

34:7-3

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2003 **CHAPTER:** 117

NJSA: 34:7-3 (Establishes certain fees and penalties)

BILL NO: A3719 (Substituted for S2672)

SPONSOR(S): Carabello

DATE INTRODUCED: June 16, 2003

COMMITTEE: **ASSEMBLY:** Budget

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2003

SENATE: June 30, 2003

DATE OF APPROVAL: July 1, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A3719

[SPONSORS STATEMENT:](#) (Begins on page 45 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [6-19-2003](#)
[7-1-2003](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S2672

[SPONSORS STATEMENT:](#) (Begins on page 45 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A3719

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

[SENATE COMMITTEE SUBSTITUTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§9 - C.24:2-9
 §29 - T&E &
 Note to 33:1-10 to
 33:1-14, 33:1-25,
 33:1-72 & 33:1-74
 §39 - C.22A:4-4.2
 §40 - C.22A:4-21
 §43 - C.39:3-19.6

P.L. 2003, CHAPTER 117, *approved July 1, 2003*
 Assembly, No. 3719 (*Third Reprint*)

1 **AN ACT** establishing and increasing certain fees imposed by and on
 2 behalf of the State and providing for the use of certain fees,
 3 amending and supplementing various parts of the statutory law.

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

7
 8 1. R.S.34:7-3 is amended as follows:
 9 34:7-3. Each application for examination and for any license issued
 10 by the bureau shall be accompanied by fees as set forth in this section.
 11 The fees, established hereunder pursuant to the amendatory provisions
 12 of P.L. , c. (pending before the Legislature as this bill) shall be
 13 in effect for State fiscal years 2003-04 and 2004-05. Thereafter, such
 14 fees may be adjusted by the Commissioner of Labor in accordance
 15 with fee schedules adopted by regulation. Such fees shall be made
 16 payable to the Commissioner of Labor. There shall be no other charge
 17 for the initial examination or for one re-examination taken within six
 18 months of the original examination. Failure to appear for examination
 19 or to obtain a passing grade shall not entitle the applicant to a refund
 20 of any fee.

21

22	Original application.....	[\$25]	<u>\$50</u>
23	Raise of grade or additional		
24	classification application.....	[\$20]	<u>\$40</u>
25	Additional examinations, in excess of		
26	2, on any application.....	[\$10]	<u>\$20</u>
27	Annual license renewal if requested no		
28	later than expiration date.....	[\$10]	<u>\$20</u>
29	License renewal for 3 years if requested		
30	no later than expiration date.....	[\$20]	<u>\$40</u>
31	Application for renewal, if made not more		
32	than 3 years after expiration and if all		
33	penalties lawfully imposed upon the applicant		

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:

¹ Assembly ABU committee amendments adopted June 19, 2003.

² Assembly floor amendments adopted June 23, 2003.

³ Assembly ABU committee amendments adopted June 30, 2003.

1 by the Mechanical Inspection Bureau have
 2 been paid 1 year..... ~~[\$15]~~ \$30
 3 3 years..... ~~[\$30]~~ \$60
 4

5 Upon failure to so renew a license for a period of 3 years and 1 day
 6 after expiration date all records pertaining to such license may be
 7 destroyed pursuant to the “Destruction of Public Records Law
 8 (1953),” P.L.1953, c.410 (C.47:3-15 et seq.) and any application for
 9 renewal of the license will be treated as an original application for
 10 examination. All fees collected under this article shall be applied
 11 toward enforcement and administration costs of the Division of
 12 Workplace Standards in the Department of Labor.

13 Any license may be revoked or suspended by the commissioner
 14 upon receiving evidence of incompetence, negligence, intoxication
 15 while on duty or other reason establishing that the licensee is unfit to
 16 hold a license, after notice is given to the licensee and a hearing
 17 afforded him before one or more members of the examining board.
 18 In case revocation or suspension is recommended by the member of
 19 members conducting the years, it shall not be acted upon by the
 20 commissioner until at least 15 days notice of the recommendation shall
 21 be given to the licensee and an opportunity afforded him within that
 22 time period to ask for a rehearing before the commissioner. After
 23 rehearing, if requested, the commissioner may affirm, modify or
 24 dismiss such recommendation. Pending a hearing or rehearing as
 25 provided in this paragraph, the commissioner may authorize the
 26 suspension of a license in the interest of health and safety.

27 (cf: P.L.1991, c.205, s.7)

28

29 2. R.S.34:7-6 is amended as follows:

30 34:7-6. Any person who shall violate any of the provisions of this
 31 article shall be liable to a penalty of not less than ~~[\$50]~~ \$500 nor more
 32 than ~~[\$500]~~ \$5,000 per day for each violation, to be collected by suit
 33 or compromise. An officer of a corporation violating any of the
 34 provisions of this article shall be personally liable, for the violation by
 35 such corporation. Any manager, superintendent or other person in
 36 charge of any building or other places in which this article is violated
 37 shall be liable for such violation. Any sum collected as a penalty
 38 pursuant to this section shall be applied toward enforcement and
 39 administration costs of the Division of Workplace Standards in the
 40 Department of Labor.

41 (cf: P.L.1991, c.205, s.8)

42

43 3. R.S.34:7-14 is amended as follows:

44 34:7-14. a. All steam or hot water boilers or similar equipment
 45 potentially capable of generating steam, except steam boilers having
 46 adequate relief devices set to discharge at a pressure not greater than

1 15 pounds per square inch, gage, or hot water boilers having adequate
2 relief devices set to discharge at a pressure not greater than 160
3 pounds per square inch, gage, and which hot water boilers are reliably
4 limited to temperatures not exceeding 250 degrees Fahrenheit, when
5 such steam or hot water boilers serve dwellings of less than six-family
6 units or other dwellings with accommodations for less than 25
7 persons, shall be inspected and be subject to a hydrostatic test, if
8 necessary, at least once in each year, at 12-month intervals, by an
9 inspector of the Division of Workplace Standards, excepting, however,
10 such as may be insured after having been regularly inspected in
11 accordance with the terms of this article by insurance companies,
12 whose inspectors shall have satisfactorily passed an examination or
13 received certificates of competency approved by the commissioner.
14 Such inspection shall be as completely internal and external as
15 construction permits, except that in the case of a steam or hot water
16 boiler or similar equipment, the operation of which is an integral part
17 of or necessary to a continuous processing operation, internal
18 inspections may, at the discretion of the commissioner, be performed
19 at intervals in excess of 12 months as permitted by the shutting down
20 of the processing operation. The inspection of any equipment
21 described in this chapter by a certified inspector of an insurance
22 company shall be acceptable in lieu of State inspection. This article
23 shall not apply to any boiler having less than 10 square feet of heating
24 surface or a heat input of less than 10 kilowatts or 40,000 British
25 Thermal Units per hour or to equipment under the jurisdiction and
26 control of the United States Government, the inspection of which is
27 actively regulated by a federal agency, or to equipment used solely for
28 the propulsion of motor vehicles regulated by Title 39 of the Revised
29 Statutes.

30 b. All other pressure vessels may be inspected and be subject to
31 test after installation and periodically at such intervals as the
32 commissioner may by rule establish. Inspection and test shall be
33 performed by an inspector of the Division of Workplace Standards
34 excepting, however, such as may be insured after having been regularly
35 inspected in accordance with the terms of this article, by insurance
36 companies, whose inspectors shall have satisfactorily passed an
37 examination or received certificates of competency approved by the
38 commissioner, or such as may be regularly inspected by a certified
39 user-inspector of a registered inspection agency approved by the
40 commissioner. Such user-inspection shall have passed an examination
41 or received a certificate of competency from the commissioner, and the
42 inspection shall be conducted in such manner as the commissioner may
43 by rule provide. The inspection of any equipment described in this
44 subsection by a certified inspector of an insurance company or a
45 certified user-inspector of a registered inspection agency shall be
46 acceptable in lieu of State inspection where such inspections are

1 recorded with the Division of Workplace Standards accompanied by
 2 fees in accordance with the following schedule; the fees established
 3 hereunder pursuant to the amendatory provisions of P.L. _____, c.
 4 (pending before the Legislature as this bill) shall be in effect for State
 5 fiscal years 2003-04 and 2004-05, after which such fees may be
 6 adjusted by the Commissioner of Labor in accordance with fee
 7 schedules adopted by regulation: one to 25 vessels,[\$5.00] \$15.00
 8 each; 26 to 100 vessels,[\$2.50] \$7.50 each; 101 to 500 vessels,
 9 [\$2.00] \$6.00 each; and over 500 vessels,[\$1.50] \$4.50 each. These
 10 fees are to be collected from the owner or user but payable by the
 11 inspection agency to the Department of Labor.

12 This subsection shall not apply to any pressure vessels:

13 (1) Subject to internal or external pressure not exceeding 15 psig;
 14 or

15 (2) Having inside diameter not exceeding 6 inches; or

16 (3) Used for water storage purposes serving dwellings of less than
 17 six-family units or other dwellings with accommodations for less than
 18 25 persons, when none of the following limitations is exceeded:

19 (a) 200 degrees Fahrenheit

20 (b) 120 gallons water containing capacity

21 (c) 160 psig; or

22 (4) Under the jurisdiction and control of the United States

23 Government, the inspection of which is actively regulated by a Federal
 24 agency; or to equipment used solely for the propulsion of motor
 25 vehicles regulated by Title 39 of the Revised Statutes.

26 (cf: P.L.1985, c.109, s.1)

27

28 4. R.S.34:7-15 is amended as follows:

29 34:7-15. a. For each internal and external inspection of vessels
 30 specified in subsection a. of N.J.S.A.34:7-14, which shall include
 31 hydrostatic test if found necessary, the owner, lessee or operator of
 32 the vessel shall pay to the Department of Labor a fee of ~~[\$25]~~ \$40 for
 33 vessels having 10 and not over 60 square feet of heating surface, ~~[\$35]~~
 34 \$55 for vessels over 60 and not over 1,000 square feet of heating
 35 surface and ~~[\$50]~~ \$75 for vessels over 1,000 square feet of heating
 36 surface; plus the actual travel expenses of the inspector. The fees
 37 established under this subsection pursuant to the amendatory
 38 provisions of P.L. _____, c. _____ (pending before the Legislature as this
 39 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
 40 thereafter may be adjusted by the Commissioner of Labor in
 41 accordance with fee schedules adopted by regulation.

42 b. For each inspection of vessels specified in subsection b. of
 43 R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to
 44 the Department of Labor ~~the actual travel expenses of the inspector~~
 45 ~~and]~~ a fee of ~~[\$5.00]~~ \$10.00 for vessels not over 30 square feet size,

1 ~~[\$10.00]~~ \$20.00 for vessels over 30 but not over 60 square feet size,
 2 ~~[\$15.00]~~ \$30.00 for vessels over 60 but not over 100 square feet size,
 3 ~~[\$20.00]~~ \$40.00 for vessels over 100 square feet. In determining size
 4 rating, the extreme diameter multiplied by the vessel length, or
 5 equivalent dimensions, shall be used. The fees established under this
 6 subsection pursuant to the amendatory provisions of P.L. _____, c. _____
 7 (pending before the Legislature as this bill) shall be in effect for State
 8 fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by
 9 the Commissioner of Labor in accordance with fee schedules adopted
 10 by regulation.

11 c. The Division of Workplace Standards shall maintain an
 12 inspection service for the purpose of providing shop inspection of
 13 those vessels regulated by Chapter 7 of Title 34 of the Revised
 14 Statutes, which are under construction or new, or which are to be used
 15 for a purpose other than that for which originally approved, or which
 16 have never been subject to a previous inspection in New Jersey. This
 17 service shall be provided for New Jersey builders, owners or users of
 18 such vessels upon their request only. The fees for this service[,
 19 exclusive of the actual travel expenses of the inspector, which also
 20 shall be paid,] shall be set by the commissioner and shall be: (1) not
 21 more than ~~[\$25.00]~~ \$50.00 for each vessel inspected, provided that he
 22 may establish a charge for each visit, for the purpose of inspection, of
 23 not less than ~~[\$50.00]~~ \$100.00 nor more than \$300; (2) for
 24 construction review of vessel not designed in accordance with
 25 standards set by the Board of Boiler, Pressure Vessel and
 26 Refrigeration Rules, not less than \$500 nor more than \$1,500. The
 27 fees established under this subsection pursuant to the amendatory
 28 provisions of P.L. _____, c. _____ (pending before the Legislature as this bill)
 29 shall be in effect for State fiscal years 2003-04 and 2004-05 and
 30 thereafter may be adjusted by the Commissioner of Labor in
 31 accordance with fee schedules adopted by regulation.

32 (cf: P.L.1991, c.205, s.9)

33

34 5. R.S.34:7-16 is amended as follows:

35 34:7-16. In addition to the annual internal and external inspection,
 36 there may be an external inspection if found necessary of each vessel
 37 specified in subsection a. of R.S.34:7-14, which shall be made as
 38 nearly as may be at the expiration of 6 months from each annual
 39 inspection and for which the owner, lessee or operator shall pay to the
 40 ~~[inspector]~~ Department of Labor a fee of ~~[\$25]~~ \$50 [, in addition to
 41 the actual cost of travel incurred by the inspector in going to and
 42 returning from the place of inspection]. The fees established hereunder
 43 pursuant to the amendatory provisions of P.L. _____, c. _____ (pending
 44 before the Legislature as the bill) shall be in effect for State fiscal years
 45 2003-04 and 2004-05 ³[shall be in effect for two full fiscal years

1 following enactment of this amendment]³ and thereafter may be
2 adjusted by the Commissioner of Labor in accordance with fee
3 schedules adopted by regulation. Each vessel insured by an insurance
4 company may also be given an external inspection by a certified
5 inspector.

6 (cf: P.L.1991, c.205, s.10)

7

8 6. R.S.34:7-19 is amended as follows:

9 34:7-19. An insurance company making an inspection of any vessel
10 specified in R.S. 34:7-14 shall make a report of such inspection to the
11 commissioner in such manner and at such intervals as he may by rules
12 provide, and shall pay the commissioner a fee of [not less than \$2.00
13 nor more than \$10] \$20 [as set by the commissioner,]. The fee
14 established hereunder pursuant to the amendatory provisions of
15 P.L. ., c. (pending before the Legislature as this bill) shall be in
16 effect for State fiscal years 2003-04 and 2004-05, and thereafter may
17 be adjusted by the Commissioner of Labor in accordance with fee
18 schedules adopted by regulation.

19 The fees shall be payable by and collected from the owner, lessee
20 or operator by the insurer or inspector at the time of inspection for
21 each boiler insured within the State. It is further provided that payment
22 of these fees may be made by the insurer through other methods when
23 required or allowed by the commissioner, as provided in R.S.34:7-18.

24 (cf: P.L.1991, c.205, s.11)

25

26 7. R.S.34:7-25 is amended as follows:

27 34:7-25. All refrigeration systems using flammable or toxic
28 refrigerants of over three tons of refrigerating capacity or requiring
29 over six driving horsepower, and all refrigeration systems using
30 nonflammable and nontoxic refrigerants of over 18 tons of
31 refrigerating capacity or requiring over 36 driving horsepower, having
32 relief devices set over 15 pounds per square inch gage and used in a
33 plant of any size or storage capacity, shall be inspected annually by an
34 inspector of the Mechanical Inspection Bureau or of an insurance
35 company, as provided in subsection a. of R.S.4:7-14; and the owner,
36 lessee or operator shall comply with the recommendations of the
37 inspector in conformity with the rules and regulations adopted by the
38 Board of Boiler, Pressure Vessel and Refrigeration Rules of the
39 Mechanical Inspection Bureau and approved by the commissioner.

40 The fees for such inspection by an inspector of the Mechanical
41 Inspection Bureau shall be as follows:

42 a. Refrigeration systems of 25 tons and over, but less than 300 tons
43 of refrigerating capacity, the sum of[~~\$50~~] \$75 for each inspection[,
44 plus the actual travel expense of the inspector];

45 b. Refrigeration systems under 25 tons and over 3 tons of
46 refrigerating capacity, the sum of[~~\$35~~] \$50 for each inspection[, plus

1 the actual travel expense of the inspector];

2 c. Refrigeration systems of 300 tons or over of refrigerating
3 capacity, the sum of[~~\$70~~] \$100 for each inspection[, plus the actual
4 travel expense of the inspector].

5 [The fees and travel expenses shall be paid to the inspector, at the
6 time of inspection, by the owner, lessee or operator of the refrigeration
7 system.] The fees established hereinabove pursuant to the amendatory
8 provisions of P.L. , c. (pending before the Legislature as this bill)
9 shall be in effect for State fiscal years 2003-04 and 2004-05, and
10 thereafter may be adjusted by the Commissioner of Labor in
11 accordance with fee schedules adopted by regulation.

12 The annual inspection and inspection reports of refrigeration
13 systems by insurance companies licensed to do business within this
14 State and otherwise complying with this chapter shall be accepted in
15 lieu of other inspections. Each insurance company shall file with the
16 commissioner a report of each inspection and shall pay to him a fee of
17 [~~\$10~~] \$20 for each annual refrigeration system inspection, to be
18 collected by the insurer from the owner or lessee of the plant
19 inspected. Such fee as established pursuant to the amendatory
20 provisions of P.L. , c. (pending before the Legislature as this bill)
21 shall be in effect for State fiscal years 2003-04 and 2004-05, and
22 thereafter may be adjusted by the Commissioner of Labor in
23 accordance with fee schedules adopted by regulation. After the
24 owner, lessee or operator has complied with the rules or regulations,
25 a certificate shall be issued by the Mechanical Inspection Bureau,
26 which certificate shall be valid for one year and be the authority for the
27 operation of the refrigeration system during such time. Upon
28 expiration, the certificate shall be renewed by the Mechanical
29 Inspection Bureau if the refrigeration system is found to be in proper
30 condition for operation within the prescribed rules of the Mechanical
31 Inspection Bureau. All fees collected under chapter 7 of Title 34 of the
32 Revised Statutes shall be applied toward enforcement and
33 administration costs of the Division of Workplace Standards in the
34 Department of Labor.

35 (cf: P.L.1991, c.205, s.12)

36

37 8. R.S.34:7-26 is amended as follows:

38 34:7-26. Any owner, lessee, seller or operator of any steam or hot
39 water boiler or similar equipment specified in R.S.34:7-14, pressure
40 vessel or refrigeration system who shall sell, use, cause or allow to be
41 used such steam or hot water boiler or similar equipment specified in
42 R.S.34:7-14, pressure vessel or refrigeration system in violation of any
43 provision of this article shall be liable to a penalty of not less than
44 \$500.00 nor more than[~~\$1,000.00~~] \$10,000.00 for each first offense
45 and not less than \$500.00 nor more than[~~\$2,500.00~~] \$25,000.00 for
46 each subsequent offense, to be collected by a civil action or, in the

1 commissioner's discretion, to be imposed by the commissioner as a
2 compromise. All civil actions shall be brought by the Department of
3 Labor as plaintiff, and may be brought in the Special Civil Part, Law
4 Division of the Superior Court of the county, or municipal court of the
5 municipality, wherein such violation shall occur. Any sum collected as
6 a penalty pursuant to this section shall be applied toward enforcement
7 and administration costs of the Division of Workplace Standards in the
8 Department of Labor.

9 (cf: P.L.1991, c.205, s.13)

10

11 9. (New section) The Department of Health and Senior Services
12 may, pursuant to regulation adopted in accordance with the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.), establish and charge reasonable fees not to exceed \$100 to cover
15 administrative costs associated with the issuance of a "Certificate of
16 Free Sale." For the purpose of this act, a "Certificate of Free Sale" is
17 defined as a certificate completed and issued by the department
18 attesting that a specific food, drug, cosmetic, or medical device
19 product regulated under Title 24 of the Revised Statutes, as amended
20 and supplemented, and manufactured, distributed, and offered for sale
21 in this State is labeled in conformance with the applicable food, drug,
22 cosmetic, or medical device laws and rules of this State and further
23 attests to the results of the most recently conducted sanitary inspection
24 of the manufacturer or distributor of the subject product.

25 Further, the Department of Health and Senior Services may,
26 pursuant to regulation adopted in accordance with the "Administrative
27 Procedure Act," establish and charge reasonable fees not to exceed
28 \$100 to cover administrative costs associated with the issuance of
29 other certifications or affidavits related to matters regulated by the
30 department under Title 24 of the Revised Statutes, as amended and
31 supplemented.

32

33 10. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended as
34 follows:

35 10. Application for a certificate of need shall be made to the
36 department, and shall be in such form and contain such information as
37 the department may prescribe. The department shall charge a
38 nonreturnable fee for the filing of an application for a certificate of
39 need. The minimum fee for the filing of an application shall be
40 ~~[\$5,000]~~ \$7,500. For a project whose total cost is greater than \$1
41 million, the fee shall be ~~[\$5,000]~~ \$7,500 plus ~~[0.15%]~~ 0.25% of the
42 total project cost. Upon determination that an application is complete,
43 copies thereof shall be referred by the department to the State Health
44 Planning Board for review, when applicable.

45 The board shall provide adequate mechanisms for full consideration
46 of each application submitted to the board and for developing

1 recommendations thereon. Such recommendations, whether favorable
2 or unfavorable, shall be forwarded to the commissioner within 90 days
3 of the date of referral of the application. A copy of the
4 recommendations made shall be forwarded to the applicant.

5 Recommendations concerning certificates of need shall be governed
6 and based upon the principles and considerations set forth in section
7 8 of P.L.1971, c.136 (C:26:2H-8).

8 No member, officer or employee of the State Health Planning Board
9 shall be subject to civil action in any court as the result of any act done
10 or failure to act, or of any statement made or opinion given, while
11 discharging his duties under this act as such member, officer, or
12 employee, provided he acted in good faith with reasonable care and
13 upon proper cause.

14 (cf: P.L.1998, c.43, s.10)

15

16 11. Section 3 of P.L.1997 c.399 (C.52:34-9.3) is amended to read
17 as follows:

18 3. A professional firm which wishes to be considered qualified to
19 provide professional architectural, engineering, or land surveying
20 services to an agency seeking to negotiate a contract or agreement for
21 the performance of such services shall file or shall have filed with the
22 agency a current statement of qualifications and supporting data. Such
23 a statement may be filed at any time during a calendar year, and a \$100
24 fee shall be remitted to the State Treasurer by the professional firm at
25 the time each statement is filed. The content of any such statement
26 shall conform to such regulations with respect thereto as the State
27 Treasurer, in accordance with the "Administrative Procedure Act,"
28 P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate. For the
29 purposes of this section and section 5 of this act, no statement which
30 shall have been filed more than two years prior to the publication of an
31 advertisement pursuant to the provisions of section 4 of this act shall
32 be deemed to be a current statement with respect to qualification of
33 the firm which shall have filed the statement to provide professional
34 architectural, engineering, or land surveying services under any
35 contract or agreement of which notice is given through that
36 advertisement.

37 A statement of qualifications and supporting data filed with an
38 agency under this section shall be a public record for all purposes of
39 P.L.1963, c.73 (C.47:1A-1 et seq.).

40 The fee prescribed hereunder shall not apply to any statements filed
41 before the effective date of P.L. _____, c. _____ (pending before the
42 Legislature as this bill).

43 (cf: P.L.1997, c.399, s.3)

44

45 12. R.S.52:35-2 is amended to read as follows:

46 52:35-2. Officials of the state shall require of all persons proposing

1 to submit bids on public work to be furnished for or on behalf of the
2 state or any officer, board, commission, committee, department or
3 other branch of the state government, a statement under oath in
4 response to a questionnaire, standardized for like classes of work, to
5 be submitted to such persons by such state official. The statement
6 shall develop fully the financial ability, adequacy of plant and
7 equipment, organization and prior experience of the prospective
8 bidder, and also such other pertinent and material facts as may seem
9 desirable. All persons shall remit a \$100 fee to the State Treasurer at
10 the time each statement is filed. The fee shall not apply to any
11 statements filed before the effective date of P.L. , c. (pending
12 before the Legislature as this bill).

13 (cf: R.S.52:35-2)

14

15 13. R.S.52:35-8 is amended to read as follows:

16 52:35-8. No person shall be qualified to bid on any contract, who
17 shall not have submitted a statement as required by R.S.52:35-2 within
18 a period of [18] 24 months preceding the date of opening of bids for
19 such contract.

20 (cf: P.L.1999, c.197 s.1)

21

22 14. Section 3 of P.L.1966, c.185 (C.27:7-35.3) is amended to read
23 as follows:

24 3. Any person desiring such classification shall file with the
25 department a statement under oath in response to a questionnaire,
26 prepared and standardized for like classes of work, by the department.
27 The statement shall develop fully the financial ability, adequacy of
28 plant and equipment, organization and prior experience of the
29 prospective bidder, and also such other pertinent and material facts as
30 may be deemed desirable. All persons shall remit a \$100 fee to the
31 Department of the Treasury at the time each statement is filed. The fee
32 shall be deposited in the general fund. The fee shall not apply to any
33 statements filed before the effective date of P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 (cf: P.L 1966, c.185, s.3)

36

37 15. N.J.S.17B:23-5 is amended to read as follows:

38 17B:23-5. a. When by or pursuant to the laws of any other state
39 or a province of Canada any taxes, licenses and other fees, in the
40 aggregate, and any fines, penalties, deposit requirements or other
41 obligations, prohibitions or restrictions are or would be imposed upon
42 New Jersey insurers, or upon the agents or representatives of such
43 insurers, which are in excess of such taxes, licenses and other fees, in
44 the aggregate, or which are in excess of the fines, penalties, deposit
45 requirements or other obligations, prohibitions, or restrictions directly
46 imposed upon similar insurers, or upon the agents or representatives

1 of such insurers of such other State or province under the statutes of
2 this State, so long as such laws of such other State or province
3 continue in force or are so applied, the same taxes, licenses and other
4 fees, in the aggregate, or fines, penalties or deposit requirements or
5 other obligations, prohibitions, or restrictions of whatever kind shall
6 be imposed by the commissioner upon the insurers or upon the agents
7 or representatives of such insurers, of such other State of province
8 doing business in New Jersey. Any tax, license or other fee or other
9 obligation imposed by any city, county, or other political subdivision
10 or agency of such other State or province on New Jersey insurers or
11 their agents or representatives shall be deemed to be imposed by such
12 State or province within the meaning of this section and the
13 commissioner may compute the burden of any such taxes on an
14 aggregate basis as an addition to the rate of tax payable by similar
15 New Jersey insurers in such State or province. The addition to the
16 rate of tax payable by similar New Jersey insurers shall be determined
17 by dividing (1) the aggregate of the tax obligations paid to such city,
18 county or other political subdivisions of such State or province by
19 such New Jersey insurers, by (2) the aggregate of the taxable
20 premiums of such insurers under the premium taxing statute of such
21 State or province. The commissioner may issue regulations to carry
22 out the purpose of this section that may include identification of any
23 specific obligation imposed any other state or province, in order to
24 ensure the ability of this State to calculate and collect all appropriate
25 fees.

26 b. This section shall not apply to personal income taxes, nor as to
27 ad valorem taxes on real or personal property nor as to special
28 purpose obligations or assessments imposed [by another State or
29 province] in connection with particular kinds of insurance; except that
30 deductions, from premium taxes otherwise payable, allowed on
31 account of real estate or personal property taxes shall be taken into
32 consideration by the commissioner in determining the propriety and
33 extent of retaliatory action under this section.

34 c. For the purposes of this section the domicile of an alien insurer,
35 other than insurers formed under the laws of Canada or a province
36 thereof, shall be that State designated by the insurer in writing filed
37 with the commissioner at time of admission to this State or within 6
38 months after the effective date of this code, whichever date is the later,
39 and may be any one of the following States:

40 (1) That in which the insurer was first authorized to transact
41 insurance;

42 (2) That in which is located the insurer's principal place of business
43 in the United States;

44 (3) That in which is held the larger deposit of trust assets of the
45 insurer for the protection of its policyholders and creditors in the
46 United States;

1 If the insurer makes no such designation its domicile shall be
2 deemed to be that State in which is located its principal place of
3 business in the United States. In the case of an insurer formed under
4 the laws of Canada or a province thereof, its domicile shall be deemed
5 to be that province in which its head office is situated.

6 (cf:P.L.1971, c.144, s.17B:23-5)

7

8 16. Section 2 of P.L.1971, c.158 (C.24:15-14) is amended to read
9 as follows:

10 2. Where no other fee is provided by law or regulation, the
11 commissioner may in accordance with a fee schedule adopted by
12 ~~him~~ the department as a rule or regulation establish and charge
13 reasonable fees for any service performed in the licensing and
14 inspection of any premises coming within the provisions of this
15 chapter. The fees charged as provided for by this section shall be no
16 more than ~~[\$500.00]~~ \$1,000 based on criteria set forth in the rule or
17 regulation.

18 (cf: P.L.1983, c.275, s.11)

19

20 17. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read
21 as follows:

22 2. a. The Superintendent of State Police, with the approval of the
23 Attorney General, shall, pursuant to the "Administrative Procedure
24 Act," P.L.1968, c 410 (C.52:14B-1 et seq.), adopt rules and
25 regulations authorizing the dissemination, by the State Bureau of
26 Identification, of criminal history record background information
27 requested by State, county and local government agencies, including
28 the Division of State Police, in noncriminal matters, or requested by
29 individuals, nongovernmental entities or other governmental entities
30 whose access to such criminal history record background information
31 is not prohibited by law. A fee not to exceed~~[\$25]~~ \$30 shall be
32 imposed for processing fingerprint identification checks; a fee not to
33 exceed~~[\$15]~~ \$18 shall be imposed for processing criminal history
34 name search identification checks. These fees shall be in addition to
35 any other fees required by law. In addition to any fee specified herein,
36 a nonrefundable fee, the amount of which shall be determined by the
37 Superintendent of State Police, with the approval of the Attorney
38 General, shall be collected to cover the cost of securing and processing
39 a federal criminal records check for each applicant.

40 b. State, county and local government agencies, including the
41 Division of State Police, and nongovernmental entities are authorized
42 to impose and collect the processing fee established pursuant to
43 subsection a. of this section from the person for whom the criminal
44 history record background check is being processed or from the party
45 requesting the criminal history record background check. The
46 Superintendent of State Police shall provide this processing service

1 without the collection of fees from the applicants in processing
2 background checks of prospective foster parents or members of their
3 immediate families. In such cases, the Department of Human Services
4 shall be responsible for paying the fees imposed pursuant to subsection
5 a. of this section. Nothing in this section shall prohibit the
6 Superintendent of State Police, with the approval of the Attorney
7 General, from providing this processing service without the collection
8 of fees from the applicant in other circumstances which in his sole
9 discretion he deems appropriate, if the applicants would not receive a
10 wage or salary for the time and services they provide to an
11 organization or who are considered volunteers. In those circumstances
12 where the Superintendent of State Police, with the approval of the
13 Attorney General, determines to provide this processing service
14 without the collection of fees to the individual applicants, the
15 superintendent may assess the fees for providing this service on behalf
16 of the applicants to any department of State, county or municipal
17 government which is responsible for operating or overseeing that
18 volunteer program. The agencies shall transfer all moneys collected for
19 the processing fee to the Division of State Police.

20 (cf: P.L.1994, c.60, s.4)

21

22 18. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to
23 read as follows:

24 14. Any person, firm, partnership, corporation or association who
25 shall operate or conduct a health care facility without first obtaining
26 the license required by this act, or who shall operate such health care
27 facility after revocation or suspension of license, shall be liable to a
28 penalty of not more than ~~[\$1,000]~~ \$2,500 as provided for by
29 regulation for each day of operation in violation hereof for the first
30 offense and \$5,000 for any subsequent offense. Any person, firm,
31 partnership, corporation or association who violates any rule or
32 regulation adopted in accordance with this act as the same pertains to
33 the care of patients and physical plant standards shall be subject to a
34 penalty of not more than ~~[\$2,500]~~ \$5,000 as provided for by
35 regulation for each day that he is in violation of such rule or
36 regulation. Upon notification to the facility of such violations as
37 pertain to the care of patients or to the hazardous or unsafe condition
38 existing in or upon the structure in which the licensed facility is
39 maintained, the commissioner shall allow the facility 72 hours in which
40 to correct any such violation and if at the end of such period the
41 violation is not corrected and it poses an imminent threat to the health,
42 safety or welfare of the public or the residents of the facility, he may,
43 in his discretion, summarily suspend the license of the facility without
44 a hearing and may order immediate correction of such violation as a
45 prerequisite of reinstatement of licensure. If a licensee that is subject
46 to summary suspension shall deny that a violation exists or has

1 occurred, he shall be have the right to apply to the commissioner for
2 a hearing. Such hearing shall be held and a decision rendered within
3 48 hours of receipt of said request. If the commissioner shall rule
4 against the licensee, the licensee shall have the right to apply for
5 injunctive relief against the commissioner's order. Jurisdiction of such
6 injunctive relief shall be in the Superior Court of New Jersey. Nothing
7 herein shall be construed to prevent the commissioner from thereafter
8 suspending or revoking the license in accordance with the procedure
9 set forth in section 13. If, within one year after such violation such
10 person, firm, partnership, corporation or association is found guilty of
11 the same violation such penalties as hereinbefore set forth shall be
12 doubled, and if there be a third violation within such time, such
13 penalties shall be tripled. In addition thereto the department may, in
14 its discretion, suspend the license for such time as it may deem proper
15 or revoke said license.

16 Any person, firm, partnership, corporation or association who
17 shall, except in cases of an emergency, maintain more patients in his
18 premises than he is licensed so to do, shall be subject to a penalty, in
19 accordance with the procedure set forth in section 13, in an amount
20 equal to the daily charge collected from such patient or patients plus
21 \$25.00 for each day each extra patient is so maintained.

22 (cf: P.L.1998, c.43, s.14)

23

24 19. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to
25 read as follows:

26 26. a. There is established in the Department of the Treasury a
27 nonlapsing, revolving fund to be known as the "Worker and
28 Community Right To Know Fund." The "Worker and Community
29 Right To Know Fund" shall be credited with all fees collected pursuant
30 to paragraph (1) of subsection b. of this section and interest on
31 moneys in the "Worker and Community Right To Know Fund" shall
32 be credited to the "Worker and Community Right To Know Fund" and
33 all moneys in the "Worker and Community Right To Know Fund" are
34 appropriated for the purposes of the "Worker and Community Right
35 To Know Fund", and no moneys shall be expended for those purposes
36 without the specific appropriation thereof by the Legislature. The
37 State Treasurer shall be the administrator of the "Worker and
38 Community Right To Know Fund", and all disbursements from the
39 "Worker and Community Right To Know Fund" shall be made by the
40 State Treasurer upon the warrant of the Director of the Division of
41 Budget and Accounting.

42 b. The Department of Labor shall annually assess each employer
43 a fee of not less than ~~[\$50.00]~~ \$75.00 nor more than an amount equal
44 to ~~[\$2.00]~~ \$4.00 per employee to provide for the implementation of
45 the provisions of this act. All fees collected by the department
46 pursuant to this paragraph shall be deposited in the "Worker and

1 Community Right To Know Fund”.

2 (cf: P.L.1991, c.235, s.20)

3

4 20. R.S.43:21-14 is amended to read as follows:

5 43:21-14. (a)(1) In addition to such reports as may be required
6 under the provisions of subsection (g) of R.S.43:21-11, every
7 employer shall file with the controller periodical contribution reports
8 on such forms and at such times as the controller shall prescribe, to
9 disclose the employer's liability for contributions under the provisions
10 of this chapter (R.S.43:21-1 et seq.), and at the time of filing each
11 contribution report shall pay the contributions required by this chapter
12 (R.S.43:21-1 et seq.), for the period covered by such report. The
13 controller may require that such reports shall be under oath of the
14 employer. Any employer who shall fail to file any report, required by
15 the controller, on or before the last day for the filing thereof shall pay
16 a penalty of [~~\$5.00~~] \$10.00 for each day of delinquency until and
17 including the fifth day following such last day and for any period of
18 delinquency after such fifth day, a penalty of ²[~~\$5.00~~] \$10.00² a day
19 or [~~20%~~] 25% of the amount of the contributions due and payable by
20 the employer for the period covered by the report, whichever is the
21 lesser; if there be no liability for contributions for the period covered
22 by any contribution report or in the case of any report other than a
23 contribution report, the employer or employing unit shall pay a penalty
24 of [~~\$5.00~~] \$10.00 a day for each day of delinquency in filing or
25 [~~\$25.00~~] \$50.00, whichever is the lesser; provided, however, that
26 when it is shown to the satisfaction of the controller that the failure to
27 file any such report was not the result of fraud or an intentional
28 disregard of this chapter (R.S.43:21-1 et seq.), or the regulations
29 promulgated hereunder, the controller, in his discretion, may remit or
30 abate any unpaid penalties heretofore or hereafter imposed under this
31 section. On or before October 1 of each year, the controller shall
32 submit to the Commissioner of Labor a report covering the 12-month
33 period ending on the preceding June 30, and showing the names and
34 addresses of all employers for whom the controller remitted or abated
35 any penalties, or ratified any remission or abatement of penalties, and
36 the amount of such penalties with respect to each employer. Any
37 employer who shall fail to pay the contributions due for any period, on
38 or before the date they are required by the controller to be paid, shall
39 pay interest on the amount thereof from such date until the date of
40 payment thereof, at the rate of 1% a month through June 30, 1981 and
41 at the rate of 1 1/4% a month after June 30, 1981. Upon the written
42 request of any employer or employing unit, filed with the controller on
43 or before the due date of any report or contribution payment, the
44 controller, for good cause shown, may grant, in writing, an extension
45 of time for the filing of such report or the paying of such contribution,
46 with interest at the applicable rate; provided no such extension shall

1 exceed 30 days and that no such extension shall postpone payment of
2 any contribution for any period beyond the day preceding the last day
3 for filing tax returns under Title IX of the federal Social Security Act
4 for the year in which said period occurs.

5 (2)(A) For the calendar quarter commencing July 1, 1984 and each
6 successive quarter thereafter, each employer shall file a report with the
7 controller within 30 days after the end of each quarter in a form and
8 manner prescribed by the controller, listing the name, social security
9 number and wages paid to each employee and the number of base
10 weeks (as defined in subsection (t) of R.S.43:21-19) worked by the
11 employee during the calendar quarter. (B) Any employer who fails
12 without reasonable cause to comply with the reporting requirements
13 of this paragraph (2) shall be liable for a penalty in the following
14 amount for each employee with respect to whom the employer is
15 required to file a report but who is not included in the report or for
16 whom the required information is not accurately reported for each
17 employee required to be included, whether or not the employee is
18 included:

19 (i) For the first failure for one quarter in any eight consecutive
20 quarters, \$5.00 for each employee;

21 (ii) For the second failure for any quarter in any eight consecutive
22 quarters, \$10.00 for each employee; and

23 (iii) For the third failure for any quarter in any eight consecutive
24 quarters, and for any failure in any eight consecutive quarters, which
25 failure is subsequent to the third failure, \$25.00 for each employee.

26 (C) Information reported by employers as requested by this
27 paragraph (2) shall be used by the Department of Labor for the
28 purpose of determining eligibility for benefits of individuals in
29 accordance with the provisions of R.S.43:21-1 et seq.
30 Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the
31 Department of Labor is hereby authorized to provide the Department
32 of Human Services and the Higher Education Assistance Authority
33 with information reported by employers as required by this paragraph
34 (2). For each fiscal year, the Director of the Division of Budget and
35 Accounting of the Department of the Treasury shall charge the
36 appropriate account of the Department of Human Services and the
37 Higher Education Assistance Authority in amounts sufficient to
38 reimburse the Department of Labor for the cost of providing
39 information under this subparagraph (C).

40 (D) For the purpose of administering the provisions of this
41 paragraph (2), all appropriations, files, books, papers, records,
42 equipment and other property, and employees currently assigned to the
43 Division of Taxation for the implementation of the "Wage Reporting
44 Act," P.L.1980, c.48 (C.54:1-55 et seq.), shall be transferred to the
45 Department of Labor as of September 1, 1984 in accordance with the
46 provisions of the "State Agency Transfer Act," P.L.1971, c.375

1 (C.52:14D-1 et seq.).

2 (b) The contributions, penalties, and interest due from any
3 employer under the provisions of this chapter (R.S.43:21-1 et seq.),
4 from the time they shall be due, shall be a personal debt of the
5 employer to the State of New Jersey, recoverable in any court of
6 competent jurisdiction in a civil action in the name of the State of New
7 Jersey; provided, however, that except in the event of fraud, no
8 employer shall be liable for contributions or penalties unless
9 contribution reports have been filed or assessments have been made in
10 accordance with subsection (c) or (d) of this section before four years
11 have elapsed from the last day of the calendar year with respect to
12 which any contributions become payable under this chapter
13 (R.S.43:21-1 et seq.), nor shall any employer be required to pay
14 interest on any such contribution unless contribution reports were filed
15 or assessments made within such four-year period; provided further
16 that if such contribution reports were filed or assessments made within
17 the four-year period, no civil action shall be instituted, nor shall any
18 certificate be issued to the Clerk of the Superior Court under
19 subsection (e) of this section, except in the event of fraud, after six
20 years have elapsed from the last day of the calendar year with respect
21 to which any contributions become payable under this chapter
22 (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments
23 received from an employer on account of any debt incurred under the
24 provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the
25 controller on account of the contribution liability of the employer and
26 then to interest and penalties, and any balance remaining shall be
27 recoverable by the controller from the employer. Upon application
28 therefor, the controller shall furnish interested persons and entities
29 certificates of indebtedness covering employers, employing units and
30 others for contributions, penalties and interest, for each of which
31 certificates the controller shall charge and collect a fee of \$2.00 per
32 name; no such certificate to be issued, however, for a fee of less than
33 \$10.00. All fees so collected shall be paid into the unemployment
34 compensation administration fund.

35 (c) If any employer shall fail to make any report as required by the
36 rules and regulations of the division pursuant to the provisions of this
37 chapter (R.S.43:21-1 et seq.), the controller may make an estimate of
38 the liability of such employer from any information it may obtain, and,
39 according to such estimate so made, assess such employer for the
40 contributions, penalties, and interest due the State from him, give
41 notice of such assessment to the employer, and make demand upon
42 him for payment.

43 (d) After a report is filed under the provisions of this chapter
44 (R.S.43:21-1 et seq.) and the rules and regulations thereof, the
45 controller shall cause the report to be examined and shall make such
46 further audit and investigation as it may deem necessary, and if

1 therefrom there shall be determined that there is a deficiency with
2 respect to the payment of the contributions due from such employer,
3 the controller shall assess the additional contributions, penalties, and
4 interest due the State from such employer, give notice of such
5 assessment to the employer, and make demand upon him for payment.

6 (e) As an additional remedy, the controller may issue to the Clerk
7 of the Superior Court of New Jersey a certificate stating the amount
8 of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.)
9 and describing the liability, and thereupon the clerk shall immediately
10 enter upon his record of docketed judgments such certificate or an
11 abstract thereof and duly index the same. Any such certificate or
12 abstract, heretofore or hereafter docketed, from the time of docketing
13 shall have the same force and effect as a judgment obtained in the
14 Superior Court of New Jersey, and the controller shall have all the
15 remedies and may take all the proceedings for the collection thereof
16 which may be had or taken upon the recovery of such a judgment in a
17 civil action upon contract in said court. Such debt, from the time of
18 docketing thereof, shall be a lien on and bind the lands, tenements and
19 hereditaments of the debtor.

20 The Clerk of the Superior Court shall be entitled to receive for
21 docketing such certificate, \$0.50, and for a certified transcript of such
22 docket, \$0.50. If the amount set forth in said certificate as a debt shall
23 be modified or reversed upon review, as hereinafter provided, the
24 Clerk of the Superior Court shall, when an order of modification or
25 reversal is filed, enter in the margin of the docket opposite the entry
26 of the judgment, the word "modified" or "reversed," as the case may
27 be, and the date of such modification or reversal.

