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end

P.L.2015, CHAPTER 160, *approved December 2, 2015*  
Senate, No. 1341 (*First Reprint*)

1 AN ACT concerning the use of bittering agents in antifreeze, and  
2 supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).  
3

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

7 1. a. Any person who violates any provision of section 2 of  
8 P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of  
9 <sup>1</sup>up to<sup>1</sup> \$500 <sup>1</sup>[for the first offense and \$1,000 for the second or  
10 subsequent offense]<sup>1</sup>, to be collected <sup>1</sup>by the Commissioner of  
11 Environmental Protection<sup>1</sup> in a civil action by summary proceeding  
12 under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274  
13 (C.2A:58-10 et seq.). The Superior Court and the municipal court  
14 shall have jurisdiction <sup>1</sup>[to enforce the provisions of the “Penalty  
15 Enforcement Law of 1999” in connection with this section. If the  
16 violation is of a continuing nature, each day during which it  
17 continues shall constitute an additional, separate and distinct  
18 offense] over proceedings for the enforcement of the penalty  
19 established by this section<sup>1</sup>.

20 b. The <sup>1</sup>[Department] Commissioner<sup>1</sup> of Environmental  
21 Protection may institute a civil action for injunctive relief to enforce  
22 the provisions of P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit  
23 and prevent a violation of section 2 of that act, and the court may  
24 proceed in the action in a summary manner.  
25

26 <sup>1</sup>2. Nothing set forth in P.L.2009, c.277 (C.13:1D-64 et seq.)  
27 shall be construed as creating, establishing, or authorizing a private  
28 cause of action by an aggrieved person against a person who has  
29 violated, or is alleged to have violated, the provisions of section 2  
30 of P.L.2009, c.277 (C.13:1D-65).<sup>1</sup>  
31

32 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.  
33  
34

35  
36 Establishes penalty for failure to include bittering agent in  
37 antifreeze.

**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>Assembly floor amendments adopted December 18, 2014.

# SENATE, No. 1341

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Establishes penalty for failure to include bittering agent in antifreeze.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/29/2014)**

1 AN ACT concerning the use of bittering agents in antifreeze, and  
2 supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).  
3

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

7 1. a. Any person who violates any provision of section 2 of  
8 P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of  
9 \$500 for the first offense and \$1,000 for the second or subsequent  
10 offense, to be collected in a civil action by summary proceeding  
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
12 (C.2A:58-10 et seq.). The Superior Court and the municipal court  
13 shall have jurisdiction to enforce the provisions of the "Penalty  
14 Enforcement Law of 1999" in connection with this section. If the  
15 violation is of a continuing nature, each day during which it  
16 continues shall constitute an additional, separate and distinct  
17 offense.

18 b. The Department of Environmental Protection may institute a  
19 civil action for injunctive relief to enforce the provisions of  
20 P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit and prevent a  
21 violation of section 2 of that act, and the court may proceed in the  
22 action in a summary manner.  
23

24 2. This act shall take effect immediately.  
25  
26

27 STATEMENT  
28

29 This bill would establish a civil penalty applicable to any person  
30 who fails to include a bittering agent in antifreeze sold in the State.  
31 Although the law currently requires the use of a bittering agent in  
32 antifreeze products sold in New Jersey, it does not provide a penalty  
33 for persons who do not comply with this requirement. The bill  
34 would fill this gap in the law by providing, in particular, that any  
35 person who fails to include a bittering agent in antifreeze would be  
36 subject to a civil penalty of \$500 for the first offense and \$1,000 for  
37 the second or subsequent offense. The bill would further provide  
38 that when a violation is of a continuing nature, each day during  
39 which it continues would constitute an additional, separate and  
40 distinct offense.

41 The penalty established by the bill would be collectable in a civil  
42 action by summary proceeding under the "Penalty Enforcement  
43 Law of 1999." The bill would also authorize the Department of  
44 Environmental Protection to institute a summary civil action for  
45 injunctive relief, as necessary to enforce, and prohibit and prevent a  
46 violation of, the antifreeze law.

