

P.L. 2019, CHAPTER 84, *approved May 7, 2019*
Senate, No. 3072 (*Second Reprint*)

1 AN ACT concerning safety precautions in sign fabrication and
2 manufacturing facilities, amending P.L.1991, c.413 and
3 supplementing ¹**[P.L.1960, c.39 (C.56:8-1 et seq.)]** Title 34 of
4 the Revised Statutes¹.

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

8
9 1. Section 5 of P.L.1991, c.413 (C.27:5-9) is amended to read
10 as follows:

11 5. Signs permitted by this act shall be by permit from the
12 commissioner pursuant to conditions consistent with the regulations
13 of the commissioner, and the following:

14 a. A sign may not attempt or appear to attempt to direct the
15 movement of traffic or interfere with, imitate, or resemble any
16 official traffic sign, signal or device, or include or utilize flashing,
17 intermittent or moving lights, or utilize lighting equipment or
18 reflectorized materials which emit or reflect colors, including, but
19 not limited to, red, amber or green, except as may be authorized by
20 the commissioner or by agreement between the commissioner and
21 the Secretary of Transportation of the United States.

22 b. A sign may not interfere or be likely to interfere with the
23 ability of the operator of a motor vehicle to have a clear and
24 unobstructed view of the highway ahead or of official signs, signals
25 or traffic control devices.

26 c. Illumination of a sign shall be effectively shielded so as to
27 prevent light from being directed at any portion of the main-
28 traveled way of the highway, or, if not so shielded, be of a
29 sufficiently low intensity or brilliance as not to cause glare or
30 impair the vision of persons operating motor vehicles on that
31 highway, or otherwise impair the operation of a motor vehicle.

32 d. Signs shall be maintained in a safe condition with due regard
33 for conditions of climate, weather and terrain, and as a condition of
34 continued use or permit renewal, unsafe signs shall be remediated
35 by maintenance or repair.

36 e. A sign may not be of a type, size, or character so as to
37 endanger or injure public safety, health or welfare, or be injurious
38 to property in the vicinity thereof.

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:

¹Assembly ACE committee amendments adopted March 7, 2019.

²Assembly AAP committee amendments adopted March 18, 2019.

1 f. A sign may not be painted, drawn, erected or maintained
2 upon trees, rocks, other natural features or public utility poles.

3 g. Signs for which a permit has been issued shall display in a
4 conspicuous position on the sign or its supporting structure, the
5 name of the person holding the permit.

6 h. A sign or other object shall not in any way simulate any
7 official, directional, traffic control or warning signs erected or
8 maintained by any governmental agency.

9 i. A sign for which a permit is issued shall display in a
10 conspicuous position on the sign a safety and quality assurance seal
11 in compliance with subsection b. of section 5 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill).
13 (cf: P.L.1991, c.413, s.5)

14
15 2. (New section) Sections 2 through 7 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill) shall be
17 known and may be cited as the “Sign Fabrication Safety Quality
18 Assurance Act.”

19
20 3. (New section) The Legislature finds and declares that:

21 a. The general public is subject to serious safety risks when
22 manufacturers and other facilities engaged in the fabrication of
23 signs for governmental, commercial or other applications produce
24 deficient, defective or otherwise unsafe signs.

25 b. ²Recent evidence regarding accidents involving defective
26 signs reveal a significant number of injuries and deaths of workers
27 and members of the general public.

28 c. ²Research from both government and industry sources
29 reflects the widespread recognition that registered apprenticeship
30 programs are an extremely effective mechanism for ensuring the
31 development of ²a² workforce that is properly trained and
32 appropriately equipped with necessary skills and safety knowledge
33 in their applicable craft.

34 ²[d.] c.² The threat to public safety for the use of inferior or
35 defective fabricated signs can be lessened by requiring that
36 manufacturers of these products adhere to great safety and quality
37 control requirements and ensure their manual workforce receives
38 proper skill and safety training.

39
40 4. (New section) As used in ¹sections 2 through 7 of¹ P.L. ,
41 c. (C.) (pending before the Legislature as this bill):

42 “Approved skill training program” means a sheet metal
43 apprenticeship training program that is registered with the federal or
44 a state government and provides both apprenticeship training and
45 training to upgrade skills of journey persons in the skills of the
46 sheet metal industry, including those relating to sign fabrication.

47 ¹“Commissioner” means the Commissioner of Labor and
48 Workforce Development. ¹

1 “Fabricated sign” means a sign, including a sign for government
 2 or public use, that exceeds ²[25] 50² pounds in weight or 25
 3 square feet in area, or exceeds ²[10] 50² pounds in weight and is
 4 elevated or designed to be elevated 25 feet or more.

5 “Sign fabricator” means a manufacturer or other entity that
 6 produces fabricated signs.

7
 8 5. (New section) a. A person who manufactures ¹[, distributes
 9 or sells]¹ any fabricated sign in New Jersey shall:

10 (1) provide an approved ¹skill¹ training program for employees
 11 who perform manual labor in connection with the production of
 12 fabricated signs; and

13 (2) maintain adequate quality control procedures to ensure that
 14 all fabricated signs it manufactures, distributes or sells comply with
 15 the manufacturing and engineering specifications required by, or
 16 incorporated into, any contractual agreement executed with another
 17 party.

18 b. A person who manufactures, distributes or sells a fabricated
 19 sign in New Jersey after the effective date of ¹[this act] P.L. ,
 20 c. (C.) (pending before the Legislature as this bill),¹ shall
 21 affix to the sign a safety and quality assurance seal from the sign
 22 fabricator which certifies that the sign fabricator is in compliance
 23 with the requirements of subsection a. of this section.

24 ¹c. The training requirements specified in paragraph (1) of
 25 subsection a. of this section shall not apply to a sign fabricator that
 26 employs five or fewer individuals who perform manual labor in sign
 27 manufacturing.¹

28
 29 6. (New section) a. It shall be ¹[an]¹ unlawful ¹[practice and
 30 a violation of P.L.1960, c.39 (C.56:8-1 et seq.)]¹ for a person to
 31 manufacture, distribute, sell, or use a fabricated sign in violation of
 32 section 5 of P.L. , c. (C.) (pending before the Legislature
 33 as this bill).