28 The employer, or any other party having an interest in the property
29 upon which the debt is a lien, may deposit the amount claimed in the
30 certificate with the Clerk of the Superior Court of New Jersey,
31 together with an additional 10% of the amount thereof, or \$100.00,
32 whichever amount is the greater, to cover interest and the costs of
33 court, or in lieu of depositing the amount in cash, may give a bond to
34 the State of New Jersey in double the amount claimed in the
35 certificate, and file the same with the Clerk of the Superior Court. Said
36 bond shall have such surety and shall be approved in the manner
37 required by the Rules Governing the Courts of the State of New
38 Jersey.

39 After the deposit of said money or the filing of said bond, the
40 employer, or any other party having an interest in the said property,
41 may, after exhausting all administrative remedies, secure judicial
42 review of the legality or validity of the indebtedness or the amount
43 thereof, and the said deposit of cash shall be as security for, and the
44 bond shall be conditioned to prosecute, the judicial review with effect.

45 Upon the deposit of said money or the filing of the said bond with
46 the Clerk of the Superior Court, all proceedings on such judgment

1 shall be stayed until the final determination of the cause, and the
2 moneys so deposited shall be subject to the lien of the indebtedness
3 and costs and interest thereon, and the lands, tenements, and
4 hereditaments of said debtor shall forthwith be discharged from the
5 lien of the State of New Jersey and no execution shall issue against the
6 same by virtue of said judgment.

7 Notwithstanding the provisions of subsections (a) through (c) of
8 this section, the Department of Labor may, with the concurrence of the
9 State Treasurer, when all reasonable efforts to collect amounts owed
10 have been exhausted, or to avoid litigation, reduce any liability for
11 contributions, penalties and interest, provided no portion of those
12 amounts represents contributions made by an employee pursuant to
13 subsection (d) of R.S.43:21-7.

14 (f) If, not later than two years after the calendar year in which any
15 moneys were erroneously paid to or collected by the controller,
16 whether such payments were voluntarily or involuntarily made or made
17 under mistake of law or of fact, an employer, employing unit, or
18 employee who has paid such moneys shall make application for an
19 adjustment thereof, the said moneys shall, upon order of the controller,
20 be either credited or refunded, without interest, from the appropriate
21 fund. For like cause and within the same period, credit or refund may
22 be so made on the initiative of the controller.

23 (g) All interest and penalties collected pursuant to this section
24 shall be paid into a special fund to be known as the unemployment
25 compensation auxiliary fund; all moneys in this special fund shall be
26 deposited, administered and disbursed in the same manner and under
27 the same conditions and requirements as is provided by law for other
28 special funds in the State Treasury, and shall be expended, under
29 legislative appropriation, for the purpose of aiding in defraying the
30 cost of the administration of this chapter (R.S.43:21-1 et seq.); for the
31 repayment of any interest bearing advances made from the federal
32 unemployment account pursuant to the provisions of section 1202(b)
33 of the Social Security Act, 42 U.S.C. s.1322; and for essential and
34 necessary expenditures in connection with programs designed to
35 stimulate employment, as determined by the Commissioner of Labor,
36 except that any moneys in this special fund shall be first applied to
37 aiding in the defraying of necessary costs of the administration of this
38 chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of
39 Labor. The Treasurer of the State shall be ex officio the treasurer and
40 custodian of this special fund and, subject to legislative appropriation,
41 shall administer the fund in accordance with the directions of the
42 controller. Any balances in this fund shall not lapse at any time, but
43 shall be continuously available, subject to legislative appropriation, to
44 the controller for expenditure. The State Treasurer shall give a
45 separate and additional bond conditioned upon the faithful
46 performance of his duties in connection with the unemployment

1 compensation auxiliary fund, in an amount to be fixed by the division,
2 the premiums for such bond to be paid from the moneys in the said
3 special fund.

4 (cf: P.L.1997, c.255, s.3)

5

6 21. R.S.33:1-10 is amended to read as follows:

7 33:1-10. Class A licenses shall be subdivided and classified as
8 follows:

9 Plenary brewery license. 1a. The holder of this license shall be
10 entitled, subject to rules and regulations, to brew any malt alcoholic
11 beverages and to sell and distribute his products to wholesalers and
12 retailers licensed in accordance with this chapter, and to sell and
13 distribute without this State to any persons pursuant to the laws of the
14 places of such sale and distribution, and to maintain a warehouse. The
15 fee for this license shall be [~~\$8,500.00~~] \$10,625.

16 Limited brewery license. 1b. The holder of this license shall be
17 entitled, subject to rules and regulations, to brew any malt alcoholic
18 beverages in a quantity to be expressed in said license, dependent upon
19 the following fees and not in excess of 300,000 barrels of 31 fluid
20 gallons capacity per year and to sell and distribute this product to
21 wholesalers and retailers licensed in accordance with this chapter, and
22 to sell and distribute without this State to any persons pursuant to the
23 laws of the places of such sale and distribution, and to maintain a
24 warehouse. The fee for this license shall be graduated as follows: to so
25 brew not more than 50,000 barrels of 31 fluid gallons capacity per
26 annum, [~~\$1,000.00~~] \$1,250; to so brew not more than 100,000 barrels
27 of 31 fluid gallons capacity per annum, [~~\$2,000.00~~] \$2,500; to so brew
28 not more than 200,000 barrels of 31 fluid gallons capacity per annum,
29 [~~\$4,000.00~~] \$5,000; to so brew not more than 300,000 barrels of 31
30 fluid gallons capacity per annum, [~~\$6,000.00~~] \$7,500.

31 Restricted brewery license. 1c. The holder of this license shall be
32 entitled, subject to rules and regulations, to brew any malt alcoholic
33 beverages in a quantity to be expressed in such license not in excess of
34 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding
35 the provisions of R.S.33:1-26, the director shall issue a restricted
36 brewery license only to a person or an entity which has identical
37 ownership to an entity which holds a plenary retail consumption
38 license issued pursuant to R.S.33:1-12, provided that such plenary
39 retail consumption license is operated in conjunction with a restaurant
40 regularly and principally used for the purpose of providing meals to its
41 customers and having adequate kitchen and dining room facilities, and
42 that the licensed restaurant premises is immediately adjoining the
43 premises licensed as a restricted brewery. The holder of this license
44 shall only be entitled to sell or deliver the product to that restaurant
45 premises. The fee for this license shall be [~~\$1,000.00~~] \$1,250, which
46 fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid

1 gallons per annum. The licensee also shall pay an additional~~[\$500]~~
2 \$625 for every additional 1,000 barrels of 31 fluid gallons produced.
3 No more than two restricted brewery licenses shall be issued to a
4 person or entity which holds an interest in a plenary retail consumption
5 license. If the governing body of the municipality in which the licensed
6 premises will be located should file a written objection, the director
7 shall hold a hearing and may issue the license only if the director finds
8 that the issuance of the license will not be contrary to the public
9 interest. All fees related to the issuance of both licenses shall be paid
10 in accordance with statutory law.

11 Plenary winery license. 2a. Provided that the holder is engaged in
12 growing and cultivating grapes or fruit used in the production of wine
13 on at least three acres on, or adjacent to, the winery premises, the
14 holder of this license shall be entitled, subject to rules and regulations,
15 to produce any fermented wines, and to blend, fortify and treat wines,
16 and to sell and distribute his products to wholesalers and retailers
17 licensed in accordance with this chapter and to churches for religious
18 purposes, and to sell and distribute without this State to any persons
19 pursuant to the laws of the places of such sale and distribution, and to
20 maintain a warehouse, and to sell his products at retail to consumers
21 on the licensed premises of the winery for consumption on or off the
22 premises and to offer samples for sampling purposes only. The fee for
23 this license shall be~~[\$750.00]~~ \$938. The holder of this license shall
24 also have the right to sell such wine at retail in original packages in
25 five salesrooms apart from the winery premises for consumption on or
26 off the premises and for sampling purposes for consumption on the
27 premises, at a fee of~~[\$200.00]~~ \$250 for each salesroom. Additionally,
28 subject to rules and regulations, one salesroom per county may be
29 jointly controlled and operated by at least two plenary or farm winery
30 licensees for the sale of the products of any plenary or farm winery
31 licensee for consumption on or off the premises and for consumption
32 on the licensed premises for sampling purposes at an additional fee of
33 ~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
34 subsection, "sampling" means the selling at a nominal charge or the
35 gratuitous offering of an open container not exceeding one and
36 one-half ounces of any wine.

37 For the purposes of this subsection, "product" means any wine that
38 is produced, blended, fortified, or treated by the licensee on its
39 licensed premises situated in the State of New Jersey.

40 Any holder of a plenary winery license who sold wine which was
41 produced, bottled, and labelled by that holder in a place other than its
42 licensed New Jersey premises between July 1, 1992 and June 30, 1993,
43 may continue to sell that wine provided no more than 25,000 cases,
44 each case consisting of 12 750 milliliter bottles or the equivalent, are
45 sold in any single license year. This privilege shall terminate upon, and
46 not survive, any transfer of the license to another person or entity

1 subsequent to the effective date of this 1993 amendatory act or any
2 transfer of stock of the licensed corporation other than to children,
3 grandchildren, parents, spouses or siblings of the existing
4 stockholders.

5 Farm winery license. 2b. The holder of this license shall be entitled,
6 subject to rules and regulations, to manufacture any fermented wines
7 and fruit juices in a quantity to be expressed in said license, dependent
8 upon the following fees and not in excess of 50,000 gallons per year
9 and to sell and distribute his products to wholesalers and retailers
10 licensed in accordance with this chapter and to churches for religious
11 purposes and to sell and distribute without this State to any persons
12 pursuant to the laws of the places of such sale and distribution, and to
13 maintain a warehouse and to sell at retail to consumers for
14 consumption on or off the licensed premises and to offer samples for
15 sampling purposes only. The license shall be issued only when the
16 winery at which such fermented wines and fruit juices are
17 manufactured is located and constructed upon a tract of land
18 exclusively under the control of the licensee, provided that the licensee
19 is actively engaged in growing and cultivating an area of not less than
20 three acres on or adjacent to the winery premises and on which are
21 growing grape vines or fruit to be processed into wine or fruit juice;
22 and provided, further, that for the first five years of the operation of
23 the winery such fermented wines and fruit juices shall be manufactured
24 from at least 51% grapes or fruit grown in the State and that thereafter
25 they shall be manufactured from grapes or fruit grown in this State at
26 least to the extent required for labeling as "New Jersey Wine" under
27 the applicable federal laws and regulations. The containers of all wine
28 sold to consumers by such licensee shall have affixed a label stating
29 such information as shall be required by the rules and regulations of
30 the Director of the Division of Alcoholic Beverage Control. The fee
31 for this license shall be graduated as follows: to so manufacture
32 between 30,000 and 50,000 gallons per annum, [~~\$300.00~~] \$375; to so
33 manufacture between 2,500 and 30,000 gallons per annum, [~~\$200.00~~]
34 \$250; to so manufacture between 1,000 and 2,500 gallons per annum,
35 [~~\$100.00~~] \$125; to so manufacture less than 1,000 gallons per annum,
36 [~~\$50.00~~] \$63. No farm winery license shall be held by the holder of
37 a plenary winery license or be situated on a premises licensed as a
38 plenary winery.

39 The holder of this license shall also have the right to sell his
40 products in original packages at retail to consumers in five salesrooms
41 apart from the winery premises for consumption on or off the
42 premises, and for sampling purposes for consumption on the premises,
43 at a fee of [~~\$200.00~~] \$250 for each salesroom. Additionally, subject
44 to rules and regulations, one salesroom per county may be jointly
45 controlled and operated by at least two plenary or farm winery
46 licensees for the sale of the products of any plenary or farm winery

1 licensee for consumption on or off the premises and for consumption
2 on the licensed premises for sampling purposes only, at an additional
3 fee of~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
4 subsection, "sampling" means the selling at a nominal charge or the
5 gratuitous offering of an open container not exceeding one and
6 one-half ounces of any wine.

7 Unless otherwise indicated, for the purposes of this subsection,
8 with respect to farm winery licenses, "manufacture" means the
9 vinification, aging, storage, blending, clarification, stabilization and
10 bottling of wine or juice from New Jersey fruit to the extent required
11 by this subsection.

12 Wine blending license. 2c. The holder of this license shall be
13 entitled, subject to rules and regulations, to blend, treat, mix, and
14 bottle fermented wines and fruit juices with non-alcoholic beverages,
15 and to sell and distribute his products to wholesalers and retailers
16 licensed in accordance with this chapter, and to sell and distribute
17 without this State to any persons pursuant to the laws of the places of
18 such sale and distribution, and to maintain a warehouse. The fee for
19 this license shall be~~[\$500.00]~~ \$625.

20 Plenary distillery license. 3a. The holder of this license shall be
21 entitled, subject to rules and regulations, to manufacture any distilled
22 alcoholic beverages and rectify, blend, treat and mix, and to sell and
23 distribute his products to wholesalers and retailers licensed in
24 accordance with this chapter, and to sell and distribute without this
25 State to any persons pursuant to the laws of the places of such sale
26 and distribution, and to maintain a warehouse. The fee for this license
27 shall be~~[\$10,000.00]~~ \$12,500.

28 Limited distillery license. 3b. The holder of this license shall be
29 entitled, subject to rules and regulations, to manufacture and bottle
30 any alcoholic beverages distilled from fruit juices and rectify, blend,
31 treat, mix, compound with wine and add necessary sweetening and
32 flavor to make cordial or liqueur, and to sell and distribute to
33 wholesalers and retailers licensed in accordance with this chapter, and
34 to sell and distribute without this State to any persons pursuant to the
35 laws of the places of such sale and distribution and to warehouse these
36 products. The fee for this license shall be~~[\$3,000.00]~~ \$3,750.

37 Supplementary limited distillery license. 3c. The holder of this
38 license shall be entitled, subject to rules and regulations, to bottle and
39 rebottle, in a quantity to be expressed in said license, dependent upon
40 the following fees, alcoholic beverages distilled from fruit juices by
41 such holder pursuant to a prior plenary or limited distillery license, and
42 to sell and distribute his products to wholesalers and retailers licensed
43 in accordance with this chapter, and to sell and distribute without this
44 State to any persons pursuant to the laws of the places of such sale
45 and distribution, and to maintain a warehouse. The fee for this license
46 shall be graduated as follows: to so bottle and rebottle not more than

1 5,000 wine gallons per annum, [~~\$250.00~~] \$313; to so bottle and
2 rebottle not more than 10,000 wine gallons per annum, [~~\$500.00~~]
3 \$625; to so bottle and rebottle without limit as to amount, [~~\$1,000.00~~]
4 \$1,250.

5 Rectifier and blender license. 4. The holder of this license shall be
6 entitled, subject to rules and regulations, to rectify, blend, treat and
7 mix distilled alcoholic beverages, and to fortify, blend, and treat
8 fermented alcoholic beverages, and prepare mixtures of alcoholic
9 beverages, and to sell and distribute his products to wholesalers and
10 retailers licensed in accordance with this chapter, and to sell and
11 distribute without this State to any persons pursuant to the laws of the
12 places of such sale and distribution, and to maintain a warehouse. The
13 fee for this license shall be [~~\$6,000.00~~] \$7,500.

14 Bonded warehouse bottling license. 5. The holder of this license
15 shall be entitled, subject to rules and regulations, to bottle alcoholic
16 beverages in bond on behalf of all persons authorized by federal and
17 State law and regulations to withdraw alcoholic beverages from bond.
18 The fee for this license shall be [~~\$500.00~~] \$625. This license shall be
19 issued only to persons holding permits to operate Internal Revenue
20 bonded warehouses pursuant to the laws of the United States.

21 The provisions of section 21 of P.L. _____, c. _____ (C. _____)
22 amendatory of this section shall apply to licenses issued or transferred
23 on or after July 1, 2003, and to license renewals commencing on or
24 after July 1, 2003.

25 (cf: P.L.1993, c.372, s.1)

26

27 22. R.S.33:1-11 is amended to read as follows:

28 33:1-11. Class B licenses shall be subdivided and classified as
29 follows:

30 Plenary wholesale license. 1. The holder of this license shall be
31 entitled, subject to rules and regulations, to sell and distribute
32 alcoholic beverages to retailers and wholesalers licensed in accordance
33 with this chapter, and to sell and distribute without this State to any
34 persons pursuant to the laws of the places of such sale and
35 distribution, and to maintain a warehouse and salesroom; provided,
36 however, that the delivery of such alcoholic beverages by the holder
37 of this license to retailers licensed under this Title shall be from
38 inventory in a warehouse located in New Jersey which is operated
39 under a plenary wholesale license. The fee for this license shall be
40 [~~\$7,000.00~~] \$8,750.

41 Limited wholesale license. 2a. The holder of this license shall be
42 entitled, subject to rules and regulations, to sell and distribute brewed
43 malt alcoholic beverages and naturally fermented wines to retailers and
44 wholesalers licensed in accordance with this chapter, and to sell and
45 distribute without this State to any persons pursuant to the laws of the
46 places of such sale and distribution, and to maintain a warehouse and

1 salesroom. The fee for this license shall be ~~[\$1,500.00]~~ \$1,875.

2 Wine wholesale license. 2b. The holder of this license shall be
3 entitled, subject to rules and regulations, to sell and distribute any
4 naturally fermented, treated, blended, fortified and sparkling wines to
5 retailers and wholesalers licensed in accordance with this chapter, and
6 to sell and distribute without this State to any persons pursuant to the
7 laws of the places of such sale and distribution, and to maintain a
8 warehouse and salesroom; provided, however, that the delivery of
9 such wines by the holder of this license to retailers licensed under this
10 Title shall be from inventory in a warehouse located in New Jersey
11 which is operated under a wine wholesale license. The fee for this
12 license shall be ~~[\$3,000.00]~~ \$3,750.

13 State beverage distributor's license. 2c.(1) The holder of this
14 license shall be entitled, subject to rules and regulations, to sell and
15 distribute unchilled, brewed, malt alcoholic beverages in original
16 containers only, in quantities of not less than 144 fluid ounces and
17 chilled draught malt alcoholic beverages in kegs, barrels or other
18 similar containers of at least one fluid gallon in capacity, to retailers
19 licensed in accordance with this chapter, and to sell and distribute
20 without this State to any person pursuant to the laws of the places of
21 such sale and distribution, and to maintain a warehouse and salesroom.
22 The holder of this license may sell unchilled, brewed, malt alcoholic
23 beverages in original containers only, in quantities of not less than 144
24 fluid ounces and chilled draught malt alcoholic beverages in kegs,
25 barrels or other similar containers of at least 7.75 fluid gallons in
26 capacity, at retail; provided, however, that such sales shall be made
27 only for consumption off the licensed premises. This license shall not
28 be issued to any person holding a plenary or limited brewery license,
29 nor shall it be issued to any person directly or indirectly interested in
30 any brewery within or without this State. This license shall not be
31 issued for premises in or upon which any retail business, except the
32 sale of malt alcoholic beverages and nonalcoholic beverages, is carried
33 on. The fee for this license shall be ~~[\$825]~~ \$1,031.

34 (2) After the effective date of P.L.1995, c. 309 any license issued
35 or transferred pursuant to this subsection for a premises located in a
36 municipality in a county of the fifth or sixth class shall be limited to
37 prohibit retail sales.

38 (3) The holder of a license issued pursuant to this subsection shall
39 not be entitled to sell malt alcoholic beverages at retail as provided in
40 paragraph (1) of this subsection, at hours of the day or on days of the
41 week during which sales by holders of plenary retail distributors
42 licenses are prohibited in the municipality in which the licensed
43 premises is located or in a municipality which, in accordance with the
44 provisions of this title, prohibits all retail sales of wine and malt
45 alcoholic beverages in original bottle or can containers.

46 The provisions of section 22 of P.L. , c. (C.) amendatory

1 of this section shall apply to licenses issued or transferred on or after
2 July 1, 2003, and to license renewals commencing on or after July 1,
3 2003.

4 (cf: P.L.1995, c.309, s.1)

5

6 23. R.S.33:1-12 is amended to read as follows:

7 33:1-12. Class C licenses shall be subdivided and classified as
8 follows:

9 Plenary retail consumption license. 1. The holder of this license
10 shall be entitled, subject to rules and regulations, to sell any alcoholic
11 beverages for consumption on the licensed premises by the glass or
12 other open receptacle, and also to sell any alcoholic beverages in
13 original containers for consumption off the licensed premises; but this
14 license shall not be issued to permit the sale of alcoholic beverages in
15 or upon any premises in which a grocery, delicatessen, drug store or
16 other mercantile business is carried on, except as hereinafter provided.
17 Subject to such rules and regulations established from time to time by
18 the director, the holder of this license shall be permitted to sell
19 alcoholic beverages in or upon the premises in which any of the
20 following is carried on: the keeping of a hotel or restaurant including
21 the sale of mercantile items incidental thereto as an accommodation to
22 patrons; the sale, at an entertainment facility as defined in R.S. 33:1-1,
23 having a seating capacity for no less than 4,000 patrons, of mercantile
24 items traditionally associated with the type of event or program held
25 at the site; the sale of distillers', brewers' and vintners' packaged
26 holiday merchandise prepacked as a unit with other suitable objects as
27 gift items to be sold only as a unit; the sale of novelty wearing apparel
28 identified with the name of the establishment licensed under the
29 provisions of this section; the sale of cigars, cigarettes, packaged
30 crackers, chips, nuts and similar snacks and ice at retail as an
31 accommodation to patrons, or the retail sale of nonalcoholic beverages
32 as accessory beverages to alcoholic beverages; or, in commercial
33 bowling establishments, the retail sale or rental of bowling accessories
34 and the retail sale from vending machines of candy, ice cream and
35 nonalcoholic beverages. The fee for this license shall be fixed by the
36 governing board or body of the municipality in which the licensed
37 premises are situated, by ordinance, at not less than ~~[\$200.00]~~ \$250
38 and not more than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted
39 which shall raise or lower the fee to be charged for this license by
40 more than 20% from that charged in the preceding license year or
41 \$500.00, whichever is the lesser. The governing board or body of each
42 municipality may, by ordinance, enact that no plenary retail
43 consumption license shall be granted within its respective municipality.

44 The holder of this license shall be permitted to obtain a restricted
45 brewery license issued pursuant to subsection 1c. of R.S. 33:1-10 and
46 to operate a restricted brewery immediately adjoining the licensed

1 premises in accordance with the restrictions set forth in that
2 subsection. All fees related to the issuance of both licenses shall be
3 paid in accordance with statutory law.

4 Seasonal retail consumption license. 2. The holder of this license
5 shall be entitled, subject to rules and regulations, to sell any alcoholic
6 beverages for consumption on the licensed premises by the glass or
7 other open receptacle, and also to sell any alcoholic beverages in
8 original containers for consumption off the licensed premises, during
9 the summer session from May 1 until November 14, inclusive, or
10 during the winter season from November 15 until April 30, inclusive;
11 but this license shall not be issued to permit the sale of alcoholic
12 beverages in or upon any premises in which a grocery, delicatessen,
13 drug store or other mercantile business is carried on, except as
14 hereinafter provided. Subject to such rules and regulations established
15 from time to time by the director, the holder of this license shall be
16 permitted to sell alcoholic beverages in or upon the premises in which
17 any of the following is carried on: the keeping of a hotel or restaurant
18 including the sale of mercantile items incidental thereto as an
19 accommodation to patrons; the sale of distillers', brewers' and vintners'
20 packaged holiday merchandise prepacked as a unit with other suitable
21 objects as gift items to be sold only as a unit; the sale of novelty
22 wearing apparel identified with the name of the establishment licensed
23 under the provisions of this section; the sale of cigars, cigarettes,
24 packaged crackers, chips, nuts and similar snacks and ice at retail as
25 an accommodation to patrons; or the retail sale of nonalcoholic
26 beverages as accessory beverages to alcoholic beverages. The fee for
27 this license shall be fixed by the governing board or body of the
28 municipality in which the licensed premises are situated, by ordinance,
29 at 75% of the fee fixed by said board or body for plenary retail
30 consumption licenses. The governing board or body of each
31 municipality may, by ordinance, enact that no seasonal retail
32 consumption license shall be granted within its respective municipality.

33 Plenary retail distribution license. 3. a. The holder of this license
34 shall be entitled, subject to rules and regulations, to sell any alcoholic
35 beverages for consumption off the licensed premises, but only in
36 original containers. The governing board or body of each municipality
37 may, by ordinance, enact that this license shall not be issued to permit
38 the sale of alcoholic beverages in or upon any premises in which any
39 other mercantile business is carried on, except that any such ordinance,
40 heretofore or hereafter adopted, shall not prohibit the retail sale of
41 distillers', brewers' and vintners' packaged holiday merchandise
42 prepacked as a unit with other suitable objects as gift items to be sold
43 only as a unit; the sale of novelty wearing apparel identified with the
44 name of the establishment licensed under the provisions of this act;
45 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
46 ice, and nonalcoholic beverages as accessory beverages to alcoholic

1 beverages. The fee for this license shall be fixed by the governing
2 board or body of the municipality in which the licensed premises are
3 situated, by ordinance, at not less than [~~\$100.00~~] \$125 and not more
4 than [~~\$2,000.00~~] \$2,500. No ordinance shall be enacted which shall
5 raise or lower the fee to be charged for this license by more than 20%
6 from that charged in the preceding license year or \$500.00, whichever
7 is the lesser. The governing board or body of each municipality may,
8 by ordinance, enact that no plenary retail distribution license shall be
9 granted within its respective municipality.

10 Limited retail distribution license. 3. b. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any unchilled,
12 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
13 ounces for consumption off the licensed premises, but only in original
14 containers; provided, however, that this license shall be issued only for
15 premises operated and conducted by the licensee as a bona fide
16 grocery store, meat market, meat and grocery store, delicatessen, or
17 other type of bona fide food store at which groceries or other
18 foodstuffs are sold at retail; and provided further that this license shall
19 not be issued except for premises at which the sale of groceries or
20 other foodstuffs is the primary and principal business and at which the
21 sale of alcoholic beverages is merely incidental and subordinate
22 thereto. The fee for this license shall be fixed by the governing body
23 or board of the municipality in which the licensed premises are
24 situated, by ordinance, at not less than [~~\$25.00~~] \$31 and not more
25 than [~~\$50.00~~] \$63. The governing board or body of each municipality
26 may, by ordinance, enact that no limited retail distribution license shall
27 be granted within its respective municipality.

28 Plenary retail transit license. 4. The holder of this license shall be
29 entitled, subject to rules and regulations, to sell any alcoholic
30 beverages, for consumption only, on railroad trains, airplanes,
31 limousines and boats, while in transit. The fee for this license for use
32 by a railroad or air transport company shall be [~~\$300.00~~] \$375, for
33 use by the owners of limousines shall be [~~\$25.00~~] \$31 per vehicle, and
34 for use on a boat shall be [~~\$50.00~~] \$63 on a boat 65 feet or less in
35 length, [~~\$100.00~~] \$125 on a boat more than 65 feet in length but not
36 more than 110 feet in length, and [~~\$300.00~~] \$375 on a boat more than
37 110 feet in length; such boat lengths shall be determined in the manner
38 prescribed by the Bureau of Customs of the United States Government
39 or any federal agency successor thereto for boat measurement in
40 connection with issuance of marine documents. A license issued under
41 this provision to a railroad or air transport company shall cover all
42 railroad cars and planes operated by any such company within the
43 State of New Jersey. A license for a boat or limousine issued under
44 this provision shall apply only to the particular boat or limousine for
45 which issued, and shall permit the purchase of alcoholic beverages for

1 sale or service in a boat or limousine to be made from any Class A and
2 B licensee or from any Class C licensee whose license privilege permits
3 the sale of alcoholic beverages in original containers for off-premises
4 consumption. An interest in a plenary retail transit license issued in
5 accordance with this section shall be excluded in determining the
6 maximum number of retail licenses permitted under P.L.1962, c.152
7 (C.33:1-12.31 et seq.).

8 Club license. 5. The holder of this license shall be entitled, subject
9 to rules and regulations, to sell any alcoholic beverages but only for
10 immediate consumption on the licensed premises and only to bona fide
11 club members and their guests. The fee for this license shall be fixed
12 by the governing board or body of the municipality in which the
13 licensed premises are situated, by ordinance, at not less than [\$50.00]
14 \$63 and not more than [\$150.00] \$188. The governing board or body
15 of each municipality may, by ordinance, enact that no club licenses
16 shall be granted within its respective municipality. Club licenses may
17 be issued only to such corporations, associations and organizations as
18 are operated for benevolent, charitable, fraternal, social, religious,
19 recreational, athletic, or similar purposes, and not for private gain, and
20 which comply with all conditions which may be imposed by the
21 Commissioner of Alcoholic Beverage Control by rules and regulations.

22 The provisions of section 23 of P.L. , c. (C.) amendatory
23 of this section shall apply to licenses issued or transferred on or after
24 July 1, 2003, and to license renewals commencing on or after July 1,
25 2003.

26 (cf: P.L.1997, c.8, s.2)

27
28 24. R.S.33:1-13 is amended to read as follows:

29 33:1-13. Class D licenses shall be as follows:

30 Transportation license. The holder of this license shall be entitled,
31 subject to rules and regulations, to transport alcoholic beverages into,
32 out of, through and within the State of New Jersey and to maintain a
33 warehouse. The fee for this license shall be [\$500.00] \$625.

34 The provisions of section 24 of P.L. , c. (C.) amendatory
35 of this section shall apply to licenses issued or transferred on or after
36 July 1, 2003, and to license renewals commencing on or after July 1,
37 2003.

38 (cf: P.L.1970, c.78, s.3)

39
40 25. R.S.33:1-14 is amended to read as follows:

41 33:1-14. Class E licenses shall be subdivided and classified as
42 follows:

43 Public warehouse license. 1. The holder of this license shall be
44 entitled, subject to rules and regulations, to receive for purposes of
45 storing and warehousing and to store and warehouse alcoholic
46 beverages in the licensed public warehouse; but this license shall not

1 authorize the transportation of alcoholic beverages. The fee for this
2 license shall be ~~[\$400.00]~~ \$500.

3 Broker's license. 2. The holder of this license shall be entitled,
4 subject to rules and regulations, to act as a broker in the purchase and
5 sale of alcoholic beverages for a fee or commission, for or on behalf
6 of a person authorized to manufacture or sell at wholesale alcoholic
7 beverages within or without the State. Such license shall not entitle the
8 holder to buy or sell any alcoholic beverages for his own account, or
9 take or deliver title to such alcoholic beverages, or receive or store
10 any alcoholic beverages in his own name in this State, or offer,
11 negotiate for the sale of or sell any alcoholic beverages to any
12 wholesaler or retailer within this State; but such licensee shall be
13 permitted, subject to rules and regulations, to use samples of alcoholic
14 beverages in connection with the exercise of the privileges of such
15 license. Such licensee's activities hereunder shall not be deemed to
16 constitute a sale within the meaning of paragraph "w" of section
17 33:1-1 of the Revised Statutes. The fee for this license shall be
18 ~~[\$400.00]~~ \$500.

19 The provisions of section 25 of P.L. , c. (C.) amendatory
20 of this section shall apply to licenses issued or transferred on or after
21 July 1, 2003, and to license renewals commencing on or after July 1,
22 2003.

23 (cf: P.L.1970, c.78, s.4)

24

25 26. R.S.33:1-25 is amended to read as follows:

26 33:1-25. No license of any class shall be issued to any person under
27 the age of 21 years or to any person who has been convicted of a
28 crime involving moral turpitude.

29 In applications by corporations, except for club licenses, the names
30 and addresses of, and the amount of stock held by, all stockholders
31 holding 1% or more of any of the stock thereof, and the names and
32 addresses of all officers and of all members of the board of directors
33 must be stated in the application, and if one or more of the officers or
34 members of the board of directors or one or more of the owners,
35 directly or indirectly, of more than 10% of the stock would fail to
36 qualify as an individual applicant in all respects, no license of any class
37 shall be granted.

38 In applications for club licenses, the names and addresses of all
39 officers, trustees, directors, or other governing official, together with
40 the names and addresses of all members of the corporation, association
41 or organization, must be stated in the application.

42 In applications by partnerships, the application shall contain the
43 names and addresses of all of the partners. No license shall be issued
44 unless all of the partners would qualify as individual applicants.

45 A photostatic copy of all federal permits necessary to the lawful
46 conduct of the business for which a State license is sought and which

1 relate to alcoholic beverages, or other evidence in lieu thereof
2 satisfactory to the director, must accompany the license application,
3 together with a deposit of the full amount of the required license fee,
4 which deposit to the extent of 90% thereof shall be returned to the
5 applicant by the director or other issuing authority if the application is
6 denied, and the remaining 10% shall constitute an investigation fee and
7 be accounted for as other license fees.

8 Every applicant for a license that is not a renewal of an annual
9 license shall cause a notice of the making of the application to be
10 published in a form prescribed by rules and regulations, once per week
11 for two weeks successively in a newspaper printed in the English
12 language, published and circulated in the municipality in which the
13 licensed premises are located; but if there shall be no such newspaper,
14 then the notice shall be published in a newspaper, printed in the
15 English language, published and circulated in the county in which the
16 licensed premises are located. No publication shall be required with
17 respect to applications for transportation or public warehouse licenses
18 or with respect to applications for renewal of licenses.

19 The Division of Alcoholic Beverage Control shall cause a general
20 notice of the making of annual renewal applications and the manner in
21 which members of the public may object to the approving of the
22 applications to be published in a form prescribed by rules and
23 regulations, once per week from the week of April 1 through the week
24 of June 1 in a newspaper printed in the English language published and
25 circulated in the counties in which the premises of applicants for
26 renewals of annual licenses are located. Any application for the
27 renewal of an annual license shall be made by May 1, and none shall be
28 approved before May 1.

29 Every person filing an application for license, renewal of license or
30 transfer of license with a municipal issuing authority shall, within 10
31 days of such filing, file with the director a copy of the application
32 together with a nonreturnable filing fee of [~~\$100.00~~] \$200.

33 Applicants for licenses shall answer questions as may be asked and
34 make declarations as shall be required by the form of application for
35 license as may be promulgated by the director from time to time. All
36 applications shall be duly sworn to by each of the applicants, except in
37 the case of applicants in the military service of the United States
38 whose applications may be signed in their behalf by an attorney-in-fact
39 holding a power of attorney in form approved by the director, and
40 except in cases of applications by corporations which shall be duly
41 sworn to by the president or vice-president. All statements in the
42 applications required to be made by law or by rules and regulations
43 shall be deemed material, and any person who shall knowingly misstate
44 any material fact, under oath, in the application shall be guilty of a
45 misdemeanor. Fraud, misrepresentation, false statements, misleading
46 statements, evasions or suppression of material facts in the securing of

1 a license are grounds for suspension or revocation of the license.

2 The provisions of section 26 of P.L. _____, c. _____ (C. _____)
3 amendatory of this section shall apply to licenses issued or transferred
4 on or after July 1, 2003, and to license renewals commencing on or
5 after July 1, 2003.

6 (cf: P.L.1992, c.188, s.3)

7

8 27. R.S.33:1-72 is amended to read as follows:

9 33:1-72. The sale of receipts, certificates, contracts or other
10 documents given upon the storage of alcoholic beverages is prohibited,
11 except under and pursuant to the provisions of a warehouse receipts
12 license issued by the director. The holder of such license shall be
13 entitled to sell such warehouse receipts subject to rules and regulations
14 and the fee therefor shall be ~~[\$300.00]~~ \$375. No publication shall be
15 required with respect to applications for warehouse receipts licenses.

16 The provisions of section 27 of P.L. _____, c. _____ (C. _____)
17 amendatory of this section shall apply to licenses issued or transferred on or after
18 July 1, 2003, and to license renewals commencing on or after July 1,
19 2003.

20 (cf: P.L.1970, c.78, s.8)

21

22 28. R.S.33:1-74 is amended to read as follows:

23 33:1-74. a. To provide for contingencies where it would be
24 appropriate and consonant with the spirit of this chapter to issue a
25 license but the contingency has not been expressly provided for, the
26 director of the division may for special cause shown, subject to rules
27 and regulations, issue temporary permits. The fee for a one-day permit
28 authorizing the sale of alcoholic beverages for consumption on a
29 designated premises by a civic, religious, educational or veterans
30 organization shall be ~~[\$50.00]~~ \$100 and for a one-day permit
31 authorizing such sale by any other organization, ~~[\$75.00]~~ \$150. The
32 fee for any other type of temporary permit shall be determined in each
33 case by the director of the division and shall not be less than ~~[\$5.00]~~
34 \$10 nor more than ~~[\$1,000.00]~~ \$2,000, payable to the director of the
35 division and to be accounted for by the director as are license fees.

36 b. As to any designated premises such temporary permits shall not
37 exceed in the aggregate 25 in any one calendar year, but the director
38 of the division may by said rules and regulations provide for a lesser
39 number in the aggregate for any such designated premises in any one
40 calendar year.

41 c. The issuance of temporary permits to authorize the sale of
42 alcoholic beverages by the glass or other open receptacle by civic,
43 religious, educational, veterans or other qualified organizations shall
44 be permissible, notwithstanding that the sale of alcoholic beverages has
45 otherwise been prohibited by referendum under R.S. 33:1-44 through
46 R.S. 33:1-47 or municipal ordinance or resolution.

47 (cf: P.L.1992, c.188, s.13)

1 29. (New section) If prior to the effective date of P.L. , c.
2 (C.) (pending before the Legislature as this bill), an applicant for
3 a license or license renewal has submitted the license fee for an
4 application for a license issued or transferred on or after July 1, 2003,
5 or renewed for a license term commencing on or after July 1, 2003
6 pursuant to R.S.33:1-10, R.S.33:1-11, R.S.33:1-12, R.S.33:1-13,
7 R.S.33:1-14, R.S.33:1-25, R.S.33:1-72 or R.S.33:1-74, the applicant
8 shall submit immediately any outstanding portion of the total license
9 fee as increased by P.L. , c. . If the increased portion of the
10 ²[licensed] license² fee has not been paid in fully by October 1, 2003,
11 the applicant shall be deemed to be in violation of R.S.33:1-27 and the
12 director may issue an ²ex parte² order revoking the license or
13 indefinitely suspending same until payment. The Division of Alcoholic
14 Beverage Control ²[shall] may² promulgate regulations to effectuate
15 this section as well as the purposes of the amendatory provisions of
16 sections 21 through 28 of P.L. , c. . All such regulations shall be
17 immediately effective for a period not to exceed six months upon their
18 filing with the Office of Administrative Law, and thereafter may be
19 amended, adopted or readopted in accordance with the requirements
20 of the Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
21 et seq.).
22

23 30. Section 6 of P.L.1979, c.111 (C.13:18A-6) is amended to
24 read as follows:

- 25 6. The Pinelands Commission shall have the following powers:
26 a. To adopt and from time to time amend and repeal suitable
27 by-laws for the management of its affairs;
28 b. To adopt and use an official seal and alter the same at its
29 pleasure;
30 c. To maintain an office at such place or places in the pinelands
31 area as it may designate;
32 d. To sue and be sued in its own name;
33 e. To appoint, retain and employ, without regard to the provisions
34 of Title [11] 11A of the [Revised] New Jersey Statutes but within
35 the limits of funds appropriated or otherwise made available for such
36 purposes, such officers, agents, employees and experts as it may
37 require, and to determine the qualifications, terms of office, duties,
38 services and compensation therefor;
39 f. To apply for, receive, and accept, from any Federal, State, or
40 other public or private source, grants or loans for, or in aid of, the
41 commission's authorized purposes;
42 g. To enter into any and all agreements or contracts, execute any
43 and all instruments, and do and perform any and all acts or things
44 necessary, convenient, or desirable for the purposes of the commission
45 or to carry out any power expressly given in this act;
46 h. To conduct examinations and investigations, to hear testimony,
47 taken under oath at public or private hearings, on any material matter,

1 and to require attendance of witnesses and the production of books
2 and papers;

3 i. To prepare and transmit to the Commissioner of Environmental
4 Protection such recommendations for water quality standards for
5 surface and ground waters in the pinelands area, or in tributaries and
6 watersheds thereof, as the commission deems appropriate;

7 j. To prepare, promulgate, adopt, amend or repeal, pursuant to the
8 provisions of the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.), such rules and regulations as are necessary in
10 order to implement the provisions of this act;

11 qk. To appoint advisory boards, commissions, or panels to assist in its
12 activities;

13 l. To identify any lands in which the public acquisition of a fee
14 simple or lesser interest therein is necessary or desirable in order to
15 insure the preservation thereof, or to provide sites for public
16 recreation, as well as any lands the beneficial use of which are so
17 adversely affected by the restrictions imposed pursuant to this act as
18 to require a guarantee of just compensation therefor, and to transmit
19 such identifications to the affected local governments, the
20 Commissioner of Environmental Protection and to the Secretary of the
21 United States Department of Interior;

22 m. To call to its assistance and avail itself of the services of such
23 employees of any State, county or municipal department, board,
24 commission or agency as may be required and made available for such
25 purposes.

26 n. To establish and change, in accordance with a fee schedule to be
27 set forth by regulation adopted pursuant to the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable fees
29 for services performed relating to development review applications
30 filed with the commission as required by the Comprehensive
31 Management Plan.

32 (cf: P.L.1979, c. 111, s. 6)

33

34 31. R.S.45:15-9 is amended to read as follows:

35 45:15-9. All persons desiring to become real estate brokers,
36 broker-salespersons or salespersons shall apply to the commission for
37 a license under the provisions of this article. Every applicant for a
38 license as a broker, broker-salesperson or salesperson shall be of the
39 age of 18 years or over, and in the case of an association or a
40 corporation the directors thereof shall be of the age of 18 years or
41 over. Application for a license, whether as a real estate broker,
42 broker-salesperson or a salesperson, shall be made to the commission
43 upon forms prescribed by it and shall be accompanied by an
44 application fee of ~~[\$25]~~ \$50 which fee shall not be refundable. Every
45 applicant for a license whether as a real estate broker, broker-
46 salesperson or salesperson shall have the equivalent of a high school
47 education. The issuance of a license to an applicant who is a

1 nonresident of this State shall be deemed to be his irrevocable consent
2 that service of process upon him as a licensee in any action or
3 proceeding may be made upon him by service upon the secretary of the
4 commission or the person in charge of the office of the commission.
5 The applicant shall furnish evidence of good moral character, and in
6 the case of an association, partnership or corporation, the members,
7 officers or directors thereof shall furnish evidence of good moral
8 character. The commission may make such investigation and require
9 such proof as it deems proper and in the public interest as to the
10 honesty, trustworthiness, character and integrity of an applicant. Every
11 applicant for a license as a broker or broker-salesperson shall have first
12 been the holder of a New Jersey real estate salesperson's license and
13 have been actively engaged on a full-time basis in the real estate
14 brokerage business in this State for three years immediately preceding
15 the date of application, which requirement may be waived by the
16 commission where the applicant has been the holder of a broker's
17 license in another state and actively engaged in the real estate
18 brokerage business for at least three years immediately preceding the
19 date of his application, meets the educational requirements and
20 qualifies by examination. No license as a broker shall be granted to a
21 general partnership or corporation unless at least one of the partners
22 or officers of said general partnership or corporation qualifies as and
23 holds a license as a broker to transact business in the name and on
24 behalf of said general partnership or corporation as its authorized
25 broker and no such authorized broker shall act as a broker on his own
26 individual account unless he is also licensed as a broker in his
27 individual name; the license of said general partnership or corporation
28 shall cease if at least one partner or officer does not hold a license as
29 its authorized broker at all times. A change in the status of the license
30 of an authorized broker to an individual capacity or vice versa shall be
31 effected by application to the commission accompanied by a fee of
32 ~~[\$25]~~ \$50. No license as a broker shall be granted to a limited
33 partnership unless its general partner qualifies as and holds a license
34 as a broker to transact business in the name of and on behalf of the
35 limited partnership. In the event that a corporation is a general partner
36 of a limited partnership, no license as a broker shall be granted to the
37 limited partnership unless the corporation is licensed as a broker and
38 one of the officers of the corporation qualifies as and holds a license
39 as the corporation's authorized broker.