47 The penalty proposed to be established by the bill is consistent  
48 with other penalties established under law for similar offenses

**S1341 VAN DREW, MADDEN**

3

- 1 involving the improper sale of toxic substances and the improper
- 2 sale of products containing toxic substances.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### SENATE, No. 1341

# STATE OF NEW JERSEY

DATED: APRIL 28, 2014

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1341.

This bill would establish a civil penalty applicable to any person who fails to include a bittering agent in antifreeze sold in the State. Although the law currently requires the use of a bittering agent in antifreeze products sold in New Jersey, it does not provide a penalty for persons who do not comply with this requirement. The bill would fill this gap in the law by providing, in particular, that any person who fails to include a bittering agent in antifreeze would be subject to a civil penalty of \$500 for the first offense and \$1,000 for the second or subsequent offense. The bill would further provide that when a violation is of a continuing nature, each day during which it continues would constitute an additional, separate and distinct offense.

The penalty established by the bill would be collectable in a civil action by summary proceeding under the "Penalty Enforcement Law of 1999." The bill would also authorize the Department of Environmental Protection to institute a summary civil action for injunctive relief, as necessary to enforce, and prohibit and prevent a violation of, the antifreeze law.

The penalty proposed to be established by the bill is consistent with other penalties established under law for similar offenses involving the improper sale of toxic substances and the improper sale of products containing toxic substances.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1341

# STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1341.

This bill would establish a civil penalty applicable to any person who fails to include a bittering agent in antifreeze sold in the State. Although the law currently requires the use of a bittering agent in antifreeze products sold in New Jersey, it does not provide a penalty for persons who do not comply with this requirement. The bill would fill this gap in the law by providing, in particular, that any person who fails to include a bittering agent in antifreeze would be subject to a civil penalty of \$500 for the first offense and \$1,000 for the second or subsequent offense. The bill would further provide that when a violation is of a continuing nature, each day during which it continues would constitute an additional, separate and distinct offense.

The penalty established by the bill would be collectable in a civil action by summary proceeding under the "Penalty Enforcement Law of 1999." The bill would also authorize the Department of Environmental Protection to institute a summary civil action for injunctive relief, as necessary to enforce, and prohibit and prevent a violation of, the antifreeze law.

The penalty proposed to be established by the bill is consistent with other penalties established under law for similar offenses involving the improper sale of toxic substances and the improper sale of products containing toxic substances.

#### FISCAL IMPACT:

The bill is not certified as requiring a fiscal note.



ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**SENATE, No. 1341**

**STATE OF NEW JERSEY**

DATED: OCTOBER 9, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably Senate Bill No. 1341.

This bill would establish a civil penalty applicable to any person who fails to include a bittering agent in antifreeze sold in the State. Although the law currently requires the use of a bittering agent in antifreeze products sold in New Jersey, it does not provide a penalty for persons who do not comply with this requirement. The bill would fill this gap in the law by providing, in particular, that any person who fails to include a bittering agent in antifreeze would be subject to a civil penalty of \$500 for the first offense and \$1,000 for the second or subsequent offense. The bill would further provide that when a violation is of a continuing nature, each day during which it continues would constitute an additional, separate and distinct offense.

The penalty established by the bill would be collectable in a civil action by summary proceeding under the "Penalty Enforcement Law of 1999." The bill would also authorize the Department of Environmental Protection to institute a summary civil action for injunctive relief, as necessary to enforce, and prohibit and prevent a violation of, the antifreeze law.

The penalty proposed to be established by the bill is consistent with other penalties established under law for similar offenses involving the improper sale of toxic substances and the improper sale of products containing toxic substances.

As reported by the committee, this bill is identical to Assembly Bill No. 2961 as also reported by the committee.

STATEMENT TO

**SENATE, No. 1341**

with Assembly Floor Amendments  
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: DECEMBER 18, 2014

These floor amendments remove an increased penalty for second and subsequent offenses, establish a civil fine of up to \$500 for any violation, and prohibit private causes of action.

