. 2A:170-90.2) is amended  
2 to read as follows:

3 1. In addition to any other penalty or punishment otherwise  
4 prescribed by law, any employer who is party to an agreement  
5 made with a collective bargaining agent or with an individual  
6 employee which requires the payment of (a) wages or of benefits,  
7 or (b) contributions for the support of a fund out of which benefits  
8 may be paid, *including, without limitation upon the generality of*  
9 *the foregoing, \*any pension fund, welfare fund or\* any*  
10 *for fund for the support of any program or programs*  
10A *of educational or vacation benefits for the employees covered*  
11 *by such agreement, or any fund for the support of any apprentice-*  
12 *ship program or programs in any trade, profession or occupation*  
13 *concerned in such agreement, or (c) other payments in connection*  
14 *with the employment of any employee or employees and who know-*  
15 *ingly and willfully fails or refuses to make such payments within 30*  
16 *days after such payments are required by said agreement to be*  
17 *made, or, in the case of wages, if the agreement fails to specify the*  
18 *time of payment, then within the time specified for the payment of*  
19 *wages by section 2, P. L. 1965, c. 173 (C. 34:11-4.2) is a disorderly*  
20 *person. If such employer is a corporation, the officer or employee*  
21 *responsible for such willful failure or refusal is a disorderly person.*  
22 **[Upon conviction such employer, officer or employee shall be pun-**  
23 **ished by a fine not to exceed \$500.00 or by imprisonment for not**  
24 **more than 1 year or by both such fine and imprisonment.]**

1 2. This act shall take effect immediately.

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

# SENATE, No. 325

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senator RINALDO

AN ACT to amend "An act concerning disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved June 17, 1966 (P. L. 1966, c. 121).

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

1 1. Section 1 of P. L. 1966, c. 121 (C. 2A:170-90.2) is amended  
2 to read as follows:

3 1. In addition to any other penalty or punishment otherwise  
4 prescribed by law, any employer who is party to an agreement  
5 made with a collective bargaining agent or with an individual  
6 employee which requires the payment of (a) wages or of benefits,  
7 or (b) contributions for the support of a fund out of which benefits  
8 may be paid, *including, without limitation upon the generality of*  
9 *the foregoing, any fund for the support of any program or pro-*  
10 *grams of educational or vacation benefits for the employees covered*  
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19 *wages by section 2, P. L. 1965, c. 173 (C. 34:11-4.2) is a disorderly*  
20 *person. If such employer is a corporation, the officer or employee*  
21 *responsible for such willful failure or refusal is a disorderly person.*  
22 **[Upon conviction such employer, officer or employee shall be pun-**  
23 **ished by a fine not to exceed \$500.00 or by imprisonment for not**  
24 **more than 1 year or by both such fine and imprisonment.]**

1 2. This act shall take effect immediately.

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

SENATE AMENDMENT TO  
**SENATE, No. 325**

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**STATE OF NEW JERSEY**

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ADOPTED FEBRUARY 10, 1972

Amend page 1, section 1, line 9, after "foregoing," insert "any pension fund, welfare fund or".

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

SENATE, No. 325

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STATE OF NEW JERSEY

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DATED: FEBRUARY 7, 1972

This bill amends P. L. 1966, c. 121 (C. 2A:170-90.2). This law provides that any employer who is a party to an agreement with a collective bargaining agent or an individual employee which requires the payment of wages or benefits, or contributions to a fund out of which benefits may be paid, or other payments in connection with employment and who knowingly and willfully fails or refuses to make such payments within 30 days after such payments are required, or in the case of wages where no time of payment is specified, within the time specified for the payment of wages by P. L. 1965, c. 173, § 2 (C. 34:11-4.2) is a disorderly person. One of the changes proposed by this amendment expands and clarifies the second category of employer payments, that is, contributions for the support of a fund out of which benefits may be paid, to include funds for the support of programs of educational or vocation benefits for employees or for the support of apprenticeship programs. The other change is the deletion of the specific penalty provision for conviction under the act which provides for a fine not to exceed \$500.00 or imprisonment for not more than 1 year, or both. The general penalty for a disorderly person's offense is a fine of not more than \$500.00 or imprisonment for not more than 6 months, or both.