40 In the event that any person to whom a broker's or broker-
41 salesperson's license has been or shall have been issued shall fail to
42 renew such license or obtain a new license for a period of more than
43 two but less than five consecutive years after the expiration of the last
44 license held, prior to issuing another broker or broker-salesperson
45 license to the person, the commission shall require such person to
46 work as a licensed salesperson on a full-time basis for one full year, to
47 pass an examination, and to successfully complete a 90-hour general

1 broker's pre-licensure course at a licensed real estate school, as the
2 commission shall prescribe by regulation. In the event that any person
3 to whom a broker's or broker-salesperson's license has been or shall
4 have been issued fails to maintain or renew the license or obtain a new
5 license for a period of more than five consecutive years after the
6 expiration of the last license held, prior to issuing another broker or
7 broker-salesperson license to the person the commission shall require
8 the person to pass the salesperson's license examination and then to
9 work as a licensed salesperson on a full-time basis for three years, to
10 fulfill all of the educational requirements applicable to first time
11 applicants for a broker or broker-salesperson license and to pass the
12 broker's license examination. The commission may, in its discretion,
13 approve for relicensure the former holder of a broker or broker-
14 salesperson license who has not renewed the license or obtained a new
15 license for two or more consecutive years upon a sufficient showing
16 that the applicant was medically unable to do so. All applicants so
17 approved shall pass the broker's license examination prior to being
18 relicensed. This paragraph shall not apply to a person reapplying for
19 a broker's or broker-salesperson's license who was licensed as a broker
20 or broker-salesperson and who allowed his license to expire due to
21 subsequent employment in a public agency in this State with
22 responsibility for dealing with matters relating to real estate if the
23 person reapplying does so within one year of termination of that
24 employment.

25 In the event that any person to whom a salesperson's license has
26 been or shall have been issued shall fail to maintain or renew such
27 license or obtain a new license for a period of two consecutive years
28 or more after the expiration of the last license held, the commission
29 shall require such person to attend a licensed school and pass the State
30 examination prior to issuance of a further license. The commission
31 may, in its discretion, approve for relicensure a salesperson applicant
32 who has not renewed his license or obtained a new license for two or
33 more consecutive years upon a sufficient showing that the applicant
34 was medically unable to do so. All salesperson applicants so approved
35 shall pass the salesperson's license examination prior to being
36 relicensed. This paragraph shall not apply to a person reapplying for
37 a salesperson's license who was a licensed salesperson and who
38 allowed his license to expire due to subsequent employment in a public
39 agency in this State with responsibility for dealing with matters
40 relating to real estate if the person reapplying does so within one year
41 of termination of that employment.

42 (cf: P.L.1993, c.51, s.7)

43

44 32. Section 49 of P.L.1993, c.51 (C.45:15-10.6) is amended to
45 read as follows:

46 49. a. Every application for licensure as a real estate school shall
47 be accompanied by an application fee of ~~[\$50]~~ \$100 and a criminal

1 history record check fee for all individual owners, members of a
2 partnership, or officers, directors and owners of a controlling interest
3 in a corporation, which fees shall be non-refundable.

4 b. All licenses issued to real estate schools shall expire on a date
5 fixed by the commission which date shall not be more than two years
6 from the date of issuance of the license. The license fee for each real
7 estate school license issued in the first 12 months of any two-year real
8 estate school license term established by the commission shall be
9 ~~[\$200]~~ \$400 for the first location and ~~[\$100]~~ \$200 for each
10 additional location licensed. The license fee for each real estate school
11 license issued in the second 12 months of any two-year real estate
12 school license term established by the commission shall be ~~[\$100]~~
13 \$200 for the first location and ~~[\$50]~~ \$100 for each additional location
14 licensed. The fee for the renewal of each real estate school license for
15 an additional two-year license term shall be ~~[\$200]~~ \$400 for the first
16 location and ~~[\$100]~~ \$200 for each additional location.

17 c. Any accredited college or university located in this State or any
18 public adult education program conducted by a board of education in
19 this State which otherwise qualifies for licensure as a real estate school
20 shall be issued a license without the payment of any license or license
21 renewal fee.

22 (cf: P.L.1993, c.51, s.49)

23
24 33. Section 50 of P.L.1993, c.51 (C.45:15-10.7) is amended to
25 read as follows:

26 50. Every application for licensure as a real estate instructor shall
27 be accompanied by an application fee of ~~[\$25]~~ \$50 and a criminal
28 history record check fee, which fees shall be non-refundable. All
29 licenses issued to real estate instructors shall expire on a date fixed by
30 the commission which shall be no more than two years from the date
31 of issuance of the license. The license fee for each real estate
32 instructor license issued in the first 12 months of any two-year real
33 estate instructor license term established by the commission shall be
34 ~~[\$100]~~ \$200 and the fee for an instructor license issued in the second
35 12 months of the cycle shall be ~~[\$50]~~ \$100. The fee for the renewal
36 of each real estate instructor license for an additional two-year license
37 term shall be ~~[\$50]~~ \$100. Upon payment of the renewal fee and the
38 submission of evidence of satisfactory completion of any continuing
39 education requirements which the commission may by regulation
40 prescribe, the commission shall renew the license of a real estate
41 instructor for a two-year period.

42 (cf: P.L.1993, c.51, s.50)

43
44 34. R.S.45:15-12 is amended to read as follows:

45 45:15-12. Every real estate broker shall maintain a designated
46 main office open to the public. A real estate broker's main office shall

1 have prominently displayed therein the license certificate of the broker
2 and all licensed persons in his employ and shall be deemed the business
3 address of all licensed persons for all purposes under chapter 15 of
4 Title 45 of the Revised Statutes. In case a real estate broker maintains
5 more than one place of business, a branch office license shall be issued
6 to such broker for each branch office so maintained in this State;
7 provided, however, that the said branch office or offices are under the
8 direct supervision of a broker-salesperson. The branch office license
9 or licenses shall be issued upon the payment of a fee of ~~[\$25]~~ \$50 for
10 each license so issued. Every place of business maintained by a real
11 estate broker shall have conspicuously displayed on the exterior
12 thereof the name in which the broker is authorized to operate and, in
13 the case of a corporation or partnership, the name of the individual
14 licensed as its authorized broker, and the words Licensed Real Estate
15 Broker. A real estate broker whose main office is located in another
16 state shall maintain a valid real estate broker's license in good standing
17 in the state where the office is located.

18 (cf: P.L.1993, c.51, s.13)

19

20 35. R.S.45:15-13 is amended to read as follows:

21 45:15-13. All licenses shall be issued by the commission in such
22 form as it shall prescribe. Each license shall show the name and
23 address of the licensee and shall have imprinted thereon the seal of the
24 commission. Notice in writing shall be given to the commission by
25 each licensed broker of any change of business address, whereupon the
26 commission shall issue new licenses to the broker and to all persons
27 licensed through the broker for the unexpired period, upon the
28 payment of a fee of ~~[\$25]~~ \$50 for the issuance of the new broker
29 license and a fee of ~~[\$5.00]~~ \$10 for each additional new license
30 certificate so issued. A change of business address without
31 notification to the commission, and without the issuance of a new
32 broker's license, shall automatically cancel the license theretofore
33 issued.

34 (cf: P.L.1993, c.51, s.15)

35

36 36. R.S.45:15-15 is amended to read as follows:

37 45:15-15. The biennial fee for each real estate broker's license
38 shall be ~~[\$100]~~ \$200, the biennial fee for each real estate broker-
39 salesperson's license shall be ~~[\$100]~~ \$200 and the biennial fee for each
40 real estate salesperson's license shall be ~~[\$50]~~ \$100. The biennial fee
41 for a branch office license shall be ~~[\$50]~~ \$100. Each license granted
42 under this article shall entitle the licensee to perform all of the acts
43 contemplated herein during the period for which the license is issued,
44 as prescribed by this article ²[, except that if an applicant for a license
45 for a period commencing on or after the effective date of P.L. c.
46 (C.) (pending before the Legislature as this bill) fails to remit the

1 entire fee applicable thereunder by September 1, 2003, the applicant
2 shall be in violation of this article]². If a licensee fails to apply for a
3 renewal of his license prior to the date of expiration of such license,
4 the commission may refuse to issue a renewal license except upon the
5 payment of a late renewal fee in the amount of ~~[\$10]~~ \$20 for a
6 salesperson or broker-salesperson and ~~[\$20]~~ \$40 for a broker;
7 provided, however, the commission may, in its discretion, refuse to
8 renew any license upon sufficient cause being shown. The commission
9 shall refuse to renew the license of any licensee convicted of any
10 offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1)
11 during the term of the last license issued by the commission unless the
12 conviction was previously the subject of a revocation proceeding.
13 Renewed licenses may be granted for each ensuing two years upon
14 request of licensees and the payment of the full fee therefor as herein
15 required. Upon application and payment of the fees provided herein,
16 initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be
17 issued, but the commission may, in its discretion, refuse to grant or
18 reinstate any license upon sufficient cause being shown. The license
19 fees for initial or reinstated licenses shall be determined based upon the
20 biennial fees established herein, with a full biennial fee payable for the
21 license term in which application is received. The revocation or
22 suspension of a broker's license shall automatically suspend every real
23 estate broker-salesperson's and salesperson's license granted to
24 employees of the broker whose license has been revoked or suspended,
25 pending a change of employer and the issuance of a new license. The
26 new license shall be issued without additional charge, if the same is
27 granted during the license term in which the original license was
28 granted. ¹Any renewal fee in this section shall be billed by the
29 commission on or ²[before] after² April 1 ²but before April 15,²
30 and such fees shall be paid on or before June 1 ²,except that the fee
31 increases imposed pursuant to the amendments made in this section
32 pursuant to section 36 of P.L.2003, c. (now pending before the
33 Legislature as this bill) due for the first biennial renewal period ending
34 after enactment of section 36 shall be paid on or before June 1,
35 2004^{2,1}

36 A real estate broker who maintains a main office or branch office
37 licensed by the commission which is located in another state shall
38 maintain a valid real estate broker's license in good standing in the
39 state where the office is located and shall maintain a real estate license
40 in that other state for each office licensed by the commission. Upon
41 request, the real estate broker shall provide a certification of his
42 license status in the other state to the commission. Any license issued
43 by the commission to a real estate broker for a main or branch office
44 located outside this State shall be automatically suspended upon the
45 revocation, suspension or refusal to renew the real estate broker's
46 license issued by the state where the office is located. The licenses
47 issued by the commission to every broker-salesperson or salesperson

1 employed by the broker shall be automatically suspended pending a
 2 change of employer and the issuance of a new license. The new
 3 license shall be issued without additional charge if granted during the
 4 license term in which the original license was granted.

5 (cf: P.L.1996, c.38, s.3)

6
 7 37. Section 2 of P.L.1993, c.321 (C.30:9A-19) is amended as
 8 follows:

9 2. a. A person shall not conduct, maintain or operate a mental
 10 health program unless: [a.] (1) the commissioner has issued a license
 11 to that person, in accordance with rules and regulations adopted by the
 12 commissioner which prescribe standards for the provision of services
 13 by a mental health program; and [b.] (2) that person has a purchase
 14 of service contract or an affiliation agreement with the Division of
 15 Mental Health Services in the Department of Human Services.

16 b. Application for a license to conduct, maintain or operate a
 17 mental health program shall be made upon forms prescribed by the
 18 commissioner. The commissioner shall charge such nonrefundable fees
 19 for the filing of an application for a license, and for any renewal
 20 thereof, as the commissioner shall from time to time fix by regulation.

21 (cf: P.L.1995, c.321, s.2)

22
 23 38. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to
 24 read as follows:

25 2. County clerks and registers of deeds and mortgages, in counties
 26 having such offices, shall charge for the services herein enumerated the
 27 following fees:

	Fee
29 For recording veteran's discharge papers	No fee
30 For recording any instrument:	
31 First page	[\$25.00] <u>\$30.00</u>
32 Each additional page or part thereof	[\$5.00] <u>\$10.00</u>
33 Each rider, insertion, addition, or any map, 34 plat or sketch filed or recorded pursuant 35 to subsection (c) of section 2 of P.L.1957, 36 c.130 (C.48:3-17.3)	[\$5.00] <u>\$10.00</u>
37 For entering the marginal notation of an order 38 judgment, statement or warrant discharging, 39 annulling a notice of lis pendens and for 40 filing such order, judgment or statement	[\$5.00] <u>\$10.00</u>
41 For filing a lis pendens foreclosure	[\$25.00] <u>\$30.00</u>
42 Notation	[\$5.00] <u>\$10.00</u>
43 For preparing and transmitting to the assessor, 44 collector, or other custodian of the assessment 45 map of any taxing district, the abstract of an 46 instrument evidencing title to realty	[\$5.00] <u>\$10.00</u>

1	For entering the marginal notation of a discharge		
2	or release of a New Jersey building and loan		
3	or savings and loan mortgage and forwarding		
4	abstract	[\$5.00]	<u>\$10.00</u>
5	For entering the marginal notation of a discharge,		
6	assignment, postponement or release of a		
7	mortgage, other than building and loan and		
8	savings and loan mortgages	[\$5.00]	<u>\$10.00</u>
9	For the cancellation of any mortgage	[\$15.00]	<u>\$20.00</u>
10	For a marginal notation of the discharge of a		
11	mortgage in counties where mortgages are		
12	indexed under a system requiring a duplication		
13	of indices and description	[\$5.00]	<u>\$10.00</u>
14	For filing and recording notice of federal tax		
15	lien or other federal lien or certificate		
16	discharging such lien	[\$20.00]	<u>\$25.00</u>
17	For filing a notice of settlement	[\$15.00]	<u>\$20.00</u>
18	For filing each map, plat, plan or chart		
19	(except when presented by the State or		
20	its agencies or filed pursuant to subsection		
21	section 2 of P.L.1957, c.130 (C.48:3-17.3))	[\$50.00]	<u>\$55.00</u>
22	For recording tax sale certificate, except by		
23	municipalities, or a redemption or assignment		
24	of tax sale certificate, first page	² [\$25.00]	<u>\$30.00</u> ²
25	Each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
26	Certified copy of veteran's discharge	[\$1.00]	<u>\$6.00</u>
27	For indexing any recorded instrument in excess		
28	of 5 parties, per each name in excess of 5	[\$1.00]	<u>\$6.00</u>
29	For recording tax sale certificate, lien, deed,		
30	or related instrument by a municipality	[\$3.00]	<u>\$8.00</u>
31	For recording vacations or dedications of roads,		
32	first page	[\$25.00]	<u>\$30.00</u>
33	each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
34	For disclaimers	[\$10.00]	<u>\$15.00</u>
35	(cf: P.L.2001, c.370, s.4)		

36

37 39. (New section) a. There is established the "New Jersey Public

38 Records Preservation Account," a dedicated account within the

39 Department of the Treasury. Notwithstanding any other provision of

40 law to the contrary, monies received by a county clerk attributable

41 solely to the amount of increases to the fees imposed pursuant to

42 section 2 of P.L.1965, c.123 (C.22A:4-4.1) (now pending before the

43 Legislature as this bill) shall be paid by the county clerk to the

44 Treasurer for deposit in the New Jersey Public Records Preservation

45 Account, two dollars of which shall be allocated for grants to counties

46 and municipalities for the management, storage and preservation of

1 public records and three dollars of which shall be allocated to the
2 Division of Archives and Records Management within the Department
3 of State for the management, storage and preservation of public
4 records.

5 b. The State Division of Archives and Records, in consultation
6 with the State Records Committee, may, pursuant to the provisions of
7 the Administrative Procedures Act, make, adopt, amend, or repeal
8 such rules and regulations as the Division finds necessary to carry out
9 the provisions of this subsection 2.

10
11 40. (New section) The Secretary of State is authorized to
12 establish reasonable fees for the specialized research, reference, and
13 reproduction services provided by the State Archives, Division of
14 Archives and Records Management in the Department of State,
15 involving permanent historical documents in any format or medium.
16 Such fees shall be established pursuant to the provisions of the
17 Administrative Procedures Act, and shall reflect the actual costs of the
18 services, including labor and overhead. All fees collected by the State
19 Archives for such services shall be paid into the existing nonlapsing
20 "Archives User Fees Account" administered by the Division of
21 Archives and Records Management.

22
23 41. N.J.S.22A:2-12 is amended to read as follows:

24 22A:2-12. Upon the filing of the first paper in any action or
25 proceeding in the Chancery Division of the Superior Court, there shall
26 be paid to the clerk of the court, for the use of the State, the following
27 fees, which, except as hereinafter provided, shall constitute the entire
28 fees to be collected by the clerk for the use of the State, down to the
29 final disposition of the cause:

30 Receivership and partition, \$200.00.

31 All other actions and proceedings except in probate cases and
32 actions and proceedings for divorce, \$200.00.

33 Actions and proceedings for divorce, ~~[\$200.00]~~ \$250.00, \$25.00
34 of which shall be forwarded by the Clerk of the Superior Court as
35 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

36 Any person filing a motion in any action or proceeding shall pay to
37 the clerk \$30.00.

38 (cf: P.L.2002, c.34, s.28)

39
40 42. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
41 to read as follows:

42 2. The Clerk of the Superior Court shall forward \$25.00 of the
43 ~~[\$200.00]~~ \$250.00 filing fee for divorce provided for in N.J.S.22A:
44 2-12 on a quarterly basis to the Department of Community Affairs.

45 (cf: P.L.2002, c.34, s.29)

46
47 ³[43. (New section) a. On or before October 1, 2003 and on or

1 before each October 1 thereafter, or in the case of persons
2 commencing transporting passengers after that date at least 10
3 business days before the commencement of transporting, a fee of \$100
4 shall be due and payable for the operating period from October 1
5 through September 30 for each limousine, as that term is defined
6 pursuant to R.S.48:16-13, and any other vehicle for hire that is used
7 regularly to transport passengers, from or within New Jersey if such
8 vehicle is not registered in New Jersey and is registered in, licensed by,
9 or taxed by a jurisdiction that imposes a similar fee on out-of-state
10 limousines, taxis or livery services for operating within that
11 jurisdiction. For the purposes of this section, a limousine or other
12 motor vehicle for hire shall be deemed to be used regularly to
13 transport passengers to, from or within New Jersey and therefore to
14 be subject to the fee under this section if it is used to transport
15 passengers to, from or within New Jersey on any part of fifteen or
16 more days during the 12 month period preceding the current operating
17 period or during the current operating period.

18 b. Upon payment of the fee pursuant to subsection a. of this
19 section, the Chief Administrator of the New Jersey Motor Vehicle
20 Commission shall issue a "for hire" permit, which permit shall be
21 displayed in the vehicle at all times while the vehicle is within the
22 State, in a manner prescribed by the Chief Administrator.

23 c. Failure to display the "for hire" permit is a motor vehicle
24 violation, punishable by a fine of up to \$150 in addition to any other
25 penalty otherwise authorized for motor vehicle violations. Failure of
26 the owner or, in the case of a leased vehicle, the operator of the
27 limousine service, to pay the fee due under this section is a separate
28 motor vehicle violation and shall be punishable by a fine of not less
29 than \$200 or more than \$400, in addition to any other penalty
30 authorized for motor vehicle violations.

31 d. In adjudicating the violations specified by subsection c. of this
32 section, the trier of fact may infer from the fact that the vehicle was
33 involved in more than one motor vehicle stop, motor vehicle violation
34 or motor vehicle accident during the preceding twelve month period
35 that the vehicle was used regularly to transport persons to, from or
36 within New Jersey and that the fee due pursuant to subsection a. of
37 this section is applicable to the vehicle.

38 e. In addition to the motor vehicle violations set forth in
39 subsection c. of this section, a person who operates a vehicle required
40 to display a "for hire" permit and in which vehicle the permit is not
41 displayed is guilty of a motor vehicles violation and may be subject to
42 a fine of \$200 and, in the discretion of the Chief Administrator, to
43 suspension of driving privileges for a period of six months in
44 accordance with the procedures prescribed by R.S.39:5-30, in addition
45 to any other penalty authorized for motor vehicle violations.

46 f. The Chief Administrator is authorized to promulgate rules and
47 regulations necessary to effectuate the purposes of this section,

1 including but not limited to regulations concerning the assessment of
2 motor vehicle violation points for violation of the provisions of this
3 section and fee collection and remittance methods and procedures, in
4 accordance with the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
6 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
7 the contrary, the Chief Administrator may adopt immediately upon
8 filing with the Office of Administrative Law such regulations as the
9 Chief Administrator deems necessary to implement the provisions of
10 this section, which regulations shall be effective for a period not to
11 exceed 180 days from the date of the filing. The regulations may
12 thereafter be amended, adopted or readopted by the Chief
13 Administrator as the Chief Administrator deems necessary in
14 accordance with the requirements of P.L.1968, c.410.]³

15
16 ³43. (New section) a. On or before October 1, 2003 and on or
17 before each October 1 thereafter, or in the case of persons
18 commencing transporting passengers after that date at least 10
19 business days before the commencement of transporting, a fee shall
20 be due and payable pursuant to this section for the operating period
21 from October 1 through September 30 for each limousine, as that term
22 is defined pursuant to R.S.48:16-13, and any other vehicle for hire that
23 is used to transport passengers, from or to a location in New Jersey if
24 such vehicle is not registered in New Jersey. If the only use of the
25 limousine or other vehicle for hire during the operating period is the
26 transporting of passengers to or from an airport located in this State,
27 the fee shall be \$100; in all other cases, the fee shall be \$250.

28 b. Upon payment of the fee pursuant to subsection a. of this
29 section, the Chief Administrator of the New Jersey Motor Vehicle
30 Commission shall issue a "for hire" permit, which permit shall be
31 displayed in the vehicle at all times while the vehicle is within the
32 State, in a manner prescribed by the Chief Administrator.

33 c. Failure to display the "for hire" permit is a motor vehicle
34 violation, punishable by a fine of up to \$350 in addition to any other
35 penalty otherwise authorized for motor vehicle violations. Failure to
36 pay the fee due under this section is a separate motor vehicle violation
37 and shall be punishable by a fine of not less than \$350, in addition to
38 any other penalty authorized for motor vehicle violations. A vehicle
39 failing to display a "for hire" permit may be impounded by a law
40 enforcement agency, its agent, or any other appropriate authority,
41 which may charge the owner or operator fees for the costs of towing
42 and impoundment.

43 d. The Chief Administrator is authorized to promulgate rules and
44 regulations necessary to effectuate the purposes of this section,
45 including, but not limited to, regulations concerning the assessment of
46 motor vehicle violation points for violation of the provisions of this
47 section and fee collection and remittance methods and procedures, in

1 accordance with the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
3 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
4 the contrary, the Chief Administrator may adopt immediately upon
5 filing with the Office of Administrative Law such regulations as the
6 Chief Administrator deems necessary to implement the provisions of
7 this section, which regulations shall be effective for a period not to
8 exceed 180 days from the date of the filing. The regulations may
9 thereafter be amended, adopted or readopted by the Chief
10 Administrator as the Chief Administrator deems necessary in
11 accordance with the requirements of P.L.1968, c.410.³

12
13 44. Section 6 of P.L.1977, c 44 (C.34:1B-27) is amended to read
14 as follows:

15 6. The Motion Picture and Television Development Commission
16 shall have the following powers:

17 a. To adopt such rules and regulations as it deems advisable with
18 respect to the conduct of its own affairs.

19 b. To hold hearings, and to do or perform any acts which may be
20 necessary, desirable or proper to carry out the purposes of this act.

21 c. To request and obtain from any department, division, board,
22 bureau, commission, or other agency of the State or of any county,
23 municipality, authority or other political subdivision within the State
24 such assistance and data as will enable it properly to carry out its
25 powers and duties hereunder.

26 d. To accept any Federal funds granted, by act of Congress or by
27 Executive Order, for all or any of the purposes of this act.

28 e. To accept any gifts, donations, bequests, or grants of funds
29 from private and public agencies for all or any of the purposes of this
30 act.

31 f. To coordinate the activities of similar councils or boards
32 appointed by any city or county within the State for all or any of the
33 purposes of this act.

34 g. To create advisory councils necessary for the performance of
35 responsibilities pursuant to this act and to appoint members thereto.

36 h. To directly secure any and all location permits from any
37 department, division, board, bureau, commission, or other agency of
38 the State or from any county, municipality, authority, or other political
39 subdivision within the State for applicants interested in motion picture
40 and television production within the State.

41 i. to establish reasonable fees, pursuant to the provisions of the
42 "Administrative Procedures Act," for the services provided by the
43 commission.

44 (cf: P.L.1977, c.44, s.6)

45

46 45. This act shall take effect immediately.

1

2

3 Establishes and increases certain fees and penalties and provides for
4 the use thereof.

ASSEMBLY, No. 3719

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 16, 2003

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

As introduced.



A3719 CARABALLO

1 AN ACT establishing and increasing certain fees imposed by and on
2 behalf of the State and providing for the use of certain fees,
3 amending and supplementing various parts of the statutory law.

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

7
8 1. R.S.34:7-3 is amended as follows:
9 34:7-3. Each application for examination and for any license issued
10 by the bureau shall be accompanied by fees as set forth in this section.
11 The fees, established hereunder pursuant to the amendatory provisions
12 of P.L. , c. (pending before the Legislature as this bill) shall be
13 in effect for State fiscal years 2003-04 and 2004-05. Thereafter, such
14 fees may be adjusted by the Commissioner of Labor in accordance
15 with fee schedules adopted by regulation. Such fees shall be made
16 payable to the Commissioner of Labor. There shall be no other charge
17 for the initial examination or for one re-examination taken within six
18 months of the original examination. Failure to appear for examination
19 or to obtain a passing grade shall not entitle the applicant to a refund
20 of any fee.

21	
22	Original application..... [\$25] <u>\$50</u>
23	Raise of grade or additional
24	classification application..... [\$20] <u>\$40</u>
25	Additional examinations, in excess of
26	2, on any application..... [\$10] <u>\$20</u>
27	Annual license renewal if requested no
28	later than expiration date..... [\$10] <u>\$20</u>
29	License renewal for 3 years if requested
30	no later than expiration date..... [\$20] <u>\$40</u>
31	Application for renewal, if made not more
32	than 3 years after expiration and if all
33	penalties lawfully imposed upon the applicant
34	by the Mechanical Inspection Bureau have
35	been paid 1 year..... [\$15] <u>\$30</u>
36	3 years..... [\$30] <u>\$60</u>
37	

38 Upon failure to so renew a license for a period of 3 years and 1 day
39 after expiration date all records pertaining to such license may be
40 destroyed pursuant to the "Destruction of Public Records Law
41 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.) and any application for
42 renewal of the license will be treated as an original application for

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.

A3719 CARABALLO

1 examination. All fees collected under this article shall be applied
2 toward enforcement and administration costs of the Division of
3 Workplace Standards in the Department of Labor.

4 Any license may be revoked or suspended by the commissioner
5 upon receiving evidence of incompetence, negligence, intoxication
6 while on duty or other reason establishing that the licensee is unfit to
7 hold a license, after notice is given to the licensee and a hearing
8 afforded him before one or more members of the examining board.
9 In case revocation or suspension is recommended by the member of
10 members conducting the years, it shall not be acted upon by the
11 commissioner until at least 15 days notice of the recommendation shall
12 be given to the licensee and an opportunity afforded him within that
13 time period to ask for a rehearing before the commissioner. After
14 rehearing, if requested, the commissioner may affirm, modify or
15 dismiss such recommendation. Pending a hearing or rehearing as
16 provided in this paragraph, the commissioner may authorize the
17 suspension of a license in the interest of health and safety.
18 (cf: P.L.1991, c.205, s.7)

19

20 2. R.S.34:7-6 is amended as follows:

21 34:7-6. Any person who shall violate any of the provisions of this
22 article shall be liable to a penalty of not less than ~~[\$50]~~ \$500 nor more
23 than ~~[\$500]~~ \$5,000 per day for each violation, to be collected by suit
24 or compromise. An officer of a corporation violating any of the
25 provisions of this article shall be personally liable, for the violation by
26 such corporation. Any manager, superintendent or other person in
27 charge of any building or other places in which this article is violated
28 shall be liable for such violation. Any sum collected as a penalty
29 pursuant to this section shall be applied toward enforcement and
30 administration costs of the Division of Workplace Standards in the
31 Department of Labor.

32 (cf: P.L.1991, c.205, s.8)

33

34 3. R.S.34:7-14 is amended as follows:

35 34:7-14. a. All steam or hot water boilers or similar equipment
36 potentially capable of generating steam, except steam boilers having
37 adequate relief devices set to discharge at a pressure not greater than
38 15 pounds per square inch, gage, or hot water boilers having adequate
39 relief devices set to discharge at a pressure not greater than 160
40 pounds per square inch, gage, and which hot water boilers are reliably
41 limited to temperatures not exceeding 250 degrees Fahrenheit, when
42 such steam or hot water boilers serve dwellings of less than six-family
43 units or other dwellings with accommodations for less than 25
44 persons, shall be inspected and be subject to a hydrostatic test, if
45 necessary, at least once in each year, at 12-month intervals, by an
46 inspector of the Division of Workplace Standards, excepting, however,

1 such as may be insured after having been regularly inspected in
2 accordance with the terms of this article by insurance companies,
3 whose inspectors shall have satisfactorily passed an examination or
4 received certificates of competency approved by the commissioner.
5 Such inspection shall be as completely internal and external as
6 construction permits, except that in the case of a steam or hot water
7 boiler or similar equipment, the operation of which is an integral part
8 of or necessary to a continuous processing operation, internal
9 inspections may, at the discretion of the commissioner, be performed
10 at intervals in excess of 12 months as permitted by the shutting down
11 of the processing operation. The inspection of any equipment
12 described in this chapter by a certified inspector of an insurance
13 company shall be acceptable in lieu of State inspection. This article
14 shall not apply to any boiler having less than 10 square feet of heating
15 surface or a heat input of less than 10 kilowatts or 40,000 British
16 Thermal Units per hour or to equipment under the jurisdiction and
17 control of the United States Government, the inspection of which is
18 actively regulated by a federal agency, or to equipment used solely for
19 the propulsion of motor vehicles regulated by Title 39 of the Revised
20 Statutes.

21 b. All other pressure vessels may be inspected and be subject to
22 test after installation and periodically at such intervals as the
23 commissioner may by rule establish. Inspection and test shall be
24 performed by an inspector of the Division of Workplace Standards
25 excepting, however, such as may be insured after having been regularly
26 inspected in accordance with the terms of this article, by insurance
27 companies, whose inspectors shall have satisfactorily passed an
28 examination or received certificates of competency approved by the
29 commissioner, or such as may be regularly inspected by a certified
30 user-inspector of a registered inspection agency approved by the
31 commissioner. Such user-inspection shall have passed an examination
32 or received a certificate of competency from the commissioner, and the
33 inspection shall be conducted in such manner as the commissioner may
34 by rule provide. The inspection of any equipment described in this
35 subsection by a certified inspector of an insurance company or a
36 certified user-inspector of a registered inspection agency shall be
37 acceptable in lieu of State inspection where such inspections are
38 recorded with the Division of Workplace Standards accompanied by
39 fees in accordance with the following schedule; the fees established
40 hereunder pursuant to the amendatory provisions of P.L. _____, c. _____
41 (pending before the Legislature as this bill) shall be in effect for State
42 fiscal years 2003-04 and 2004-05, after which such fees may be
43 adjusted by the Commissioner of Labor in accordance with fee
44 schedules adopted by regulation: one to 25 vessels,[\$5.00] \$15.00
45 each; 26 to 100 vessels,[\$2.50] \$7.50 each; 101 to 500 vessels,
46 [\$2.00] \$6.00 each; and over 500 vessels,[\$1.50] \$4.50 each. These

1 fees are to be collected from the owner or user but payable by the
2 inspection agency to the Department of Labor.

3 This subsection shall not apply to any pressure vessels:

4 (1) Subject to internal or external pressure not exceeding 15 psig;

5 or

6 (2) Having inside diameter not exceeding 6 inches; or

7 (3) Used for water storage purposes serving dwellings of less than
8 six-family units or other dwellings with accommodations for less than
9 25 persons, when none of the following limitations is exceeded:

10 (a) 200 degrees Fahrenheit

11 (b) 120 gallons water containing capacity

12 (c) 160 psig; or

13 (4) Under the jurisdiction and control of the United States

14 Government, the inspection of which is actively regulated by a Federal
15 agency; or to equipment used solely for the propulsion of motor
16 vehicles regulated by Title 39 of the Revised Statutes.

17 (cf: P.L.1985, c.109, s.1)

18

19 4. R.S.34:7-15 is amended as follows:

20 34:7-15. a. For each internal and external inspection of vessels
21 specified in subsection a. of N.J.S.A.34:7-14, which shall include
22 hydrostatic test if found necessary, the owner, lessee or operator of
23 the vessel shall pay to the Department of Labor a fee of ~~[\$25]~~ \$40 for
24 vessels having 10 and not over 60 square feet of heating surface, ~~[\$35]~~
25 \$55 for vessels over 60 and not over 1,000 square feet of heating
26 surface and ~~[\$50]~~ \$75 for vessels over 1,000 square feet of heating
27 surface; plus the actual travel expenses of the inspector. The fees
28 established under this subsection pursuant to the amendatory
29 provisions of P.L. _____, c. _____ (pending before the Legislature as
30 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05,
31 and thereafter may be adjusted by the Commissioner of Labor in
32 accordance with fee schedules adopted by regulation.

33 b. For each inspection of vessels specified in subsection b. of
34 R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to
35 the Department of Labor ~~the actual travel expenses of the inspector~~
36 ~~and] a fee of [\$5.00]~~ \$10.00 for vessels not over 30 square feet size,
37 ~~[\$10.00]~~ \$20.00 for vessels over 30 but not over 60 square feet size,
38 ~~[\$15.00]~~ \$30.00 for vessels over 60 but not over 100 square feet size,
39 ~~[\$20.00]~~ \$40.00 for vessels over 100 square feet. In determining size
40 rating, the extreme diameter multiplied by the vessel length, or
41 equivalent dimensions, shall be used. The fees established under this
42 subsection pursuant to the amendatory provisions of P.L. _____ c. _____
43 (pending before the Legislature as this bill) shall be in effect for State
44 fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by
45 the Commissioner of Labor in accordance with fee schedules adopted
46 by regulation.

1 c. The Division of Workplace Standards shall maintain an
2 inspection service for the purpose of providing shop inspection of
3 those vessels regulated by Chapter 7 of Title 34 of the Revised
4 Statutes, which are under construction or new, or which are to be used
5 for a purpose other than that for which originally approved, or which
6 have never been subject to a previous inspection in New Jersey. This
7 service shall be provided for New Jersey builders, owners or users of
8 such vessels upon their request only. The fees for this service[,
9 exclusive of the actual travel expenses of the inspector, which also
10 shall be paid,] shall be set by the commissioner and shall be: (1) not
11 more than ~~[\$25.00]~~ \$50.00 for each vessel inspected, provided that he
12 may establish a charge for each visit, for the purpose of inspection, of
13 not less than ~~[\$50.00]~~ \$100.00 nor more than \$300; (2) for
14 construction review of vessel not designed in accordance with
15 standards set by the Board of Boiler, Pressure Vessel and
16 Refrigeration Rules, not less than \$500 nor more than \$1,500. The
17 fees established under this subsection pursuant to the amendatory
18 provisions of P.L. _____, c. _____ (pending before the Legislature as
19 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05
20 and thereafter may be adjusted by the Commissioner of Labor in
21 accordance with fee schedules adopted by regulation.

22 (cf: P.L.1991, c.205, s.9)

23

24 5. R.S.34:7-16 is amended as follows:

25 34:7-16. In addition to the annual internal and external inspection,
26 there may be an external inspection if found necessary of each vessel
27 specified in subsection a. of R.S.34:7-14, which shall be made as
28 nearly as may be at the expiration of 6 months from each annual
29 inspection and for which the owner, lessee or operator shall pay to the
30 ~~[inspector]~~ Department of Labor a fee of ~~[\$25]~~ \$50 [, in addition to
31 the actual cost of travel incurred by the inspector in going to and
32 returning from the place of inspection]. The fees established hereunder
33 pursuant to the amendatory provisions of P.L. _____, c. _____ (pending
34 before the Legislature as the bill) shall be in effect for State fiscal years
35 2003-04 and 2004-05 shall be in effect for two full fiscal years
36 following enactment of this amendment and thereafter may be adjusted
37 by the Commissioner of Labor in accordance with fee schedules
38 adopted by regulation. Each vessel insured by an insurance company
39 may also be given an external inspection by a certified inspector.

40 (cf: P.L.1991, c.205, s.10)

41

42 6. R.S.34:7-19 is amended as follows:

43 34:7-19. An insurance company making an inspection of any vessel
44 specified in R.S. 34:7-14 shall make a report of such inspection to the
45 commissioner in such manner and at such intervals as he may by rules
46 provide, and shall pay the commissioner a fee of [not less than \$2.00

1 nor more than \$10] \$20 [as set by the commissioner,]. The fee
2 established hereunder pursuant to the amendatory provisions of
3 P.L. _____, c. _____ (pending before the Legislature as this bill) shall be in
4 effect for State fiscal years 2003-04 and 2004-05, and thereafter may
5 be adjusted by the Commissioner of Labor in accordance with fee
6 schedules adopted by regulation.

7 The fees shall be payable by and collected from the owner, lessee
8 or operator by the insurer or inspector at the time of inspection for
9 each boiler insured within the State. It is further provided that payment
10 of these fees may be made by the insurer through other methods when
11 required or allowed by the commissioner, as provided in R.S.34:7-18.
12 (cf: P.L.1991, c.205, s.11)

13

14 7. R.S.34:7-25 is amended as follows:

15 34:7-25. All refrigeration systems using flammable or toxic
16 refrigerants of over three tons of refrigerating capacity or requiring
17 over six driving horsepower, and all refrigeration systems using
18 nonflammable and nontoxic refrigerants of over 18 tons of
19 refrigerating capacity or requiring over 36 driving horsepower, having
20 relief devices set over 15 pounds per square inch gage and used in a
21 plant of any size or storage capacity, shall be inspected annually by an
22 inspector of the Mechanical Inspection Bureau or of an insurance
23 company, as provided in subsection a. of R.S.4:7-14; and the owner,
24 lessee or operator shall comply with the recommendations of the
25 inspector in conformity with the rules and regulations adopted by the
26 Board of Boiler, Pressure Vessel and Refrigeration Rules of the
27 Mechanical Inspection Bureau and approved by the commissioner.

28 The fees for such inspection by an inspector of the Mechanical
29 Inspection Bureau shall be as follows:

30 a. Refrigeration systems of 25 tons and over, but less than 300 tons
31 of refrigerating capacity, the sum of[~~\$50~~] \$75 for each inspection[,
32 plus the actual travel expense of the inspector];

33 b. Refrigeration systems under 25 tons and over 3 tons of
34 refrigerating capacity, the sum of[~~\$35~~] \$50 for each inspection[, plus
35 the actual travel expense of the inspector];

36 c. Refrigeration systems of 300 tons or over of refrigerating
37 capacity, the sum of[~~\$70~~] \$100 for each inspection[, plus the actual
38 travel expense of the inspector].

39 [The fees and travel expenses shall be paid to the inspector, at the
40 time of inspection, by the owner, lessee or operator of the refrigeration
41 system.] The fees established hereinabove pursuant to the amendatory
42 provisions of P.L. _____ c. _____ (pending before the Legislature as this
43 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
44 thereafter may be adjusted by the Commissioner of Labor in
45 accordance with fee schedules adopted by regulation.

1 The annual inspection and inspection reports of refrigeration
2 systems by insurance companies licensed to do business within this
3 State and otherwise complying with this chapter shall be accepted in
4 lieu of other inspections. Each insurance company shall file with the
5 commissioner a report of each inspection and shall pay to him a fee of
6 ~~[\$10]~~ \$20 for each annual refrigeration system inspection, to be
7 collected by the insurer from the owner or lessee of the plant
8 inspected. Such fee as established pursuant to the amendatory
9 provisions of P.L. c. (pending before the Legislature as this
10 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
11 thereafter may be adjusted by the Commissioner of Labor in
12 accordance with fee schedules adopted by regulation. After the
13 owner, lessee or operator has complied with the rules or regulations,
14 a certificate shall be issued by the Mechanical Inspection Bureau,
15 which certificate shall be valid for one year and be the authority for the
16 operation of the refrigeration system during such time. Upon
17 expiration, the certificate shall be renewed by the Mechanical
18 Inspection Bureau if the refrigeration system is found to be in proper
19 condition for operation within the prescribed rules of the Mechanical
20 Inspection Bureau. All fees collected under chapter 7 of Title 34 of the
21 Revised Statutes shall be applied toward enforcement and
22 administration costs of the Division of Workplace Standards in the
23 Department of Labor.

24 (cf: P.L.1991, c.205, s.12)

25

26 8. R.S.34:7-26 is amended as follows:

27 34:7-26. Any owner, lessee, seller or operator of any steam or hot
28 water boiler or similar equipment specified in R.S.34:7-14, pressure
29 vessel or refrigeration system who shall sell, use, cause or allow to be
30 used such steam or hot water boiler or similar equipment specified in
31 R.S.34:7-14, pressure vessel or refrigeration system in violation of any
32 provision of this article shall be liable to a penalty of not less than
33 \$500.00 nor more than ~~[\$1,000.00]~~ \$10,000.00 for each first offense
34 and not less than \$500.00 nor more than ~~[\$2,500.00]~~ \$25,000.00 for
35 each subsequent offense, to be collected by a civil action or, in the
36 commissioner's discretion, to be imposed by the commissioner as a
37 compromise. All civil actions shall be brought by the Department of
38 Labor as plaintiff, and may be brought in the Special Civil Part, Law
39 Division of the Superior Court of the county, or municipal court of the
40 municipality, wherein such violation shall occur. Any sum collected as
41 a penalty pursuant to this section shall be applied toward enforcement
42 and administration costs of the Division of Workplace Standards in the
43 Department of Labor.

44 (cf: P.L.1991, c.205, s.13)

45

46 9. (New section) The Department of Health and Senior Services

1 may, pursuant to regulation adopted in accordance with the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), establish and charge reasonable fees not to exceed \$100 to cover
4 administrative costs associated with the issuance of a "Certificate of
5 Free Sale." For the purpose of this act, a "Certificate of Free Sale" is
6 defined as a certificate completed and issued by the department
7 attesting that a specific food, drug, cosmetic, or medical device
8 product regulated under Title 24 of the Revised Statutes, as amended
9 and supplemented, and manufactured, distributed, and offered for sale
10 in this State is labeled in conformance with the applicable food, drug,
11 cosmetic, or medical device laws and rules of this State and further
12 attests to the results of the most recently conducted sanitary inspection
13 of the manufacturer or distributor of the subject product.

14 Further, the Department of Health and Senior Services may,
15 pursuant to regulation adopted in accordance with the "Administrative
16 Procedure Act," establish and charge reasonable fees not to exceed
17 \$100 to cover administrative costs associated with the issuance of
18 other certifications or affidavits related to matters regulated by the
19 department under Title 24 of the Revised Statutes, as amended and
20 supplemented.

21

22 10. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended as
23 follows:

24 10. Application for a certificate of need shall be made to the
25 department, and shall be in such form and contain such information as
26 the department may prescribe. The department shall charge a
27 nonreturnable fee for the filing of an application for a certificate of
28 need. The minimum fee for the filing of an application shall be
29 ~~[\$5,000]~~ \$7,500. For a project whose total cost is greater than \$1
30 million, the fee shall be ~~[\$5,000]~~ \$7,500 plus ~~[0.15%]~~ 0.25% of the
31 total project cost. Upon determination that an application is complete,
32 copies thereof shall be referred by the department to the State Health
33 Planning Board for review, when applicable.

34 The board shall provide adequate mechanisms for full consideration
35 of each application submitted to the board and for developing
36 recommendations thereon. Such recommendations, whether favorable
37 or unfavorable, shall be forwarded to the commissioner within 90 days
38 of the date of referral of the application. A copy of the
39 recommendations made shall be forwarded to the applicant.

40 Recommendations concerning certificates of need shall be governed
41 and based upon the principles and considerations set forth in section
42 8 of P.L.1971, c.136 (C:26:2H-8).