# ASSEMBLY, No. 2961

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**SYNOPSIS**

Establishes penalty for failure to include bittering agent in antifreeze.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning the use of bittering agents in antifreeze, and  
2 supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).  
3

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

7 1. a. Any person who violates any provision of section 2 of  
8 P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of  
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10 offense, to be collected in a civil action by summary proceeding  
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
12 (C.2A:58-10 et seq.). The Superior Court and the municipal court  
13 shall have jurisdiction to enforce the provisions of the "Penalty  
14 Enforcement Law of 1999" in connection with this section. If the  
15 violation is of a continuing nature, each day during which it  
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18 b. The Department of Environmental Protection may institute a  
19 civil action for injunctive relief to enforce the provisions of  
20 P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit and prevent a  
21 violation of section 2 of that act, and the court may proceed in the  
22 action in a summary manner.  
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24 2. This act shall take effect immediately.  
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27 STATEMENT  
28

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48 with other penalties established under law for similar offenses

- 1 involving the improper sale of toxic substances and the improper
- 2 sale of products containing toxic substances.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2961**

**STATE OF NEW JERSEY**

DATED: OCTOBER 9, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 2961.

This bill would establish a civil penalty applicable to any person who fails to include a bittering agent in antifreeze sold in the State. Although the law currently requires the use of a bittering agent in antifreeze products sold in New Jersey, it does not provide a penalty for persons who do not comply with this requirement. The bill would fill this gap in the law by providing, in particular, that any person who fails to include a bittering agent in antifreeze would be subject to a civil penalty of \$500 for the first offense and \$1,000 for the second or subsequent offense. The bill would further provide that when a violation is of a continuing nature, each day during which it continues would constitute an additional, separate and distinct offense.

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The penalty proposed to be established by the bill is consistent with other penalties established under law for similar offenses involving the improper sale of toxic substances and the improper sale of products containing toxic substances.

As reported by the committee, this bill is identical to Senate Bill No. 1341 as also reported by the committee.

STATEMENT TO  
**ASSEMBLY, No. 2961**

with Assembly Floor Amendments  
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: DECEMBER 18, 2014

These floor amendments remove an increased penalty for second and subsequent offenses, establish a civil fine of up to \$500 for any violation, and prohibit private causes of action.

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## Governor Christie Takes Action On Pending Legislation

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### BILL SIGNINGS:

**S-1336/A-996 (Van Drew, Scutari/Andrzejczak)** - Requires issuance of construction permits for installation of wheelchair ramps on residential real property within 5 business days of application

**S-1341/A-2961 (Van Drew, Madden/Andrzejczak, Gusciora, Spencer)** - Establishes penalty for failure to include bittering agent in antifreeze

**S-1946/A-3441 (Sacco, Pennacchio/Jimenez, Prieto, Sumter, Pintor Marin)** - Permits school district to request and receive from MVC name and address of student's parent or guardian to verify student's eligibility for enrollment in school district

**A-2327/S-2965 (DeAngelo, Quijano, Wilson, Pinkin/Beach, Doherty)** - Requires Secretary of State create e-mail notification system alerting when US and State flags flown at half-staff

**ACS for A-3502/S-2281 (Russo, Rumana/O'Toole)** - Exempts guide dogs and service dogs temporarily placed in foster homes from dog licensing and registration tag requirements

**A-3851/ SCS for S-2468 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer)** - Imposes contract standards between customers and third-party electric power and gas suppliers

**A-4156/S-2812 (Vainieri Huttie, Lampitt, Lagana, Mukherji, Quijano, Danielsen, Wimberly/Barnes, Cunningham)** - Establishes task force to study issues related to sexual assault on college campuses

**A-4307/S-2919 (McKeon, Quijano, Schaer/Greenstein, Bateman)** - Increases required public notice from 30 days to 60 days for settlements entered into by DEP pursuant to Spill Compensation and Control Act

**A-4413/S-2896 (Eustace, Benson, Webber, Singleton/Scutari, Turner)** - Prohibits awarding of economic development subsidy to business if business is in default on previously awarded subsidy that was loan or loan guarantee

###

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