34 b. In addition to any other penalties provided by law ¹[,]¹ :

35 (1) a person who manufactures, distributes, sells, or uses a
 36 fabricated sign in violation of section 5 of P.L. , c.
 37 (pending before the Legislature as this bill) shall be subject to a
 38 civil penalty of ²[not more than \$10,000 for a first offense and not
 39 more than \$20,000 for a second and each] 25 percent of the value
 40 of the contract for the sign, but not less than \$5,000 for a first
 41 offense and not less than \$10,000 for any² subsequent offense, to be
 42 collected in a civil action by a summary proceeding under the
 43 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
 44 et seq.). The Superior Court shall have jurisdiction of proceedings
 45 for the enforcement of the penalty provided by this paragraph;

46 (2)¹ a person who manufactures, distributes, sells, or uses a
 47 fabricated sign erected or maintained pursuant to P.L.1991, c.413

1 (C.27:5-5 et seq.) in violation of section 5 of P.L. ,
2 c. (C.) (pending before the Legislature as this bill) shall be
3 subject to the penalties set forth in P.L.1991, c.413 (C.27:5-5 et
4 seq.), including revocation of a license or permit pursuant to section
5 9 of P.L.1991, c.413 (C.27:5-13) and removal of a sign pursuant to
6 section 11 of P.L.1991, c.413 (C.27:5-15).

7 ²(3) a person who manufactures a fabricated sign erected or
8 maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) in
9 violation of section 5 of P.L. , c. (C.) (pending before
10 the Legislature as this bill) shall be liable for the cost to make all
11 necessary adjustments or corrections to ensure the sign is not in
12 violation of section 5 of P.L. , c. (C.) (pending before
13 the Legislature as this bill) to any party who incurs that cost.²

14
15 7. (New section) The provisions of P.L. , c. (C.)
16 (pending before the Legislature as this bill) shall be severable, and
17 if any of its provisions shall be held to be unconstitutional, the
18 decision of the court shall not affect the validity of the remaining
19 provisions of P.L. , c. (C.) (pending before the
20 Legislature as this bill).

21
22 8. This act shall take effect on the 30th day after the date of
23 enactment.

24
25
26 _____
27
28 “Sign Fabrication Safety Quality Assurance Act.”

SENATE, No. 3072

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

“Sign Fabrication Safety Quality Assurance Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning safety precautions in sign fabrication and
2 manufacturing facilities, amending P.L.1991, c.413 and
3 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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9 as follows:

10 5. Signs permitted by this act shall be by permit from the
11 commissioner pursuant to conditions consistent with the regulations
12 of the commissioner, and the following:

13 a. A sign may not attempt or appear to attempt to direct the
14 movement of traffic or interfere with, imitate, or resemble any
15 official traffic sign, signal or device, or include or utilize flashing,
16 intermittent or moving lights, or utilize lighting equipment or
17 reflectorized materials which emit or reflect colors, including, but
18 not limited to, red, amber or green, except as may be authorized by
19 the commissioner or by agreement between the commissioner and
20 the Secretary of Transportation of the United States.

21 b. A sign may not interfere or be likely to interfere with the
22 ability of the operator of a motor vehicle to have a clear and
23 unobstructed view of the highway ahead or of official signs, signals
24 or traffic control devices.

25 c. Illumination of a sign shall be effectively shielded so as to
26 prevent light from being directed at any portion of the main-
27 traveled way of the highway, or, if not so shielded, be of a
28 sufficiently low intensity or brilliance as not to cause glare or
29 impair the vision of persons operating motor vehicles on that
30 highway, or otherwise impair the operation of a motor vehicle.

31 d. Signs shall be maintained in a safe condition with due regard
32 for conditions of climate, weather and terrain, and as a condition of
33 continued use or permit renewal, unsafe signs shall be remediated
34 by maintenance or repair.

35 e. A sign may not be of a type, size, or character so as to
36 endanger or injure public safety, health or welfare, or be injurious
37 to property in the vicinity thereof.

38 f. A sign may not be painted, drawn, erected or maintained
39 upon trees, rocks, other natural features or public utility poles.

40 g. Signs for which a permit has been issued shall display in a
41 conspicuous position on the sign or its supporting structure, the
42 name of the person holding the permit.

43 h. A sign or other object shall not in any way simulate any
44 official, directional, traffic control or warning signs erected or
45 maintained by any governmental agency.

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 i. A sign for which a permit is issued shall display in a
2 conspicuous position on the sign a safety and quality assurance seal
3 in compliance with subsection b. of section 5 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).
5 (cf: P.L.1991, c.413, s.5)

6
7 2. Sections 2 through 7 of P.L. , c. (C.) (pending
8 before the Legislature as this bill) shall be known and may be cited
9 as the “Sign Fabrication Safety Quality Assurance Act.”

10
11 3. The Legislature finds and declares that:

12 a. The general public is subject to serious safety risks when
13 manufacturers and other facilities engaged in the fabrication of
14 signs for governmental, commercial or other applications produce
15 deficient, defective or otherwise unsafe signs.

16 b. Recent evidence regarding accidents involving defective
17 signs reveal a significant number of injuries and deaths of workers
18 and members of the general public.

19 c. Research from both government and industry sources
20 reflects the widespread recognition that registered apprenticeship
21 programs are an extremely effective mechanism for ensuring the
22 development of workforce that is properly trained and appropriately
23 equipped with necessary skills and safety knowledge in their
24 applicable craft.

25 d. The threat to public safety for the use of inferior or defective
26 fabricated signs can be lessened by requiring that manufacturers of
27 these products adhere to great safety and quality control
28 requirements and ensure their manual workforce receives proper
29 skill and safety training.

30
31 4. As used in P.L. , c. (C.) (pending before the
32 Legislature as this bill):

33 “Approved Skill Training Program” means a sheet metal
34 apprenticeship training program that is registered with the federal or
35 a state government and provides both apprenticeship training and
36 training to upgrade skills of journey persons in the skills of the
37 sheet metal industry, including those relating to sign fabrication.

38 “Commissioner” means the Commissioner of Labor and
39 Workforce Development.

40 “Fabricated Sign” means a sign, including a sign for
41 government or public use, that exceeds 25 pounds in weight or 25
42 square feet in area, or exceeds 10 pounds in weight and is elevated
43 or designed to be elevated 25 feet or more.

44 “Sign Fabricator” means a manufacturer or other entity that
45 produces fabricated signs.

1 5. a. A person who manufactures, distributes or sells any
2 fabricated sign in New Jersey shall:

3 (1) provide an approved training program for employees who
4 perform manual labor in connection with the production of
5 fabricated signs; and

6 (2) maintain adequate quality control procedures to ensure that
7 all fabricated signs it manufactures, distributes or sells comply with
8 the manufacturing and engineering specifications required by, or
9 incorporated into, any contractual agreement executed with another
10 party.

11 b. A person who manufactures, distributes or sells a fabricated
12 sign in New Jersey after the effective date of this act shall affix to
13 the sign a safety and quality assurance seal from the sign fabricator
14 which certifies that the sign fabricator is in compliance with the
15 requirements of subsection a. of this section.