43 No member, officer or employee of the State Health Planning Board
44 shall be subject to civil action in any court as the result of any act done
45 or failure to act, or of any statement made or opinion given, while
46 discharging his duties under this act as such member, officer, or

1 employee, provided he acted in good faith with reasonable care and
2 upon proper cause.

3 (cf: P.L.1998, c.43, s.10)

4

5 11. Section 3 of P.L.1997 c.399 (C.52:34-9.3) is amended to read
6 as follows:

7 3. A professional firm which wishes to be considered qualified to
8 provide professional architectural, engineering, or land surveying
9 services to an agency seeking to negotiate a contract or agreement for
10 the performance of such services shall file or shall have filed with the
11 agency a current statement of qualifications and supporting data. Such
12 a statement may be filed at any time during a calendar year, and a \$100
13 fee shall be remitted to the State Treasurer by the professional firm at
14 the time each statement is filed. The content of any such statement
15 shall conform to such regulations with respect thereto as the State
16 Treasurer, in accordance with the "Administrative Procedure Act,"
17 P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate. For the
18 purposes of this section and section 5 of this act, no statement which
19 shall have been filed more than two years prior to the publication of an
20 advertisement pursuant to the provisions of section 4 of this act shall
21 be deemed to be a current statement with respect to qualification of
22 the firm which shall have filed the statement to provide professional
23 architectural, engineering, or land surveying services under any
24 contract or agreement of which notice is given through that
25 advertisement.

26 A statement of qualifications and supporting data filed with an
27 agency under this section shall be a public record for all purposes of
28 P.L.1963, c.73 (C.47:1A-1 et seq.).

29 The fee prescribed hereunder shall not apply to any statements filed
30 before the effective date of P.L. _____, c. _____ (pending before the
31 Legislature as this bill).

32 (cf: P.L.1997, c.399, s.3)

33

34 12. R.S.52:35-2 is amended to read as follows:

35 52:35-2. Officials of the state shall require of all persons proposing
36 to submit bids on public work to be furnished for or on behalf of the
37 state or any officer, board, commission, committee, department or
38 other branch of the state government, a statement under oath in
39 response to a questionnaire, standardized for like classes of work, to
40 be submitted to such persons by such state official. The statement
41 shall develop fully the financial ability, adequacy of plant and
42 equipment, organization and prior experience of the prospective
43 bidder, and also such other pertinent and material facts as may seem
44 desirable. All persons shall remit a \$100 fee to the State Treasurer at
45 the time each statement is filed. The fee shall not apply to any

1 statements filed before the effective date of P.L. , c. (pending
2 before the Legislature as this bill).

3 (cf: R.S.52:35-2)

4

5 13. R.S.52:35-8 is amended to read as follows:

6 52:35-8. No person shall be qualified to bid on any contract, who
7 shall not have submitted a statement as required by R.S.52:35-2 within
8 a period of [18] 24 months preceding the date of opening of bids for
9 such contract.

10 (cf: P.L.1999, c.197 s.1)

11

12 14. Section 3 of P.L.1966, c.185 (C.27:7-35.3) is amended to read
13 as follows:

14 3. Any person desiring such classification shall file with the
15 department a statement under oath in response to a questionnaire,
16 prepared and standardized for like classes of work, by the department.
17 The statement shall develop fully the financial ability, adequacy of
18 plant and equipment, organization and prior experience of the
19 prospective bidder, and also such other pertinent and material facts as
20 may be deemed desirable. All persons shall remit a \$100 fee to the
21 Department of the Treasury at the time each statement is filed. The fee
22 shall be deposited in the general fund. The fee shall not apply to any
23 statements filed before the effective date of P.L. , c. (C.)
24 (pending before the Legislature as this bill).

25 (cf: P.L 1966, c.185, s.3)

26

27 15. N.J.S.17B:23-5 is amended to read as follows:

28 17B:23-5. a. When by or pursuant to the laws of any other state
29 or a province of Canada any taxes, licenses and other fees, in the
30 aggregate, and any fines, penalties, deposit requirements or other
31 obligations, prohibitions or restrictions are or would be imposed upon
32 New Jersey insurers, or upon the agents or representatives of such
33 insurers, which are in excess of such taxes, licenses and other fees, in
34 the aggregate, or which are in excess of the fines, penalties, deposit
35 requirements or other obligations, prohibitions, or restrictions directly
36 imposed upon similar insurers, or upon the agents or representatives
37 of such insurers of such other State or province under the statutes of
38 this State, so long as such laws of such other State or province
39 continue in force or are so applied, the same taxes, licenses and other
40 fees, in the aggregate, or fines, penalties or deposit requirements or
41 other obligations, prohibitions, or restrictions of whatever kind shall
42 be imposed by the commissioner upon the insurers or upon the agents
43 or representatives of such insurers, of such other State of province
44 doing business in New Jersey. Any tax, license or other fee or other
45 obligation imposed by any city, county, or other political subdivision
46 or agency of such other State or province on New Jersey insurers or

1 their agents or representatives shall be deemed to be imposed by such
2 State or province within the meaning of this section and the
3 commissioner may compute the burden of any such taxes on an
4 aggregate basis as an addition to the rate of tax payable by similar
5 New Jersey insurers in such State or province. The addition to the
6 rate of tax payable by similar New Jersey insurers shall be determined
7 by dividing (1) the aggregate of the tax obligations paid to such city,
8 county or other political subdivisions of such State or province by
9 such New Jersey insurers, by (2) the aggregate of the taxable
10 premiums of such insurers under the premium taxing statute of such
11 State or province. The commissioner may issue regulations to carry
12 out the purpose of this section that may include identification of any
13 specific obligation imposed any other state or province, in order to
14 ensure the ability of this State to calculate and collect all appropriate
15 fees.

16 b. This section shall not apply to personal income taxes, nor as to
17 ad valorem taxes on real or personal property nor as to special
18 purpose obligations or assessments imposed [by another State or
19 province] in connection with particular kinds of insurance; except that
20 deductions, from premium taxes otherwise payable, allowed on
21 account of real estate or personal property taxes shall be taken into
22 consideration by the commissioner in determining the propriety and
23 extent of retaliatory action under this section.

24 c. For the purposes of this section the domicile of an alien insurer,
25 other than insurers formed under the laws of Canada or a province
26 thereof, shall be that State designated by the insurer in writing filed
27 with the commissioner at time of admission to this State or within 6
28 months after the effective date of this code, whichever date is the later,
29 and may be any one of the following States:

30 (1) That in which the insurer was first authorized to transact
31 insurance;

32 (2) That in which is located the insurer's principal place of business
33 in the United States;

34 (3) That in which is held the larger deposit of trust assets of the
35 insurer for the protection of its policyholders and creditors in the
36 United States;

37 If the insurer makes no such designation its domicile shall be
38 deemed to be that State in which is located its principal place of
39 business in the United States. In the case of an insurer formed under
40 the laws of Canada or a province thereof, its domicile shall be deemed
41 to be that province in which its head office is situated.

42 (cf:P.L.1971, c.144, s.17B:23-5)

43

44 16. Section 2 of P.L.1971, c.158 (C.24:15-14) is amended to read
45 as follows:

46 2. Where no other fee is provided by law or regulation, the

1 commissioner may in accordance with a fee schedule adopted by
2 ~~him~~ the department as a rule or regulation establish and charge
3 reasonable fees for any service performed in the licensing and
4 inspection of any premises coming within the provisions of this
5 chapter. The fees charged as provided for by this section shall be no
6 more than ~~[\$500.00]~~ \$1,000 based on criteria set forth in the rule or
7 regulation.

8 (cf: P.L.1983, c.275, s.11)

9

10 17. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read
11 as follows:

12 2. a. The Superintendent of State Police, with the approval of the
13 Attorney General, shall, pursuant to the "Administrative Procedure
14 Act," P.L.1968, c 410 (C.52:14B-1 et seq.), adopt rules and
15 regulations authorizing the dissemination, by the State Bureau of
16 Identification, of criminal history record background information
17 requested by State, county and local government agencies, including
18 the Division of State Police, in noncriminal matters, or requested by
19 individuals, nongovernmental entities or other governmental entities
20 whose access to such criminal history record background information
21 is not prohibited by law. A fee not to exceed~~[\$25]~~ \$30 shall be
22 imposed for processing fingerprint identification checks; a fee not to
23 exceed~~[\$15]~~ \$18 shall be imposed for processing criminal history
24 name search identification checks. These fees shall be in addition to
25 any other fees required by law. In addition to any fee specified herein,
26 a nonrefundable fee, the amount of which shall be determined by the
27 Superintendent of State Police, with the approval of the Attorney
28 General, shall be collected to cover the cost of securing and processing
29 a federal criminal records check for each applicant.

30 b. State, county and local government agencies, including the
31 Division of State Police, and nongovernmental entities are authorized
32 to impose and collect the processing fee established pursuant to
33 subsection a. of this section from the person for whom the criminal
34 history record background check is being processed or from the party
35 requesting the criminal history record background check. The
36 Superintendent of State Police shall provide this processing service
37 without the collection of fees from the applicants in processing
38 background checks of prospective foster parents or members of their
39 immediate families. In such cases, the Department of Human Services
40 shall be responsible for paying the fees imposed pursuant to subsection
41 a. of this section. Nothing in this section shall prohibit the
42 Superintendent of State Police, with the approval of the Attorney
43 General, from providing this processing service without the collection
44 of fees from the applicant in other circumstances which in his sole
45 discretion he deems appropriate, if the applicants would not receive a
46 wage or salary for the time and services they provide to an

1 organization or who are considered volunteers. In those circumstances
2 where the Superintendent of State Police, with the approval of the
3 Attorney General, determines to provide this processing service
4 without the collection of fees to the individual applicants, the
5 superintendent may assess the fees for providing this service on behalf
6 of the applicants to any department of State, county or municipal
7 government which is responsible for operating or overseeing that
8 volunteer program. The agencies shall transfer all moneys collected for
9 the processing fee to the Division of State Police.

10 (cf: P.L.1994, c.60, s.4)

11

12 18. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to
13 read as follows:

14 14. Any person, firm, partnership, corporation or association who
15 shall operate or conduct a health care facility without first obtaining
16 the license required by this act, or who shall operate such health care
17 facility after revocation or suspension of license, shall be liable to a
18 penalty of not more than ~~[\$1,000]~~ \$2,500 as provided for by
19 regulation for each day of operation in violation hereof for the first
20 offense and \$5,000 for any subsequent offense. Any person, firm,
21 partnership, corporation or association who violates any rule or
22 regulation adopted in accordance with this act as the same pertains to
23 the care of patients and physical plant standards shall be subject to a
24 penalty of not more than ~~[\$2,500]~~ \$5,000 as provided for by
25 regulation for each day that he is in violation of such rule or
26 regulation. Upon notification to the facility of such violations as
27 pertain to the care of patients or to the hazardous or unsafe condition
28 existing in or upon the structure in which the licensed facility is
29 maintained, the commissioner shall allow the facility 72 hours in which
30 to correct any such violation and if at the end of such period the
31 violation is not corrected and it poses an imminent threat to the health,
32 safety or welfare of the public or the residents of the facility, he may,
33 in his discretion, summarily suspend the license of the facility without
34 a hearing and may order immediate correction of such violation as a
35 prerequisite of reinstatement of licensure. If a licensee that is subject
36 to summary suspension shall deny that a violation exists or has
37 occurred, he shall be have the right to apply to the commissioner for
38 a hearing. Such hearing shall be held and a decision rendered within
39 48 hours of receipt of said request. If the commissioner shall rule
40 against the licensee, the licensee shall have the right to apply for
41 injunctive relief against the commissioner's order. Jurisdiction of such
42 injunctive relief shall be in the Superior Court of New Jersey. Nothing
43 herein shall be construed to prevent the commissioner from thereafter
44 suspending or revoking the license in accordance with the procedure
45 set forth in section 13. If, within one year after such violation such
46 person, firm, partnership, corporation or association is found guilty of

1 the same violation such penalties as hereinbefore set forth shall be
2 doubled, and if there be a third violation within such time, such
3 penalties shall be tripled. In addition thereto the department may, in
4 its discretion, suspend the license for such time as it may deem proper
5 or revoke said license.

6 Any person, firm, partnership, corporation or association who
7 shall, except in cases of an emergency, maintain more patients in his
8 premises than he is licensed so to do, shall be subject to a penalty, in
9 accordance with the procedure set forth in section 13, in an amount
10 equal to the daily charge collected from such patient or patients plus
11 \$25.00 for each day each extra patient is so maintained.

12 (cf: P.L.1998, c.43, s.14)

13

14 19. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to
15 read as follows:

16 26. a. There is established in the Department of the Treasury a
17 nonlapsing, revolving fund to be known as the "Worker and
18 Community Right To Know Fund." The "Worker and Community
19 Right To Know Fund" shall be credited with all fees collected pursuant
20 to paragraph (1) of subsection b. of this section and interest on
21 moneys in the "Worker and Community Right To Know Fund" shall
22 be credited to the "Worker and Community Right To Know Fund" and
23 all moneys in the "Worker and Community Right To Know Fund" are
24 appropriated for the purposes of the "Worker and Community Right
25 To Know Fund", and no moneys shall be expended for those purposes
26 without the specific appropriation thereof by the Legislature. The
27 State Treasurer shall be the administrator of the "Worker and
28 Community Right To Know Fund", and all disbursements from the
29 "Worker and Community Right To Know Fund" shall be made by the
30 State Treasurer upon the warrant of the Director of the Division of
31 Budget and Accounting.

32 b. The Department of Labor shall annually assess each employer
33 a fee of not less than~~[\$50.00]~~ \$75.00 nor more than an amount equal
34 to~~[\$2.00]~~ \$4.00 per employee to provide for the implementation of
35 the provisions of this act. All fees collected by the department
36 pursuant to this paragraph shall be deposited in the "Worker and
37 Community Right To Know Fund".

38 (cf: P.L.1991, c.235, s.20)

39

40 20. R.S.43:21-14 is amended to read as follows:

41 43:21-14. (a)(1) In addition to such reports as may be required
42 under the provisions of subsection (g) of R.S.43:21-11, every
43 employer shall file with the controller periodical contribution reports
44 on such forms and at such times as the controller shall prescribe, to
45 disclose the employer's liability for contributions under the provisions
46 of this chapter (R.S.43:21-1 et seq.), and at the time of filing each

1 contribution report shall pay the contributions required by this chapter
2 (R.S.43:21-1 et seq.), for the period covered by such report. The
3 controller may require that such reports shall be under oath of the
4 employer. Any employer who shall fail to file any report, required by
5 the controller, on or before the last day for the filing thereof shall pay
6 a penalty of [~~\$5.00~~] \$10.00 for each day of delinquency until and
7 including the fifth day following such last day and for any period of
8 delinquency after such fifth day, a penalty of \$5.00 a day or [~~20%~~]
9 25% of the amount of the contributions due and payable by the
10 employer for the period covered by the report, whichever is the lesser;
11 if there be no liability for contributions for the period covered by any
12 contribution report or in the case of any report other than a
13 contribution report, the employer or employing unit shall pay a penalty
14 of [~~\$5.00~~] \$10.00 a day for each day of delinquency in filing or
15 [~~\$25.00~~] \$50.00, whichever is the lesser; provided, however, that
16 when it is shown to the satisfaction of the controller that the failure to
17 file any such report was not the result of fraud or an intentional
18 disregard of this chapter (R.S.43:21-1 et seq.), or the regulations
19 promulgated hereunder, the controller, in his discretion, may remit or
20 abate any unpaid penalties heretofore or hereafter imposed under this
21 section. On or before October 1 of each year, the controller shall
22 submit to the Commissioner of Labor a report covering the 12-month
23 period ending on the preceding June 30, and showing the names and
24 addresses of all employers for whom the controller remitted or abated
25 any penalties, or ratified any remission or abatement of penalties, and
26 the amount of such penalties with respect to each employer. Any
27 employer who shall fail to pay the contributions due for any period, on
28 or before the date they are required by the controller to be paid, shall
29 pay interest on the amount thereof from such date until the date of
30 payment thereof, at the rate of 1% a month through June 30, 1981 and
31 at the rate of 1 1/4% a month after June 30, 1981. Upon the written
32 request of any employer or employing unit, filed with the controller on
33 or before the due date of any report or contribution payment, the
34 controller, for good cause shown, may grant, in writing, an extension
35 of time for the filing of such report or the paying of such contribution,
36 with interest at the applicable rate; provided no such extension shall
37 exceed 30 days and that no such extension shall postpone payment of
38 any contribution for any period beyond the day preceding the last day
39 for filing tax returns under Title IX of the federal Social Security Act
40 for the year in which said period occurs.

41 (2)(A) For the calendar quarter commencing July 1, 1984 and each
42 successive quarter thereafter, each employer shall file a report with the
43 controller within 30 days after the end of each quarter in a form and
44 manner prescribed by the controller, listing the name, social security
45 number and wages paid to each employee and the number of base
46 weeks (as defined in subsection (t) of R.S.43:21-19) worked by the

1 employee during the calendar quarter. (B) Any employer who fails
2 without reasonable cause to comply with the reporting requirements
3 of this paragraph (2) shall be liable for a penalty in the following
4 amount for each employee with respect to whom the employer is
5 required to file a report but who is not included in the report or for
6 whom the required information is not accurately reported for each
7 employee required to be included, whether or not the employee is
8 included:

9 (i) For the first failure for one quarter in any eight consecutive
10 quarters, \$5.00 for each employee;

11 (ii) For the second failure for any quarter in any eight consecutive
12 quarters, \$10.00 for each employee; and

13 (iii) For the third failure for any quarter in any eight consecutive
14 quarters, and for any failure in any eight consecutive quarters, which
15 failure is subsequent to the third failure, \$25.00 for each employee.

16 (C) Information reported by employers as requested by this
17 paragraph (2) shall be used by the Department of Labor for the
18 purpose of determining eligibility for benefits of individuals in
19 accordance with the provisions of R.S.43:21-1 et seq.
20 Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the
21 Department of Labor is hereby authorized to provide the Department
22 of Human Services and the Higher Education Assistance Authority
23 with information reported by employers as required by this paragraph
24 (2). For each fiscal year, the Director of the Division of Budget and
25 Accounting of the Department of the Treasury shall charge the
26 appropriate account of the Department of Human Services and the
27 Higher Education Assistance Authority in amounts sufficient to
28 reimburse the Department of Labor for the cost of providing
29 information under this subparagraph (C).

30 (D) For the purpose of administering the provisions of this
31 paragraph (2), all appropriations, files, books, papers, records,
32 equipment and other property, and employees currently assigned to the
33 Division of Taxation for the implementation of the "Wage Reporting
34 Act," P.L.1980, c.48 (C.54:1-55 et seq.), shall be transferred to the
35 Department of Labor as of September 1, 1984 in accordance with the
36 provisions of the "State Agency Transfer Act," P.L.1971, c.375
37 (C.52:14D-1 et seq.).

38 (b) The contributions, penalties, and interest due from any
39 employer under the provisions of this chapter (R.S.43:21-1 et seq.),
40 from the time they shall be due, shall be a personal debt of the
41 employer to the State of New Jersey, recoverable in any court of
42 competent jurisdiction in a civil action in the name of the State of New
43 Jersey; provided, however, that except in the event of fraud, no
44 employer shall be liable for contributions or penalties unless
45 contribution reports have been filed or assessments have been made in
46 accordance with subsection (c) or (d) of this section before four years

1 have elapsed from the last day of the calendar year with respect to
2 which any contributions become payable under this chapter
3 (R.S.43:21-1 et seq.), nor shall any employer be required to pay
4 interest on any such contribution unless contribution reports were filed
5 or assessments made within such four-year period; provided further
6 that if such contribution reports were filed or assessments made within
7 the four-year period, no civil action shall be instituted, nor shall any
8 certificate be issued to the Clerk of the Superior Court under
9 subsection (e) of this section, except in the event of fraud, after six
10 years have elapsed from the last day of the calendar year with respect
11 to which any contributions become payable under this chapter
12 (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments
13 received from an employer on account of any debt incurred under the
14 provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the
15 controller on account of the contribution liability of the employer and
16 then to interest and penalties, and any balance remaining shall be
17 recoverable by the controller from the employer. Upon application
18 therefor, the controller shall furnish interested persons and entities
19 certificates of indebtedness covering employers, employing units and
20 others for contributions, penalties and interest, for each of which
21 certificates the controller shall charge and collect a fee of \$2.00 per
22 name; no such certificate to be issued, however, for a fee of less than
23 \$10.00. All fees so collected shall be paid into the unemployment
24 compensation administration fund.

25 (c) If any employer shall fail to make any report as required by the
26 rules and regulations of the division pursuant to the provisions of this
27 chapter (R.S.43:21-1 et seq.), the controller may make an estimate of
28 the liability of such employer from any information it may obtain, and,
29 according to such estimate so made, assess such employer for the
30 contributions, penalties, and interest due the State from him, give
31 notice of such assessment to the employer, and make demand upon
32 him for payment.

33 (d) After a report is filed under the provisions of this chapter
34 (R.S.43:21-1 et seq.) and the rules and regulations thereof, the
35 controller shall cause the report to be examined and shall make such
36 further audit and investigation as it may deem necessary, and if
37 therefrom there shall be determined that there is a deficiency with
38 respect to the payment of the contributions due from such employer,
39 the controller shall assess the additional contributions, penalties, and
40 interest due the State from such employer, give notice of such
41 assessment to the employer, and make demand upon him for payment.

42 (e) As an additional remedy, the controller may issue to the Clerk
43 of the Superior Court of New Jersey a certificate stating the amount
44 of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.)
45 and describing the liability, and thereupon the clerk shall immediately
46 enter upon his record of docketed judgments such certificate or an

1 abstract thereof and duly index the same. Any such certificate or
2 abstract, heretofore or hereafter docketed, from the time of docketing
3 shall have the same force and effect as a judgment obtained in the
4 Superior Court of New Jersey, and the controller shall have all the
5 remedies and may take all the proceedings for the collection thereof
6 which may be had or taken upon the recovery of such a judgment in a
7 civil action upon contract in said court. Such debt, from the time of
8 docketing thereof, shall be a lien on and bind the lands, tenements and
9 hereditaments of the debtor.

10 The Clerk of the Superior Court shall be entitled to receive for
11 docketing such certificate, \$0.50, and for a certified transcript of such
12 docket, \$0.50. If the amount set forth in said certificate as a debt shall
13 be modified or reversed upon review, as hereinafter provided, the
14 Clerk of the Superior Court shall, when an order of modification or
15 reversal is filed, enter in the margin of the docket opposite the entry
16 of the judgment, the word "modified" or "reversed," as the case may
17 be, and the date of such modification or reversal.

18 The employer, or any other party having an interest in the property
19 upon which the debt is a lien, may deposit the amount claimed in the
20 certificate with the Clerk of the Superior Court of New Jersey,
21 together with an additional 10% of the amount thereof, or \$100.00,
22 whichever amount is the greater, to cover interest and the costs of
23 court, or in lieu of depositing the amount in cash, may give a bond to
24 the State of New Jersey in double the amount claimed in the
25 certificate, and file the same with the Clerk of the Superior Court. Said
26 bond shall have such surety and shall be approved in the manner
27 required by the Rules Governing the Courts of the State of New
28 Jersey.

29 After the deposit of said money or the filing of said bond, the
30 employer, or any other party having an interest in the said property,
31 may, after exhausting all administrative remedies, secure judicial
32 review of the legality or validity of the indebtedness or the amount
33 thereof, and the said deposit of cash shall be as security for, and the
34 bond shall be conditioned to prosecute, the judicial review with effect.

35 Upon the deposit of said money or the filing of the said bond with
36 the Clerk of the Superior Court, all proceedings on such judgment
37 shall be stayed until the final determination of the cause, and the
38 moneys so deposited shall be subject to the lien of the indebtedness
39 and costs and interest thereon, and the lands, tenements, and
40 hereditaments of said debtor shall forthwith be discharged from the
41 lien of the State of New Jersey and no execution shall issue against the
42 same by virtue of said judgment.

43 Notwithstanding the provisions of subsections (a) through (c) of
44 this section, the Department of Labor may, with the concurrence of the
45 State Treasurer, when all reasonable efforts to collect amounts owed
46 have been exhausted, or to avoid litigation, reduce any liability for

1 contributions, penalties and interest, provided no portion of those
2 amounts represents contributions made by an employee pursuant to
3 subsection (d) of R.S.43:21-7.

4 (f) If, not later than two years after the calendar year in which any
5 moneys were erroneously paid to or collected by the controller,
6 whether such payments were voluntarily or involuntarily made or made
7 under mistake of law or of fact, an employer, employing unit, or
8 employee who has paid such moneys shall make application for an
9 adjustment thereof, the said moneys shall, upon order of the controller,
10 be either credited or refunded, without interest, from the appropriate
11 fund. For like cause and within the same period, credit or refund may
12 be so made on the initiative of the controller.

13 (g) All interest and penalties collected pursuant to this section
14 shall be paid into a special fund to be known as the unemployment
15 compensation auxiliary fund; all moneys in this special fund shall be
16 deposited, administered and disbursed in the same manner and under
17 the same conditions and requirements as is provided by law for other
18 special funds in the State Treasury, and shall be expended, under
19 legislative appropriation, for the purpose of aiding in defraying the
20 cost of the administration of this chapter (R.S.43:21-1 et seq.); for the
21 repayment of any interest bearing advances made from the federal
22 unemployment account pursuant to the provisions of section 1202(b)
23 of the Social Security Act, 42 U.S.C. s.1322; and for essential and
24 necessary expenditures in connection with programs designed to
25 stimulate employment, as determined by the Commissioner of Labor,
26 except that any moneys in this special fund shall be first applied to
27 aiding in the defraying of necessary costs of the administration of this
28 chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of
29 Labor. The Treasurer of the State shall be ex officio the treasurer and
30 custodian of this special fund and, subject to legislative appropriation,
31 shall administer the fund in accordance with the directions of the
32 controller. Any balances in this fund shall not lapse at any time, but
33 shall be continuously available, subject to legislative appropriation, to
34 the controller for expenditure. The State Treasurer shall give a
35 separate and additional bond conditioned upon the faithful
36 performance of his duties in connection with the unemployment
37 compensation auxiliary fund, in an amount to be fixed by the division,
38 the premiums for such bond to be paid from the moneys in the said
39 special fund.

40 (cf: P.L.1997, c.255, s.3)

41

42 21. R.S.33:1-10 is amended to read as follows:

43 33:1-10. Class A licenses shall be subdivided and classified as
44 follows:

45 Plenary brewery license. 1a. The holder of this license shall be
46 entitled, subject to rules and regulations, to brew any malt alcoholic

1 beverages and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of the
4 places of such sale and distribution, and to maintain a warehouse. The
5 fee for this license shall be ~~[\$8,500.00]~~ \$10,625.

6 Limited brewery license. 1b. The holder of this license shall be
7 entitled, subject to rules and regulations, to brew any malt alcoholic
8 beverages in a quantity to be expressed in said license, dependent upon
9 the following fees and not in excess of 300,000 barrels of 31 fluid
10 gallons capacity per year and to sell and distribute this product to
11 wholesalers and retailers licensed in accordance with this chapter, and
12 to sell and distribute without this State to any persons pursuant to the
13 laws of the places of such sale and distribution, and to maintain a
14 warehouse. The fee for this license shall be graduated as follows: to so
15 brew not more than 50,000 barrels of 31 fluid gallons capacity per
16 annum, ~~[\$1,000.00]~~ \$1,250; to so brew not more than 100,000 barrels
17 of 31 fluid gallons capacity per annum, ~~[\$2,000.00]~~ \$2,500; to so brew
18 not more than 200,000 barrels of 31 fluid gallons capacity per annum,
19 ~~[\$4,000.00]~~ \$5,000; to so brew not more than 300,000 barrels of 31
20 fluid gallons capacity per annum, ~~[\$6,000.00]~~ \$7,500.

21 Restricted brewery license. 1c. The holder of this license shall be
22 entitled, subject to rules and regulations, to brew any malt alcoholic
23 beverages in a quantity to be expressed in such license not in excess of
24 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding
25 the provisions of R.S.33:1-26, the director shall issue a restricted
26 brewery license only to a person or an entity which has identical
27 ownership to an entity which holds a plenary retail consumption
28 license issued pursuant to R.S.33:1-12, provided that such plenary
29 retail consumption license is operated in conjunction with a restaurant
30 regularly and principally used for the purpose of providing meals to its
31 customers and having adequate kitchen and dining room facilities, and
32 that the licensed restaurant premises is immediately adjoining the
33 premises licensed as a restricted brewery. The holder of this license
34 shall only be entitled to sell or deliver the product to that restaurant
35 premises. The fee for this license shall be ~~[\$1,000.00]~~ \$1,250, which
36 fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid
37 gallons per annum. The licensee also shall pay an additional ~~[\$500]~~
38 \$625 for every additional 1,000 barrels of 31 fluid gallons produced.
39 No more than two restricted brewery licenses shall be issued to a
40 person or entity which holds an interest in a plenary retail consumption
41 license. If the governing body of the municipality in which the licensed
42 premises will be located should file a written objection, the director
43 shall hold a hearing and may issue the license only if the director finds
44 that the issuance of the license will not be contrary to the public
45 interest. All fees related to the issuance of both licenses shall be paid
46 in accordance with statutory law.

1 Plenary winery license. 2a. Provided that the holder is engaged in
2 growing and cultivating grapes or fruit used in the production of wine
3 on at least three acres on, or adjacent to, the winery premises, the
4 holder of this license shall be entitled, subject to rules and regulations,
5 to produce any fermented wines, and to blend, fortify and treat wines,
6 and to sell and distribute his products to wholesalers and retailers
7 licensed in accordance with this chapter and to churches for religious
8 purposes, and to sell and distribute without this State to any persons
9 pursuant to the laws of the places of such sale and distribution, and to
10 maintain a warehouse, and to sell his products at retail to consumers
11 on the licensed premises of the winery for consumption on or off the
12 premises and to offer samples for sampling purposes only. The fee for
13 this license shall be ~~[\$750.00]~~ \$938. The holder of this license shall
14 also have the right to sell such wine at retail in original packages in
15 five salesrooms apart from the winery premises for consumption on or
16 off the premises and for sampling purposes for consumption on the
17 premises, at a fee of ~~[\$200.00]~~ \$250 for each salesroom. Additionally,
18 subject to rules and regulations, one salesroom per county may be
19 jointly controlled and operated by at least two plenary or farm winery
20 licensees for the sale of the products of any plenary or farm winery
21 licensee for consumption on or off the premises and for consumption
22 on the licensed premises for sampling purposes at an additional fee of
23 ~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
24 subsection, "sampling" means the selling at a nominal charge or the
25 gratuitous offering of an open container not exceeding one and
26 one-half ounces of any wine.

27 For the purposes of this subsection, "product" means any wine that
28 is produced, blended, fortified, or treated by the licensee on its
29 licensed premises situated in the State of New Jersey.

30 Any holder of a plenary winery license who sold wine which was
31 produced, bottled, and labelled by that holder in a place other than its
32 licensed New Jersey premises between July 1, 1992 and June 30, 1993,
33 may continue to sell that wine provided no more than 25,000 cases,
34 each case consisting of 12 750 milliliter bottles or the equivalent, are
35 sold in any single license year. This privilege shall terminate upon, and
36 not survive, any transfer of the license to another person or entity
37 subsequent to the effective date of this 1993 amendatory act or any
38 transfer of stock of the licensed corporation other than to children,
39 grandchildren, parents, spouses or siblings of the existing
40 stockholders.

41 Farm winery license. 2b. The holder of this license shall be entitled,
42 subject to rules and regulations, to manufacture any fermented wines
43 and fruit juices in a quantity to be expressed in said license, dependent
44 upon the following fees and not in excess of 50,000 gallons per year
45 and to sell and distribute his products to wholesalers and retailers
46 licensed in accordance with this chapter and to churches for religious

1 purposes and to sell and distribute without this State to any persons
2 pursuant to the laws of the places of such sale and distribution, and to
3 maintain a warehouse and to sell at retail to consumers for
4 consumption on or off the licensed premises and to offer samples for
5 sampling purposes only. The license shall be issued only when the
6 winery at which such fermented wines and fruit juices are
7 manufactured is located and constructed upon a tract of land
8 exclusively under the control of the licensee, provided that the licensee
9 is actively engaged in growing and cultivating an area of not less than
10 three acres on or adjacent to the winery premises and on which are
11 growing grape vines or fruit to be processed into wine or fruit juice;
12 and provided, further, that for the first five years of the operation of
13 the winery such fermented wines and fruit juices shall be manufactured
14 from at least 51% grapes or fruit grown in the State and that thereafter
15 they shall be manufactured from grapes or fruit grown in this State at
16 least to the extent required for labeling as "New Jersey Wine" under
17 the applicable federal laws and regulations. The containers of all wine
18 sold to consumers by such licensee shall have affixed a label stating
19 such information as shall be required by the rules and regulations of
20 the Director of the Division of Alcoholic Beverage Control. The fee
21 for this license shall be graduated as follows: to so manufacture
22 between 30,000 and 50,000 gallons per annum, [~~\$300.00~~] \$375; to so
23 manufacture between 2,500 and 30,000 gallons per annum, [~~\$200.00~~]
24 \$250; to so manufacture between 1,000 and 2,500 gallons per annum,
25 [~~\$100.00~~] \$125; to so manufacture less than 1,000 gallons per annum,
26 [~~\$50.00~~] \$63. No farm winery license shall be held by the holder of
27 a plenary winery license or be situated on a premises licensed as a
28 plenary winery.

29 The holder of this license shall also have the right to sell his
30 products in original packages at retail to consumers in five salesrooms
31 apart from the winery premises for consumption on or off the
32 premises, and for sampling purposes for consumption on the premises,
33 at a fee of [~~\$200.00~~] \$250 for each salesroom. Additionally, subject
34 to rules and regulations, one salesroom per county may be jointly
35 controlled and operated by at least two plenary or farm winery
36 licensees for the sale of the products of any plenary or farm winery
37 licensee for consumption on or off the premises and for consumption
38 on the licensed premises for sampling purposes only, at an additional
39 fee of [~~\$500.00~~] \$625 per county salesroom. For the purposes of this
40 subsection, "sampling" means the selling at a nominal charge or the
41 gratuitous offering of an open container not exceeding one and
42 one-half ounces of any wine.

43 Unless otherwise indicated, for the purposes of this subsection,
44 with respect to farm winery licenses, "manufacture" means the
45 vinification, aging, storage, blending, clarification, stabilization and
46 bottling of wine or juice from New Jersey fruit to the extent required

1 by this subsection.

2 Wine blending license. 2c. The holder of this license shall be
3 entitled, subject to rules and regulations, to blend, treat, mix, and
4 bottle fermented wines and fruit juices with non-alcoholic beverages,
5 and to sell and distribute his products to wholesalers and retailers
6 licensed in accordance with this chapter, and to sell and distribute
7 without this State to any persons pursuant to the laws of the places of
8 such sale and distribution, and to maintain a warehouse. The fee for
9 this license shall be [~~\$500.00~~] \$625.

10 Plenary distillery license. 3a. The holder of this license shall be
11 entitled, subject to rules and regulations, to manufacture any distilled
12 alcoholic beverages and rectify, blend, treat and mix, and to sell and
13 distribute his products to wholesalers and retailers licensed in
14 accordance with this chapter, and to sell and distribute without this
15 State to any persons pursuant to the laws of the places of such sale
16 and distribution, and to maintain a warehouse. The fee for this license
17 shall be [~~\$10,000.00~~] \$12,500.

18 Limited distillery license. 3b. The holder of this license shall be
19 entitled, subject to rules and regulations, to manufacture and bottle
20 any alcoholic beverages distilled from fruit juices and rectify, blend,
21 treat, mix, compound with wine and add necessary sweetening and
22 flavor to make cordial or liqueur, and to sell and distribute to
23 wholesalers and retailers licensed in accordance with this chapter, and
24 to sell and distribute without this State to any persons pursuant to the
25 laws of the places of such sale and distribution and to warehouse these
26 products. The fee for this license shall be [~~\$3,000.00~~] \$3,750.

27 Supplementary limited distillery license. 3c. The holder of this
28 license shall be entitled, subject to rules and regulations, to bottle and
29 rebottle, in a quantity to be expressed in said license, dependent upon
30 the following fees, alcoholic beverages distilled from fruit juices by
31 such holder pursuant to a prior plenary or limited distillery license, and
32 to sell and distribute his products to wholesalers and retailers licensed
33 in accordance with this chapter, and to sell and distribute without this
34 State to any persons pursuant to the laws of the places of such sale
35 and distribution, and to maintain a warehouse. The fee for this license
36 shall be graduated as follows: to so bottle and rebottle not more than
37 5,000 wine gallons per annum, [~~\$250.00~~] \$313; to so bottle and
38 rebottle not more than 10,000 wine gallons per annum, [~~\$500.00~~]
39 \$625; to so bottle and rebottle without limit as to amount, [~~\$1,000.00~~]
40 \$1,250.

41 Rectifier and blender license. 4. The holder of this license shall be
42 entitled, subject to rules and regulations, to rectify, blend, treat and
43 mix distilled alcoholic beverages, and to fortify, blend, and treat
44 fermented alcoholic beverages, and prepare mixtures of alcoholic
45 beverages, and to sell and distribute his products to wholesalers and
46 retailers licensed in accordance with this chapter, and to sell and

1 distribute without this State to any persons pursuant to the laws of the
2 places of such sale and distribution, and to maintain a warehouse. The
3 fee for this license shall be [~~\$6,000.00~~] \$7,500.

4 Bonded warehouse bottling license. 5. The holder of this license
5 shall be entitled, subject to rules and regulations, to bottle alcoholic
6 beverages in bond on behalf of all persons authorized by federal and
7 State law and regulations to withdraw alcoholic beverages from bond.
8 The fee for this license shall be [~~\$500.00~~] \$625. This license shall be
9 issued only to persons holding permits to operate Internal Revenue
10 bonded warehouses pursuant to the laws of the United States.

11 The provisions of section 21 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1993, c.372, s.1)

16

17 22. R.S.33:1-11 is amended to read as follows:

18 33:1-11. Class B licenses shall be subdivided and classified as
19 follows:

20 Plenary wholesale license. 1. The holder of this license shall be
21 entitled, subject to rules and regulations, to sell and distribute
22 alcoholic beverages to retailers and wholesalers licensed in accordance
23 with this chapter, and to sell and distribute without this State to any
24 persons pursuant to the laws of the places of such sale and
25 distribution, and to maintain a warehouse and salesroom; provided,
26 however, that the delivery of such alcoholic beverages by the holder
27 of this license to retailers licensed under this Title shall be from
28 inventory in a warehouse located in New Jersey which is operated
29 under a plenary wholesale license. The fee for this license shall be
30 [~~\$7,000.00~~] \$8,750.

31 Limited wholesale license. 2a. The holder of this license shall be
32 entitled, subject to rules and regulations, to sell and distribute brewed
33 malt alcoholic beverages and naturally fermented wines to retailers and
34 wholesalers licensed in accordance with this chapter, and to sell and
35 distribute without this State to any persons pursuant to the laws of the
36 places of such sale and distribution, and to maintain a warehouse and
37 salesroom. The fee for this license shall be [~~\$1,500.00~~] \$1,875.

38 Wine wholesale license. 2b. The holder of this license shall be
39 entitled, subject to rules and regulations, to sell and distribute any
40 naturally fermented, treated, blended, fortified and sparkling wines to
41 retailers and wholesalers licensed in accordance with this chapter, and
42 to sell and distribute without this State to any persons pursuant to the
43 laws of the places of such sale and distribution, and to maintain a
44 warehouse and salesroom; provided, however, that the delivery of
45 such wines by the holder of this license to retailers licensed under this
46 Title shall be from inventory in a warehouse located in New Jersey

1 which is operated under a wine wholesale license. The fee for this
2 license shall be [~~\$3,000.00~~] \$3,750.

3 State beverage distributor's license. 2c.(1) The holder of this
4 license shall be entitled, subject to rules and regulations, to sell and
5 distribute unchilled, brewed, malt alcoholic beverages in original
6 containers only, in quantities of not less than 144 fluid ounces and
7 chilled draught malt alcoholic beverages in kegs, barrels or other
8 similar containers of at least one fluid gallon in capacity, to retailers
9 licensed in accordance with this chapter, and to sell and distribute
10 without this State to any person pursuant to the laws of the places of
11 such sale and distribution, and to maintain a warehouse and salesroom.
12 The holder of this license may sell unchilled, brewed, malt alcoholic
13 beverages in original containers only, in quantities of not less than 144
14 fluid ounces and chilled draught malt alcoholic beverages in kegs,
15 barrels or other similar containers of at least 7.75 fluid gallons in
16 capacity, at retail; provided, however, that such sales shall be made
17 only for consumption off the licensed premises. This license shall not
18 be issued to any person holding a plenary or limited brewery license,
19 nor shall it be issued to any person directly or indirectly interested in
20 any brewery within or without this State. This license shall not be
21 issued for premises in or upon which any retail business, except the
22 sale of malt alcoholic beverages and nonalcoholic beverages, is carried
23 on. The fee for this license shall be [~~\$825~~] \$1,031.

24 (2) After the effective date of P.L.1995, c. 309 any license issued
25 or transferred pursuant to this subsection for a premises located in a
26 municipality in a county of the fifth or sixth class shall be limited to
27 prohibit retail sales.

28 (3) The holder of a license issued pursuant to this subsection shall
29 not be entitled to sell malt alcoholic beverages at retail as provided in
30 paragraph (1) of this subsection, at hours of the day or on days of the
31 week during which sales by holders of plenary retail distributors
32 licenses are prohibited in the municipality in which the licensed
33 premises is located or in a municipality which, in accordance with the
34 provisions of this title, prohibits all retail sales of wine and malt
35 alcoholic beverages in original bottle or can containers.

36 The provisions of section 22 of P.L. _____, c. _____ (C. _____)
37 amendatory of this section shall apply to licenses issued or transferred
38 on or after July 1, 2003, and to license renewals commencing on or
39 after July 1, 2003.

40 (cf: P.L.1995, c.309, s.1)

41

42 23. R.S.33:1-12 is amended to read as follows:

43 33:1-12. Class C licenses shall be subdivided and classified as
44 follows:

45 Plenary retail consumption license. 1. The holder of this license
46 shall be entitled, subject to rules and regulations, to sell any alcoholic

1 beverages for consumption on the licensed premises by the glass or
2 other open receptacle, and also to sell any alcoholic beverages in
3 original containers for consumption off the licensed premises; but this
4 license shall not be issued to permit the sale of alcoholic beverages in
5 or upon any premises in which a grocery, delicatessen, drug store or
6 other mercantile business is carried on, except as hereinafter provided.
7 Subject to such rules and regulations established from time to time by
8 the director, the holder of this license shall be permitted to sell
9 alcoholic beverages in or upon the premises in which any of the
10 following is carried on: the keeping of a hotel or restaurant including
11 the sale of mercantile items incidental thereto as an accommodation to
12 patrons; the sale, at an entertainment facility as defined in R.S. 33:1-1,
13 having a seating capacity for no less than 4,000 patrons, of mercantile
14 items traditionally associated with the type of event or program held
15 at the site; the sale of distillers', brewers' and vintners' packaged
16 holiday merchandise prepacked as a unit with other suitable objects as
17 gift items to be sold only as a unit; the sale of novelty wearing apparel
18 identified with the name of the establishment licensed under the
19 provisions of this section; the sale of cigars, cigarettes, packaged
20 crackers, chips, nuts and similar snacks and ice at retail as an
21 accommodation to patrons, or the retail sale of nonalcoholic beverages
22 as accessory beverages to alcoholic beverages; or, in commercial
23 bowling establishments, the retail sale or rental of bowling accessories
24 and the retail sale from vending machines of candy, ice cream and
25 nonalcoholic beverages. The fee for this license shall be fixed by the
26 governing board or body of the municipality in which the licensed
27 premises are situated, by ordinance, at not less than ~~[\$200.00]~~ \$250
28 and not more than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted
29 which shall raise or lower the fee to be charged for this license by
30 more than 20% from that charged in the preceding license year or
31 \$500.00, whichever is the lesser. The governing board or body of each
32 municipality may, by ordinance, enact that no plenary retail
33 consumption license shall be granted within its respective municipality.

34 The holder of this license shall be permitted to obtain a restricted
35 brewery license issued pursuant to subsection 1c. of R.S. 33:1-10 and
36 to operate a restricted brewery immediately adjoining the licensed
37 premises in accordance with the restrictions set forth in that
38 subsection. All fees related to the issuance of both licenses shall be
39 paid in accordance with statutory law.

40 Seasonal retail consumption license. 2. The holder of this license
41 shall be entitled, subject to rules and regulations, to sell any alcoholic
42 beverages for consumption on the licensed premises by the glass or
43 other open receptacle, and also to sell any alcoholic beverages in
44 original containers for consumption off the licensed premises, during
45 the summer session from May 1 until November 14, inclusive, or
46 during the winter season from November 15 until April 30, inclusive;

1 but this license shall not be issued to permit the sale of alcoholic
2 beverages in or upon any premises in which a grocery, delicatessen,
3 drug store or other mercantile business is carried on, except as
4 hereinafter provided. Subject to such rules and regulations established
5 from time to time by the director, the holder of this license shall be
6 permitted to sell alcoholic beverages in or upon the premises in which
7 any of the following is carried on: the keeping of a hotel or restaurant
8 including the sale of mercantile items incidental thereto as an
9 accommodation to patrons; the sale of distillers', brewers' and vintners'
10 packaged holiday merchandise prepacked as a unit with other suitable
11 objects as gift items to be sold only as a unit; the sale of novelty
12 wearing apparel identified with the name of the establishment licensed
13 under the provisions of this section; the sale of cigars, cigarettes,
14 packaged crackers, chips, nuts and similar snacks and ice at retail as
15 an accommodation to patrons; or the retail sale of nonalcoholic
16 beverages as accessory beverages to alcoholic beverages. The fee for
17 this license shall be fixed by the governing board or body of the
18 municipality in which the licensed premises are situated, by ordinance,
19 at 75% of the fee fixed by said board or body for plenary retail
20 consumption licenses. The governing board or body of each
21 municipality may, by ordinance, enact that no seasonal retail
22 consumption license shall be granted within its respective municipality.

23 Plenary retail distribution license. 3. a. The holder of this license
24 shall be entitled, subject to rules and regulations, to sell any alcoholic
25 beverages for consumption off the licensed premises, but only in
26 original containers. The governing board or body of each municipality
27 may, by ordinance, enact that this license shall not be issued to permit
28 the sale of alcoholic beverages in or upon any premises in which any
29 other mercantile business is carried on, except that any such ordinance,
30 heretofore or hereafter adopted, shall not prohibit the retail sale of
31 distillers', brewers' and vintners' packaged holiday merchandise
32 prepacked as a unit with other suitable objects as gift items to be sold
33 only as a unit; the sale of novelty wearing apparel identified with the
34 name of the establishment licensed under the provisions of this act;
35 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
36 ice, and nonalcoholic beverages as accessory beverages to alcoholic
37 beverages. The fee for this license shall be fixed by the governing
38 board or body of the municipality in which the licensed premises are
39 situated, by ordinance, at not less than ~~[\$100.00]~~ \$125 and not more
40 than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted which shall
41 raise or lower the fee to be charged for this license by more than 20%
42 from that charged in the preceding license year or \$500.00, whichever
43 is the lesser. The governing board or body of each municipality may,
44 by ordinance, enact that no plenary retail distribution license shall be
45 granted within its respective municipality.

46 Limited retail distribution license. 3. b. The holder of this license

1 shall be entitled, subject to rules and regulations, to sell any unchilled,
2 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
3 ounces for consumption off the licensed premises, but only in original
4 containers; provided, however, that this license shall be issued only for
5 premises operated and conducted by the licensee as a bona fide
6 grocery store, meat market, meat and grocery store, delicatessen, or
7 other type of bona fide food store at which groceries or other
8 foodstuffs are sold at retail; and provided further that this license shall
9 not be issued except for premises at which the sale of groceries or
10 other foodstuffs is the primary and principal business and at which the
11 sale of alcoholic beverages is merely incidental and subordinate
12 thereto. The fee for this license shall be fixed by the governing body
13 or board of the municipality in which the licensed premises are
14 situated, by ordinance, at not less than ~~[\$25.00]~~ \$31 and not more
15 than ~~[\$50.00]~~ \$63. The governing board or body of each municipality
16 may, by ordinance, enact that no limited retail distribution license shall
17 be granted within its respective municipality.

18 Plenary retail transit license. 4. The holder of this license shall be
19 entitled, subject to rules and regulations, to sell any alcoholic
20 beverages, for consumption only, on railroad trains, airplanes,
21 limousines and boats, while in transit. The fee for this license for use
22 by a railroad or air transport company shall be ~~[\$300.00]~~ \$375, for
23 use by the owners of limousines shall be ~~[\$25.00]~~ \$31 per vehicle, and
24 for use on a boat shall be ~~[\$50.00]~~ \$63 on a boat 65 feet or less in
25 length, ~~[\$100.00]~~ \$125 on a boat more than 65 feet in length but not
26 more than 110 feet in length, and ~~[\$300.00]~~ \$375 on a boat more than
27 110 feet in length; such boat lengths shall be determined in the manner
28 prescribed by the Bureau of Customs of the United States Government
29 or any federal agency successor thereto for boat measurement in
30 connection with issuance of marine documents. A license issued under
31 this provision to a railroad or air transport company shall cover all
32 railroad cars and planes operated by any such company within the
33 State of New Jersey. A license for a boat or limousine issued under
34 this provision shall apply only to the particular boat or limousine for
35 which issued, and shall permit the purchase of alcoholic beverages for
36 sale or service in a boat or limousine to be made from any Class A and
37 B licensee or from any Class C licensee whose license privilege permits
38 the sale of alcoholic beverages in original containers for off-premises
39 consumption. An interest in a plenary retail transit license issued in
40 accordance with this section shall be excluded in determining the
41 maximum number of retail licenses permitted under P.L.1962, c.152
42 (C.33:1-12.31 et seq.).

43 Club license. 5. The holder of this license shall be entitled, subject
44 to rules and regulations, to sell any alcoholic beverages but only for
45 immediate consumption on the licensed premises and only to bona fide
46 club members and their guests. The fee for this license shall be fixed

1 by the governing board or body of the municipality in which the
2 licensed premises are situated, by ordinance, at not less than [\$50.00]
3 \$63 and not more than [\$150.00] \$188. The governing board or body
4 of each municipality may, by ordinance, enact that no club licenses
5 shall be granted within its respective municipality. Club licenses may
6 be issued only to such corporations, associations and organizations as
7 are operated for benevolent, charitable, fraternal, social, religious,
8 recreational, athletic, or similar purposes, and not for private gain, and
9 which comply with all conditions which may be imposed by the
10 Commissioner of Alcoholic Beverage Control by rules and regulations.

11 The provisions of section 23 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1997, c.8, s.2)

16

17 24. R.S.33:1-13 is amended to read as follows:

18 33:1-13. Class D licenses shall be as follows:

19 Transportation license. The holder of this license shall be entitled,
20 subject to rules and regulations, to transport alcoholic beverages into,
21 out of, through and within the State of New Jersey and to maintain a
22 warehouse. The fee for this license shall be [\$500.00] \$625.

23 The provisions of section 24 of P.L. _____, c. _____ (C. _____)
24 amendatory of this section shall apply to licenses issued or transferred
25 on or after July 1, 2003, and to license renewals commencing on or
26 after July 1, 2003.

27 (cf: P.L.1970, c.78, s.3)

28

29 25. R.S.33:1-14 is amended to read as follows:

30 33:1-14. Class E licenses shall be subdivided and classified as
31 follows:

32 Public warehouse license. 1. The holder of this license shall be
33 entitled, subject to rules and regulations, to receive for purposes of
34 storing and warehousing and to store and warehouse alcoholic
35 beverages in the licensed public warehouse; but this license shall not
36 authorize the transportation of alcoholic beverages. The fee for this
37 license shall be [\$400.00] \$500.

38 Broker's license. 2. The holder of this license shall be entitled,
39 subject to rules and regulations, to act as a broker in the purchase and
40 sale of alcoholic beverages for a fee or commission, for or on behalf
41 of a person authorized to manufacture or sell at wholesale alcoholic
42 beverages within or without the State. Such license shall not entitle the
43 holder to buy or sell any alcoholic beverages for his own account, or
44 take or deliver title to such alcoholic beverages, or receive or store
45 any alcoholic beverages in his own name in this State, or offer,
46 negotiate for the sale of or sell any alcoholic beverages to any

1 wholesaler or retailer within this State; but such licensee shall be
2 permitted, subject to rules and regulations, to use samples of alcoholic
3 beverages in connection with the exercise of the privileges of such
4 license. Such licensee's activities hereunder shall not be deemed to
5 constitute a sale within the meaning of paragraph "w" of section
6 33:1-1 of the Revised Statutes. The fee for this license shall be
7 ~~[\$400.00]~~ \$500.

8 The provisions of section 25 of P.L. _____, c. _____ (C. _____)
9 amendatory of this section shall apply to licenses issued or transferred
10 on or after July 1, 2003, and to license renewals commencing on or
11 after July 1, 2003.

12 (cf: P.L.1970, c.78, s.4)

13

14 26. R.S.33:1-25 is amended to read as follows:

15 33:1-25. No license of any class shall be issued to any person under
16 the age of 21 years or to any person who has been convicted of a
17 crime involving moral turpitude.

18 In applications by corporations, except for club licenses, the names
19 and addresses of, and the amount of stock held by, all stockholders
20 holding 1% or more of any of the stock thereof, and the names and
21 addresses of all officers and of all members of the board of directors
22 must be stated in the application, and if one or more of the officers or
23 members of the board of directors or one or more of the owners,
24 directly or indirectly, of more than 10% of the stock would fail to
25 qualify as an individual applicant in all respects, no license of any class
26 shall be granted.

27 In applications for club licenses, the names and addresses of all
28 officers, trustees, directors, or other governing official, together with
29 the names and addresses of all members of the corporation, association
30 or organization, must be stated in the application.

31 In applications by partnerships, the application shall contain the
32 names and addresses of all of the partners. No license shall be issued
33 unless all of the partners would qualify as individual applicants.

34 A photostatic copy of all federal permits necessary to the lawful
35 conduct of the business for which a State license is sought and which
36 relate to alcoholic beverages, or other evidence in lieu thereof
37 satisfactory to the director, must accompany the license application,
38 together with a deposit of the full amount of the required license fee,
39 which deposit to the extent of 90% thereof shall be returned to the
40 applicant by the director or other issuing authority if the application is
41 denied, and the remaining 10% shall constitute an investigation fee and
42 be accounted for as other license fees.

43 Every applicant for a license that is not a renewal of an annual
44 license shall cause a notice of the making of the application to be
45 published in a form prescribed by rules and regulations, once per week
46 for two weeks successively in a newspaper printed in the English

1 language, published and circulated in the municipality in which the
2 licensed premises are located; but if there shall be no such newspaper,
3 then the notice shall be published in a newspaper, printed in the
4 English language, published and circulated in the county in which the
5 licensed premises are located. No publication shall be required with
6 respect to applications for transportation or public warehouse licenses
7 or with respect to applications for renewal of licenses.

8 The Division of Alcoholic Beverage Control shall cause a general
9 notice of the making of annual renewal applications and the manner in
10 which members of the public may object to the approving of the
11 applications to be published in a form prescribed by rules and
12 regulations, once per week from the week of April 1 through the week
13 of June 1 in a newspaper printed in the English language published and
14 circulated in the counties in which the premises of applicants for
15 renewals of annual licenses are located. Any application for the
16 renewal of an annual license shall be made by May 1, and none shall be
17 approved before May 1.

18 Every person filing an application for license, renewal of license or
19 transfer of license with a municipal issuing authority shall, within 10
20 days of such filing, file with the director a copy of the application
21 together with a nonreturnable filing fee of ~~[\$100.00]~~ \$200.

22 Applicants for licenses shall answer questions as may be asked and
23 make declarations as shall be required by the form of application for
24 license as may be promulgated by the director from time to time. All
25 applications shall be duly sworn to by each of the applicants, except in
26 the case of applicants in the military service of the United States
27 whose applications may be signed in their behalf by an attorney-in-fact
28 holding a power of attorney in form approved by the director, and
29 except in cases of applications by corporations which shall be duly
30 sworn to by the president or vice-president. All statements in the
31 applications required to be made by law or by rules and regulations
32 shall be deemed material, and any person who shall knowingly misstate
33 any material fact, under oath, in the application shall be guilty of a
34 misdemeanor. Fraud, misrepresentation, false statements, misleading
35 statements, evasions or suppression of material facts in the securing of
36 a license are grounds for suspension or revocation of the license.

37 The provisions of section 26 of P.L. _____, c. _____ (C. _____)
38 amendatory of this section shall apply to licenses issued or transferred
39 on or after July 1, 2003, and to license renewals commencing on or
40 after July 1, 2003.

41 (cf: P.L.1992, c.188, s.3)

42

43 27. R.S.33:1-72 is amended to read as follows:

44 33:1-72. The sale of receipts, certificates, contracts or other
45 documents given upon the storage of alcoholic beverages is prohibited,
46 except under and pursuant to the provisions of a warehouse receipts

1 license issued by the director. The holder of such license shall be
2 entitled to sell such warehouse receipts subject to rules and regulations
3 and the fee therefor shall be [~~\$300.00~~] \$375. No publication shall be
4 required with respect to applications for warehouse receipts licenses.

5 The provisions of section 27 of P.L. _____, c. _____ (C. _____)
6 amendatory of this section shall apply to licenses issued or transferred
7 on or after July 1, 2003, and to license renewals commencing on or
8 after July 1, 2003.

9 (cf: P.L.1970, c.78, s.8)

10

11 28. R.S.33:1-74 is amended to read as follows:

12 33:1-74. a. To provide for contingencies where it would be
13 appropriate and consonant with the spirit of this chapter to issue a
14 license but the contingency has not been expressly provided for, the
15 director of the division may for special cause shown, subject to rules
16 and regulations, issue temporary permits. The fee for a one-day permit
17 authorizing the sale of alcoholic beverages for consumption on a
18 designated premises by a civic, religious, educational or veterans
19 organization shall be [~~\$50.00~~] \$100 and for a one-day permit
20 authorizing such sale by any other organization, [~~\$75.00~~] \$150. The
21 fee for any other type of temporary permit shall be determined in each
22 case by the director of the division and shall not be less than [~~\$5.00~~]
23 \$10 nor more than [~~\$1,000.00~~] \$2,000, payable to the director of the
24 division and to be accounted for by the director as are license fees.

25 b. As to any designated premises such temporary permits shall not
26 exceed in the aggregate 25 in any one calendar year, but the director
27 of the division may by said rules and regulations provide for a lesser
28 number in the aggregate for any such designated premises in any one
29 calendar year.

30 c. The issuance of temporary permits to authorize the sale of
31 alcoholic beverages by the glass or other open receptacle by civic,
32 religious, educational, veterans or other qualified organizations shall
33 be permissible, notwithstanding that the sale of alcoholic beverages has
34 otherwise been prohibited by referendum under R.S. 33:1-44 through
35 R.S. 33:1-47 or municipal ordinance or resolution.

36 (cf: P.L.1992, c.188, s.13)

37

38 29. (New section) If prior to the effective date of P.L. _____, c.
39 (C. _____) (pending before the Legislature as this bill), an applicant for
40 a license or license renewal has submitted the license fee for an
41 application for a license issued or transferred on or after July 1, 2003,
42 or renewed for a license term commencing on or after July 1, 2003
43 pursuant to R.S.33:1-10, R.S.33:1-11, R.S.33:1-12, R.S.33:1-13,
44 R.S.33:1-14, R.S.33:1-25, R.S.33:1-72 or R.S.33:1-74, the applicant
45 shall submit immediately any outstanding portion o the total license fee
46 as increased by P.L. _____, c. _____. If the increased portion of the

1 licensed fee has not been paid in fully by October 1, 2003, the
2 applicant shall be deemed to be in violation of R.S.33:1-27 and the
3 director may issue an order revoking the license or indefinitely
4 suspending same until payment. The Division of Alcoholic Beverage
5 Control shall promulgate regulations to effectuate this section as well
6 as the purposes of the amendatory provisions of sections 21 through
7 28 of P.L. , c. . All such regulations shall be immediately
8 effective for a period not to exceed six months upon their filing with
9 the Office of Administrative Law, and thereafter may be amended,
10 adopted or readopted in accordance with the requirements of the
11 Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
12

13 30. Section 6 of P.L.1979, c.111 (C.13:18A-6) is amended to
14 read as follows:

15 6. The Pinelands Commission shall have the following powers:

16 a. To adopt and from time to time amend and repeal suitable
17 by-laws for the management of its affairs;

18 b. To adopt and use an official seal and alter the same at its
19 pleasure;

20 c. To maintain an office at such place or places in the pinelands
21 area as it may designate;

22 d. To sue and be sued in its own name;

23 e. To appoint, retain and employ, without regard to the provisions
24 of Title [11] 11A of the [Revised] New Jersey Statutes but within
25 the limits of funds appropriated or otherwise made available for such
26 purposes, such officers, agents, employees and experts as it may
27 require, and to determine the qualifications, terms of office, duties,
28 services and compensation therefor;

29 f. To apply for, receive, and accept, from any Federal, State, or
30 other public or private source, grants or loans for, or in aid of, the
31 commission's authorized purposes;

32 g. To enter into any and all agreements or contracts, execute any
33 and all instruments, and do and perform any and all acts or things
34 necessary, convenient, or desirable for the purposes of the commission
35 or to carry out any power expressly given in this act;

36 h. To conduct examinations and investigations, to hear testimony,
37 taken under oath at public or private hearings, on any material matter,
38 and to require attendance of witnesses and the production of books
39 and papers;

40 i. To prepare and transmit to the Commissioner of Environmental
41 Protection such recommendations for water quality standards for
42 surface and ground waters in the pinelands area, or in tributaries and
43 watersheds thereof, as the commission deems appropriate;

44 j. To prepare, promulgate, adopt, amend or repeal, pursuant to the
45 provisions of the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), such rules and regulations as are necessary in

1 order to implement the provisions of this act;

2 qk. To appoint advisory boards, commissions, or panels to assist in its
3 activities;

4 l. To identify any lands in which the public acquisition of a fee
5 simple or lesser interest therein is necessary or desirable in order to
6 insure the preservation thereof, or to provide sites for public
7 recreation, as well as any lands the beneficial use of which are so
8 adversely affected by the restrictions imposed pursuant to this act as
9 to require a guarantee of just compensation therefor, and to transmit
10 such identifications to the affected local governments, the
11 Commissioner of Environmental Protection and to the Secretary of the
12 United States Department of Interior;

13 m. To call to its assistance and avail itself of the services of such
14 employees of any State, county or municipal department, board,
15 commission or agency as may be required and made available for such
16 purposes.

17 n. To establish and change, in accordance with a fee schedule to be
18 set forth by regulation adopted pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable fees
20 for services performed relating to development review applications
21 filed with the commission as required by the Comprehensive
22 Management Plan.

23 (cf: P.L.1979, c. 111, s. 6)

24

25 31. R.S.45:15-9 is amended to read as follows:

26 45:15-9. All persons desiring to become real estate brokers,
27 broker-salespersons or salespersons shall apply to the commission for
28 a license under the provisions of this article. Every applicant for a
29 license as a broker, broker-salesperson or salesperson shall be of the
30 age of 18 years or over, and in the case of an association or a
31 corporation the directors thereof shall be of the age of 18 years or
32 over. Application for a license, whether as a real estate broker,
33 broker-salesperson or a salesperson, shall be made to the commission
34 upon forms prescribed by it and shall be accompanied by an
35 application fee of ~~[\$25]~~ \$50 which fee shall not be refundable. Every
36 applicant for a license whether as a real estate broker, broker-
37 salesperson or salesperson shall have the equivalent of a high school
38 education. The issuance of a license to an applicant who is a
39 nonresident of this State shall be deemed to be his irrevocable consent
40 that service of process upon him as a licensee in any action or
41 proceeding may be made upon him by service upon the secretary of the
42 commission or the person in charge of the office of the commission.
43 The applicant shall furnish evidence of good moral character, and in
44 the case of an association, partnership or corporation, the members,
45 officers or directors thereof shall furnish evidence of good moral
46 character. The commission may make such investigation and require

1 such proof as it deems proper and in the public interest as to the
2 honesty, trustworthiness, character and integrity of an applicant. Every
3 applicant for a license as a broker or broker-salesperson shall have first
4 been the holder of a New Jersey real estate salesperson's license and
5 have been actively engaged on a full-time basis in the real estate
6 brokerage business in this State for three years immediately preceding
7 the date of application, which requirement may be waived by the
8 commission where the applicant has been the holder of a broker's
9 license in another state and actively engaged in the real estate
10 brokerage business for at least three years immediately preceding the
11 date of his application, meets the educational requirements and
12 qualifies by examination. No license as a broker shall be granted to a
13 general partnership or corporation unless at least one of the partners
14 or officers of said general partnership or corporation qualifies as and
15 holds a license as a broker to transact business in the name and on
16 behalf of said general partnership or corporation as its authorized
17 broker and no such authorized broker shall act as a broker on his own
18 individual account unless he is also licensed as a broker in his
19 individual name; the license of said general partnership or corporation
20 shall cease if at least one partner or officer does not hold a license as
21 its authorized broker at all times. A change in the status of the license
22 of an authorized broker to an individual capacity or vice versa shall be
23 effected by application to the commission accompanied by a fee of
24 ~~[\$25]~~ \$50. No license as a broker shall be granted to a limited
25 partnership unless its general partner qualifies as and holds a license
26 as a broker to transact business in the name of and on behalf of the
27 limited partnership. In the event that a corporation is a general partner
28 of a limited partnership, no license as a broker shall be granted to the
29 limited partnership unless the corporation is licensed as a broker and
30 one of the officers of the corporation qualifies as and holds a license
31 as the corporation's authorized broker.

32 In the event that any person to whom a broker's or broker-
33 salesperson's license has been or shall have been issued shall fail to
34 renew such license or obtain a new license for a period of more than
35 two but less than five consecutive years after the expiration of the last
36 license held, prior to issuing another broker or broker-salesperson
37 license to the person, the commission shall require such person to
38 work as a licensed salesperson on a full-time basis for one full year, to
39 pass an examination, and to successfully complete a 90-hour general
40 broker's pre-licensure course at a licensed real estate school, as the
41 commission shall prescribe by regulation. In the event that any person
42 to whom a broker's or broker-salesperson's license has been or shall
43 have been issued fails to maintain or renew the license or obtain a new
44 license for a period of more than five consecutive years after the
45 expiration of the last license held, prior to issuing another broker or
46 broker-salesperson license to the person the commission shall require

1 the person to pass the salesperson's license examination and then to
2 work as a licensed salesperson on a full-time basis for three years, to
3 fulfill all of the educational requirements applicable to first time
4 applicants for a broker or broker-salesperson license and to pass the
5 broker's license examination. The commission may, in its discretion,
6 approve for relicensure the former holder of a broker or broker-
7 salesperson license who has not renewed the license or obtained a new
8 license for two or more consecutive years upon a sufficient showing
9 that the applicant was medically unable to do so. All applicants so
10 approved shall pass the broker's license examination prior to being
11 relicensed. This paragraph shall not apply to a person reapplying for
12 a broker's or broker-salesperson's license who was licensed as a broker
13 or broker-salesperson and who allowed his license to expire due to
14 subsequent employment in a public agency in this State with
15 responsibility for dealing with matters relating to real estate if the
16 person reapplying does so within one year of termination of that
17 employment.

18 In the event that any person to whom a salesperson's license has
19 been or shall have been issued shall fail to maintain or renew such
20 license or obtain a new license for a period of two consecutive years
21 or more after the expiration of the last license held, the commission
22 shall require such person to attend a licensed school and pass the State
23 examination prior to issuance of a further license. The commission
24 may, in its discretion, approve for relicensure a salesperson applicant
25 who has not renewed his license or obtained a new license for two or
26 more consecutive years upon a sufficient showing that the applicant
27 was medically unable to do so. All salesperson applicants so approved
28 shall pass the salesperson's license examination prior to being
29 relicensed. This paragraph shall not apply to a person reapplying for
30 a salesperson's license who was a licensed salesperson and who
31 allowed his license to expire due to subsequent employment in a public
32 agency in this State with responsibility for dealing with matters
33 relating to real estate if the person reapplying does so within one year
34 of termination of that employment.

35 (cf: P.L.1993, c.51, s.7)

36

37 32. Section 49 of P.L.1993, c.51 (C.45:15-10.6) is amended to
38 read as follows:

39 49. a. Every application for licensure as a real estate school shall
40 be accompanied by an application fee of ~~[\$50]~~ \$100 and a criminal
41 history record check fee for all individual owners, members of a
42 partnership, or officers, directors and owners of a controlling interest
43 in a corporation, which fees shall be non-refundable.

44 b. All licenses issued to real estate schools shall expire on a date
45 fixed by the commission which date shall not be more than two years
46 from the date of issuance of the license. The license fee for each real

1 estate school license issued in the first 12 months of any two-year real
2 estate school license term established by the commission shall be
3 ~~[\$200]~~ \$400 for the first location and ~~[\$100]~~ \$200 for each
4 additional location licensed. The license fee for each real estate school
5 license issued in the second 12 months of any two-year real estate
6 school license term established by the commission shall be ~~[\$100]~~
7 \$200 for the first location and ~~[\$50]~~ \$100 for each additional location
8 licensed. The fee for the renewal of each real estate school license for
9 an additional two-year license term shall be ~~[\$200]~~ \$400 for the first
10 location and ~~[\$100]~~ \$200 for each additional location.

11 c. Any accredited college or university located in this State or any
12 public adult education program conducted by a board of education in
13 this State which otherwise qualifies for licensure as a real estate school
14 shall be issued a license without the payment of any license or license
15 renewal fee.

16 (cf: P.L.1993, c.51, s.49)

17

18 33. Section 50 of P.L.1993, c.51 (C.45:15-10.7) is amended to
19 read as follows:

20 50. Every application for licensure as a real estate instructor shall
21 be accompanied by an application fee of ~~[\$25]~~ \$50 and a criminal
22 history record check fee, which fees shall be non-refundable. All
23 licenses issued to real estate instructors shall expire on a date fixed by
24 the commission which shall be no more than two years from the date
25 of issuance of the license. The license fee for each real estate
26 instructor license issued in the first 12 months of any two-year real
27 estate instructor license term established by the commission shall be
28 ~~[\$100]~~ \$200 and the fee for an instructor license issued in the second
29 12 months of the cycle shall be ~~[\$50]~~ \$100. The fee for the renewal
30 of each real estate instructor license for an additional two-year license
31 term shall be ~~[\$50]~~ \$100. Upon payment of the renewal fee and the
32 submission of evidence of satisfactory completion of any continuing
33 education requirements which the commission may by regulation
34 prescribe, the commission shall renew the license of a real estate
35 instructor for a two-year period.

36 (cf: P.L.1993, c.51, s.50)

37

38 34. R.S.45:15-12 is amended to read as follows:

39 45:15-12. Every real estate broker shall maintain a designated
40 main office open to the public. A real estate broker's main office shall
41 have prominently displayed therein the license certificate of the broker
42 and all licensed persons in his employ and shall be deemed the business
43 address of all licensed persons for all purposes under chapter 15 of
44 Title 45 of the Revised Statutes. In case a real estate broker maintains
45 more than one place of business, a branch office license shall be issued

1 to such broker for each branch office so maintained in this State;
2 provided, however, that the said branch office or offices are under the
3 direct supervision of a broker-salesperson. The branch office license
4 or licenses shall be issued upon the payment of a fee of ~~[\$25]~~ \$50 for
5 each license so issued. Every place of business maintained by a real
6 estate broker shall have conspicuously displayed on the exterior
7 thereof the name in which the broker is authorized to operate and, in
8 the case of a corporation or partnership, the name of the individual
9 licensed as its authorized broker, and the words Licensed Real Estate
10 Broker. A real estate broker whose main office is located in another
11 state shall maintain a valid real estate broker's license in good standing
12 in the state where the office is located.

13 (cf: P.L.1993, c.51, s.13)

14

15 35. R.S.45:15-13 is amended to read as follows:

16 45:15-13. All licenses shall be issued by the commission in such
17 form as it shall prescribe. Each license shall show the name and
18 address of the licensee and shall have imprinted thereon the seal of the
19 commission. Notice in writing shall be given to the commission by
20 each licensed broker of any change of business address, whereupon the
21 commission shall issue new licenses to the broker and to all persons
22 licensed through the broker for the unexpired period, upon the
23 payment of a fee of ~~[\$25]~~ \$50 for the issuance of the new broker
24 license and a fee of ~~[\$5.00]~~ \$10 for each additional new license
25 certificate so issued. A change of business address without
26 notification to the commission, and without the issuance of a new
27 broker's license, shall automatically cancel the license theretofore
28 issued.

29 (cf: P.L.1993, c.51, s.15)

30

31 36. R.S.45:15-15 is amended to read as follows:

32 45:15-15. The biennial fee for each real estate broker's license
33 shall be ~~[\$100]~~ \$200, the biennial fee for each real estate broker-
34 salesperson's license shall be ~~[\$100]~~ \$200 and the biennial fee for each
35 real estate salesperson's license shall be ~~[\$50]~~ \$100. The biennial fee
36 for a branch office license shall be ~~[\$50]~~ \$100. Each license granted
37 under this article shall entitle the licensee to perform all of the acts
38 contemplated herein during the period for which the license is issued,
39 as prescribed by this article, except that if an applicant for a license for
40 a period commencing on or after the effective date of P.L. _____, c.
41 (C. _____) (pending before the Legislature as this bill) fails to remit the
42 entire fee applicable thereunder by September 1, 2003, the applicant
43 shall be in violation of this article. If a licensee fails to apply for a
44 renewal of his license prior to the date of expiration of such license,
45 the commission may refuse to issue a renewal license except upon the
46 payment of a late renewal fee in the amount of ~~[\$10]~~ \$20 for a

1 salesperson or broker-salesperson and ~~[\$20]~~ \$40 for a broker;
2 provided, however, the commission may, in its discretion, refuse to
3 renew any license upon sufficient cause being shown. The commission
4 shall refuse to renew the license of any licensee convicted of any
5 offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1)
6 during the term of the last license issued by the commission unless the
7 conviction was previously the subject of a revocation proceeding.
8 Renewed licenses may be granted for each ensuing two years upon
9 request of licensees and the payment of the full fee therefor as herein
10 required. Upon application and payment of the fees provided herein,
11 initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be
12 issued, but the commission may, in its discretion, refuse to grant or
13 reinstate any license upon sufficient cause being shown. The license
14 fees for initial or reinstated licenses shall be determined based upon the
15 biennial fees established herein, with a full biennial fee payable for the
16 license term in which application is received. The revocation or
17 suspension of a broker's license shall automatically suspend every real
18 estate broker-salesperson's and salesperson's license granted to
19 employees of the broker whose license has been revoked or suspended,
20 pending a change of employer and the issuance of a new license. The
21 new license shall be issued without additional charge, if the same is
22 granted during the license term in which the original license was
23 granted.

24 A real estate broker who maintains a main office or branch office
25 licensed by the commission which is located in another state shall
26 maintain a valid real estate broker's license in good standing in the
27 state where the office is located and shall maintain a real estate license
28 in that other state for each office licensed by the commission. Upon
29 request, the real estate broker shall provide a certification of his
30 license status in the other state to the commission. Any license issued
31 by the commission to a real estate broker for a main or branch office
32 located outside this State shall be automatically suspended upon the
33 revocation, suspension or refusal to renew the real estate broker's
34 license issued by the state where the office is located. The licenses
35 issued by the commission to every broker-salesperson or salesperson
36 employed by the broker shall be automatically suspended pending a
37 change of employer and the issuance of a new license. The new
38 license shall be issued without additional charge if granted during the
39 license term in which the original license was granted.

40 (cf: P.L.1996, c.38, s.3)

41

42 37. Section 2 of P.L.1993, c.321 (C.30:9A-19) is amended as
43 follows:

44 2. a. A person shall not conduct, maintain or operate a mental
45 health program unless: [a.] (1) the commissioner has issued a license
46 to that person, in accordance with rules and regulations adopted by the

1 commissioner which prescribe standards for the provision of services
2 by a mental health program; and [b.] (2) that person has a purchase
3 of service contract or an affiliation agreement with the Division of
4 Mental Health Services in the Department of Human Services.

5 b. Application for a license to conduct, maintain or operate a mental
6 health program shall be made upon forms prescribed by the
7 commissioner. The commissioner shall charge such nonrefundable fees
8 for the filing of an application for a license, and for any renewal
9 thereof, as the commissioner shall from time to time fix by regulation.

10 (cf: P.L.1995, c.321, s.2)

11

12 38. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read
13 as follows:

14 2. County clerks and registers of deeds and mortgages, in counties
15 having such offices, shall charge for the services herein enumerated the
16 following fees:

	Fee
18 For recording veteran's discharge papers	No fee
19 For recording any instrument:	
20 First page	[\$25.00] <u>\$30.00</u>
21 Each additional page or part thereof	[\$5.00] <u>\$10.00</u>
22 Each rider, insertion, addition, or any map, 23 plat or sketch filed or recorded pursuant 24 to subsection (c) of section 2 of P.L.1957, 25 c.130 (C.48:3-17.3)	[\$5.00] <u>\$10.00</u>
26 For entering the marginal notation of an order 27 judgment, statement or warrant discharging, 28 annulling a notice of lis pendens and for 29 filing such order, judgment or statement	[\$5.00] <u>\$10.00</u>
30 For filing a lis pendens foreclosure	[\$25.00] <u>\$30.00</u>
31 Notation	[\$5.00] <u>\$10.00</u>
32 For preparing and transmitting to the assessor, 33 collector, or other custodian of the assessment 34 map of any taxing district, the abstract of an 35 instrument evidencing title to realty	[\$5.00] <u>\$10.00</u>
36 For entering the marginal notation of a discharge 37 or release of a New Jersey building and loan 38 or savings and loan mortgage and forwarding 39 abstract	[\$5.00] <u>\$10.00</u>
40 For entering the marginal notation of a discharge, 41 assignment, postponement or release of a 42 mortgage, other than building and loan and 43 savings and loan mortgages	[\$5.00] <u>\$10.00</u>
44 For the cancellation of any mortgage	[\$15.00] <u>\$20.00</u>
45 For a marginal notation of the discharge of a	

A3719 CARABALLO

1	mortgage in counties where mortgages are		
2	indexed under a system requiring a duplication		
3	of indices and description	[\$5.00]	<u>\$10.00</u>
4	For filing and recording notice of federal tax		
5	lien or other federal lien or certificate		
6	discharging such lien	[\$20.00]	<u>\$25.00</u>
7	For filing a notice of settlement	[\$15.00]	<u>\$20.00</u>
8	For filing each map, plat, plan or chart		
9	(except when presented by the State or		
10	its agencies or filed pursuant to subsection		
11	section 2 of P.L.1957, c.130 (C.48:3-17.3))	[\$50.00]	<u>\$55.00</u>
12	For recording tax sale certificate, except by		
13	municipalities, or a redemption or assignment		
14	of tax sale certificate, first page	[\$5.00]	<u>\$10.00</u>
15	Certified copy of veteran's discharge	[\$1.00]	<u>\$6.00</u>
16	For indexing any recorded instrument in excess		
17	of 5 parties, per each name in excess of 5	[\$1.00]	<u>\$6.00</u>
18	For recording tax sale certificate, lien, deed,		
19	or related instrument by a municipality	[\$3.00]	<u>\$8.00</u>
20	For recording vacations or dedications of roads,		
21	first page	[\$25.00]	<u>\$30.00</u>
22	each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
23	For disclaimers	[\$10.00]	<u>\$15.00</u>
24			

25 39. (New section) a. There is established the "New Jersey Public
26 Records Preservation Account," a dedicated account within the
27 Department of the Treasury. Notwithstanding any other provision of
28 law to the contrary, monies received by a county clerk attributable
29 solely to the amount of increases to the fees imposed pursuant to
30 section 2 of P.L.1965, c.123 (C.22A:4-4.1) (now pending before the
31 Legislature as this bill) shall be paid by the county clerk to the
32 Treasurer for deposit in the New Jersey Public Records Preservation
33 Account, two dollars of which shall be allocated for grants to counties
34 and municipalities for the management, storage and preservation of
35 public records and three dollars of which shall be allocated to the
36 Division of Archives and Records Management within the Department
37 of State for the management, storage and preservation of public
38 records.

39 b. The State Division of Archives and Records, in consultation
40 with the State Records Committee, may, pursuant to the provisions of
41 the Administrative Procedures Act, make, adopt, amend, or repeal
42 such rules and regulations as the Division finds necessary to carry out
43 the provisions of this subsection 2.

44
45 40. (New section) The Secretary of State is authorized to

1 establish reasonable fees for the specialized research, reference, and
2 reproduction services provided by the State Archives, Division of
3 Archives and Records Management in the Department of State,
4 involving permanent historical documents in any format or medium.
5 Such fees shall be established pursuant to the provisions of the
6 Administrative Procedures Act, and shall reflect the actual costs of the
7 services, including labor and overhead. All fees collected by the State
8 Archives for such services shall be paid into the existing nonlapsing
9 "Archives User Fees Account" administered by the Division of
10 Archives and Records Management.

11

12 41. N.J.S.22A:2-12 is amended to read as follows:

13 22A:2-12. Upon the filing of the first paper in any action or
14 proceeding in the Chancery Division of the Superior Court, there shall
15 be paid to the clerk of the court, for the use of the State, the following
16 fees, which, except as hereinafter provided, shall constitute the entire
17 fees to be collected by the clerk for the use of the State, down to the
18 final disposition of the cause:

19 Receivership and partition, \$200.00.

20 All other actions and proceedings except in probate cases and
21 actions and proceedings for divorce, \$200.00.

22 Actions and proceedings for divorce, ~~[\$200.00]~~ \$250.00, \$25.00
23 of which shall be forwarded by the Clerk of the Superior Court as
24 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

25 Any person filing a motion in any action or proceeding shall pay to
26 the clerk \$30.00.

27 (cf: P.L.2002, c.34, s.28)

28

29 42. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
30 to read as follows:

31 2. The Clerk of the Superior Court shall forward \$25.00 of the
32 ~~[\$200.00]~~ \$250.00 filing fee for divorce provided for in N.J.S.22A:2-
33 12 on a quarterly basis to the Department of Community Affairs.

34 (cf: P.L.2002, c.34, s.29)

35

36 43. (New section) a. On or before October 1, 2003 and on or
37 before each October 1 thereafter, or in the case of persons
38 commencing transporting passengers after that date at least 10
39 business days before the commencement of transporting, a fee of \$100
40 shall be due and payable for the operating period from October 1
41 through September 30 for each limousine, as that term is defined
42 pursuant to R.S.48:16-13, and any other vehicle for hire that is used
43 regularly to transport passengers, from or within New Jersey if such
44 vehicle is not registered in New Jersey and is registered in, licensed by,
45 or taxed by a jurisdiction that imposes a similar fee on out-of-state
46 limousines, taxis or livery services for operating within that

1 jurisdiction. For the purposes of this section, a limousine or other
2 motor vehicle for hire shall be deemed to be used regularly to
3 transport passengers to, from or within New Jersey and therefore to
4 be subject to the fee under this section if it is used to transport
5 passengers to, from or within New Jersey on any part of fifteen or
6 more days during the 12 month period preceding the current operating
7 period or during the current operating period.

8 b. Upon payment of the fee pursuant to subsection a. of this
9 section, the Chief Administrator of the New Jersey Motor Vehicle
10 Commission shall issue a "for hire" permit, which permit shall be
11 displayed in the vehicle at all times while the vehicle is within the
12 State, in a manner prescribed by the Chief Administrator.

13 c. Failure to display the "for hire" permit is a motor vehicle
14 violation, punishable by a fine of up to \$150 in addition to any other
15 penalty otherwise authorized for motor vehicle violations. Failure of
16 the owner or, in the case of a leased vehicle, the operator of the
17 limousine service, to pay the fee due under this section is a separate
18 motor vehicle violation and shall be punishable by a fine of not less
19 than \$200 or more than \$400, in addition to any other penalty
20 authorized for motor vehicle violations.

21 d. In adjudicating the violations specified by subsection c. of this
22 section, the trier of fact may infer from the fact that the vehicle was
23 involved in more than one motor vehicle stop, motor vehicle violation
24 or motor vehicle accident during the preceding twelve month period
25 that the vehicle was used regularly to transport persons to, from or
26 within New Jersey and that the fee due pursuant to subsection a. of
27 this section is applicable to the vehicle.

28 e. In addition to the motor vehicle violations set forth in
29 subsection c. of this section, a person who operates a vehicle required
30 to display a "for hire" permit and in which vehicle the permit is not
31 displayed is guilty of a motor vehicles violation and may be subject to
32 a fine of \$200 and, in the discretion of the Chief Administrator, to
33 suspension of driving privileges for a period of six months in
34 accordance with the procedures prescribed by R.S.39:5-30, in addition
35 to any other penalty authorized for motor vehicle violations.

36 f. The Chief Administrator is authorized to promulgate rules and
37 regulations necessary to effectuate the purposes of this section,
38 including but not limited to regulations concerning the assessment of
39 motor vehicle violation points for violation of the provisions of this
40 section and fee collection and remittance methods and procedures, in
41 accordance with the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
43 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
44 the contrary, the Chief Administrator may adopt immediately upon
45 filing with the Office of Administrative Law such regulations as the
46 Chief Administrator deems necessary to implement the provisions of

1 this section, which regulations shall be effective for a period not to
2 exceed 180 days from the date of the filing. The regulations may
3 thereafter be amended, adopted or readopted by the Chief
4 Administrator as the Chief Administrator deems necessary in
5 accordance with the requirements of P.L.1968, c.410.

6
7 44. Section 6 of P.L.1977, c 44 (C.34:1B-27) is amended to read
8 as follows:

9 6. The Motion Picture and Television Development Commission
10 shall have the following powers:

11 a. To adopt such rules and regulations as it deems advisable with
12 respect to the conduct of its own affairs.

13 b. To hold hearings, and to do or perform any acts which may be
14 necessary, desirable or proper to carry out the purposes of this act.

15 c. To request and obtain from any department, division, board,
16 bureau, commission, or other agency of the State or of any county,
17 municipality, authority or other political subdivision within the State
18 such assistance and data as will enable it properly to carry out its
19 powers and duties hereunder.

20 d. To accept any Federal funds granted, by act of Congress or by
21 Executive Order, for all or any of the purposes of this act.

22 e. To accept any gifts, donations, bequests, or grants of funds
23 from private and public agencies for all or any of the purposes of this
24 act.

25 f. To coordinate the activities of similar councils or boards
26 appointed by any city or county within the State for all or any of the
27 purposes of this act.

28 g. To create advisory councils necessary for the performance of
29 responsibilities pursuant to this act and to appoint members thereto.

30 h. To directly secure any and all location permits from any
31 department, division, board, bureau, commission, or other agency of
32 the State or from any county, municipality, authority, or other political
33 subdivision within the State for applicants interested in motion picture
34 and television production within the State.

35 i. to establish reasonable fees, pursuant to the provisions of the
36 "Administrative Procedures Act," for the services provided by the
37 commission.

38 (cf: P.L.1977, c.44, s.6)

39
40 45. This act shall take effect immediately.