16

17 6. a. It shall be an unlawful practice and a violation of
18 P.L.1960, c.39 (C.56:8-1 et seq.) for a person to manufacture,
19 distribute, sell, or use a fabricated sign in violation of section 5 of
20 P.L. , c. (C.) (pending before the Legislature as this
21 bill).

22 b. In addition to any other penalties provided by law, a person
23 who manufactures, distributes, sells, or uses a fabricated sign
24 erected or maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.)
25 in violation of section 5 of P.L. , c. (C.) (pending before
26 the Legislature as this bill) shall be subject to the penalties set forth
27 in P.L.1991, c.413 (C.27:5-5 et seq.), including revocation of a
28 license or permit pursuant to section 9 of P.L.1991, c.413 (C.27:5-
29 13) and removal of a sign pursuant to section 11 of P.L.1991, c.413
30 (C.27:5-15).

31

32 7. The provisions of P.L. , c. (C.) (pending before
33 the Legislature as this bill) shall be severable, and if any of its
34 provisions shall be held to be unconstitutional, the decision of the
35 court shall not affect the validity of the remaining provisions of
36 P.L. , c. (C.) (pending before the Legislature as this
37 bill).

38

39 8. This act shall take effect on the 30th day after the date of
40 enactment.

41

42

STATEMENT

43

44 This bill, to be known and cited as the “Sign Fabrication Safety
45 Quality Assurance Act,” requires a person who manufactures,
46 distributes or sells fabricated signs in New Jersey to:

1 1. provide an approved training program for employees who
2 perform manual labor in connection with the production of
3 fabricated signs; and

4 2. maintain adequate quality control procedures to ensure that
5 all fabricated signs manufactured, distributed or sold comply with
6 the manufacturing and engineering specifications required by, or
7 incorporated into, any contractual agreement executed with another
8 party.

9 The bill also requires that any fabricated sign manufactured,
10 distributed or sold in New Jersey after the bill's effective date to
11 have an affixed safety and quality assurance seal from the sign
12 fabricator certifying that the sign fabricator is in compliance with
13 the requirements of the bill.

14 A person in violation of the bill's provisions would be subject to
15 the penalties set forth in the consumer fraud act, P.L.1960, c.39
16 (C.56:8-1 et seq.), and may be subject to the "Roadside Sign
17 Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et
18 seq.), the law which establishes requirements for signs and
19 billboards used for outdoor advertising.

20 The bill makes it an unlawful practice under the consumer fraud
21 act for a person to manufacture, distribute, sell, or use a fabricated
22 sign in this State which does not have an affixed safety and quality
23 assurance seal that certifies the sign fabricator complies with the
24 provisions set forth in the bill. An unlawful practice is punishable
25 by a monetary penalty of not more than \$10,000 for a first offense
26 and not more than \$20,000 for any subsequent offense.
27 Additionally, violations can result in cease and desist orders issued
28 by the Attorney General, the assessment of punitive damages, and
29 the awarding of treble damages and costs to the injured party.

30 This bill requires a fabricated sign or billboard, permitted to be
31 erected and maintained under the "Roadside Sign Control and
32 Outdoor Advertising Act," to display the safety and quality
33 assurance seal certifying the sign fabricator complies with the bill's
34 provisions. A fabricated sign without a safety and quality assurance
35 seal would be subject to the enforcement and penalty provisions
36 under the "Roadside Sign Control and Outdoor Advertising Act."
37 An owner of a fabricated sign or billboard in violation of that act is
38 required to change or remove it within 30 days of notice by the
39 Commissioner of Transportation. An offense may result in the
40 revocation of a permit for a sign that does not comply with the law,
41 and an additional penalty of \$50 to \$500 for each offense.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO
SENATE, No. 3072

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Senate Bill No. 3072.

This bill, as amended by the committee, would require manufacturers of fabricated signs to: provide a skill training program for employees who perform manual labor in connection with the production of fabricated signs; and maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes, or sells comply with the manufacturing and engineering specifications required under contract. A sign fabricator that employs five or fewer individuals who perform manual labor in sign manufacturing would be exempt from the bill's training requirements.

The bill would also require a New Jersey manufacturer, distributor, or seller of a fabricated sign to affix to the sign a "safety and quality assurance seal" certifying that the sign fabricator complied with the requirements of this bill.

Under the bill, it would be unlawful for a person to manufacture, distribute, sell, or use a fabricated sign in violation of the bill's requirements. A person who manufactures, distributes, sells, or uses a fabricated sign in violation of the bill's requirements would be subject to a civil penalty of not more than \$10,000 for a first offense and not more than \$20,000 for a second and each subsequent offense. If a person manufactures, distributes, sells, or uses a fabricated sign, which sign is subject to the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), the person would be subject to the penalties set forth in that law, which include revocation of a license or permit and removal of the sign.

As reported, this bill is identical to Assembly Bill No. 5018, which was also reported by the committee this date with amendments.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the bill's requirements to provide a skill training program and to maintain adequate quality control procedures apply to manufacturers of

fabricated signs, but not to distributors and sellers that do not manufacture fabricated signs. Committee amendments also take the bill outside of the scope of the consumer fraud act. The committee amended the bill to exclude sign fabricators that employ five or fewer individuals as manual laborers in sign manufacturing from the bill's training requirements.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3072

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 3072 (1R), with committee amendments.

As amended, this bill requires manufacturers of fabricated signs to: provide a skill training program for employees who perform manual labor in connection with the production of fabricated signs; and maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes, or sells comply with the manufacturing and engineering specifications required under contract. A sign fabricator that employs five or fewer individuals who perform manual labor in sign manufacturing would be exempt from the bill's training requirements.

The bill also requires a New Jersey manufacturer, distributor, or seller of a fabricated sign to affix to the sign a "safety and quality assurance seal" certifying that the sign fabricator complied with the requirements of this bill.

Under the bill, it would be unlawful for a person to manufacture, distribute, sell, or use a fabricated sign in violation of the bill's requirements. A person who manufactures, distributes, sells, or uses a fabricated sign in violation of the bill's requirements would be subject to a civil penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for a first offense and not less than \$10,000 for any subsequent offense. If a person manufactures, distributes, sells, or uses a fabricated sign, which sign is subject to the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), the person would be subject to the penalties set forth in that law, which include revocation of a license or permit and removal of the sign.