41
42 STATEMENT

43
44 This bill amends and supplements current law as follows:

45
46 * Creates a new section in Title 24 of the New Jersey

- 1 Statutes giving the Department of Health and Senior
2 Services the authority to establish fees in connection with
3 the issuance of “Certificates of Free Sale” and other
4 certificates and affidavits issued by the department pursuant
5 to Title 24 of N.J.S.;
- 6
- 7 * Increases the minimum application fee for a certificate of
8 need from \$5,000 to \$7,500. For projects with total costs
9 greater than \$1 million, the fee is increased from \$5,000
10 plus 0.15% of the total project cost to \$7,500 plus 0.25%
11 of the total project cost for delivery of health care
12 services;.
- 13
- 14 * Imposes \$100 fee for prequalification and classification of
15 consultants and construction contractors to cover cost of
16 prequalification and classification process. Authorizes
17 independent authorities to impose similar fee;
- 18
- 19 * Increases the maximum fee that the Department of Health
20 and Senior Services may charge for any service performed
21 in the licensing and inspection of any food, drug or
22 cosmetic establishment from \$500.00 to \$1000.00. The
23 actual fee will be set forth in DHSS regulation;
- 24
- 25 * Increases the maximum daily penalty assessed against any
26 person, firm, partnership, corporation or association who
27 operates or conducts a health care facility without first
28 obtaining the necessary license or who operates such a
29 facility after revocation or suspension of license, from
30 \$1,000 to \$2,500 for the first offense and \$5,000 for any
31 subsequent offense. For any violation of the rules and
32 regulations governing the care of patients and physical
33 plant standards, the maximum daily penalty is increased
34 from \$2,500 to \$5,000;
- 35
- 36 * Increases the Right to Know minimum employer fee from
37 \$50.00 to \$75.00, and the per-employee fee from \$2.00 to
38 \$4.00 to cover the costs of administering the Right to
39 Know program;
- 40
- 41 * Creates a new subsection in Title 13, Section 18A of the
42 New Jersey statutes giving the Pinelands Commission the
43 authority to establish fees in connection with services
44 performed as a result of applications submitted for

A3719 CARABALLO

47

- 1 development review purposes as required under the
2 Pinelands Commission's Comprehensive Management Plan;
3
- 4 * Amends various provisions of the statutes governing the
5 licensure of real estate brokers, brokers-salespersons, and
6 salespersons and related professional licensed by the New
7 Jersey Real Estate Commission to increase the license fees
8 paid by these entities. The current license fees have not
9 been increased since 1983 and these increases are needed
10 to cover the administrative and enforcement costs of the
11 Real Estate Commission; and
12
- 13 * Increases various licenses concerned with alcoholic
14 beverages, such as breweries, wineries, blenders,
15 distilleries, bonded warehouses, etc.
16
- 17 * Increases filing fees for divorce.
18
- 19 * Imposes fees and fines on certain limousines for hire.
20
- 21 * Imposes a reciprocal limousine operation fee on limousines
22 that are registered in non-New Jersey jurisdiction that
23 imposes a similar fee on New Jersey registered limousines.
24
- 25 * Authorizes the Motion Picture and Television Development
26 Commission to establish reasonable fees for the specialized
27 services provided by the commission.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3719

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly Budget Committee reports favorably Assembly Bill No. 3719, with committee amendments.

Assembly Bill 3719, as amended, amends and supplements current law as follows:

- © Creates a new section in Title 24 of the New Jersey Statutes giving the Department of Health and Senior Services the authority to establish fees in connection with the issuance of “Certificates of Free Sale” and other certificates and affidavits issued by the department pursuant to Title 24 of N.J.S.;
- * Increases the minimum application fee for a certificate of need from \$5,000 to \$7,500. For projects with total costs greater than \$1 million, the fee is increased from \$5,000 plus 0.15% of the total project cost to \$7,500 plus 0.25% of the total project cost for delivery of health care services;
- * Imposes \$100 fee for prequalification and classification of consultants and construction contractors to cover cost of prequalification and classification process. Authorizes independent authorities to impose similar fee;
- * Increases the maximum fee that the Department of Health and Senior Services may charge for any service performed in the licensing and inspection of any food, drug or cosmetic establishment from \$500.00 to \$1000.00. The actual fee will be set forth in DHSS regulation;
- * Increases the maximum daily penalty assessed against any person, firm, partnership, corporation or association who operates or conducts a health care facility without first obtaining the necessary license or who operates such a

facility after revocation or suspension of license, from \$1,000 to \$2,500 for the first offense and \$5,000 for any subsequent offense. For any violation of the rules and regulations governing the care of patients and physical plant standards, the maximum daily penalty is increased from \$2,500 to \$5,000;

- * Increases the Right to Know minimum employer fee from \$50.00 to \$75.00, and the per-employee fee from \$2.00 to \$4.00 to cover the costs of administering the Right to Know program;
- * Creates a new subsection in Title 13, Section 18A of the New Jersey statutes giving the Pinelands Commission the authority to establish fees in connection with services performed as a result of applications submitted for development review purposes as required under the Pinelands Commission's Comprehensive Management Plan;
- C Amends various provisions of the statutes governing the licensure of real estate brokers, brokers-salespersons, and salespersons and related professional licensed by the New Jersey Real Estate Commission to increase the license fees paid by these entities. The current license fees have not been increased since 1983 and these increases are needed to cover the administrative and enforcement costs of the Real Estate Commission;
- * Increases various licenses concerned with alcoholic beverages, such as breweries, wineries, blenders, distilleries, bonded warehouses, etc.;
- * Increases filing fees for divorce;
- *I mposes a reciprocal limousine operation fee; and
- * Authorizes the Motion Picture and Television Development Commission to establish reasonable fees for services provided.

FISCAL IMPACT:

According to information supplied by the Executive Branch, there would be an estimated increase in revenues of at least \$24.4 million annually. There are certain provisions of the bill of which no data are currently available to make an estimate.

COMMITTEE AMENDMENTS:

The amendments provide that the renewal of the biennial fees of \$200 for real estate broker's licenses, \$200 for real estate salesperson's licenses and \$100 for branch office licenses shall be billed by the commission on or before April 1 and shall be paid on or before June 1.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3719

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JULY 1, 2003

The Assembly Budget Committee reports favorably Assembly Bill No. 3719 (2R), with committee amendments.

Assembly Bill 3719 (2R), as amended, amends and supplements current law as follows:

- C Creates a new section in Title 24 of the New Jersey Statutes giving the Department of Health and Senior Services the authority to establish fees in connection with the issuance of "Certificates of Free Sale" and other certificates and affidavits issued by the department pursuant to Title 24 of N.J.S.;
- C Increases the minimum application fee for a certificate of need from \$5,000 to \$7,500. For projects with total costs greater than \$1 million, the fee is increased from \$5,000 plus 0.15% of the total project cost to \$7,500 plus 0.25% of the total project cost for delivery of health care services;.
- C Imposes \$100 fee for prequalification and classification of consultants and construction contractors to cover cost of prequalification and classification process. Authorizes independent authorities to impose similar fee;
- C Increases the maximum fee that the Department of Health and Senior Services may charge for any service performed in the licensing and inspection of any food, drug or cosmetic establishment from \$500.00 to \$1000.00. The actual fee will be set forth in DHSS regulation;
- C Increases the maximum daily penalty assessed against any person, firm, partnership, corporation or association who operates or conducts a health care facility without first obtaining the necessary license or who operates such a

facility after revocation or suspension of license, from \$1,000 to \$2,500 for the first offense and \$5,000 for any subsequent offense. For any violation of the rules and regulations governing the care of patients and physical plant standards, the maximum daily penalty is increased from \$2,500 to \$5,000;

- C Increases the Right to Know minimum employer fee from \$50.00 to \$75.00, and the per-employee fee from \$2.00 to \$4.00 to cover the costs of administering the Right to Know program;
- C Creates a new subsection in Title 13, Section 18A of the New Jersey statutes giving the Pinelands Commission the authority to establish fees in connection with services performed as a result of applications submitted for development review purposes as required under the Pinelands Commission's Comprehensive Management Plan;
- C Amends various provisions of the statutes governing the licensure of real estate brokers, brokers-salespersons, and salespersons and related professional licensed by the New Jersey Real Estate Commission to increase the license fees paid by these entities. The current license fees have not been increased since 1983 and these increases are needed to cover the administrative and enforcement costs of the Real Estate Commission;
- C Increases various licenses concerned with alcoholic beverages, such as breweries, wineries, blenders, distilleries, bonded warehouses, etc.;
- C Increases filing fees for divorce;
- C Imposes a limousine operation fee; and
- C Authorizes the Motion Picture and Television Development Commission to establish reasonable fees for services provided.

FISCAL IMPACT:

According to information supplied by the Executive Branch, there would be an estimated increase in revenues of at least \$24.4 million annually. There are certain provisions of the bill of which no data are currently available to make an estimate.

COMMITTEE AMENDMENTS:

In addition to a technical amendment, deleting duplicative text, the amendments revise the limousine fee from a "reciprocal" fee imposed on limousines registered in jurisdictions that impose a fee on New Jersey registered limousines to a general registration provision for limousines and other vehicles for hire that are registered in other jurisdictions and used to transport passengers in New Jersey.

The one-year operating privilege registration fee is set at \$100 if the only use of the limousine or other vehicle for hire during the operating period is the transporting of passengers to or from an airport located in this State; in all other cases, the fee is \$250.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3719

with Assembly Floor Amendments
(Proposed By Assemblyman CARABALLO)

ADOPTED: JUNE 23, 2003

This amendment (i) puts all renewal application fees for biennial real estate broker, broker-salesperson, salesperson, and branch office licenses on an April billing and June 1 payment cycle, except that for the fee increases imposed under the renewals that have recently been billed by the New Jersey Real Estate Commission for renewal periods that first occur after the fee increases, the increased fee amounts are to be paid on or before June 1, 2004; and (ii) corrects some technical errors and omissions.

SENATE, No. 2672

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 12, 2003

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex)

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

As introduced.



S2672 CODEY

1 AN ACT establishing and increasing certain fees imposed by and on
2 behalf of the State and providing for the use of certain fees,
3 amending and supplementing various parts of the statutory law.

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

7
8 1. R.S.34:7-3 is amended as follows:
9 34:7-3. Each application for examination and for any license issued
10 by the bureau shall be accompanied by fees as set forth in this section.
11 The fees, established hereunder pursuant to the amendatory provisions
12 of P.L. , c. (pending before the Legislature as this bill) shall be
13 in effect for State fiscal years 2003-04 and 2004-05. Thereafter, such
14 fees may be adjusted by the Commissioner of Labor in accordance
15 with fee schedules adopted by regulation. Such fees shall be made
16 payable to the Commissioner of Labor. There shall be no other charge
17 for the initial examination or for one re-examination taken within six
18 months of the original examination. Failure to appear for examination
19 or to obtain a passing grade shall not entitle the applicant to a refund
20 of any fee.

21	
22	Original application..... [\$25] <u>\$50</u>
23	Raise of grade or additional
24	classification application..... [\$20] <u>\$40</u>
25	Additional examinations, in excess of
26	2, on any application..... [\$10] <u>\$20</u>
27	Annual license renewal if requested no
28	later than expiration date..... [\$10] <u>\$20</u>
29	License renewal for 3 years if requested
30	no later than expiration date..... [\$20] <u>\$40</u>
31	Application for renewal, if made not more
32	than 3 years after expiration and if all
33	penalties lawfully imposed upon the applicant
34	by the Mechanical Inspection Bureau have
35	been paid 1 year..... [\$15] <u>\$30</u>
36	3 years..... [\$30] <u>\$60</u>
37	

38 Upon failure to so renew a license for a period of 3 years and 1 day
39 after expiration date all records pertaining to such license may be
40 destroyed pursuant to the "Destruction of Public Records Law
41 (1953)," P.L. 1953, c.410 (C. 47:3-15 et seq.) and any application for
42 renewal of the license will be treated as an original application for

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.

S2672 CODEY

1 examination. All fees collected under this article shall be applied
2 toward enforcement and administration costs of the Division of
3 Workplace Standards in the Department of Labor.

4 Any license may be revoked or suspended by the commissioner
5 upon receiving evidence of incompetence, negligence, intoxication
6 while on duty or other reason establishing that the licensee is unfit to
7 hold a license, after notice is given to the licensee and a hearing
8 afforded him before one or more members of the examining board.
9 In case revocation or suspension is recommended by the member of
10 members conducting the years, it shall not be acted upon by the
11 commissioner until at least 15 days notice of the recommendation shall
12 be given to the licensee and an opportunity afforded him within that
13 time period to ask for a rehearing before the commissioner. After
14 rehearing, if requested, the commissioner may affirm, modify or
15 dismiss such recommendation. Pending a hearing or rehearing as
16 provided in this paragraph, the commissioner may authorize the
17 suspension of a license in the interest of health and safety.
18 (cf: P.L.1991, c.205, s.7)

19

20 2. R.S.34:7-6 is amended as follows:

21 34:7-6. Any person who shall violate any of the provisions of this
22 article shall be liable to a penalty of not less than ~~[\$50]~~ \$500 nor more
23 than ~~[\$500]~~ \$5,000 per day for each violation, to be collected by suit
24 or compromise. An officer of a corporation violating any of the
25 provisions of this article shall be personally liable, for the violation by
26 such corporation. Any manager, superintendent or other person in
27 charge of any building or other places in which this article is violated
28 shall be liable for such violation. Any sum collected as a penalty
29 pursuant to this section shall be applied toward enforcement and
30 administration costs of the Division of Workplace Standards in the
31 Department of Labor.

32 (cf: P.L.1991, c.205, s.8)

33

34 3. R.S.34:7-14 is amended as follows:

35 34:7-14. a. All steam or hot water boilers or similar equipment
36 potentially capable of generating steam, except steam boilers having
37 adequate relief devices set to discharge at a pressure not greater than
38 15 pounds per square inch, gage, or hot water boilers having adequate
39 relief devices set to discharge at a pressure not greater than 160
40 pounds per square inch, gage, and which hot water boilers are reliably
41 limited to temperatures not exceeding 250 degrees Fahrenheit, when
42 such steam or hot water boilers serve dwellings of less than six-family
43 units or other dwellings with accommodations for less than 25
44 persons, shall be inspected and be subject to a hydrostatic test, if
45 necessary, at least once in each year, at 12-month intervals, by an
46 inspector of the Division of Workplace Standards, excepting, however,

S2672 CODEY

1 such as may be insured after having been regularly inspected in
2 accordance with the terms of this article by insurance companies,
3 whose inspectors shall have satisfactorily passed an examination or
4 received certificates of competency approved by the commissioner.
5 Such inspection shall be as completely internal and external as
6 construction permits, except that in the case of a steam or hot water
7 boiler or similar equipment, the operation of which is an integral part
8 of or necessary to a continuous processing operation, internal
9 inspections may, at the discretion of the commissioner, be performed
10 at intervals in excess of 12 months as permitted by the shutting down
11 of the processing operation. The inspection of any equipment
12 described in this chapter by a certified inspector of an insurance
13 company shall be acceptable in lieu of State inspection. This article
14 shall not apply to any boiler having less than 10 square feet of heating
15 surface or a heat input of less than 10 kilowatts or 40,000 British
16 Thermal Units per hour or to equipment under the jurisdiction and
17 control of the United States Government, the inspection of which is
18 actively regulated by a federal agency, or to equipment used solely for
19 the propulsion of motor vehicles regulated by Title 39 of the Revised
20 Statutes.

21 b. All other pressure vessels may be inspected and be subject to
22 test after installation and periodically at such intervals as the
23 commissioner may by rule establish. Inspection and test shall be
24 performed by an inspector of the Division of Workplace Standards
25 excepting, however, such as may be insured after having been regularly
26 inspected in accordance with the terms of this article, by insurance
27 companies, whose inspectors shall have satisfactorily passed an
28 examination or received certificates of competency approved by the
29 commissioner, or such as may be regularly inspected by a certified
30 user-inspector of a registered inspection agency approved by the
31 commissioner. Such user-inspection shall have passed an examination
32 or received a certificate of competency from the commissioner, and the
33 inspection shall be conducted in such manner as the commissioner may
34 by rule provide. The inspection of any equipment described in this
35 subsection by a certified inspector of an insurance company or a
36 certified user-inspector of a registered inspection agency shall be
37 acceptable in lieu of State inspection where such inspections are
38 recorded with the Division of Workplace Standards accompanied by
39 fees in accordance with the following schedule; the fees established
40 hereunder pursuant to the amendatory provisions of P.L. _____, c. _____
41 (pending before the Legislature as this bill) shall be in effect for State
42 fiscal years 2003-04 and 2004-05, after which such fees may be
43 adjusted by the Commissioner of Labor in accordance with fee
44 schedules adopted by regulation: one to 25 vessels,[\$5.00] \$15.00
45 each; 26 to 100 vessels,[\$2.50] \$7.50 each; 101 to 500 vessels,
46 [\$2.00] \$6.00 each; and over 500 vessels,[\$1.50] \$4.50 each. These

S2672 CODEY

5

1 fees are to be collected from the owner or user but payable by the
2 inspection agency to the Department of Labor.

3 This subsection shall not apply to any pressure vessels:

4 (1) Subject to internal or external pressure not exceeding 15 psig;

5 or

6 (2) Having inside diameter not exceeding 6 inches; or

7 (3) Used for water storage purposes serving dwellings of less than
8 six-family units or other dwellings with accommodations for less than
9 25 persons, when none of the following limitations is exceeded:

10 (a) 200 degrees Fahrenheit

11 (b) 120 gallons water containing capacity

12 (c) 160 psig; or

13 (4) Under the jurisdiction and control of the United States

14 Government, the inspection of which is actively regulated by a Federal
15 agency; or to equipment used solely for the propulsion of motor
16 vehicles regulated by Title 39 of the Revised Statutes.

17 (cf: P.L.1985, c.109, s.1)

18

19 4. R.S.34:7-15 is amended as follows:

20 34:7-15. a. For each internal and external inspection of vessels
21 specified in subsection a. of N.J.S.A. 34:7-14, which shall include
22 hydrostatic test if found necessary, the owner, lessee or operator of
23 the vessel shall pay to the Department of Labor a fee of~~[\$25]~~ \$40 for
24 vessels having 10 and not over 60 square feet of heating surface,~~[\$35]~~
25 \$55 for vessels over 60 and not over 1,000 square feet of heating
26 surface and~~[\$50]~~ \$75 for vessels over 1,000 square feet of heating
27 surface; plus the actual travel expenses of the inspector. The fees
28 established under this subsection pursuant to the amendatory
29 provisions of P.L. _____, c. _____ (pending before the Legislature as
30 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05,
31 and thereafter may be adjusted by the Commissioner of Labor in
32 accordance with fee schedules adopted by regulation.

33 b. For each inspection of vessels specified in subsection b. of
34 R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to
35 the Department of Labor ~~the actual travel expenses of the inspector~~
36 ~~and] a fee of[\$5.00]~~ \$10.00 for vessels not over 30 square feet size,
37 ~~[\$10.00]~~ \$20.00 for vessels over 30 but not over 60 square feet size,
38 ~~[\$15.00]~~ \$30.00 for vessels over 60 but not over 100 square feet size,
39 ~~[\$20.00]~~ \$40.00 for vessels over 100 square feet. In determining size
40 rating, the extreme diameter multiplied by the vessel length, or
41 equivalent dimensions, shall be used. The fees established under this
42 subsection pursuant to the amendatory provisions of P.L. _____ c. _____
43 (pending before the Legislature as this bill) shall be in effect for State
44 fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by
45 the Commissioner of Labor in accordance with fee schedules adopted
46 by regulation.

1 c. The Division of Workplace Standards shall maintain an
2 inspection service for the purpose of providing shop inspection of
3 those vessels regulated by Chapter 7 of Title 34 of the Revised
4 Statutes, which are under construction or new, or which are to be used
5 for a purpose other than that for which originally approved, or which
6 have never been subject to a previous inspection in New Jersey. This
7 service shall be provided for New Jersey builders, owners or users of
8 such vessels upon their request only. The fees for this service[,
9 exclusive of the actual travel expenses of the inspector, which also
10 shall be paid,] shall be set by the commissioner and shall be: (1) not
11 more than ~~[\$25.00]~~ \$50.00 for each vessel inspected, provided that he
12 may establish a charge for each visit, for the purpose of inspection, of
13 not less than ~~[\$50.00]~~ \$100.00 nor more than \$300; (2) for
14 construction review of vessel not designed in accordance with
15 standards set by the Board of Boiler, Pressure Vessel and
16 Refrigeration Rules, not less than \$500 nor more than \$1,500. The
17 fees established under this subsection pursuant to the amendatory
18 provisions of P.L. _____, c. _____ (pending before the Legislature as
19 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05
20 and thereafter may be adjusted by the Commissioner of Labor in
21 accordance with fee schedules adopted by regulation.

22 (cf: P.L.1991, c.205, s.9)

23

24 5. R.S.34:7-16 is amended as follows:

25 34:7-16. In addition to the annual internal and external inspection,
26 there may be an external inspection if found necessary of each vessel
27 specified in subsection a. of R.S. 34:7-14, which shall be made as
28 nearly as may be at the expiration of 6 months from each annual
29 inspection and for which the owner, lessee or operator shall pay to the
30 ~~[inspector]~~ Department of Labor a fee of ~~[\$25]~~ \$50[, in addition to
31 the actual cost of travel incurred by the inspector in going to and
32 returning from the place of inspection]. The fees established hereunder
33 pursuant to the amendatory provisions of P.L. _____, c. _____
34 (pending before the Legislature as the bill) shall be in effect for State
35 fiscal years 2003-04 and 2004-05 shall be in effect for two full fiscal
36 years following enactment of this amendment and thereafter may be
37 adjusted by the Commissioner of Labor in accordance with fee
38 schedules adopted by regulation. Each vessel insured by an insurance
39 company may also be given an external inspection by a certified
40 inspector.

41 (cf: P.L.1991, c.205, s.10)

42

43 6. R.S.34:7-19 is amended as follows:

44 34:7-19. An insurance company making an inspection of any vessel
45 specified in R.S. 34:7-14 shall make a report of such inspection to the
46 commissioner in such manner and at such intervals as he may by rules

1 provide, and shall pay the commissioner a fee of [not less than \$2.00
2 nor more than \$10] \$20 [as set by the commissioner,]. The fee
3 established hereunder pursuant to the amendatory provisions of P.L.,
4 c. _____ (pending before the Legislature as this bill) shall be in effect
5 for State fiscal years 2003-04 and 2004-05, and thereafter may be
6 adjusted by the Commissioner of Labor in accordance with fee
7 schedules adopted by regulation.

8 The fees shall be payable by and collected from the owner, lessee
9 or operator by the insurer or inspector at the time of inspection for
10 each boiler insured within the State. It is further provided that payment
11 of these fees may be made by the insurer through other methods when
12 required or allowed by the commissioner, as provided in R.S. 34:7-18.
13 (cf: P.L.1991, c.205, s.11)

14

15 7. R.S.34:7-25 is amended as follows:

16 34:7-25. All refrigeration systems using flammable or toxic
17 refrigerants of over three tons of refrigerating capacity or requiring
18 over six driving horsepower, and all refrigeration systems using
19 nonflammable and nontoxic refrigerants of over 18 tons of
20 refrigerating capacity or requiring over 36 driving horsepower, having
21 relief devices set over 15 pounds per square inch gage and used in a
22 plant of any size or storage capacity, shall be inspected annually by an
23 inspector of the Mechanical Inspection Bureau or of an insurance
24 company, as provided in subsection a. of R.S.34:7-14; and the owner,
25 lessee or operator shall comply with the recommendations of the
26 inspector in conformity with the rules and regulations adopted by the
27 Board of Boiler, Pressure Vessel and Refrigeration Rules of the
28 Mechanical Inspection Bureau and approved by the commissioner.

29 The fees for such inspection by an inspector of the Mechanical
30 Inspection Bureau shall be as follows:

31 a. Refrigeration systems of 25 tons and over, but less than 300 tons
32 of refrigerating capacity, the sum of[~~\$50~~] \$75 for each inspection[,
33 plus the actual travel expense of the inspector];

34 b. Refrigeration systems under 25 tons and over 3 tons of
35 refrigerating capacity, the sum of[~~\$35~~] \$50 for each inspection[, plus
36 the actual travel expense of the inspector];

37 c. Refrigeration systems of 300 tons or over of refrigerating
38 capacity, the sum of[~~\$70~~] \$100 for each inspection[, plus the actual
39 travel expense of the inspector].

40 [The fees and travel expenses shall be paid to the inspector, at the
41 time of inspection, by the owner, lessee or operator of the refrigeration
42 system.]The fees established hereinabove pursuant to the amendatory
43 provisions of P.L. _____ c. _____ (pending before the Legislature as this
44 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
45 thereafter may be adjusted by the Commissioner of Labor in

1 accordance with fee schedules adopted by regulation.

2 The annual inspection and inspection reports of refrigeration
3 systems by insurance companies licensed to do business within this
4 State and otherwise complying with this chapter shall be accepted in
5 lieu of other inspections. Each insurance company shall file with the
6 commissioner a report of each inspection and shall pay to him a fee of
7 ~~[\$10]~~ \$20 for each annual refrigeration system inspection, to be
8 collected by the insurer from the owner or lessee of the plant
9 inspected. Such fee as established pursuant to the amendatory
10 provisions of P.L. c. (pending before the Legislature as this
11 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
12 thereafter may be adjusted by the Commissioner of Labor in
13 accordance with fee schedules adopted by regulation. After the
14 owner, lessee or operator has complied with the rules or regulations,
15 a certificate shall be issued by the Mechanical Inspection Bureau,
16 which certificate shall be valid for one year and be the authority for the
17 operation of the refrigeration system during such time. Upon
18 expiration, the certificate shall be renewed by the Mechanical
19 Inspection Bureau if the refrigeration system is found to be in proper
20 condition for operation within the prescribed rules of the Mechanical
21 Inspection Bureau. All fees collected under chapter 7 of Title 34 of the
22 Revised Statutes shall be applied toward enforcement and
23 administration costs of the Division of Workplace Standards in the
24 Department of Labor.

25 (cf: P.L.1991, c.205, s.12)

26

27 8. R.S.34:7-26 is amended as follows:

28 34:7-26. Any owner, lessee, seller or operator of any steam or hot
29 water boiler or similar equipment specified in R.S. 34:7-14, pressure
30 vessel or refrigeration system who shall sell, use, cause or allow to be
31 used such steam or hot water boiler or similar equipment specified in
32 R.S. 34:7-14, pressure vessel or refrigeration system in violation of
33 any provision of this article shall be liable to a penalty of not less than
34 \$500.00 nor more than ~~[\$1,000.00]~~ \$10,000.00 for each first offense
35 and not less than \$500.00 nor more than ~~[\$2,500.00]~~ \$25,000.00 for
36 each subsequent offense, to be collected by a civil action or, in the
37 commissioner's discretion, to be imposed by the commissioner as a
38 compromise. All civil actions shall be brought by the Department of
39 Labor as plaintiff, and may be brought in the Special Civil Part, Law
40 Division of the Superior Court of the county, or municipal court of the
41 municipality, wherein such violation shall occur. Any sum collected as
42 a penalty pursuant to this section shall be applied toward enforcement
43 and administration costs of the Division of Workplace Standards in the
44 Department of Labor.

45 (cf: P.L.1991, c.205, s.13)

1 9. (New section) The Department of Health and Senior Services
2 may, pursuant to regulation adopted in accordance with the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), establish and charge reasonable fees not to exceed \$100 to cover
5 administrative costs associated with the issuance of a "Certificate of
6 Free Sale." For the purpose of this act, a "Certificate of Free Sale" is
7 defined as a certificate completed and issued by the department
8 attesting that a specific food, drug, cosmetic, or medical device
9 product regulated under Title 24 of the Revised Statutes, as amended
10 and supplemented, and manufactured, distributed, and offered for sale
11 in this State is labeled in conformance with the applicable food, drug,
12 cosmetic, or medical device laws and rules of this State and further
13 attests to the results of the most recently conducted sanitary inspection
14 of the manufacturer or distributor of the subject product.

15 Further, the Department of Health and Senior Services may,
16 pursuant to regulation adopted in accordance with the "Administrative
17 Procedure Act," establish and charge reasonable fees not to exceed
18 \$100 to cover administrative costs associated with the issuance of
19 other certifications or affidavits related to matters regulated by the
20 department under Title 24 of the Revised Statutes, as amended and
21 supplemented.

22

23 10. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended as
24 follows:

25 10. Application for a certificate of need shall be made to the
26 department, and shall be in such form and contain such information as
27 the department may prescribe. The department shall charge a
28 nonreturnable fee for the filing of an application for a certificate of
29 need. The minimum fee for the filing of an application shall be
30 ~~[\$5,000]~~ \$7,500. For a project whose total cost is greater than \$1
31 million, the fee shall be ~~[\$5,000]~~ \$7,500 plus ~~[0.15%]~~ 0.25% of the
32 total project cost. Upon determination that an application is complete,
33 copies thereof shall be referred by the department to the State Health
34 Planning Board for review, when applicable.

35 The board shall provide adequate mechanisms for full consideration
36 of each application submitted to the board and for developing
37 recommendations thereon. Such recommendations, whether favorable
38 or unfavorable, shall be forwarded to the commissioner within 90 days
39 of the date of referral of the application. A copy of the
40 recommendations made shall be forwarded to the applicant.

41 Recommendations concerning certificates of need shall be governed
42 and based upon the principles and considerations set forth in section
43 8 of P.L.1971, c.136 (C:26:2H-8).

44 No member, officer or employee of the State Health Planning Board
45 shall be subject to civil action in any court as the result of any act done
46 or failure to act, or of any statement made or opinion given, while

1 discharging his duties under this act as such member, officer, or
2 employee, provided he acted in good faith with reasonable care and
3 upon proper cause.

4 (cf: P.L.1998, c.43, s.10)

5
6 11. Section 3 of P.L.1997 c.399 (C.52:34-9.3) is amended to read
7 as follows:

8 3. A professional firm which wishes to be considered qualified to
9 provide professional architectural, engineering, or land surveying
10 services to an agency seeking to negotiate a contract or agreement for
11 the performance of such services shall file or shall have filed with the
12 agency a current statement of qualifications and supporting data. Such
13 a statement may be filed at any time during a calendar year , and a
14 \$100 fee shall be remitted to the State Treasurer by the professional
15 firm at the time each statement is filed. The content of any such
16 statement shall conform to such regulations with respect thereto as the
17 State Treasurer, in accordance with the "Administrative Procedure
18 Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate. For the
19 purposes of this section and section 5 of this act, no statement which
20 shall have been filed more than two years prior to the publication of an
21 advertisement pursuant to the provisions of section 4 of this act shall
22 be deemed to be a current statement with respect to qualification of
23 the firm which shall have filed the statement to provide professional
24 architectural, engineering, or land surveying services under any
25 contract or agreement of which notice is given through that
26 advertisement.

27 A statement of qualifications and supporting data filed with an
28 agency under this section shall be a public record for all purposes of
29 P.L.1963, c.73 (C.47:1A-1 et seq.).

30 The fee prescribed hereunder shall not apply to any statements filed
31 before the effective date of P.L. , c. (pending before the
32 Legislature as this bill).

33 (cf: P.L.1997, c.399, s.3)

34
35 12. R.S.52:35-2 is amended to read as follows:

36 52:35-2. Officials of the state shall require of all persons proposing
37 to submit bids on public work to be furnished for or on behalf of the
38 state or any officer, board, commission, committee, department or
39 other branch of the state government, a statement under oath in
40 response to a questionnaire, standardized for like classes of work, to
41 be submitted to such persons by such state official. The statement
42 shall develop fully the financial ability, adequacy of plant and
43 equipment, organization and prior experience of the prospective
44 bidder, and also such other pertinent and material facts as may seem
45 desirable. All persons shall remit a \$100 fee to the State Treasurer at
46 the time each statement is filed. The fee shall not apply to any

1 statements filed before the effective date of P.L. , c. (pending
2 before the Legislature as this bill).

3 (cf: R.S.52:35-2)

4

5 13. R.S.52:35-8 is amended to read as follows:

6 52:35-8. No person shall be qualified to bid on any contract, who
7 shall not have submitted a statement as required by R.S.52:35-2 within
8 a period of [18] 24 months preceding the date of opening of bids for
9 such contract.

10 (cf: P.L.1999, c.197 s.1)

11

12 14. Section 3 of P.L.1966, c.185 (C.27:7-35.3) is amended to read
13 as follows:

14 3. Any person desiring such classification shall file with the
15 department a statement under oath in response to a questionnaire,
16 prepared and standardized for like classes of work, by the department.
17 The statement shall develop fully the financial ability, adequacy of
18 plant and equipment, organization and prior experience of the
19 prospective bidder, and also such other pertinent and material facts as
20 may be deemed desirable. All persons shall remit a \$100 fee to the
21 Department of the Treasury at the time each statement is filed. The fee
22 shall be deposited in the general fund. The fee shall not apply to any
23 statements filed before the effective date of P.L. , c. (C.)
24 (pending before the Legislature as this bill).

25 (cf: P.L.1966, c.185, s.3)

26

27 15. N.J.S. 17B-23.5 is amended to read as follows:

28 17B:23-5. a. When by or pursuant to the laws of any other state
29 or a province of Canada any taxes, licenses and other fees, in the
30 aggregate, and any fines, penalties, deposit requirements or other
31 obligations, prohibitions or restrictions are or would be imposed upon
32 New Jersey insurers, or upon the agents or representatives of such
33 insurers, which are in excess of such taxes, licenses and other fees, in
34 the aggregate, or which are in excess of the fines, penalties, deposit
35 requirements or other obligations, prohibitions, or restrictions directly
36 imposed upon similar insurers, or upon the agents or representatives
37 of such insurers of such other State or province under the statutes of
38 this State, so long as such laws of such other State or province
39 continue in force or are so applied, the same taxes, licenses and other
40 fees, in the aggregate, or fines, penalties or deposit requirements or
41 other obligations, prohibitions, or restrictions of whatever kind shall
42 be imposed by the commissioner upon the insurers or upon the agents
43 or representatives of such insurers, of such other State of province
44 doing business in New Jersey. Any tax, license or other fee or other
45 obligation imposed by any city, county, or other political subdivision
46 or agency of such other State or province on New Jersey insurers or

1 their agents or representatives shall be deemed to be imposed by such
2 State or province within the meaning of this section and the
3 commissioner may compute the burden of any such taxes on an
4 aggregate basis as an addition to the rate of tax payable by similar
5 New Jersey insurers in such State or province. The addition to the
6 rate of tax payable by similar New Jersey insurers shall be determined
7 by dividing (1) the aggregate of the tax obligations paid to such city,
8 county or other political subdivisions of such State or province by
9 such New Jersey insurers, by (2) the aggregate of the taxable
10 premiums of such insurers under the premium taxing statute of such
11 State or province. The commissioner may issue regulations to carry
12 out the purpose of this section, that may include identification of any
13 specific obligation imposed any other state or province, in order to
14 ensure the ability of this State to calculate and collect all appropriate
15 fees.

16 b. This section shall not apply to personal income taxes, nor as to
17 ad valorem taxes on real or personal property nor as to special
18 purpose obligations or assessments imposed [by another State or
19 province] in connection with particular kinds of insurance; except that
20 deductions, from premium taxes otherwise payable, allowed on
21 account of real estate or personal property taxes shall be taken into
22 consideration by the commissioner in determining the propriety and
23 extent of retaliatory action under this section.

24 c. For the purposes of this section the domicile of an alien insurer,
25 other than insurers formed under the laws of Canada or a province
26 thereof, shall be that State designated by the insurer in writing filed
27 with the commissioner at time of admission to this State or within 6
28 months after the effective date of this code, whichever date is the later,
29 and may be any one of the following States:

30 (1) That in which the insurer was first authorized to transact
31 insurance;

32 (2) That in which is located the insurer's principal place of business
33 in the United States;

34 (3) That in which is held the larger deposit of trust assets of the
35 insurer for the protection of its policyholders and creditors in the
36 United States;

37 If the insurer makes no such designation its domicile shall be
38 deemed to be that State in which is located its principal place of
39 business in the United States. In the case of an insurer formed under
40 the laws of Canada or a province thereof, its domicile shall be deemed
41 to be that province in which its head office is situated.

42 (cf: P.L.1971, c.144, s.17B:23-5)

43

44 16. Section 2 of P.L.1971, c.158 (C.24:15-14) is amended to read
45 as follows:

46 2. Where no other fee is provided by law or regulation, the

1 commissioner may in accordance with a fee schedule adopted by
2 ~~him~~ the department as a rule or regulation establish and charge
3 reasonable fees for any service performed in the licensing and
4 inspection of any premises coming within the provisions of this
5 chapter. The fees charged as provided for by this section shall be no
6 more than ~~[\$500.00]~~ \$1,000 based on criteria set forth in the rule or
7 regulation.

8 (cf: P.L.1983, c.275, s.11)

9

10 17. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read
11 as follows:

12 2. a. The Superintendent of State Police, with the approval of the
13 Attorney General, shall, pursuant to the "Administrative Procedure
14 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
15 regulations authorizing the dissemination, by the State Bureau of
16 Identification, of criminal history record background information
17 requested by State, county and local government agencies, including
18 the Division of State Police, in noncriminal matters, or requested by
19 individuals, nongovernmental entities or other governmental entities
20 whose access to such criminal history record background information
21 is not prohibited by law. A fee not to exceed~~[\$25]~~ \$30 shall be
22 imposed for processing fingerprint identification checks; a fee not to
23 exceed~~[\$15]~~ \$18 shall be imposed for processing criminal history
24 name search identification checks. These fees shall be in addition to
25 any other fees required by law. In addition to any fee specified herein,
26 a nonrefundable fee, the amount of which shall be determined by the
27 Superintendent of State Police, with the approval of the Attorney
28 General, shall be collected to cover the cost of securing and processing
29 a federal criminal records check for each applicant.

30 b. State, county and local government agencies, including the
31 Division of State Police, and nongovernmental entities are authorized
32 to impose and collect the processing fee established pursuant to
33 subsection a. of this section from the person for whom the criminal
34 history record background check is being processed or from the party
35 requesting the criminal history record background check. The
36 Superintendent of State Police shall provide this processing service
37 without the collection of fees from the applicants in processing
38 background checks of prospective foster parents or members of their
39 immediate families. In such cases, the Department of Human Services
40 shall be responsible for paying the fees imposed pursuant to subsection
41 a. of this section. Nothing in this section shall prohibit the
42 Superintendent of State Police, with the approval of the Attorney
43 General, from providing this processing service without the collection
44 of fees from the applicant in other circumstances which in his sole
45 discretion he deems appropriate, if the applicants would not receive a
46 wage or salary for the time and services they provide to an

S2672 CODEY

14

1 organization or who are considered volunteers. In those circumstances
2 where the Superintendent of State Police, with the approval of the
3 Attorney General, determines to provide this processing service
4 without the collection of fees to the individual applicants, the
5 superintendent may assess the fees for providing this service on behalf
6 of the applicants to any department of State, county or municipal
7 government which is responsible for operating or overseeing that
8 volunteer program. The agencies shall transfer all moneys collected for
9 the processing fee to the Division of State Police.

10 (cf: P.L.1994, c.60, s.4)

11

12 18. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to
13 read as follows:

14 14. Any person, firm, partnership, corporation or association who
15 shall operate or conduct a health care facility without first obtaining
16 the license required by this act, or who shall operate such health care
17 facility after revocation or suspension of license, shall be liable to a
18 penalty of not more than ~~[\$1,000]~~ \$2,500 as provided for by
19 regulation for each day of operation in violation hereof for the first
20 offense and \$5,000 for any subsequent offense. Any person, firm,
21 partnership, corporation or association who violates any rule or
22 regulation adopted in accordance with this act as the same pertains to
23 the care of patients and physical plant standards shall be subject to a
24 penalty of not more than ~~[\$2,500]~~ \$5,000 as provided for by
25 regulation for each day that he is in violation of such rule or
26 regulation. Upon notification to the facility of such violations as
27 pertain to the care of patients or to the hazardous or unsafe condition
28 existing in or upon the structure in which the licensed facility is
29 maintained, the commissioner shall allow the facility 72 hours in which
30 to correct any such violation and if at the end of such period the
31 violation is not corrected and it poses an imminent threat to the health,
32 safety or welfare of the public or the residents of the facility, he may,
33 in his discretion, summarily suspend the license of the facility without
34 a hearing and may order immediate correction of such violation as a
35 prerequisite of reinstatement of licensure. If a licensee that is subject
36 to summary suspension shall deny that a violation exists or has
37 occurred, he shall be have the right to apply to the commissioner for
38 a hearing. Such hearing shall be held and a decision rendered within
39 48 hours of receipt of said request. If the commissioner shall rule
40 against the licensee, the licensee shall have the right to apply for
41 injunctive relief against the commissioner's order. Jurisdiction of such
42 injunctive relief shall be in the Superior Court of New Jersey. Nothing
43 herein shall be construed to prevent the commissioner from thereafter
44 suspending or revoking the license in accordance with the procedure
45 set forth in section 13. If, within one year after such violation such
46 person, firm, partnership, corporation or association is found guilty of

1 the same violation such penalties as hereinbefore set forth shall be
2 doubled, and if there be a third violation within such time, such
3 penalties shall be tripled. In addition thereto the department may, in
4 its discretion, suspend the license for such time as it may deem proper
5 or revoke said license.

6 Any person, firm, partnership, corporation or association who
7 shall, except in cases of an emergency, maintain more patients in his
8 premises than he is licensed so to do, shall be subject to a penalty, in
9 accordance with the procedure set forth in section 13, in an amount
10 equal to the daily charge collected from such patient or patients plus
11 \$25.00 for each day each extra patient is so maintained.

12 (cf: P.L.1998, c.43, s.14)

13

14 19. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to
15 read as follows:

16 26. a. There is established in the Department of the Treasury a
17 nonlapsing, revolving fund to be known as the "Worker and
18 Community Right To Know Fund." The "Worker and Community
19 Right To Know Fund" shall be credited with all fees collected pursuant
20 to paragraph (1) of subsection b. of this section and interest on
21 moneys in the "Worker and Community Right To Know Fund" shall
22 be credited to the "Worker and Community Right To Know Fund" and
23 all moneys in the "Worker and Community Right To Know Fund" are
24 appropriated for the purposes of the "Worker and Community Right
25 To Know Fund", and no moneys shall be expended for those purposes
26 without the specific appropriation thereof by the Legislature. The
27 State Treasurer shall be the administrator of the "Worker and
28 Community Right To Know Fund", and all disbursements from the
29 "Worker and Community Right To Know Fund" shall be made by the
30 State Treasurer upon the warrant of the Director of the Division of
31 Budget and Accounting.

32 b. The Department of Labor shall annually assess each employer
33 a fee of not less than~~[\$50.00]~~ \$75.00 nor more than an amount equal
34 to~~[\$2.00]~~ \$4.00 per employee to provide for the implementation of
35 the provisions of this act. All fees collected by the department
36 pursuant to this paragraph shall be deposited in the "Worker and
37 Community Right To Know Fund".

38 (cf: P.L.1991, c.235, s.20)

39

40 20. R.S.43:21-14 is amended to read as follows:

41 43:21-14. (a) (1) In addition to such reports as may be required
42 under the provisions of subsection (g) of R.S.43:21-11, every
43 employer shall file with the controller periodical contribution reports
44 on such forms and at such times as the controller shall prescribe, to
45 disclose the employer's liability for contributions under the provisions
46 of this chapter (R.S.43:21-1 et seq.), and at the time of filing each

S2672 CODEY

16

1 contribution report shall pay the contributions required by this chapter
2 (R.S.43:21-1 et seq.), for the period covered by such report. The
3 controller may require that such reports shall be under oath of the
4 employer. Any employer who shall fail to file any report, required by
5 the controller, on or before the last day for the filing thereof shall pay
6 a penalty of [~~\$5.00~~] \$10.00 for each day of delinquency until and
7 including the fifth day following such last day and for any period of
8 delinquency after such fifth day, a penalty of \$5.00 a day or [~~20%~~]
9 25% of the amount of the contributions due and payable by the
10 employer for the period covered by the report, whichever is the lesser;
11 if there be no liability for contributions for the period covered by any
12 contribution report or in the case of any report other than a
13 contribution report, the employer or employing unit shall pay a penalty
14 of [~~\$5.00~~] \$10.00 a day for each day of delinquency in filing or
15 [~~\$25.00~~] \$50.00, whichever is the lesser; provided, however, that
16 when it is shown to the satisfaction of the controller that the failure to
17 file any such report was not the result of fraud or an intentional
18 disregard of this chapter (R.S.43:21-1 et seq.), or the regulations
19 promulgated hereunder, the controller, in his discretion, may remit or
20 abate any unpaid penalties heretofore or hereafter imposed under this
21 section. On or before October 1 of each year, the controller shall
22 submit to the Commissioner of Labor a report covering the 12-month
23 period ending on the preceding June 30, and showing the names and
24 addresses of all employers for whom the controller remitted or abated
25 any penalties, or ratified any remission or abatement of penalties, and
26 the amount of such penalties with respect to each employer. Any
27 employer who shall fail to pay the contributions due for any period, on
28 or before the date they are required by the controller to be paid, shall
29 pay interest on the amount thereof from such date until the date of
30 payment thereof, at the rate of 1% a month through June 30, 1981 and
31 at the rate of 1 1/4% a month after June 30, 1981. Upon the written
32 request of any employer or employing unit, filed with the controller on
33 or before the due date of any report or contribution payment, the
34 controller, for good cause shown, may grant, in writing, an extension
35 of time for the filing of such report or the paying of such contribution,
36 with interest at the applicable rate; provided no such extension shall
37 exceed 30 days and that no such extension shall postpone payment of
38 any contribution for any period beyond the day preceding the last day
39 for filing tax returns under Title IX of the federal Social Security Act
40 for the year in which said period occurs.

41 (2) (A) For the calendar quarter commencing July 1, 1984 and
42 each successive quarter thereafter, each employer shall file a report
43 with the controller within 30 days after the end of each quarter in a
44 form and manner prescribed by the controller, listing the name, social
45 security number and wages paid to each employee and the number of
46 base weeks (as defined in subsection (t) of R.S.43:21-19) worked by

1 the employee during the calendar quarter. (B) Any employer who
2 fails without reasonable cause to comply with the reporting
3 requirements of this paragraph (2) shall be liable for a penalty in the
4 following amount for each employee with respect to whom the
5 employer is required to file a report but who is not included in the
6 report or for whom the required information is not accurately reported
7 for each employee required to be included, whether or not the
8 employee is included:

9 (i) For the first failure for one quarter in any eight consecutive
10 quarters, \$5.00 for each employee;

11 (ii) For the second failure for any quarter in any eight consecutive
12 quarters, \$10.00 for each employee; and

13 (iii) For the third failure for any quarter in any eight consecutive
14 quarters, and for any failure in any eight consecutive quarters, which
15 failure is subsequent to the third failure, \$25.00 for each employee.

16 (C) Information reported by employers as requested by this
17 paragraph (2) shall be used by the Department of Labor for the
18 purpose of determining eligibility for benefits of individuals in
19 accordance with the provisions of R.S.43:21-1 et seq.
20 Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the
21 Department of Labor is hereby authorized to provide the Department
22 of Human Services and the Higher Education Assistance Authority
23 with information reported by employers as required by this paragraph
24 (2). For each fiscal year, the Director of the Division of Budget and
25 Accounting of the Department of the Treasury shall charge the
26 appropriate account of the Department of Human Services and the
27 Higher Education Assistance Authority in amounts sufficient to
28 reimburse the Department of Labor for the cost of providing
29 information under this subparagraph (C).

30 (D) For the purpose of administering the provisions of this
31 paragraph (2), all appropriations, files, books, papers, records,
32 equipment and other property, and employees currently assigned to the
33 Division of Taxation for the implementation of the "Wage Reporting
34 Act," P.L.1980, c.48 (C.54:1-55 et seq.), shall be transferred to the
35 Department of Labor as of September 1, 1984 in accordance with the
36 provisions of the "State Agency Transfer Act," P.L.1971, c.375
37 (C.52:14D-1 et seq.).

38 (b) The contributions, penalties, and interest due from any
39 employer under the provisions of this chapter (R.S.43:21-1 et seq.),
40 from the time they shall be due, shall be a personal debt of the
41 employer to the State of New Jersey, recoverable in any court of
42 competent jurisdiction in a civil action in the name of the State of New
43 Jersey; provided, however, that except in the event of fraud, no
44 employer shall be liable for contributions or penalties unless
45 contribution reports have been filed or assessments have been made in
46 accordance with subsection (c) or (d) of this section before four years

1 have elapsed from the last day of the calendar year with respect to
2 which any contributions become payable under this chapter
3 (R.S.43:21-1 et seq.), nor shall any employer be required to pay
4 interest on any such contribution unless contribution reports were filed
5 or assessments made within such four-year period; provided further
6 that if such contribution reports were filed or assessments made within
7 the four-year period, no civil action shall be instituted, nor shall any
8 certificate be issued to the Clerk of the Superior Court under
9 subsection (e) of this section, except in the event of fraud, after six
10 years have elapsed from the last day of the calendar year with respect
11 to which any contributions become payable under this chapter
12 (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments
13 received from an employer on account of any debt incurred under the
14 provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the
15 controller on account of the contribution liability of the employer and
16 then to interest and penalties, and any balance remaining shall be
17 recoverable by the controller from the employer. Upon application
18 therefor, the controller shall furnish interested persons and entities
19 certificates of indebtedness covering employers, employing units and
20 others for contributions, penalties and interest, for each of which
21 certificates the controller shall charge and collect a fee of \$2.00 per
22 name; no such certificate to be issued, however, for a fee of less than
23 \$10.00. All fees so collected shall be paid into the unemployment
24 compensation administration fund.

25 (c) If any employer shall fail to make any report as required by the
26 rules and regulations of the division pursuant to the provisions of this
27 chapter (R.S.43:21-1 et seq.), the controller may make an estimate of
28 the liability of such employer from any information it may obtain, and,
29 according to such estimate so made, assess such employer for the
30 contributions, penalties, and interest due the State from him, give
31 notice of such assessment to the employer, and make demand upon
32 him for payment.

33 (d) After a report is filed under the provisions of this chapter
34 (R.S.43:21-1 et seq.) and the rules and regulations thereof, the
35 controller shall cause the report to be examined and shall make such
36 further audit and investigation as it may deem necessary, and if
37 therefrom there shall be determined that there is a deficiency with
38 respect to the payment of the contributions due from such employer,
39 the controller shall assess the additional contributions, penalties, and
40 interest due the State from such employer, give notice of such
41 assessment to the employer, and make demand upon him for payment.

42 (e) As an additional remedy, the controller may issue to the Clerk
43 of the Superior Court of New Jersey a certificate stating the amount
44 of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.)
45 and describing the liability, and thereupon the clerk shall immediately
46 enter upon his record of docketed judgments such certificate or an

1 abstract thereof and duly index the same. Any such certificate or
2 abstract, heretofore or hereafter docketed, from the time of docketing
3 shall have the same force and effect as a judgment obtained in the
4 Superior Court of New Jersey, and the controller shall have all the
5 remedies and may take all the proceedings for the collection thereof
6 which may be had or taken upon the recovery of such a judgment in a
7 civil action upon contract in said court. Such debt, from the time of
8 docketing thereof, shall be a lien on and bind the lands, tenements and
9 hereditaments of the debtor.

10 The Clerk of the Superior Court shall be entitled to receive for
11 docketing such certificate, \$0.50, and for a certified transcript of such
12 docket, \$0.50. If the amount set forth in said certificate as a debt shall
13 be modified or reversed upon review, as hereinafter provided, the
14 Clerk of the Superior Court shall, when an order of modification or
15 reversal is filed, enter in the margin of the docket opposite the entry
16 of the judgment, the word "modified" or "reversed," as the case may
17 be, and the date of such modification or reversal.

18 The employer, or any other party having an interest in the property
19 upon which the debt is a lien, may deposit the amount claimed in the
20 certificate with the Clerk of the Superior Court of New Jersey,
21 together with an additional 10% of the amount thereof, or \$100.00,
22 whichever amount is the greater, to cover interest and the costs of
23 court, or in lieu of depositing the amount in cash, may give a bond to
24 the State of New Jersey in double the amount claimed in the
25 certificate, and file the same with the Clerk of the Superior Court. Said
26 bond shall have such surety and shall be approved in the manner
27 required by the Rules Governing the Courts of the State of New
28 Jersey.

29 After the deposit of said money or the filing of said bond, the
30 employer, or any other party having an interest in the said property,
31 may, after exhausting all administrative remedies, secure judicial
32 review of the legality or validity of the indebtedness or the amount
33 thereof, and the said deposit of cash shall be as security for, and the
34 bond shall be conditioned to prosecute, the judicial review with effect.

35 Upon the deposit of said money or the filing of the said bond with
36 the Clerk of the Superior Court, all proceedings on such judgment
37 shall be stayed until the final determination of the cause, and the
38 moneys so deposited shall be subject to the lien of the indebtedness
39 and costs and interest thereon, and the lands, tenements, and
40 hereditaments of said debtor shall forthwith be discharged from the
41 lien of the State of New Jersey and no execution shall issue against the
42 same by virtue of said judgment.

43 Notwithstanding the provisions of subsections (a) through (c) of
44 this section, the Department of Labor may, with the concurrence of the
45 State Treasurer, when all reasonable efforts to collect amounts owed
46 have been exhausted, or to avoid litigation, reduce any liability for

1 contributions, penalties and interest, provided no portion of those
2 amounts represents contributions made by an employee pursuant to
3 subsection (d) of R.S.43:21-7.

4 (f) If, not later than two years after the calendar year in which any
5 moneys were erroneously paid to or collected by the controller,
6 whether such payments were voluntarily or involuntarily made or made
7 under mistake of law or of fact, an employer, employing unit, or
8 employee who has paid such moneys shall make application for an
9 adjustment thereof, the said moneys shall, upon order of the controller,
10 be either credited or refunded, without interest, from the appropriate
11 fund. For like cause and within the same period, credit or refund may
12 be so made on the initiative of the controller.

13 (g) All interest and penalties collected pursuant to this section
14 shall be paid into a special fund to be known as the unemployment
15 compensation auxiliary fund; all moneys in this special fund shall be
16 deposited, administered and disbursed in the same manner and under
17 the same conditions and requirements as is provided by law for other
18 special funds in the State Treasury, and shall be expended, under
19 legislative appropriation, for the purpose of aiding in defraying the
20 cost of the administration of this chapter (R.S.43:21-1 et seq.); for the
21 repayment of any interest bearing advances made from the federal
22 unemployment account pursuant to the provisions of section 1202(b)
23 of the Social Security Act, 42 U.S.C. s.1322; and for essential and
24 necessary expenditures in connection with programs designed to
25 stimulate employment, as determined by the Commissioner of Labor,
26 except that any moneys in this special fund shall be first applied to
27 aiding in the defraying of necessary costs of the administration of this
28 chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of
29 Labor. The Treasurer of the State shall be ex officio the treasurer and
30 custodian of this special fund and, subject to legislative appropriation,
31 shall administer the fund in accordance with the directions of the
32 controller. Any balances in this fund shall not lapse at any time, but
33 shall be continuously available, subject to legislative appropriation, to
34 the controller for expenditure. The State Treasurer shall give a
35 separate and additional bond conditioned upon the faithful
36 performance of his duties in connection with the unemployment
37 compensation auxiliary fund, in an amount to be fixed by the division,
38 the premiums for such bond to be paid from the moneys in the said
39 special fund.

40 (cf: P.L.1997, c.255, s.3)

41

42 21. R.S.33:1-10 is amended to read as follows:

43 33:1-10. Class A licenses shall be subdivided and classified as
44 follows:

45 Plenary brewery license. 1a. The holder of this license shall be
46 entitled, subject to rules and regulations, to brew any malt alcoholic

1 beverages and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of the
4 places of such sale and distribution, and to maintain a warehouse. The
5 fee for this license shall be ~~[\$8,500.00]~~ \$10,625.

6 Limited brewery license. 1b. The holder of this license shall be
7 entitled, subject to rules and regulations, to brew any malt alcoholic
8 beverages in a quantity to be expressed in said license, dependent upon
9 the following fees and not in excess of 300,000 barrels of 31 fluid
10 gallons capacity per year and to sell and distribute this product to
11 wholesalers and retailers licensed in accordance with this chapter, and
12 to sell and distribute without this State to any persons pursuant to the
13 laws of the places of such sale and distribution, and to maintain a
14 warehouse. The fee for this license shall be graduated as follows: to so
15 brew not more than 50,000 barrels of 31 fluid gallons capacity per
16 annum, ~~[\$1,000.00]~~ \$1,250; to so brew not more than 100,000 barrels
17 of 31 fluid gallons capacity per annum, ~~[\$2,000.00]~~ \$2,500; to so brew
18 not more than 200,000 barrels of 31 fluid gallons capacity per annum,
19 ~~[\$4,000.00]~~ \$5,000; to so brew not more than 300,000 barrels of 31
20 fluid gallons capacity per annum, ~~[\$6,000.00]~~ \$7,500.

21 Restricted brewery license. 1c. The holder of this license shall be
22 entitled, subject to rules and regulations, to brew any malt alcoholic
23 beverages in a quantity to be expressed in such license not in excess of
24 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding
25 the provisions of R.S.33:1-26, the director shall issue a restricted
26 brewery license only to a person or an entity which has identical
27 ownership to an entity which holds a plenary retail consumption
28 license issued pursuant to R.S.33:1-12, provided that such plenary
29 retail consumption license is operated in conjunction with a restaurant
30 regularly and principally used for the purpose of providing meals to its
31 customers and having adequate kitchen and dining room facilities, and
32 that the licensed restaurant premises is immediately adjoining the
33 premises licensed as a restricted brewery. The holder of this license
34 shall only be entitled to sell or deliver the product to that restaurant
35 premises. The fee for this license shall be ~~[\$1,000.00]~~ \$1,250, which
36 fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid
37 gallons per annum. The licensee also shall pay an additional ~~[\$500]~~
38 \$625 for every additional 1,000 barrels of 31 fluid gallons produced.
39 No more than two restricted brewery licenses shall be issued to a
40 person or entity which holds an interest in a plenary retail consumption
41 license. If the governing body of the municipality in which the licensed
42 premises will be located should file a written objection, the director
43 shall hold a hearing and may issue the license only if the director finds
44 that the issuance of the license will not be contrary to the public
45 interest. All fees related to the issuance of both licenses shall be paid
46 in accordance with statutory law.

1 Plenary winery license. 2a. Provided that the holder is engaged in
2 growing and cultivating grapes or fruit used in the production of wine
3 on at least three acres on, or adjacent to, the winery premises, the
4 holder of this license shall be entitled, subject to rules and regulations,
5 to produce any fermented wines, and to blend, fortify and treat wines,
6 and to sell and distribute his products to wholesalers and retailers
7 licensed in accordance with this chapter and to churches for religious
8 purposes, and to sell and distribute without this State to any persons
9 pursuant to the laws of the places of such sale and distribution, and to
10 maintain a warehouse, and to sell his products at retail to consumers
11 on the licensed premises of the winery for consumption on or off the
12 premises and to offer samples for sampling purposes only. The fee for
13 this license shall be ~~[\$750.00]~~ \$938. The holder of this license shall
14 also have the right to sell such wine at retail in original packages in
15 five salesrooms apart from the winery premises for consumption on or
16 off the premises and for sampling purposes for consumption on the
17 premises, at a fee of ~~[\$200.00]~~ \$250 for each salesroom. Additionally,
18 subject to rules and regulations, one salesroom per county may be
19 jointly controlled and operated by at least two plenary or farm winery
20 licensees for the sale of the products of any plenary or farm winery
21 licensee for consumption on or off the premises and for consumption
22 on the licensed premises for sampling purposes at an additional fee of
23 ~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
24 subsection, "sampling" means the selling at a nominal charge or the
25 gratuitous offering of an open container not exceeding one and
26 one-half ounces of any wine.

27 For the purposes of this subsection, "product" means any wine that
28 is produced, blended, fortified, or treated by the licensee on its
29 licensed premises situated in the State of New Jersey.

30 Any holder of a plenary winery license who sold wine which was
31 produced, bottled, and labelled by that holder in a place other than its
32 licensed New Jersey premises between July 1, 1992 and June 30, 1993,
33 may continue to sell that wine provided no more than 25,000 cases,
34 each case consisting of 12 750 milliliter bottles or the equivalent, are
35 sold in any single license year. This privilege shall terminate upon, and
36 not survive, any transfer of the license to another person or entity
37 subsequent to the effective date of this 1993 amendatory act or any
38 transfer of stock of the licensed corporation other than to children,
39 grandchildren, parents, spouses or siblings of the existing
40 stockholders.

41 Farm winery license. 2b. The holder of this license shall be
42 entitled, subject to rules and regulations, to manufacture any
43 fermented wines and fruit juices in a quantity to be expressed in said
44 license, dependent upon the following fees and not in excess of 50,000
45 gallons per year and to sell and distribute his products to wholesalers
46 and retailers licensed in accordance with this chapter and to churches

1 for religious purposes and to sell and distribute without this State to
2 any persons pursuant to the laws of the places of such sale and
3 distribution, and to maintain a warehouse and to sell at retail to
4 consumers for consumption on or off the licensed premises and to
5 offer samples for sampling purposes only. The license shall be issued
6 only when the winery at which such fermented wines and fruit juices
7 are manufactured is located and constructed upon a tract of land
8 exclusively under the control of the licensee, provided that the licensee
9 is actively engaged in growing and cultivating an area of not less than
10 three acres on or adjacent to the winery premises and on which are
11 growing grape vines or fruit to be processed into wine or fruit juice;
12 and provided, further, that for the first five years of the operation of
13 the winery such fermented wines and fruit juices shall be manufactured
14 from at least 51% grapes or fruit grown in the State and that thereafter
15 they shall be manufactured from grapes or fruit grown in this State at
16 least to the extent required for labeling as "New Jersey Wine" under
17 the applicable federal laws and regulations. The containers of all wine
18 sold to consumers by such licensee shall have affixed a label stating
19 such information as shall be required by the rules and regulations of
20 the Director of the Division of Alcoholic Beverage Control. The fee
21 for this license shall be graduated as follows: to so manufacture
22 between 30,000 and 50,000 gallons per annum, [~~\$300.00~~] \$375; to so
23 manufacture between 2,500 and 30,000 gallons per annum, [~~\$200.00~~]
24 \$250; to so manufacture between 1,000 and 2,500 gallons per annum,
25 [~~\$100.00~~] \$125; to so manufacture less than 1,000 gallons per annum,
26 [~~\$50.00~~] \$63. No farm winery license shall be held by the holder of
27 a plenary winery license or be situated on a premises licensed as a
28 plenary winery.

29 The holder of this license shall also have the right to sell his
30 products in original packages at retail to consumers in five salesrooms
31 apart from the winery premises for consumption on or off the
32 premises, and for sampling purposes for consumption on the premises,
33 at a fee of [~~\$200.00~~] \$250 for each salesroom. Additionally, subject
34 to rules and regulations, one salesroom per county may be jointly
35 controlled and operated by at least two plenary or farm winery
36 licensees for the sale of the products of any plenary or farm winery
37 licensee for consumption on or off the premises and for consumption
38 on the licensed premises for sampling purposes only, at an additional
39 fee of [~~\$500.00~~] \$625 per county salesroom. For the purposes of this
40 subsection, "sampling" means the selling at a nominal charge or the
41 gratuitous offering of an open container not exceeding one and
42 one-half ounces of any wine.

43 Unless otherwise indicated, for the purposes of this subsection,
44 with respect to farm winery licenses, "manufacture" means the
45 vinification, aging, storage, blending, clarification, stabilization and
46 bottling of wine or juice from New Jersey fruit to the extent required

1 by this subsection.

2 Wine blending license. 2c. The holder of this license shall be
3 entitled, subject to rules and regulations, to blend, treat, mix, and
4 bottle fermented wines and fruit juices with non-alcoholic beverages,
5 and to sell and distribute his products to wholesalers and retailers
6 licensed in accordance with this chapter, and to sell and distribute
7 without this State to any persons pursuant to the laws of the places of
8 such sale and distribution, and to maintain a warehouse. The fee for
9 this license shall be[~~\$500.00~~] \$625.

10 Plenary distillery license. 3a. The holder of this license shall be
11 entitled, subject to rules and regulations, to manufacture any distilled
12 alcoholic beverages and rectify, blend, treat and mix, and to sell and
13 distribute his products to wholesalers and retailers licensed in
14 accordance with this chapter, and to sell and distribute without this
15 State to any persons pursuant to the laws of the places of such sale
16 and distribution, and to maintain a warehouse. The fee for this license
17 shall be[~~\$10,000.00~~] \$12,500.

18 Limited distillery license. 3b. The holder of this license shall be
19 entitled, subject to rules and regulations, to manufacture and bottle
20 any alcoholic beverages distilled from fruit juices and rectify, blend,
21 treat, mix, compound with wine and add necessary sweetening and
22 flavor to make cordial or liqueur, and to sell and distribute to
23 wholesalers and retailers licensed in accordance with this chapter, and
24 to sell and distribute without this State to any persons pursuant to the
25 laws of the places of such sale and distribution and to warehouse these
26 products. The fee for this license shall be[~~\$3,000.00~~] \$3,750.

27 Supplementary limited distillery license. 3c. The holder of this
28 license shall be entitled, subject to rules and regulations, to bottle and
29 rebottle, in a quantity to be expressed in said license, dependent upon
30 the following fees, alcoholic beverages distilled from fruit juices by
31 such holder pursuant to a prior plenary or limited distillery license, and
32 to sell and distribute his products to wholesalers and retailers licensed
33 in accordance with this chapter, and to sell and distribute without this
34 State to any persons pursuant to the laws of the places of such sale
35 and distribution, and to maintain a warehouse. The fee for this license
36 shall be graduated as follows: to so bottle and rebottle not more than
37 5,000 wine gallons per annum,[~~\$250.00~~] \$313; to so bottle and
38 rebottle not more than 10,000 wine gallons per annum,[~~\$500.00~~]
39 \$625; to so bottle and rebottle without limit as to amount,[~~\$1,000.00~~]
40 \$1,250.

41 Rectifier and blender license. 4. The holder of this license shall be
42 entitled, subject to rules and regulations, to rectify, blend, treat and
43 mix distilled alcoholic beverages, and to fortify, blend, and treat
44 fermented alcoholic beverages, and prepare mixtures of alcoholic
45 beverages, and to sell and distribute his products to wholesalers and
46 retailers licensed in accordance with this chapter, and to sell and

1 distribute without this State to any persons pursuant to the laws of the
2 places of such sale and distribution, and to maintain a warehouse. The
3 fee for this license shall be [~~\$6,000.00~~] \$7,500.

4 Bonded warehouse bottling license. 5. The holder of this license
5 shall be entitled, subject to rules and regulations, to bottle alcoholic
6 beverages in bond on behalf of all persons authorized by federal and
7 State law and regulations to withdraw alcoholic beverages from bond.
8 The fee for this license shall be [~~\$500.00~~] \$625. This license shall be
9 issued only to persons holding permits to operate Internal Revenue
10 bonded warehouses pursuant to the laws of the United States.

11 The provisions of section 21 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1993, c.372, s.1)

16
17 22. R.S.33:1-11 is amended to read as follows:

18 33:1-11. Class B licenses shall be subdivided and classified as
19 follows:

20 Plenary wholesale license. 1. The holder of this license shall be
21 entitled, subject to rules and regulations, to sell and distribute
22 alcoholic beverages to retailers and wholesalers licensed in accordance
23 with this chapter, and to sell and distribute without this State to any
24 persons pursuant to the laws of the places of such sale and
25 distribution, and to maintain a warehouse and salesroom; provided,
26 however, that the delivery of such alcoholic beverages by the holder
27 of this license to retailers licensed under this Title shall be from
28 inventory in a warehouse located in New Jersey which is operated
29 under a plenary wholesale license. The fee for this license shall be
30 [~~\$7,000.00~~] \$8,750.

31 Limited wholesale license. 2a. The holder of this license shall be
32 entitled, subject to rules and regulations, to sell and distribute brewed
33 malt alcoholic beverages and naturally fermented wines to retailers and
34 wholesalers licensed in accordance with this chapter, and to sell and
35 distribute without this State to any persons pursuant to the laws of the
36 places of such sale and distribution, and to maintain a warehouse and
37 salesroom. The fee for this license shall be [~~\$1,500.00~~] \$1,875.

38 Wine wholesale license. 2b. The holder of this license shall be
39 entitled, subject to rules and regulations, to sell and distribute any
40 naturally fermented, treated, blended, fortified and sparkling wines to
41 retailers and wholesalers licensed in accordance with this chapter, and
42 to sell and distribute without this State to any persons pursuant to the
43 laws of the places of such sale and distribution, and to maintain a
44 warehouse and salesroom; provided, however, that the delivery of
45 such wines by the holder of this license to retailers licensed under this
46 Title shall be from inventory in a warehouse located in New Jersey

1 which is operated under a wine wholesale license. The fee for this
2 license shall be~~[\$3,000.00]~~ \$3,750.

3 State beverage distributor's license. 2c. (1) The holder of this
4 license shall be entitled, subject to rules and regulations, to sell and
5 distribute unchilled, brewed, malt alcoholic beverages in original
6 containers only, in quantities of not less than 144 fluid ounces and
7 chilled draught malt alcoholic beverages in kegs, barrels or other
8 similar containers of at least one fluid gallon in capacity, to retailers
9 licensed in accordance with this chapter, and to sell and distribute
10 without this State to any person pursuant to the laws of the places of
11 such sale and distribution, and to maintain a warehouse and salesroom.
12 The holder of this license may sell unchilled, brewed, malt alcoholic
13 beverages in original containers only, in quantities of not less than 144
14 fluid ounces and chilled draught malt alcoholic beverages in kegs,
15 barrels or other similar containers of at least 7.75 fluid gallons in
16 capacity, at retail; provided, however, that such sales shall be made
17 only for consumption off the licensed premises. This license shall not
18 be issued to any person holding a plenary or limited brewery license,
19 nor shall it be issued to any person directly or indirectly interested in
20 any brewery within or without this State. This license shall not be
21 issued for premises in or upon which any retail business, except the
22 sale of malt alcoholic beverages and nonalcoholic beverages, is carried
23 on. The fee for this license shall be~~[\$825]~~ \$1,031.

24 (2) After the effective date of P.L.1995, c. 309 any license issued
25 or transferred pursuant to this subsection for a premises located in a
26 municipality in a county of the fifth or sixth class shall be limited to
27 prohibit retail sales.

28 (3) The holder of a license issued pursuant to this subsection shall
29 not be entitled to sell malt alcoholic beverages at retail as provided in
30 paragraph (1) of this subsection, at hours of the day or on days of the
31 week during which sales by holders of plenary retail distributors
32 licenses are prohibited in the municipality in which the licensed
33 premises is located or in a municipality which, in accordance with the
34 provisions of this title, prohibits all retail sales of wine and malt
35 alcoholic beverages in original bottle or can containers.

36 The provisions of section 22 of P.L. _____, c. _____ (C. _____)
37 amendatory of this section shall apply to licenses issued or transferred
38 on or after July 1, 2003, and to license renewals commencing on or
39 after July 1, 2003.

40 (cf: P.L.1995, c.309, s.1)

41

42 23. R.S.33:1-12 is amended to read as follows:

43 33:1-12. Class C licenses shall be subdivided and classified as
44 follows:

45 Plenary retail consumption license. 1. The holder of this license
46 shall be entitled, subject to rules and regulations, to sell any alcoholic

1 beverages for consumption on the licensed premises by the glass or
2 other open receptacle, and also to sell any alcoholic beverages in
3 original containers for consumption off the licensed premises; but this
4 license shall not be issued to permit the sale of alcoholic beverages in
5 or upon any premises in which a grocery, delicatessen, drug store or
6 other mercantile business is carried on, except as hereinafter provided.
7 Subject to such rules and regulations established from time to time by
8 the director, the holder of this license shall be permitted to sell
9 alcoholic beverages in or upon the premises in which any of the
10 following is carried on: the keeping of a hotel or restaurant including
11 the sale of mercantile items incidental thereto as an accommodation to
12 patrons; the sale, at an entertainment facility as defined in R.S.33:1-1,
13 having a seating capacity for no less than 4,000 patrons, of mercantile
14 items traditionally associated with the type of event or program held
15 at the site; the sale of distillers', brewers' and vintners' packaged
16 holiday merchandise prepacked as a unit with other suitable objects as
17 gift items to be sold only as a unit; the sale of novelty wearing apparel
18 identified with the name of the establishment licensed under the
19 provisions of this section; the sale of cigars, cigarettes, packaged
20 crackers, chips, nuts and similar snacks and ice at retail as an
21 accommodation to patrons, or the retail sale of nonalcoholic beverages
22 as accessory beverages to alcoholic beverages; or, in commercial
23 bowling establishments, the retail sale or rental of bowling accessories
24 and the retail sale from vending machines of candy, ice cream and
25 nonalcoholic beverages. The fee for this license shall be fixed by the
26 governing board or body of the municipality in which the licensed
27 premises are situated, by ordinance, at not less than ~~[\$200.00]~~ \$250
28 and not more than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted
29 which shall raise or lower the fee to be charged for this license by
30 more than 20% from that charged in the preceding license year or
31 \$500.00, whichever is the lesser. The governing board or body of each
32 municipality may, by ordinance, enact that no plenary retail
33 consumption license shall be granted within its respective municipality.

34 The holder of this license shall be permitted to obtain a restricted
35 brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and
36 to operate a restricted brewery immediately adjoining the licensed
37 premises in accordance with the restrictions set forth in that
38 subsection. All fees related to the issuance of both licenses shall be
39 paid in accordance with statutory law.

40 Seasonal retail consumption license. 2. The holder of this license
41 shall be entitled, subject to rules and regulations, to sell any alcoholic
42 beverages for consumption on the licensed premises by the glass or
43 other open receptacle, and also to sell any alcoholic beverages in
44 original containers for consumption off the licensed premises, during
45 the summer session from May 1 until November 14, inclusive, or
46 during the winter season from November 15 until April 30, inclusive;

1 but this license shall not be issued to permit the sale of alcoholic
2 beverages in or upon any premises in which a grocery, delicatessen,
3 drug store or other mercantile business is carried on, except as
4 hereinafter provided. Subject to such rules and regulations established
5 from time to time by the director, the holder of this license shall be
6 permitted to sell alcoholic beverages in or upon the premises in which
7 any of the following is carried on: the keeping of a hotel or restaurant
8 including the sale of mercantile items incidental thereto as an
9 accommodation to patrons; the sale of distillers', brewers' and vintners'
10 packaged holiday merchandise prepacked as a unit with other suitable
11 objects as gift items to be sold only as a unit; the sale of novelty
12 wearing apparel identified with the name of the establishment licensed
13 under the provisions of this section; the sale of cigars, cigarettes,
14 packaged crackers, chips, nuts and similar snacks and ice at retail as
15 an accommodation to patrons; or the retail sale of nonalcoholic
16 beverages as accessory beverages to alcoholic beverages. The fee for
17 this license shall be fixed by the governing board or body of the
18 municipality in which the licensed premises are situated, by ordinance,
19 at 75% of the fee fixed by said board or body for plenary retail
20 consumption licenses. The governing board or body of each
21 municipality may, by ordinance, enact that no seasonal retail
22 consumption license shall be granted within its respective municipality.

23 Plenary retail distribution license. 3a. The holder of this license
24 shall be entitled, subject to rules and regulations, to sell any alcoholic
25 beverages for consumption off the licensed premises, but only in
26 original containers. The governing board or body of each municipality
27 may, by ordinance, enact that this license shall not be issued to permit
28 the sale of alcoholic beverages in or upon any premises in which any
29 other mercantile business is carried on, except that any such ordinance,
30 heretofore or hereafter adopted, shall not prohibit the retail sale of
31 distillers', brewers' and vintners' packaged holiday merchandise
32 prepacked as a unit with other suitable objects as gift items to be sold
33 only as a unit; the sale of novelty wearing apparel identified with the
34 name of the establishment licensed under the provisions of this act;
35 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
36 ice, and nonalcoholic beverages as accessory beverages to alcoholic
37 beverages. The fee for this license shall be fixed by the governing
38 board or body of the municipality in which the licensed premises are
39 situated, by ordinance, at not less than ~~[\$100.00]~~ \$125 and not more
40 than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted which shall
41 raise or lower the fee to be charged for this license by more than 20%
42 from that charged in the preceding license year or \$500.00, whichever
43 is the lesser. The governing board or body of each municipality may,
44 by ordinance, enact that no plenary retail distribution license shall be
45 granted within its respective municipality.

46 Limited retail distribution license. 3b. The holder of this license

1 shall be entitled, subject to rules and regulations, to sell any unchilled,
2 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
3 ounces for consumption off the licensed premises, but only in original
4 containers; provided, however, that this license shall be issued only for
5 premises operated and conducted by the licensee as a bona fide
6 grocery store, meat market, meat and grocery store, delicatessen, or
7 other type of bona fide food store at which groceries or other
8 foodstuffs are sold at retail; and provided further that this license shall
9 not be issued except for premises at which the sale of groceries or
10 other foodstuffs is the primary and principal business and at which the
11 sale of alcoholic beverages is merely incidental and subordinate
12 thereto. The fee for this license shall be fixed by the governing body
13 or board of the municipality in which the licensed premises are
14 situated, by ordinance, at not less than ~~[\$25.00]~~ \$31 and not more than
15 ~~[\$50.00]~~ \$63. The governing board or body of each municipality may,
16 by ordinance, enact that no limited retail distribution license shall be
17 granted within its respective municipality.

18 Plenary retail transit license. 4. The holder of this license shall be
19 entitled, subject to rules and regulations, to sell any alcoholic
20 beverages, for consumption only, on railroad trains, airplanes,
21 limousines and boats, while in transit. The fee for this license for use
22 by a railroad or air transport company shall be ~~[\$300.00]~~ \$375, for use
23 by the owners of limousines shall be ~~[\$25.00]~~ \$31 per vehicle, and for
24 use on a boat shall be ~~[\$50.00]~~ \$63 on a boat 65 feet or less in length,
25 ~~[\$100.00]~~ \$125 on a boat more than 65 feet in length but not more
26 than 110 feet in length, and ~~[\$300.00]~~ \$375 on a boat more than 110
27 feet in length; such boat lengths shall be determined in the manner
28 prescribed by the Bureau of Customs of the United States Government
29 or any federal agency successor thereto for boat measurement in
30 connection with issuance of marine documents. A license issued under
31 this provision to a railroad or air transport company shall cover all
32 railroad cars and planes operated by any such company within the
33 State of New Jersey. A license for a boat or limousine issued under
34 this provision shall apply only to the particular boat or limousine for
35 which issued, and shall permit the purchase of alcoholic beverages for
36 sale or service in a boat or limousine to be made from any Class A and
37 B licensee or from any Class C licensee whose license privilege permits
38 the sale of alcoholic beverages in original containers for off-premises
39 consumption. An interest in a plenary retail transit license issued in
40 accordance with this section shall be excluded in determining the
41 maximum number of retail licenses permitted under P.L.1962, c.152
42 (C.33:1-12.31 et seq.).

43 Club license. 5. The holder of this license shall be entitled, subject
44 to rules and regulations, to sell any alcoholic beverages but only for
45 immediate consumption on the licensed premises and only to bona fide
46 club members and their guests. The fee for this license shall be fixed

1 by the governing board or body of the municipality in which the
2 licensed premises are situated, by ordinance, at not less than ~~[\$50.00]~~
3 \$63 and not more than ~~[\$150.00]~~ \$125. The governing board or body
4 of each municipality may, by ordinance, enact that no club licenses
5 shall be granted within its respective municipality. Club licenses may
6 be issued only to such corporations, associations and organizations as
7 are operated for benevolent, charitable, fraternal, social, religious,
8 recreational, athletic, or similar purposes, and not for private gain, and
9 which comply with all conditions which may be imposed by the
10 Commissioner of Alcoholic Beverage Control by rules and regulations.

11 The provisions of section 23 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1997, c.8, s.2)

16

17 24. R.S.33:1-13 is amended to read as follows:

18 33:1-13. Class D licenses shall be as follows:

19 Transportation license. The holder of this license shall be entitled,
20 subject to rules and regulations, to transport alcoholic beverages into,
21 out of, through and within the State of New Jersey and to maintain a
22 warehouse. The fee for this license shall be ~~[\$500.00]~~ \$625.

23 The provisions of section 24 of P.L. _____, c. _____ (C. _____)
24 amendatory of this section shall apply to licenses issued or transferred
25 on or after July 1, 2003, and to license renewals commencing on or
26 after July 1, 2003.

27 (cf: P.L.1970, c.78, s.3)

28

29 25. R.S.33:1-14 is amended to read as follows:

30 33:1-14. Class E licenses shall be subdivided and classified as
31 follows:

32 Public warehouse license. 1. The holder of this license shall be
33 entitled, subject to rules and regulations, to receive for purposes of
34 storing and warehousing and to store and warehouse alcoholic
35 beverages in the licensed public warehouse; but this license shall not
36 authorize the transportation of alcoholic beverages. The fee for this
37 license shall be ~~[\$400.00]~~ \$500.

38 Broker's license. 2. The holder of this license shall be entitled,
39 subject to rules and regulations, to act as a broker in the purchase and
40 sale of alcoholic beverages for a fee or commission, for or on behalf
41 of a person authorized to manufacture or sell at wholesale alcoholic
42 beverages within or without the State. Such license shall not entitle the
43 holder to buy or sell any alcoholic beverages for his own account, or
44 take or deliver title to such alcoholic beverages, or receive or store
45 any alcoholic beverages in his own name in this State, or offer,
46 negotiate for the sale of or sell any alcoholic beverages to any

1 wholesaler or retailer within this State; but such licensee shall be
2 permitted, subject to rules and regulations, to use samples of alcoholic
3 beverages in connection with the exercise of the privileges of such
4 license. Such licensee's activities hereunder shall not be deemed to
5 constitute a sale within the meaning of paragraph "w" of section
6 33:1-1 of the Revised Statutes. The fee for this license shall be
7 ~~[\$400.00]~~ \$500.

8 The provisions of section 25 of P.L. _____, c. _____ (C. _____)
9 amendatory of this section shall apply to licenses issued or transferred
10 on or after July 1, 2003, and to license renewals commencing on or
11 after July 1, 2003.

12 (cf: P.L.1970, c.78, s.4)

13

14 26. R.S.33:1-25 is amended to read as follows:

15 33:1-25. No license of any class shall be issued to any person
16 under the age of 21 years or to any person who has been convicted of
17 a crime involving moral turpitude.

18 In applications by corporations, except for club licenses, the names
19 and addresses of, and the amount of stock held by, all stockholders
20 holding 1% or more of any of the stock thereof, and the names and
21 addresses of all officers and of all members of the board of directors
22 must be stated in the application, and if one or more of the officers or
23 members of the board of directors or one or more of the owners,
24 directly or indirectly, of more than 10% of the stock would fail to
25 qualify as an individual applicant in all respects, no license of any class
26 shall be granted.

27 In applications for club licenses, the names and addresses of all
28 officers, trustees, directors, or other governing official, together with
29 the names and addresses of all members of the corporation, association
30 or organization, must be stated in the application.

31 In applications by partnerships, the application shall contain the
32 names and addresses of all of the partners. No license shall be issued
33 unless all of the partners would qualify as individual applicants.

34 A photostatic copy of all federal permits necessary to the lawful
35 conduct of the business for which a State license is sought and which
36 relate to alcoholic beverages, or other evidence in lieu thereof
37 satisfactory to the director, must accompany the license application,
38 together with a deposit of the full amount of the required license fee,
39 which deposit to the extent of 90% thereof shall be returned to the
40 applicant by the director or other issuing authority if the application is
41 denied, and the remaining 10% shall constitute an investigation fee and
42 be accounted for as other license fees.

43 Every applicant for a license that is not a renewal of an annual
44 license shall cause a notice of the making of the application to be
45 published in a form prescribed by rules and regulations, once per week
46 for two weeks successively in a newspaper printed in the English

1 language, published and circulated in the municipality in which the
2 licensed premises are located; but if there shall be no such newspaper,
3 then the notice shall be published in a newspaper, printed in the
4 English language, published and circulated in the county in which the
5 licensed premises are located. No publication shall be required with
6 respect to applications for transportation or public warehouse licenses
7 or with respect to applications for renewal of licenses.

8 The Division of Alcoholic Beverage Control shall cause a general
9 notice of the making of annual renewal applications and the manner in
10 which members of the public may object to the approving of the
11 applications to be published in a form prescribed by rules and
12 regulations, once per week from the week of April 1 through the week
13 of June 1 in a newspaper printed in the English language published and
14 circulated in the counties in which the premises of applicants for
15 renewals of annual licenses are located. Any application for the
16 renewal of an annual license shall be made by May 1, and none shall be
17 approved before May 1.

18 Every person filing an application for license, renewal of license or
19 transfer of license with a municipal issuing authority shall, within 10
20 days of such filing, file with the director a copy of the application
21 together with a nonreturnable filing fee of ~~[\$100.00]~~ \$200.

22 Applicants for licenses shall answer questions as may be asked and
23 make declarations as shall be required by the form of application for
24 license as may be promulgated by the director from time to time. All
25 applications shall be duly sworn to by each of the applicants, except in
26 the case of applicants in the military service of the United States
27 whose applications may be signed in their behalf by an attorney-in-fact
28 holding a power of attorney in form approved by the director, and
29 except in cases of applications by corporations which shall be duly
30 sworn to by the president or vice-president. All statements in the
31 applications required to be made by law or by rules and regulations
32 shall be deemed material, and any person who shall knowingly misstate
33 any material fact, under oath, in the application shall be guilty of a
34 misdemeanor. Fraud, misrepresentation, false statements, misleading
35 statements, evasions or suppression of material facts in the securing of
36 a license are grounds for suspension or revocation of the license.

37 The provisions of section 26 of P.L. _____, c. _____ (C. _____)
38 amendatory of this section shall apply to licenses issued or transferred
39 on or after July 1, 2003, and to license renewals commencing on or
40 after July 1, 2003.

41 (cf: P.L.1992, c.188, s.3)

42

43 27. R.S.33:1-72 is amended to read as follows:

44 33:1-72. The sale of receipts, certificates, contracts or other
45 documents given upon the storage of alcoholic beverages is prohibited,
46 except under and pursuant to the provisions of a warehouse receipts

1 license issued by the director. The holder of such license shall be
2 entitled to sell such warehouse receipts subject to rules and regulations
3 and the fee therefor shall be ~~[\$300.00]~~ \$375. No publication shall be
4 required with respect to applications for warehouse receipts licenses.

5 The provisions of section 27 of P.L. _____, c. _____ (C. _____)
6 amendatory of this section shall apply to licenses issued or transferred
7 on or after July 1, 2003, and to license renewals commencing on or
8 after July 1, 2003.

9 (cf: P.L.1970, c.78, s.8)

10
11 28. R.S.33:1-74 is amended to read as follows:

12 33:1-74. a. To provide for contingencies where it would be
13 appropriate and consonant with the spirit of this chapter to issue a
14 license but the contingency has not been expressly provided for, the
15 director of the division may for special cause shown, subject to rules
16 and regulations, issue temporary permits. The fee for a one-day permit
17 authorizing the sale of alcoholic beverages for consumption on a
18 designated premises by a civic, religious, educational or veterans
19 organization shall be ~~[\$50.00]~~ \$100 and for a one-day permit
20 authorizing such sale by any other organization, ~~[\$75.00]~~ \$150. The
21 fee for any other type of temporary permit shall be determined in each
22 case by the director of the division and shall not be less than ~~[\$5.00]~~
23 \$10 nor more than ~~[\$1,000.00]~~ \$2,000, payable to the director of the
24 division and to be accounted for by the director as are license fees.

25 b. As to any designated premises such temporary permits shall not
26 exceed in the aggregate 25 in any one calendar year, but the director
27 of the division may by said rules and regulations provide for a lesser
28 number in the aggregate for any such designated premises in any one
29 calendar year.