The bill provides that a person who manufactures a fabricated sign erected or maintained pursuant to the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.) in violation of the bill's requirements shall be liable for the cost to make all necessary adjustments or corrections to ensure the sign is not in violation of the bill's requirements to any party who incurs the cost of same.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 5018 (2R), also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove subsection b. of section 3, the Legislative finding concerning accidents involving defective signs, from the bill.

The amendments provide that the definition of “fabricated sign” includes a sign for government or public use that exceeds 50 pounds in weight or 25 square feet in area, or exceeds 50 pounds in weight and is elevated or designed to be elevated 25 feet or more.

The amendments also provide that a person who manufactures a fabricated sign erected or maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) in violation of the bill’s provisions shall be liable for the cost to make all necessary adjustments or corrections to ensure the sign is not in violation of the bill’s requirements to any party who incurs the cost of same.

The amendments also provide that a person who manufactures, distributes, sells, or uses a fabricated sign in violation of the bill’s provisions shall be subject to a civil penalty of 25% of the value of the contract for the sign, not less \$5,000 for a first offense and not less than \$10,000 for any subsequent offense.

FISCAL IMPACT:

The Office of Legislative Services finds that the enactment of the bill may result in an indeterminate varied State and local cost and revenue increase associated with any additional administrative requirements and penalties collected for violations of the bill’s provisions.

The OLS notes that a violation of the bill’s provisions could result in additional indeterminate, likely insignificant consumer fraud act complaints. These complaints may increase the workload and operating expenses of the Office of the Attorney General and the Division of Consumer Affairs, in addition to county and municipal offices of consumer affairs. However, the adjudication of additional cases may result in additional indeterminate revenue collections from consumer fraud act penalties paid, which may offset the potential expenditure increase.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3072

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2018

The Senate Labor Committee reports favorably Senate Bill, No. 3072.

This bill, to be known and cited as the “Sign Fabrication Safety Quality Assurance Act,” requires a person who manufactures, distributes or sells fabricated signs in New Jersey to:

1. provide an approved training program for employees who perform manual labor in connection with the production of fabricated signs; and

2. maintain adequate quality control procedures to ensure that all fabricated signs manufactured, distributed or sold comply with the manufacturing and engineering specifications required by, or incorporated into, any contractual agreement executed with another party.

The bill also requires that any fabricated sign manufactured, distributed or sold in New Jersey after the bill’s effective date to have an affixed safety and quality assurance seal from the sign fabricator certifying that the sign fabricator is in compliance with the requirements of the bill.

A person in violation of the bill’s provisions would be subject to the penalties set forth in the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and may be subject to the “Roadside Sign Control and Outdoor Advertising Act,” P.L.1991, c.413 (C.27:5-5 et seq.), the law which establishes requirements for signs and billboards used for outdoor advertising.

The bill makes it an unlawful practice under the consumer fraud act for a person to manufacture, distribute, sell, or use a fabricated sign in this State which does not have an affixed safety and quality assurance seal that certifies the sign fabricator complies with the provisions set forth in the bill. An unlawful practice is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. Additionally, violations can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

This bill requires a fabricated sign or billboard, permitted to be erected and maintained under the “Roadside Sign Control and Outdoor Advertising Act,” to display the safety and quality assurance seal certifying the sign fabricator complies with the bill’s provisions. A

fabricated sign without a safety and quality assurance seal would be subject to the enforcement and penalty provisions under the “Roadside Sign Control and Outdoor Advertising Act.” An owner of a fabricated sign or billboard in violation of that act is required to change or remove it within 30 days of notice by the Commissioner of Transportation. An offense may result in the revocation of a permit for a sign that does not comply with the law, and an additional penalty of \$50 to \$500 for each offense.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3072

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 27, 2019

SUMMARY

- Synopsis:** “Sign Fabrication Safety Quality Assurance Act.”
- Type of Impact:** Annual State and Local Government expenditure increase; Annual State Revenue Increase.
- Agencies Affected:** Department of Transportation; The Judiciary; Local Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that the enactment of the bill may result in indeterminate State and local government expenditure increases from additional enforcement and judicial activities, and an indeterminate increase in State revenues from the imposition of civil penalties.
- The OLS notes that violations of the bill may potentially increase the workload of the Department of Transportation and local law enforcement agencies, which likely are the primary entities enforcing the provisions of the bill. The Judiciary may also hear additional cases as the Superior Court will have jurisdiction over any resultant civil proceedings. However, additional court cases may result in additional annual revenues from civil penalties.

BILL DESCRIPTION

This bill, to be known and cited as the “Sign Fabrication Safety Quality Assurance Act,” requires manufacturers of fabricated signs to: provide an approved skill training program for employees who perform manual labor in connection with the production of fabricated signs; and maintain adequate quality control procedures to ensure that all fabricated signs manufactured,

distributed or sold comply with the manufacturing and engineering specifications required by, or incorporated into, any contractual agreement executed with another party.

The bill also requires that any fabricated sign manufactured, distributed or sold in New Jersey after the bill's effective date has an affixed safety and quality assurance seal from the sign fabricator certifying that the sign fabricator is in compliance with the requirements of the bill.

The bill makes it unlawful practice for a person to manufacture, distribute, sell, or use a fabricated sign in this State which does not have an affixed safety and quality assurance seal that certifies the sign fabricator complies with the provisions set forth in the bill. An unlawful practice is punishable by a monetary penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for the first offense and not less than \$10,000 for any subsequent offense. The Superior Court will have jurisdiction of penalty enforcement proceedings.

This bill requires a fabricated sign or billboard, permitted to be erected and maintained under the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), to display the safety and quality assurance seal certifying the sign fabricator complies with the bill's provisions. An owner of a fabricated sign or billboard that does not have the required seal affixed is required to change or remove it within 30 days of notice by the Commissioner of Transportation. An offense may result in the revocation of a permit for a sign that does not comply with the law, and an additional penalty of \$50 to \$500 for each offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the enactment of the bill may result in indeterminate State and local expenditure increases from additional enforcement and judicial activities, and an indeterminate increase in State revenues from the imposition of civil penalties on those who violate the bill's provisions.

Revenue Increases:

The State may collect additional indeterminate annual revenue from civil penalties imposed for violations of the provisions of this bill. Violations are punishable by a civil penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for the first offense and not less than \$10,000 for any subsequent offense.

Furthermore, erecting, using, or maintaining a sign in violation of the "Roadside Sign Control and Outdoor Advertising Act" would be subject to a penalty of \$50 to \$500 for each day the sign remains in violation, although the maximum penalty cannot exceed the gross income of the sign or \$50 per day, whichever is greater. The penalties collected are to be deposited with the State Treasurer and disbursed to the Department of Transportation to defray the costs of administering the act.

The OLS notes there is a possibility that the bill may lead to an initial reduction in permits and permit applications, if only temporarily, as the bill's requirements are imposed and those subjected to its provisions comply. An application for a "Roadside Sign Control and Outdoor Advertising Act" off-premise outdoor advertising permit costs \$50 for a sign with a proposed surface area of 100 square feet or less, and \$200 for a sign with a proposed surface area

exceeding 100 square feet. Annual permit fees are required based on the size of the approved advertising surface area, as follows: up to 100 square feet, \$25; over 100 and not more than 300 square feet, \$70; over 300 and not more than 600 square feet, \$170; over 600 and not more than 1,000 square feet, \$460; and over 1,000 square feet, \$635.

Expenditure Increases:

A violation of the bill's provisions could result in additional indeterminate State and local government expenditures, likely insignificant, tied to enforcement efforts of the Department of Transportation and local law enforcement agencies to ensure that all required fabricated signs are compliant with the provisions of this bill. An increase in the number of violations may also increase the workload and operating expenses of the Judiciary.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Associate Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3072
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: NOVEMBER 2, 2018

SUMMARY

Synopsis: “Sign Fabrication Safety Quality Assurance Act.”

Type of Impact: Potential Indeterminate Varied Cost and Revenue Increase to State and Local Government.

Agencies Affected: Department of Law and Public Safety; Department of Transportation.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost		Indeterminate	
State and Local Revenue		Indeterminate	

- The Office of Legislative Services (OLS) finds that the enactment of the bill may result in an indeterminate varied State and local cost and revenue increase associated with any additional administrative requirements and penalties collected for violations of the bill’s provisions.
- The OLS notes that a violation of the bill’s provisions could result in additional indeterminate, likely insignificant, consumer fraud act complaints. These complaints may potentially increase the workload and operating expenses of the Office of the Attorney General and the Division of Consumer Affairs, in addition to county or municipal offices of consumer affairs; however, any additional cases may result in additional indeterminate annual revenue from consumer fraud act penalties paid, which may offset the potential expenditure increase. Consumer fraud act violations are punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense.
- Erecting, using, or maintaining a sign in violation of the “Roadside Sign Control and Outdoor Advertising Act” would result in a penalty of \$50 to \$500 for each day a sign remains in violation. The penalties collected are to be deposited with the State Treasurer and disbursed to the Department of Transportation to defray the costs of administering that act.

BILL DESCRIPTION

This bill, to be known and cited as the “Sign Fabrication Safety Quality Assurance Act,” requires a person who manufactures, distributes or sells fabricated signs in New Jersey to:

1. provide an approved training program for employees who perform manual labor in connection with the production of fabricated signs; and
2. maintain adequate quality control procedures to ensure that all fabricated signs manufactured, distributed or sold comply with the manufacturing and engineering specifications required by, or incorporated into, any contractual agreement executed with another party.

The bill also requires that any fabricated sign manufactured, distributed or sold in New Jersey after the bill’s effective date must have an affixed safety and quality assurance seal from the sign fabricator certifying that the sign fabricator is in compliance with the requirements of the bill.

A person in violation of the bill’s provisions would be subject to the penalties set forth in the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and may be subject to the “Roadside Sign Control and Outdoor Advertising Act,” P.L.1991, c.413 (C.27:5-5 et seq.), the law which establishes requirements for signs and billboards used for outdoor advertising.

The bill makes it an unlawful practice under the consumer fraud act for a person to manufacture, distribute, sell, or use a fabricated sign in this State which does not have an affixed safety and quality assurance seal that certifies the sign fabricator complies with the provisions set forth in the bill. An unlawful practice is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. Additionally, violations can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

This bill requires a fabricated sign or billboard, permitted to be erected and maintained under the “Roadside Sign Control and Outdoor Advertising Act,” to display the safety and quality assurance seal certifying the sign fabricator complies with the bill’s provisions. A fabricated sign without a safety and quality assurance seal would be subject to the enforcement and penalty provisions under the “Roadside Sign Control and Outdoor Advertising Act.” An owner of a fabricated sign or billboard in violation of that act is required to change or remove it within 30 days of notice by the Commissioner of Transportation. An offense may result in the revocation of a permit for a sign that does not comply with the law, and an additional penalty of \$50 to \$500 for each offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the enactment of the bill may result in an indeterminate varied State and local cost and revenue increase associated with any additional administrative requirements and penalties collected for violations of the bill’s provisions.

Revenue Increases:

The State and county or municipal offices of consumer affairs may collect additional indeterminate annual revenue from consumer fraud act penalties and other fines that may be imposed for violations of the provisions of this bill. Consumer fraud act violations are punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense.

Furthermore, erecting, using, or maintaining a sign in violation of the “Roadside Sign Control and Outdoor Advertising Act” would be subject to a penalty of \$50 to \$500 for each day the sign remains in violation, although the maximum penalty can’t exceed the gross income of the sign or \$50 per day, whichever is greater. The penalties collected are to be deposited with the State Treasurer and disbursed to the Department of Transportation to defray the costs of administering the act.

The OLS notes there is a possibility that the bill may lead to an initial reduction in permits and permit applications, if only temporarily as the bill’s requirements are imposed and those subjected to its provisions comply. An application for a “Roadside Sign Control and Outdoor Advertising Act” off-premise outdoor advertising permit costs \$50 for a sign with a proposed surface area of 100 square feet or less, and \$200 for a sign with a proposed surface area exceeding 100 square feet. Annual permit fees are required based on the size of the approved advertising surface area, as follows: up to 100 square feet, \$25; over 100 and not more than 300 square feet, \$70; over 300 and not more than 600 square feet, \$170; over 600 and not more than 1,000 square feet, \$460; and over 1,000 square feet, \$635.

Expenditure Increases:

A violation of the bill’s provisions could result in additional indeterminate State administrative expenditures, likely insignificant, tied to a potential increase in consumer fraud act complaints. These complaints may potentially increase the workload and operating expenses of the Office of the Attorney General and the Division of Consumer Affairs, in addition to county or municipal offices of consumer affairs. The cost of these cases may be fully offset by additional revenue from consumer fraud act penalties and other fines collected.

Section: Commerce, Labor and Industry

*Analyst: Amy Denholtz
Senior Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5018

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

SYNOPSIS

“Sign Fabrication Safety Quality Assurance Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2019)

A5018 JONES, SPEARMAN

2

1 AN ACT concerning safety precautions in sign fabrication and
2 manufacturing facilities, amending P.L.1991, c.413 and
3 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
4

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

8 1. Section 5 of P.L.1991, c.413 (C.27:5-9) is amended to read
9 as follows:

10 5. Signs permitted by this act shall be by permit from the
11 commissioner pursuant to conditions consistent with the regulations
12 of the commissioner, and the following:

13 a. A sign may not attempt or appear to attempt to direct the
14 movement of traffic or interfere with, imitate, or resemble any
15 official traffic sign, signal or device, or include or utilize flashing,
16 intermittent or moving lights, or utilize lighting equipment or
17 reflectorized materials which emit or reflect colors, including, but
18 not limited to, red, amber or green, except as may be authorized by
19 the commissioner or by agreement between the commissioner and
20 the Secretary of Transportation of the United States.

21 b. A sign may not interfere or be likely to interfere with the
22 ability of the operator of a motor vehicle to have a clear and
23 unobstructed view of the highway ahead or of official signs, signals
24 or traffic control devices.

25 c. Illumination of a sign shall be effectively shielded so as to
26 prevent light from being directed at any portion of the main-
27 traveled way of the highway, or, if not so shielded, be of a
28 sufficiently low intensity or brilliance as not to cause glare or
29 impair the vision of persons operating motor vehicles on that
30 highway, or otherwise impair the operation of a motor vehicle.

31 d. Signs shall be maintained in a safe condition with due regard
32 for conditions of climate, weather and terrain, and as a condition of
33 continued use or permit renewal, unsafe signs shall be remediated
34 by maintenance or repair.

35 e. A sign may not be of a type, size, or character so as to
36 endanger or injure public safety, health or welfare, or be injurious
37 to property in the vicinity thereof.

38 f. A sign may not be painted, drawn, erected or maintained
39 upon trees, rocks, other natural features or public utility poles.

40 g. Signs for which a permit has been issued shall display in a
41 conspicuous position on the sign or its supporting structure, the
42 name of the person holding the permit.

43 h. A sign or other object shall not in any way simulate any
44 official, directional, traffic control or warning signs erected or
45 maintained by any governmental agency.

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 i. A sign for which a permit is issued shall display in a
2 conspicuous position on the sign a safety and quality assurance seal
3 in compliance with subsection b. of section 5 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).
5 (cf: P.L.1991, c.413, s.5)

6
7 2. (New section) Sections 2 through 7 of P.L. , c. (C.)
8 (pending before the Legislature as this bill) shall be known and may
9 be cited as the “Sign Fabrication Safety Quality Assurance Act.”

10
11 3. (New section) The Legislature finds and declares that:

12 a. The general public is subject to serious safety risks when
13 manufacturers and other facilities engaged in the fabrication of
14 signs for governmental, commercial or other applications produce
15 deficient, defective or otherwise unsafe signs.

16 b. Recent evidence regarding accidents involving defective
17 signs reveal a significant number of injuries and deaths of workers
18 and members of the general public.

19 c. Research from both government and industry sources
20 reflects the widespread recognition that registered apprenticeship
21 programs are an extremely effective mechanism for ensuring the
22 development of workforce that is properly trained and appropriately
23 equipped with necessary skills and safety knowledge in their
24 applicable craft.

25 d. The threat to public safety for the use of inferior or defective
26 fabricated signs can be lessened by requiring that manufacturers of
27 these products adhere to great safety and quality control
28 requirements and ensure their manual workforce receives proper
29 skill and safety training.

30
31 4. (New section) As used in sections 2 through 7 of P.L. ,
32 c. (C.) (pending before the Legislature as this bill):

33 “Approved skill training program” means a sheet metal
34 apprenticeship training program that is registered with the federal or
35 a state government and provides both apprenticeship training and
36 training to upgrade skills of journey persons in the skills of the
37 sheet metal industry, including those relating to sign fabrication.

38 “Commissioner” means the Commissioner of Labor and
39 Workforce Development.

40 “Fabricated sign” means a sign, including a sign for government
41 or public use, that exceeds 25 pounds in weight or 25 square feet in
42 area, or exceeds 10 pounds in weight and is elevated or designed to
43 be elevated 25 feet or more.

44 “Sign fabricator” means a manufacturer or other entity that
45 produces fabricated signs.

46
47 5. (New section) a. A person who manufactures, distributes or
48 sells any fabricated sign in New Jersey shall:

1 (1) provide an approved training program for employees who
2 perform manual labor in connection with the production of
3 fabricated signs; and

4 (2) maintain adequate quality control procedures to ensure that
5 all fabricated signs it manufactures, distributes or sells comply with
6 the manufacturing and engineering specifications required by, or
7 incorporated into, any contractual agreement executed with another
8 party.

9 b. A person who manufactures, distributes or sells a fabricated
10 sign in New Jersey after the effective date of this act shall affix to
11 the sign a safety and quality assurance seal from the sign fabricator
12 which certifies that the sign fabricator is in compliance with the
13 requirements of subsection a. of this section.

14 c. The training requirements specified in paragraph (1) of
15 subsection a. of this section shall not apply to a sign fabricator that
16 employs three or fewer individuals who perform manual labor in
17 sign manufacturing.

18

19 6. (New section) a. It shall be an unlawful practice and a
20 violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a person to
21 manufacture, distribute, sell, or use a fabricated sign in violation of
22 section 5 of P.L. , c. (C.) (pending before the Legislature
23 as this bill).

24 b. In addition to any other penalties provided by law, a person
25 who manufactures, distributes, sells, or uses a fabricated sign
26 erected or maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.)
27 in violation of section 5 of P.L. , c. (C.) (pending before
28 the Legislature as this bill) shall be subject to the penalties set forth
29 in P.L.1991, c.413 (C.27:5-5 et seq.), including revocation of a
30 license or permit pursuant to section 9 of P.L.1991, c.413 (C.27:5-
31 13) and removal of a sign pursuant to section 11 of P.L.1991, c.413
32 (C.27:5-15).

33

34 7. (New section) The provisions of P.L. , c. (C.)
35 (pending before the Legislature as this bill) shall be severable, and
36 if any of its provisions shall be held to be unconstitutional, the
37 decision of the court shall not affect the validity of the remaining
38 provisions of P.L. , c. (C.) (pending before the
39 Legislature as this bill).

40

41 8. This act shall take effect on the 30th day after the date of
42 enactment.

43

44

STATEMENT

45

46 This bill, to be known and cited as the “Sign Fabrication Safety
47 Quality Assurance Act,” requires a person who manufactures,
48 distributes or sells fabricated signs in New Jersey to:

1 1. provide an approved training program for employees who
2 perform manual labor in connection with the production of
3 fabricated signs, except that this requirement shall not apply to a
4 sign fabricator which employs three or fewer employees who
5 perform manual labor in sign manufacturing; and

6 2. maintain adequate quality control procedures to ensure that
7 all fabricated signs manufactured, distributed or sold comply with
8 the manufacturing and engineering specifications required by, or
9 incorporated into, any contractual agreement executed with another
10 party.

11 The bill also requires that any fabricated sign manufactured,
12 distributed or sold in New Jersey after the bill's effective date to
13 have an affixed safety and quality assurance seal from the sign
14 fabricator certifying that the sign fabricator is in compliance with
15 the requirements of the bill.

16 A person in violation of the bill's provisions would be subject to
17 the penalties set forth in the consumer fraud act, P.L.1960, c.39
18 (C.56:8-1 et seq.), and may be subject to the "Roadside Sign
19 Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et
20 seq.), the law which establishes requirements for signs and
21 billboards used for outdoor advertising.

22 The bill makes it an unlawful practice under the consumer fraud
23 act for a person to manufacture, distribute, sell, or use a fabricated
24 sign in this State which does not have an affixed safety and quality
25 assurance seal that certifies the sign fabricator complies with the
26 provisions set forth in the bill. An unlawful practice is punishable
27 by a monetary penalty of not more than \$10,000 for a first offense
28 and not more than \$20,000 for any subsequent offense.
29 Additionally, violations can result in cease and desist orders issued
30 by the Attorney General, the assessment of punitive damages, and
31 the awarding of treble damages and costs to the injured party.

32 This bill requires a fabricated sign or billboard, permitted to be
33 erected and maintained under the "Roadside Sign Control and
34 Outdoor Advertising Act," to display the safety and quality
35 assurance seal certifying the sign fabricator complies with the bill's
36 provisions. A fabricated sign without a safety and quality assurance
37 seal would be subject to the enforcement and penalty provisions
38 under the "Roadside Sign Control and Outdoor Advertising Act."
39 An owner of a fabricated sign or billboard in violation of that act is
40 required to change or remove it within 30 days of notice by the
41 Commissioner of Transportation. An offense may result in the
42 revocation of a permit for a sign that does not comply with the law,
43 and an additional penalty of \$50 to \$500 for each offense.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5018

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 5018.

This bill, as amended by the committee, would require manufacturers of fabricated signs to: provide a skill training program for employees who perform manual labor in connection with the production of fabricated signs; and maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes, or sells comply with the manufacturing and engineering specifications required under contract. A sign fabricator that employs five or fewer individuals who perform manual labor in sign manufacturing would be exempt from the bill's training requirements.

The bill, as amended, would also require a New Jersey manufacturer, distributor, or seller of a fabricated sign to affix to the sign a "safety and quality assurance seal" certifying that the sign fabricator complied with the bill's requirements.

Under the bill, as amended, it would be unlawful for a person to manufacture, distribute, sell, or use a fabricated sign in violation of the bill's requirements. A person who manufactures, distributes, sells, or uses a fabricated sign in violation of the bill's requirements would be subject to a civil penalty of not more than \$10,000 for a first offense and not more than \$20,000 for a second and each subsequent offense. If a person manufactures, distributes, sells, or uses a fabricated sign, which sign is subject to the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), the person would be subject to the penalties set forth in that law, which include revocation of a license or permit and removal of the sign.

As reported, this bill is identical to Senate Bill No. 3072, which was also reported by the committee this date with amendments.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the bill's requirements to provide a skill training program and to maintain adequate quality control procedures apply to manufacturers of fabricated signs, but not to distributors and sellers that do not

manufacture fabricated signs. Committee amendments also take the bill outside of the scope of the consumer fraud act. Committee amendments also increased from three to five the number of manual labor employees a sign fabricator must employ to be exempt from the bill's training requirements.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5018

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5018 (1R), with committee amendments.

As amended, this bill would require manufacturers of fabricated signs to: provide a skill training program for employees who perform manual labor in connection with the production of fabricated signs; and maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes, or sells comply with the manufacturing and engineering specifications required under contract. A sign fabricator that employs five or fewer individuals who perform manual labor in sign manufacturing would be exempt from the bill's training requirements.

The bill, as amended, would also require a New Jersey manufacturer, distributor, or seller of a fabricated sign to affix to the sign a "safety and quality assurance seal" certifying that the sign fabricator complied with the bill's requirements.

Under the bill, as amended, it would be unlawful for a person to manufacture, distribute, sell, or use a fabricated sign in violation of the bill's requirements. A person who manufactures, distributes, sells, or uses a fabricated sign in violation of the bill's requirements would be subject to a civil penalty of not more than \$5,000 for a first offense and not more than \$10,000 for a second and each subsequent offense. If a person manufactures, distributes, sells, or uses a fabricated sign, which sign is subject to the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), the person would be subject to the penalties set forth in that law, which include revocation of a license or permit and removal of the sign.

As amended and reported, this bill is identical to Senate Bill No. 3072 (2R), which was also reported by the committee this date with amendments.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the bill's requirements to provide a skill training program and to maintain adequate quality control procedures apply to manufacturers of

fabricated signs, but not to distributors and sellers that do not manufacture fabricated signs. Committee amendments also take the bill outside of the scope of the consumer fraud act. Committee amendments also increased from three to five the number of manual labor employees a sign fabricator must employ to be exempt from the bill's training requirements.

FISCAL IMPACT:

The Office of Legislative Services finds that the enactment of the bill may result in an indeterminate varied State and local cost and revenue increase associated with any additional administrative requirements and penalties collected for violations of the bill's provisions.

The OLS notes that a violation of the bill's provisions could result in additional indeterminate, likely insignificant consumer fraud act complaints. These complaints may increase the workload and operating expenses of the Office of the Attorney General and the Division of Consumer Affairs, in addition to county and municipal offices of consumer affairs. However, the adjudication of additional cases may result in additional indeterminate revenue collections from consumer fraud act penalties paid, which may offset the potential expenditure increase.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 5018

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 26, 2019

SUMMARY

- Synopsis:** “Sign Fabrication Safety Quality Assurance Act.”
- Type of Impact:** Annual State and Local Government expenditure increase; Annual State Revenue Increase.
- Agencies Affected:** Department of Transportation; The Judiciary; Local Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that the enactment of the bill may result in indeterminate State and local government expenditure increases from additional enforcement and judicial activities, and an indeterminate increase in State revenues from the imposition of civil penalties.
- The OLS notes that violations of the bill may potentially increase the workload of the Department of Transportation and local law enforcement agencies, which likely are the primary entities enforcing the provisions of the bill. The Judiciary may also hear additional cases as the Superior Court will have jurisdiction over any resultant civil proceedings. However, additional court cases may result in additional annual revenues from civil penalties.

BILL DESCRIPTION

This bill, to be known and cited as the “Sign Fabrication Safety Quality Assurance Act,” requires manufacturers of fabricated signs to: provide an approved skill training program for employees who perform manual labor in connection with the production of fabricated signs; and

maintain adequate quality control procedures to ensure that all fabricated signs manufactured, distributed or sold comply with the manufacturing and engineering specifications required by, or incorporated into, any contractual agreement executed with another party.

The bill also requires that any fabricated sign manufactured, distributed or sold in New Jersey after the bill's effective date has an affixed safety and quality assurance seal from the sign fabricator certifying that the sign fabricator is in compliance with the requirements of the bill.

The bill makes it unlawful practice for a person to manufacture, distribute, sell, or use a fabricated sign in this State which does not have an affixed safety and quality assurance seal that certifies the sign fabricator complies with the provisions set forth in the bill. An unlawful practice is punishable by a monetary penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for the first offense and not less than \$10,000 for any subsequent offense. The Superior Court will have jurisdiction of penalty enforcement proceedings.

This bill requires a fabricated sign or billboard, permitted to be erected and maintained under the "Roadside Sign Control and Outdoor Advertising Act," P.L.1991, c.413 (C.27:5-5 et seq.), to display the safety and quality assurance seal certifying the sign fabricator complies with the bill's provisions. An owner of a fabricated sign or billboard that does not have the required seal affixed is required to change or remove it within 30 days of notice by the Commissioner of Transportation. An offense may result in the revocation of a permit for a sign that does not comply with the law, and an additional penalty of \$50 to \$500 for each offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the enactment of the bill may result in indeterminate State and local expenditure increases from additional enforcement and judicial activities, and an indeterminate increase in State revenues from the imposition of civil penalties on those who violate the bill's provisions.

Revenue Increases:

The State may collect additional indeterminate annual revenue from civil penalties imposed for violations of the provisions of this bill. Violations are punishable by a civil penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for the first offense and not less than \$10,000 for any subsequent offense.

Furthermore, erecting, using, or maintaining a sign in violation of the "Roadside Sign Control and Outdoor Advertising Act" would be subject to a penalty of \$50 to \$500 for each day the sign remains in violation, although the maximum penalty cannot exceed the gross income of the sign or \$50 per day, whichever is greater. The penalties collected are to be deposited with the State Treasurer and disbursed to the Department of Transportation to defray the costs of administering the act.

The OLS notes there is a possibility that the bill may lead to an initial reduction in permits and permit applications, if only temporarily, as the bill's requirements are imposed and those subjected to its provisions comply. An application for a "Roadside Sign Control and Outdoor Advertising Act" off-premise outdoor advertising permit costs \$50 for a sign with a proposed

surface area of 100 square feet or less, and \$200 for a sign with a proposed surface area exceeding 100 square feet. Annual permit fees are required based on the size of the approved advertising surface area, as follows: up to 100 square feet, \$25; over 100 and not more than 300 square feet, \$70; over 300 and not more than 600 square feet, \$170; over 600 and not more than 1,000 square feet, \$460; and over 1,000 square feet, \$635.

Expenditure Increases:

A violation of the bill's provisions could result in additional indeterminate State and local government expenditures, likely insignificant, tied to enforcement efforts of the Department of Transportation and local law enforcement agencies to ensure that all required fabricated signs are compliant with the provisions of this bill. An increase in the number of violations may also increase the workload and operating expenses of the Judiciary.

Section: Commerce, Labor and Industry

*Analyst: Juan C. Rodriguez
Associate Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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Newark, N.J.

Governor Murphy Signs Legislation to Improve Safety Precautions in Sign Fabrication and Manufacturing Facilities

05/7/2019

TRENTON – Governor Phil Murphy today signed S3072 into law to improve safety precautions in sign fabrication and manufacturing facilities.

“Improving both public and workplace safety are priorities of my Administration,” **said Governor Murphy**. “Today, we are ensuring that our workforce is properly trained with the necessary skills and knowledge to do their work safely, while also protecting the public from the dangers of defective signs.”

The Sign Fabrication Safety Quality Assurance Act will require a person who manufactures, distributes or sells fabricated signs in New Jersey to provide an approved training program for employees who perform manual labor in connection with the production of fabricated signs. The legislation also requires manufacturers to maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes or sells comply with the manufacturing and engineering specifications required by any contractual agreement executed with another party.

Under the law, any fabricated sign manufactured, distributed or sold in New Jersey after the bill’s effective date must have an affixed safety and quality assurance seal from the sign fabricator indicating that the sign complies with the legislation’s requirements.

The law will take effect on June 6, 2019.

The general public and maintenance workers are subject to serious safety risks when sign manufacturers produce a substandard product. Unfortunately, there have been a number of instances in which bystanders and workers have been injured or killed by signs that fell on them due to improper manufacturing,” **said Senator Troy Singleton**. “It is the government’s paramount duty to protect our citizens from negligence committed by sign manufacturers when they make a faulty product.”

“When faulty signs are installed, not only are workers endangered, but so is the public,” **said Senator Nilsa Cruz-Perez**. “We will no longer allow for the public to be put in harm’s way. This new law will protect people from the malpractice of those sign manufacturers who cut corners at the expense of public safety.”

"This new law helps us to further ensure roadway and pedestrian safety," **said Assemblywoman Patricia Egan Jones**. "Poorly made signage are hazardous to pedestrians and can cause unnecessary accidents. It’s important to note that the new law requires manufacturers with six or more employees who make signs to provide a skill training program for those workers adding another layer of safety."

"We see signs everywhere whether it's advertising businesses or branding construction sites," **said Assemblyman William Spearman**. "Setting a standard for the manufacture of signs will protecting residents from residents to the workers placing them."

"Today we've taken another step toward strengthening the public safety in our communities and on our roadways," **said Assemblyman Thomas GIBLIN**. "Ensuring signs are reviewed for quality and assurance and given the seal of approval is important to protecting residents from the problems that could be caused by a less than standard sign hung or placed on our roads or highways."

"A properly trained workforce is a strong workforce," **said Joe Demark, President of the New Jersey State Council of Sheet Metal Workers**. "With this legislation, we are building a pipeline of knowledgeable and skilled workers who will be able practice their craft under safer conditions. We thank Governor Murphy for signing this important bill."

"Creating a safe work environment improves worker morale and allows for great productivity," **said Bryan Bush, Assistant Business Manager of Sheet Metal Workers Local Union 19**. "We commend Governor Murphy for taking action on this legislation, which will help address the critically important goal of ensuring the safety of New Jerseyans both in the workplace and throughout the state."

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