30 c. The issuance of temporary permits to authorize the sale of
31 alcoholic beverages by the glass or other open receptacle by civic,
32 religious, educational, veterans or other qualified organizations shall
33 be permissible, notwithstanding that the sale of alcoholic beverages has
34 otherwise been prohibited by referendum under R.S.33:1-44 through
35 R.S.33:1-47 or municipal ordinance or resolution.

36 (cf: P.L.1992, c.188, s.13)

37
38 29. (New section) If prior to the effective date of P.L. _____, c.
39 (C. _____) (pending before the Legislature as this bill), an applicant for
40 a license or license renewal has submitted the license fee for an
41 application for a license issued or transferred on or after July 1, 2003,
42 or renewed for a license term commencing on or after July 1, 2003
43 pursuant to R.S.33:1-10, R.S.33:1-11, R.S.33:1-12, R.S.33:1-13,
44 R.S.33:1-14, R.S.33:1-25, R.S.33:1-72 or R.S.33:1-74, the applicant
45 shall submit immediately any outstanding portion o the total license fee
46 as increased by P.L. _____, c. _____. If the increased portion of the

1 licensed fee has not been paid in fully by October 1, 2003, the
2 applicant shall be deemed to be in violation of R.S.33:1-27 and the
3 director may issue an order revoking the license or indefinitely
4 suspending same until payment. The Division of Alcoholic Beverage
5 Control shall promulgate regulations to effectuate this section as well
6 as the purposes of the amendatory provisions of sections 21 through
7 28 of P.L. , C. . All such regulations shall be immediately
8 effective for a period not to exceed six months upon their filing with
9 the Office of Administrative Law, and thereafter may be amended,
10 adopted or readopted in accordance with the requirements of the
11 Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
12

13 30. Section 6 of P.L.1979, c.111 (C.13:18A-6) is amended to read
14 as follows:

15 6. The Pinelands Commission shall have the following powers:

16 a. To adopt and from time to time amend and repeal suitable
17 by-laws for the management of its affairs;

18 b. To adopt and use an official seal and alter the same at its
19 pleasure;

20 c. To maintain an office at such place or places in the pinelands
21 area as it may designate;

22 d. To sue and be sued in its own name;

23 e. To appoint, retain and employ, without regard to the provisions
24 of Title [11] 11A of the [Revised] New Jersey Statutes but within
25 the limits of funds appropriated or otherwise made available for such
26 purposes, such officers, agents, employees and experts as it may
27 require, and to determine the qualifications, terms of office, duties,
28 services and compensation therefor;

29 f. To apply for, receive, and accept, from any Federal, State, or
30 other public or private source, grants or loans for, or in aid of, the
31 commission's authorized purposes;

32 g. To enter into any and all agreements or contracts, execute any
33 and all instruments, and do and perform any and all acts or things
34 necessary, convenient, or desirable for the purposes of the commission
35 or to carry out any power expressly given in this act;

36 h. To conduct examinations and investigations, to hear testimony,
37 taken under oath at public or private hearings, on any material matter,
38 and to require attendance of witnesses and the production of books
39 and papers;

40 i. To prepare and transmit to the Commissioner of Environmental
41 Protection such recommendations for water quality standards for
42 surface and ground waters in the pinelands area, or in tributaries and
43 watersheds thereof, as the commission deems appropriate;

44 j. To prepare, promulgate, adopt, amend or repeal, pursuant to the
45 provisions of the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), such rules and regulations as are necessary in

1 order to implement the provisions of this act;

2 k. To appoint advisory boards, commissions, or panels to assist in
3 its activities;

4 l. To identify any lands in which the public acquisition of a fee
5 simple or lesser interest therein is necessary or desirable in order to
6 insure the preservation thereof, or to provide sites for public
7 recreation, as well as any lands the beneficial use of which are so
8 adversely affected by the restrictions imposed pursuant to this act as
9 to require a guarantee of just compensation therefor, and to transmit
10 such identifications to the affected local governments, the
11 Commissioner of Environmental Protection and to the Secretary of the
12 United States Department of Interior;

13 m. To call to its assistance and avail itself of the services of such
14 employees of any State, county or municipal department, board,
15 commission or agency as may be required and made available for such
16 purposes.

17 n. To establish and change, in accordance with a fee schedule to
18 be set forth by regulation adopted pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable fees
20 for services performed relating to development review applications
21 filed with the commission as required by the Comprehensive
22 Management Plan.

23 (cf: P.L.1979, c.111, s.6)

24

25 31. R.S.45:15-9 is amended to read as follows:

26 45:15-9. All persons desiring to become real estate brokers,
27 broker-salespersons or salespersons shall apply to the commission for
28 a license under the provisions of this article. Every applicant for a
29 license as a broker, broker-salesperson or salesperson shall be of the
30 age of 18 years or over, and in the case of an association or a
31 corporation the directors thereof shall be of the age of 18 years or
32 over. Application for a license, whether as a real estate broker,
33 broker-salesperson or a salesperson, shall be made to the commission
34 upon forms prescribed by it and shall be accompanied by an
35 application fee of ~~[\$25]~~ \$50 which fee shall not be refundable. Every
36 applicant for a license whether as a real estate broker, broker-
37 salesperson or salesperson shall have the equivalent of a high school
38 education. The issuance of a license to an applicant who is a
39 nonresident of this State shall be deemed to be his irrevocable consent
40 that service of process upon him as a licensee in any action or
41 proceeding may be made upon him by service upon the secretary of the
42 commission or the person in charge of the office of the commission.
43 The applicant shall furnish evidence of good moral character, and in
44 the case of an association, partnership or corporation, the members,
45 officers or directors thereof shall furnish evidence of good moral
46 character. The commission may make such investigation and require

1 such proof as it deems proper and in the public interest as to the
2 honesty, trustworthiness, character and integrity of an applicant. Every
3 applicant for a license as a broker or broker-salesperson shall have first
4 been the holder of a New Jersey real estate salesperson's license and
5 have been actively engaged on a full-time basis in the real estate
6 brokerage business in this State for three years immediately preceding
7 the date of application, which requirement may be waived by the
8 commission where the applicant has been the holder of a broker's
9 license in another state and actively engaged in the real estate
10 brokerage business for at least three years immediately preceding the
11 date of his application, meets the educational requirements and
12 qualifies by examination. No license as a broker shall be granted to a
13 general partnership or corporation unless at least one of the partners
14 or officers of said general partnership or corporation qualifies as and
15 holds a license as a broker to transact business in the name and on
16 behalf of said general partnership or corporation as its authorized
17 broker and no such authorized broker shall act as a broker on his own
18 individual account unless he is also licensed as a broker in his
19 individual name; the license of said general partnership or corporation
20 shall cease if at least one partner or officer does not hold a license as
21 its authorized broker at all times. A change in the status of the license
22 of an authorized broker to an individual capacity or vice versa shall be
23 effected by application to the commission accompanied by a fee of
24 ~~[\$25]~~ \$50. No license as a broker shall be granted to a limited
25 partnership unless its general partner qualifies as and holds a license
26 as a broker to transact business in the name of and on behalf of the
27 limited partnership. In the event that a corporation is a general partner
28 of a limited partnership, no license as a broker shall be granted to the
29 limited partnership unless the corporation is licensed as a broker and
30 one of the officers of the corporation qualifies as and holds a license
31 as the corporation's authorized broker.

32 In the event that any person to whom a broker's or broker-
33 salesperson's license has been or shall have been issued shall fail to
34 renew such license or obtain a new license for a period of more than
35 two but less than five consecutive years after the expiration of the last
36 license held, prior to issuing another broker or broker-salesperson
37 license to the person, the commission shall require such person to
38 work as a licensed salesperson on a full-time basis for one full year, to
39 pass an examination, and to successfully complete a 90-hour general
40 broker's pre-licensure course at a licensed real estate school, as the
41 commission shall prescribe by regulation. In the event that any person
42 to whom a broker's or broker-salesperson's license has been or shall
43 have been issued fails to maintain or renew the license or obtain a new
44 license for a period of more than five consecutive years after the
45 expiration of the last license held, prior to issuing another broker or
46 broker-salesperson license to the person the commission shall require

1 the person to pass the salesperson's license examination and then to
2 work as a licensed salesperson on a full-time basis for three years, to
3 fulfill all of the educational requirements applicable to first time
4 applicants for a broker or broker-salesperson license and to pass the
5 broker's license examination. The commission may, in its discretion,
6 approve for relicensure the former holder of a broker or broker-
7 salesperson license who has not renewed the license or obtained a new
8 license for two or more consecutive years upon a sufficient showing
9 that the applicant was medically unable to do so. All applicants so
10 approved shall pass the broker's license examination prior to being
11 relicensed. This paragraph shall not apply to a person reapplying for
12 a broker's or broker-salesperson's license who was licensed as a broker
13 or broker-salesperson and who allowed his license to expire due to
14 subsequent employment in a public agency in this State with
15 responsibility for dealing with matters relating to real estate if the
16 person reapplying does so within one year of termination of that
17 employment.

18 In the event that any person to whom a salesperson's license has
19 been or shall have been issued shall fail to maintain or renew such
20 license or obtain a new license for a period of two consecutive years
21 or more after the expiration of the last license held, the commission
22 shall require such person to attend a licensed school and pass the State
23 examination prior to issuance of a further license. The commission
24 may, in its discretion, approve for relicensure a salesperson applicant
25 who has not renewed his license or obtained a new license for two or
26 more consecutive years upon a sufficient showing that the applicant
27 was medically unable to do so. All salesperson applicants so approved
28 shall pass the salesperson's license examination prior to being
29 relicensed. This paragraph shall not apply to a person reapplying for
30 a salesperson's license who was a licensed salesperson and who
31 allowed his license to expire due to subsequent employment in a public
32 agency in this State with responsibility for dealing with matters
33 relating to real estate if the person reapplying does so within one year
34 of termination of that employment.

35 (cf: P.L.1993, c.51, s.7)

36

37 32. Section 49 of P.L.1993, c.51 (C.45:15-10.6) is amended to
38 read as follows:

39 49. a. Every application for licensure as a real estate school shall
40 be accompanied by an application fee of~~[\$50]~~ \$100 and a criminal
41 history record check fee for all individual owners, members of a
42 partnership, or officers, directors and owners of a controlling interest
43 in a corporation, which fees shall be non-refundable.

44 b. All licenses issued to real estate schools shall expire on a date
45 fixed by the commission which date shall not be more than two years
46 from the date of issuance of the license. The license fee for each real

1 estate school license issued in the first 12 months of any two-year real
2 estate school license term established by the commission shall be
3 ~~[\$200]~~ \$400 for the first location and~~[\$100]~~ \$200 for each additional
4 location licensed. The license fee for each real estate school license
5 issued in the second 12 months of any two-year real estate school
6 license term established by the commission shall be~~[\$100]~~ \$200 for
7 the first location and~~[\$50]~~ \$100 for each additional location licensed.
8 The fee for the renewal of each real estate school license for an
9 additional two-year license term shall be~~[\$200]~~ \$400 for the first
10 location and ~~[\$100]~~ \$200 for each additional location.

11 c. Any accredited college or university located in this State or any
12 public adult education program conducted by a board of education in
13 this State which otherwise qualifies for licensure as a real estate school
14 shall be issued a license without the payment of any license or license
15 renewal fee.

16 (cf: P.L.1993, c.51, s.49)

17

18 33. Section 50 of P.L.1993, c.51 (C.45:15-10.7) is amended to
19 read as follows:

20 50. Every application for licensure as a real estate instructor shall
21 be accompanied by an application fee of~~[\$25]~~ \$50 and a criminal
22 history record check fee, which fees shall be non-refundable. All
23 licenses issued to real estate instructors shall expire on a date fixed by
24 the commission which shall be no more than two years from the date
25 of issuance of the license. The license fee for each real estate
26 instructor license issued in the first 12 months of any two-year real
27 estate instructor license term established by the commission shall be
28 ~~[\$100]~~ \$200 and the fee for an instructor license issued in the second
29 12 months of the cycle shall be~~[\$50]~~ \$100. The fee for the renewal
30 of each real estate instructor license for an additional two-year license
31 term shall be~~[\$50]~~ \$100. Upon payment of the renewal fee and the
32 submission of evidence of satisfactory completion of any continuing
33 education requirements which the commission may by regulation
34 prescribe, the commission shall renew the license of a real estate
35 instructor for a two-year period.

36 (cf: P.L.1993, c.51, s.50)

37

38 34. R.S.45:15-12 is amended to read as follows:

39 45:15-12. Every real estate broker shall maintain a designated
40 main office open to the public. A real estate broker's main office shall
41 have prominently displayed therein the license certificate of the broker
42 and all licensed persons in his employ and shall be deemed the business
43 address of all licensed persons for all purposes under chapter 15 of
44 Title 45 of the Revised Statutes. In case a real estate broker maintains
45 more than one place of business, a branch office license shall be issued

1 to such broker for each branch office so maintained in this State;
2 provided, however, that the said branch office or offices are under the
3 direct supervision of a broker-salesperson. The branch office license
4 or licenses shall be issued upon the payment of a fee of[~~\$25~~] \$50 for
5 each license so issued. Every place of business maintained by a real
6 estate broker shall have conspicuously displayed on the exterior
7 thereof the name in which the broker is authorized to operate and, in
8 the case of a corporation or partnership, the name of the individual
9 licensed as its authorized broker, and the words Licensed Real Estate
10 Broker. A real estate broker whose main office is located in another
11 state shall maintain a valid real estate broker's license in good standing
12 in the state where the office is located.

13 (cf: P.L.1993, c.51, s.13)

14

15 35. R.S.45:15-13 is amended to read as follows:

16 45:15-13. All licenses shall be issued by the commission in such
17 form as it shall prescribe. Each license shall show the name and
18 address of the licensee and shall have imprinted thereon the seal of the
19 commission. Notice in writing shall be given to the commission by
20 each licensed broker of any change of business address, whereupon the
21 commission shall issue new licenses to the broker and to all persons
22 licensed through the broker for the unexpired period, upon the
23 payment of a fee of[~~\$25~~] \$50 for the issuance of the new broker
24 license and a fee of[~~\$5.00~~] \$10 for each additional new license
25 certificate so issued. A change of business address without
26 notification to the commission, and without the issuance of a new
27 broker's license, shall automatically cancel the license theretofore
28 issued.

29 (cf: P.L.1993, c.51, s.15)

30

31 36. R.S.45:15-15 is amended to read as follows:

32 45:15-15. The biennial fee for each real estate broker's license
33 shall be[~~\$100~~] \$200, the biennial fee for each real estate broker-
34 salesperson's license shall be[~~\$100~~] \$200 and the biennial fee for each
35 real estate salesperson's license shall be[~~\$50~~] \$100. The biennial fee
36 for a branch office license shall be[~~\$50~~] \$100. Each license granted
37 under this article shall entitle the licensee to perform all of the acts
38 contemplated herein during the period for which the license is issued,
39 as prescribed by this article, except that if an applicant for a license for
40 a period commencing on or after the effective date of P.L. _____, c. _____
41 (C. _____) (pending before the Legislature as this bill) fails to remit the
42 entire fee applicable thereunder by September 1, 2003, the applicant
43 shall be in violation of this article. If a licensee fails to apply for a
44 renewal of his license prior to the date of expiration of such license,
45 the commission may refuse to issue a renewal license except upon the
46 payment of a late renewal fee in the amount of[~~\$10~~] \$20 for a

S2672 CODEY

40

1 salesperson or broker-salesperson and ~~[\$20]~~ \$40 for a broker;
2 provided, however, the commission may, in its discretion, refuse to
3 renew any license upon sufficient cause being shown. The commission
4 shall refuse to renew the license of any licensee convicted of any
5 offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1)
6 during the term of the last license issued by the commission unless the
7 conviction was previously the subject of a revocation proceeding.
8 Renewed licenses may be granted for each ensuing two years upon
9 request of licensees and the payment of the full fee therefor as herein
10 required. Upon application and payment of the fees provided herein,
11 initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be
12 issued, but the commission may, in its discretion, refuse to grant or
13 reinstate any license upon sufficient cause being shown. The license
14 fees for initial or reinstated licenses shall be determined based upon the
15 biennial fees established herein, with a full biennial fee payable for the
16 license term in which application is received. The revocation or
17 suspension of a broker's license shall automatically suspend every real
18 estate broker-salesperson's and salesperson's license granted to
19 employees of the broker whose license has been revoked or suspended,
20 pending a change of employer and the issuance of a new license. The
21 new license shall be issued without additional charge, if the same is
22 granted during the license term in which the original license was
23 granted.

24 A real estate broker who maintains a main office or branch office
25 licensed by the commission which is located in another state shall
26 maintain a valid real estate broker's license in good standing in the
27 state where the office is located and shall maintain a real estate license
28 in that other state for each office licensed by the commission. Upon
29 request, the real estate broker shall provide a certification of his
30 license status in the other state to the commission. Any license issued
31 by the commission to a real estate broker for a main or branch office
32 located outside this State shall be automatically suspended upon the
33 revocation, suspension or refusal to renew the real estate broker's
34 license issued by the state where the office is located. The licenses
35 issued by the commission to every broker-salesperson or salesperson
36 employed by the broker shall be automatically suspended pending a
37 change of employer and the issuance of a new license. The new
38 license shall be issued without additional charge if granted during the
39 license term in which the original license was granted.

40 (cf: P.L.1996, c.38, s.3)

41

42 37. Section 2 of P.L. 1993, c. 321 (C.30:9A-19) is amended as
43 follows:

44 2. a. A person shall not conduct, maintain or operate a mental
45 health program unless: [a.] (1) the commissioner has issued a license
46 to that person, in accordance with rules and regulations adopted by the

S2672 CODEY

1 commissioner which prescribe standards for the provision of services
2 by a mental health program; and [b.] (2) that person has a purchase
3 of service contract or an affiliation agreement with the Division of
4 Mental Health Services in the Department of Human Services.

5 b. Application for a license to conduct, maintain or operate a
6 mental health program shall be made upon forms prescribed by the
7 commissioner. The commissioner shall charge such nonrefundable fees
8 for the filing of an application for a license, and for any renewal
9 thereof, as the commissioner shall from time to time fix by regulation.

10 (cf: P.L.1995, c.321, s.2)

11

12 38. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to
13 read as follows:

14 2. County clerks and registers of deeds and mortgages, in counties
15 having such offices, shall charge for the services herein enumerated the
16 following fees:

	Fee
18 For recording veteran's discharge papers	No fee
19 For recording any instrument:	
20 First page	[\$25.00] <u>\$30.00</u>
21 Each additional page or part thereof	[\$5.00] <u>\$10.00</u>
22 Each rider, insertion, addition, or any map, 23 plat or sketch filed or recorded pursuant 24 to subsection (c) of section 2 of P.L. 1957, 25 c.130 (C.48:3-17.3)	[\$5.00] <u>\$10.00</u>
26 For entering the marginal notation of an order 27 judgment, statement or warrant discharging, 28 annulling a notice of lis pendens and for 29 filing such order, judgment or statement	[\$5.00] <u>\$10.00</u>
30 For filing a lis pendens foreclosure	[\$25.00] <u>\$30.00</u>
31 Notation	[\$5.00] <u>\$10.00</u>
32 For preparing and transmitting to the assessor, 33 collector, or other custodian of the assessment 34 map of any taxing district, the abstract of an 35 instrument evidencing title to realty	[\$5.00] <u>\$10.00</u>
36 For entering the marginal notation of a discharge 37 or release of a New Jersey building and loan 38 or savings and loan mortgage and forwarding 39 abstract	[\$5.00] <u>\$10.00</u>
40 For entering the marginal notation of a discharge, 41 assignment, postponement or release of a 42 mortgage, other than building and loan and 43 savings and loan mortgages	[\$5.00] <u>\$10.00</u>
44 For the cancellation of any mortgage	[\$15.00] <u>\$20.00</u>

S2672 CODEY

1	For a marginal notation of the discharge of a		
2	mortgage in counties where mortgages are		
3	indexed under a system requiring a duplication		
4	of indices and description	[\$5.00]	<u>\$10.00</u>
5	For filing and recording notice of federal tax		
6	lien or other federal lien or certificate		
7	discharging such lien	[\$20.00]	<u>\$25.00</u>
8	For filing a notice of settlement	[\$15.00]	<u>\$20.00</u>
9	For filing each map, plat, plan or chart		
10	(except when presented by the State or		
11	its agencies or filed pursuant to subsection		
12	section 2 of P.L.1957, c.130 (C.48:3-17.3))	[\$50.00]	<u>\$55.00</u>
13	For recording tax sale certificate, except by		
14	municipalities, or a redemption or assignment		
15	of tax sale certificate, first page	[\$5.00]	<u>\$10.00</u>
16	Certified copy of veteran's discharge	[\$1.00]	<u>\$6.00</u>
17	For indexing any recorded instrument in excess		
18	of 5 parties, per each name in excess of 5	[\$1.00]	<u>\$6.00</u>
19	For recording tax sale certificate, lien, deed,		
20	or related instrument by a municipality	[\$3.00]	<u>\$8.00</u>
21	For recording vacations or dedications of roads,		
22	first page	[\$25.00]	<u>\$30.00</u>
23	each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
24	For disclaimers	[\$10.00]	<u>\$15.00</u>

25

26 39. (New section) a. There is established the "New Jersey Public
27 Records Preservation Account," a dedicated account within the
28 Department of the Treasury. Notwithstanding any other provision of
29 law to the contrary, monies received by a county clerk attributable
30 solely to the amount of increases to the fees imposed pursuant to
31 section 2 of P.L.1965, c.123 (C.22A:4-4.1) (now pending before the
32 Legislature as this bill) shall be paid by the county clerk to the
33 Treasurer for deposit in the New Jersey Public Records Preservation
34 Account, two dollars of which shall be allocated for grants to counties
35 and municipalities for the management, storage and preservation of
36 public records and three dollars of which shall be allocated to the
37 Division of Archives and Records Management within the Department
38 of State for the management, storage and preservation of public
39 records.

40 b. The State Division of Archives and Records, in consultation
41 with the State Records Committee, may, pursuant to the provisions of
42 the Administrative Procedures Act, make, adopt, amend, or repeal
43 such rules and regulations as the Division finds necessary to carry out
44 the provisions of this subsection 2.

45

46 40. (New section) The Secretary of State is authorized to
47 establish reasonable fees for the specialized research, reference, and

1 reproduction services provided by the State Archives, Division of
2 Archives and Records Management in the Department of State,
3 involving permanent historical documents in any format or medium.
4 Such fees shall be established pursuant to the provisions of the
5 Administrative Procedures Act, and shall reflect the actual costs of the
6 services, including labor and overhead. All fees collected by the State
7 Archives for such services shall be paid into the existing nonlapsing
8 "Archives User Fees Account" administered by the Division of
9 Archives and Records Management.

10
11 41. N.J.S. 22A:2-12 is amended to read as follows:

12 22A:2-12. Upon the filing of the first paper in any action or
13 proceeding in the Chancery Division of the Superior Court, there shall
14 be paid to the clerk of the court, for the use of the State, the following
15 fees, which, except as hereinafter provided, shall constitute the entire
16 fees to be collected by the clerk for the use of the State, down to the
17 final disposition of the cause:

18 Receivership and partition, \$200.00.

19 All other actions and proceedings except in probate cases and
20 actions and proceedings for divorce, \$200.00.

21
22 Actions and proceedings for divorce, [~~\$200.00~~] \$250.00, \$25.00
23 of which shall be forwarded by the Clerk of the Superior Court as
24 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

25 Any person filing a motion in any action or proceeding shall pay to
26 the clerk \$30.00.

27 (cf: P.L.2002, c.34, s.28)

28
29 42. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
30 to read as follows:

31 2. The Clerk of the Superior Court shall forward \$25.00 of the
32 [~~\$200.00~~] \$250.00 filing fee for divorce provided for in N.J.S.22A:2-
33 12 on a quarterly basis to the Department of Community Affairs.

34 (cf: P.L.2002, c.34, s.29)

35
36 43. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill amends and supplements current law as follows:

42
43 * Creates a new section in Title 24 of the New Jersey
44 Statutes giving the Department of Health and Senior
45 Services the authority to establish fees in connection with
46 the issuance of "Certificates of Free Sale" and other
47 certificates and affidavits issued by the department pursuant

S2672 CODEY

- 1 to Title 24 of N.J.S.;
- 2
- 3 * Increases the minimum application fee for a certificate of
4 need from \$5,000 to \$7,500. For projects with total costs
5 greater than \$1 million, the fee is increased from \$5,000
6 plus 0.15% of the total project cost to \$7,500 plus 0.25%
7 of the total project cost for delivery of health care
8 services;.
- 9
- 10 * Imposes \$100 fee for prequalification and classification of
11 consultants and construction contractors to cover cost of
12 prequalification and classification process. Authorizes
13 independent authorities to impose similar fee;
- 14
- 15 * Increases the maximum fee that the Department of Health
16 and Senior Services may charge for any service performed
17 in the licensing and inspection of any food, drug or
18 cosmetic establishment from \$500.00 to \$1000.00. The
19 actual fee will be set forth in DHSS regulation;
- 20
- 21 * Increases the maximum daily penalty assessed against any
22 person, firm, partnership, corporation or association who
23 operates or conducts a health care facility without first
24 obtaining the necessary license or who operates such a
25 facility after revocation or suspension of license, from
26 \$1,000 to \$2,500 for the first offense and \$5,000 for any
27 subsequent offense. For any violation of the rules and
28 regulations governing the care of patients and physical
29 plant standards, the maximum daily penalty is increased
30 from \$2,500 to \$5,000;
- 31
- 32 * Increases the Right to Know minimum employer fee from
33 \$50.00 to \$75.00, and the per-employee fee from \$2.00 to
34 \$4.00 to cover the costs of administering the Right to
35 Know program;
- 36
- 37 * Creates a new subsection in Title 13, Section 18A of the
38 New Jersey statutes giving the Pinelands Commission the
39 authority to establish fees in connection with services
40 performed as a result of applications submitted for
41 development review purposes as required under the
42 Pinelands Commission's Comprehensive Management Plan;
- 43 * Amends various provisions of the statutes governing the
44 licensure of real estate brokers, brokers-salespersons, and
45 salespersons and related professional licensed by the New
46 Jersey Real Estate Commission to increase the license fees

S2672 CODEY

45

- 1 paid by these entities. The current license fees have not
2 been increased since 1983 and these increases are needed
3 to cover the administrative and enforcement costs of the
4 Real Estate Commission; and
5
- 6 * Increases various licenses concerned with alcoholic
7 beverages, such as breweries, wineries, blenders,
8 distilleries, bonded warehouses, etc.
9
- 10 * Increases filing fees for divorce.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2672**

STATE OF NEW JERSEY

DATED: JUNE 30, 2003

The Senate Budget and Appropriations Committee reports without recommendation a committee substitute for Senate Bill No. 2672.

This substitute bill revises current law as follows:

- C Increases fees for examination and licensing of operating engineers and for inspection of boilers and refrigeration equipment, and penalties for unlicensed operation of equipment. The bill also authorizes the Commissioner of Labor, after State FY2005, to adjust the fees from the levels newly established under the bill (secs. 1 through 8);
- C Authorizes the Department of Health and Senior Services to establish a fee of up to \$100 to cover administrative costs of issuing a "certificate of free sale" (i.e., one that attests to the proper labeling of certain regulated food, drug and other products) and other certificates and affidavits issued by the department under Title 24 of the Revised Statutes (sec. 9);
- C Increases the minimum application fee for a certificate of need for the construction or expansion of a health care facility or the institution of a health care service from \$5,000 to \$7,500. For projects with total costs exceeding \$1 million, the fee is increased from \$5,000 plus 0.15% of the total project cost to \$7,500 plus 0.25% of the total project cost for delivery of health care services (sec. 10);
- C Imposes a \$100 fee for prequalification and classification of consultants and construction contractors to cover costs of the prequalification and classification process; authorizes independent authorities to impose similar fee (secs. 11 through 14);
- C Increases the maximum fee that the Department of Health and Senior Services may charge for any service performed

in the licensing and inspection of any food, drug or cosmetic establishment from \$500 to \$1,000; the actual fee will be set forth in DHSS regulation (sec. 16);

- C Increases fees for background history checks and fingerprint identification checks by the State Police in noncriminal matters (sec. 17);
- C Increases the maximum daily penalty assessed against any person, firm, partnership, corporation or association that operates or conducts a health care facility without first obtaining the necessary license, or that operates such a facility after revocation or suspension of license, from \$1,000 to \$2,500 for the first offense and \$5,000 for any subsequent offense. For any violation of the rules and regulations governing the care of patients and physical plant standards, the maximum daily penalty is increased from \$2,500 to \$5,000 (sec. 18);
- C Increases the Right to Know minimum employer fee from \$50 to \$75 and the per-employee fee from \$2 to \$4 to cover the costs of administering the Right to Know program (sec. 19);
- C Increases the penalty on employers for late filing of reports of unemployment compensation contributions (sec. 20);
- C Increases fees for licenses relating to alcoholic beverages, including those for breweries, wineries, blenders, distilleries, bonded warehouses, etc. (secs. 21 through 29);
- C Authorizes the Pinelands Commission to establish fees for services relating to development review applications filed under the commission's Comprehensive Management Plan (sec. 30);
- C Increases fees charged by the New Jersey Real Estate Commission for licensure of real estate brokers, brokers-salespersons, salespersons and related professionals (secs. 31 through 36);
- C Authorizes the Commissioner of Human Services to charge a fee for filing an application for a license to operate mental health program (sec. 37);
- C Increases recording and filing fees and other charges for the updating or issuance of official documents by the county clerk or register of deeds and mortgages; allocates revenue

from the fee increases, 40 percent to counties and municipalities and 60 percent to the State, for public records management; authorizes the Secretary of State to establish fees for services provided by the Division of Archives and Records Management (secs. 38 through 40);

- C Increases filing fees for divorce (sec. 41);
- C Imposes a limousine operation fee (sec. 43); and
- C Authorizes the Motion Picture and Television Development Commission to establish reasonable fees for services provided (sec. 44).

The provisions of the committee substitute are identical to those of Assembly Bill No. 3719 (3R).

FISCAL IMPACT

On the basis of information supplied by the Executive Branch, the Office of Legislative Services (OLS) estimates that implementation of this bill would increase State General Fund revenue by at least \$40.8 million in State FY2004. Of this amount, 40 percent of the estimated \$15.6 million in revenue derived from the increase in county recording fees, or \$6.2 million, would be allocable to local governments. The OLS notes that there are certain provisions of the bill for which no data are currently available upon which to base an estimate.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2672

STATE OF NEW JERSEY
210th LEGISLATURE

ADOPTED JUNE 30, 2003

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex)

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



1 AN ACT establishing and increasing certain fees imposed by and on
2 behalf of the State and providing for the use of certain fees,
3 amending and supplementing various parts of the statutory law.

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

7
8 1. R.S.34:7-3 is amended as follows:

9 34:7-3. Each application for examination and for any license
10 issued by the bureau shall be accompanied by fees as set forth in this
11 section. The fees, established hereunder pursuant to the amendatory
12 provisions of P.L. , c. (pending before the Legislature as this
13 bill) shall be in effect for State fiscal years 2003-04 and 2004-05.
14 Thereafter, such fees may be adjusted by the Commissioner of Labor
15 in accordance with fee schedules adopted by regulation. Such fees
16 shall be made payable to the Commissioner of Labor. There shall be
17 no other charge for the initial examination or for one re-examination
18 taken within six months of the original examination. Failure to appear
19 for examination or to obtain a passing grade shall not entitle the
20 applicant to a refund of any fee.

21	
22	Original application..... [\$25] <u>\$50</u>
23	Raise of grade or additional
24	classification application..... [\$20] <u>\$40</u>
25	Additional examinations, in excess of
26	2, on any application..... [\$10] <u>\$20</u>
27	Annual license renewal if requested no
28	later than expiration date..... [\$10] <u>\$20</u>
29	License renewal for 3 years if requested
30	no later than expiration date..... [\$20]
31	<u>\$40</u>
32	Application for renewal, if made not more
33	than 3 years after expiration and if all
34	penalties lawfully imposed upon the applicant
35	by the Mechanical Inspection Bureau have
36	been paid 1 year..... [\$15] <u>\$30</u>
37	3 years..... [\$30] <u>\$60</u>
38	

39 Upon failure to so renew a license for a period of 3 years and 1
40 day after expiration date all records pertaining to such license may be
41 destroyed pursuant to the "Destruction of Public Records Law
42 (1953)," P.L.1953, c.410 (C.47:3-15 et seq.) and any application for

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 renewal of the license will be treated as an original application for
2 examination. All fees collected under this article shall be applied
3 toward enforcement and administration costs of the Division of
4 Workplace Standards in the Department of Labor.

5 Any license may be revoked or suspended by the commissioner
6 upon receiving evidence of incompetence, negligence, intoxication
7 while on duty or other reason establishing that the licensee is unfit to
8 hold a license, after notice is given to the licensee and a hearing
9 afforded him before one or more members of the examining board.
10 In case revocation or suspension is recommended by the member of
11 members conducting the years, it shall not be acted upon by the
12 commissioner until at least 15 days notice of the recommendation shall
13 be given to the licensee and an opportunity afforded him within that
14 time period to ask for a rehearing before the commissioner. After
15 rehearing, if requested, the commissioner may affirm, modify or
16 dismiss such recommendation. Pending a hearing or rehearing as
17 provided in this paragraph, the commissioner may authorize the
18 suspension of a license in the interest of health and safety.
19 (cf: P.L.1991, c.205, s.7)

20

21 2. R.S.34:7-6 is amended as follows:

22 34:7-6. Any person who shall violate any of the provisions of this
23 article shall be liable to a penalty of not less than ~~[\$50]~~ \$500 nor more
24 than ~~[\$500]~~ \$5,000 per day for each violation, to be collected by suit
25 or compromise. An officer of a corporation violating any of the
26 provisions of this article shall be personally liable, for the violation by
27 such corporation. Any manager, superintendent or other person in
28 charge of any building or other places in which this article is violated
29 shall be liable for such violation. Any sum collected as a penalty
30 pursuant to this section shall be applied toward enforcement and
31 administration costs of the Division of Workplace Standards in the
32 Department of Labor.

33 (cf: P.L.1991, c.205, s.8)

34

35 3. R.S.34:7-14 is amended as follows:

36 34:7-14. a. All steam or hot water boilers or similar equipment
37 potentially capable of generating steam, except steam boilers having
38 adequate relief devices set to discharge at a pressure not greater than
39 15 pounds per square inch, gage, or hot water boilers having adequate
40 relief devices set to discharge at a pressure not greater than 160
41 pounds per square inch, gage, and which hot water boilers are reliably
42 limited to temperatures not exceeding 250 degrees Fahrenheit, when
43 such steam or hot water boilers serve dwellings of less than six-family
44 units or other dwellings with accommodations for less than 25
45 persons, shall be inspected and be subject to a hydrostatic test, if
46 necessary, at least once in each year, at 12-month intervals, by an

1 inspector of the Division of Workplace Standards, excepting, however,
2 such as may be insured after having been regularly inspected in
3 accordance with the terms of this article by insurance companies,
4 whose inspectors shall have satisfactorily passed an examination or
5 received certificates of competency approved by the commissioner.
6 Such inspection shall be as completely internal and external as
7 construction permits, except that in the case of a steam or hot water
8 boiler or similar equipment, the operation of which is an integral part
9 of or necessary to a continuous processing operation, internal
10 inspections may, at the discretion of the commissioner, be performed
11 at intervals in excess of 12 months as permitted by the shutting down
12 of the processing operation. The inspection of any equipment
13 described in this chapter by a certified inspector of an insurance
14 company shall be acceptable in lieu of State inspection. This article
15 shall not apply to any boiler having less than 10 square feet of heating
16 surface or a heat input of less than 10 kilowatts or 40,000 British
17 Thermal Units per hour or to equipment under the jurisdiction and
18 control of the United States Government, the inspection of which is
19 actively regulated by a federal agency, or to equipment used solely for
20 the propulsion of motor vehicles regulated by Title 39 of the Revised
21 Statutes.

22 b. All other pressure vessels may be inspected and be subject to
23 test after installation and periodically at such intervals as the
24 commissioner may by rule establish. Inspection and test shall be
25 performed by an inspector of the Division of Workplace Standards
26 excepting, however, such as may be insured after having been regularly
27 inspected in accordance with the terms of this article, by insurance
28 companies, whose inspectors shall have satisfactorily passed an
29 examination or received certificates of competency approved by the
30 commissioner, or such as may be regularly inspected by a certified
31 user-inspector of a registered inspection agency approved by the
32 commissioner. Such user-inspection shall have passed an examination
33 or received a certificate of competency from the commissioner, and the
34 inspection shall be conducted in such manner as the commissioner may
35 by rule provide. The inspection of any equipment described in this
36 subsection by a certified inspector of an insurance company or a
37 certified user-inspector of a registered inspection agency shall be
38 acceptable in lieu of State inspection where such inspections are
39 recorded with the Division of Workplace Standards accompanied by
40 fees in accordance with the following schedule; the fees established
41 hereunder pursuant to the amendatory provisions of P.L. _____, c. _____
42 (pending before the Legislature as this bill) shall be in effect for State
43 fiscal years 2003-04 and 2004-05, after which such fees may be
44 adjusted by the Commissioner of Labor in accordance with fee
45 schedules adopted by regulation: one to 25 vessels, [\$5.00] \$15.00
46 each; 26 to 100 vessels, [\$2.50] \$7.50 each; 101 to 500 vessels,

1 ~~[\$2.00]~~ \$6.00 each; and over 500 vessels, ~~[\$1.50]~~ \$4.50 each. These
2 fees are to be collected from the owner or user but payable by the
3 inspection agency to the Department of Labor.

4 This subsection shall not apply to any pressure vessels:

5 (1) Subject to internal or external pressure not exceeding 15 psig;
6 or

7 (2) Having inside diameter not exceeding 6 inches; or

8 (3) Used for water storage purposes serving dwellings of less than
9 six-family units or other dwellings with accommodations for less than
10 25 persons, when none of the following limitations is exceeded:

11 (a) 200 degrees Fahrenheit

12 (b) 120 gallons water containing capacity

13 (c) 160 psig; or

14 (4) Under the jurisdiction and control of the United States
15 Government, the inspection of which is actively regulated by a Federal
16 agency; or to equipment used solely for the propulsion of motor
17 vehicles regulated by Title 39 of the Revised Statutes.

18 (cf: P.L.1985, c.109, s.1)

19

20 4. R.S.34:7-15 is amended as follows:

21 34:7-15. a. For each internal and external inspection of vessels
22 specified in subsection a. of N.J.S.A.34:7-14, which shall include
23 hydrostatic test if found necessary, the owner, lessee or operator of
24 the vessel shall pay to the Department of Labor a fee of ~~[\$25]~~ \$40 for
25 vessels having 10 and not over 60 square feet of heating surface,
26 ~~[\$35]~~ \$55 for vessels over 60 and not over 1,000 square feet of
27 heating surface and ~~[\$50]~~ \$75 for vessels over 1,000 square feet of
28 heating surface; plus the actual travel expenses of the inspector. The
29 fees established under this subsection pursuant to the amendatory
30 provisions of P.L. _____, c. _____ (pending before the Legislature as
31 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05,
32 and thereafter may be adjusted by the Commissioner of Labor in
33 accordance with fee schedules adopted by regulation.

34 b. For each inspection of vessels specified in subsection b. of
35 R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to
36 the Department of Labor ~~[the actual travel expenses of the inspector~~
37 ~~and]~~ a fee of ~~[\$5.00]~~ \$10.00 for vessels not over 30 square feet size,
38 ~~[\$10.00]~~ \$20.00 for vessels over 30 but not over 60 square feet size,
39 ~~[\$15.00]~~ \$30.00 for vessels over 60 but not over 100 square feet size,
40 ~~[\$20.00]~~ \$40.00 for vessels over 100 square feet. In determining size
41 rating, the extreme diameter multiplied by the vessel length, or
42 equivalent dimensions, shall be used. The fees established under this
43 subsection pursuant to the amendatory provisions of P.L. _____, c. _____
44 (pending before the Legislature as this bill) shall be in effect for State
45 fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by

1 the Commissioner of Labor in accordance with fee schedules adopted
2 by regulation.

3 c. The Division of Workplace Standards shall maintain an
4 inspection service for the purpose of providing shop inspection of
5 those vessels regulated by Chapter 7 of Title 34 of the Revised
6 Statutes, which are under construction or new, or which are to be used
7 for a purpose other than that for which originally approved, or which
8 have never been subject to a previous inspection in New Jersey. This
9 service shall be provided for New Jersey builders, owners or users of
10 such vessels upon their request only. The fees for this service[,
11 exclusive of the actual travel expenses of the inspector, which also
12 shall be paid,] shall be set by the commissioner and shall be: (1) not
13 more than [~~\$25.00~~] \$50.00 for each vessel inspected, provided that
14 he may establish a charge for each visit, for the purpose of inspection,
15 of not less than [~~\$50.00~~] \$100.00 nor more than \$300; (2) for
16 construction review of vessel not designed in accordance with
17 standards set by the Board of Boiler, Pressure Vessel and
18 Refrigeration Rules, not less than \$500 nor more than \$1,500. The
19 fees established under this subsection pursuant to the amendatory
20 provisions of P.L. _____, c. _____ (pending before the Legislature as
21 this bill) shall be in effect for State fiscal years 2003-04 and 2004-05
22 and thereafter may be adjusted by the Commissioner of Labor in
23 accordance with fee schedules adopted by regulation.

24 (cf: P.L.1991, c.205, s.9)

25

26 5. R.S.34:7-16 is amended as follows:

27 34:7-16. In addition to the annual internal and external inspection,
28 there may be an external inspection if found necessary of each vessel
29 specified in subsection a. of R.S.34:7-14, which shall be made as
30 nearly as may be at the expiration of 6 months from each annual
31 inspection and for which the owner, lessee or operator shall pay to the
32 [~~inspector~~] Department of Labor a fee of [~~\$25~~] \$50 [, in addition to
33 the actual cost of travel incurred by the inspector in going to and
34 returning from the place of inspection]. The fees established hereunder
35 pursuant to the amendatory provisions of P.L. _____, c. _____ (pending
36 before the Legislature as the bill) shall be in effect for State fiscal years
37 2003-04 and 2004-05 and thereafter may be adjusted by the
38 Commissioner of Labor in accordance with fee schedules adopted by
39 regulation. Each vessel insured by an insurance company may also be
40 given an external inspection by a certified inspector.

41 (cf: P.L.1991, c.205, s.10)

42

43 6. R.S.34:7-19 is amended as follows:

44 34:7-19. An insurance company making an inspection of any
45 vessel specified in R.S. 34:7-14 shall make a report of such inspection
46 to the commissioner in such manner and at such intervals as he may by

1 rules provide, and shall pay the commissioner a fee of [not less than
2 \$2.00 nor more than \$10] \$20 [as set by the commissioner,]. The fee
3 established hereunder pursuant to the amendatory provisions of
4 P.L. _____, c. _____ (pending before the Legislature as this bill) shall be in
5 effect for State fiscal years 2003-04 and 2004-05, and thereafter may
6 be adjusted by the Commissioner of Labor in accordance with fee
7 schedules adopted by regulation.

8 The fees shall be payable by and collected from the owner, lessee
9 or operator by the insurer or inspector at the time of inspection for
10 each boiler insured within the State. It is further provided that payment
11 of these fees may be made by the insurer through other methods when
12 required or allowed by the commissioner, as provided in R.S.34:7-18.
13 (cf: P.L.1991, c.205, s.11)

14

15 7. R.S.34:7-25 is amended as follows:

16 34:7-25. All refrigeration systems using flammable or toxic
17 refrigerants of over three tons of refrigerating capacity or requiring
18 over six driving horsepower, and all refrigeration systems using
19 nonflammable and nontoxic refrigerants of over 18 tons of
20 refrigerating capacity or requiring over 36 driving horsepower, having
21 relief devices set over 15 pounds per square inch gage and used in a
22 plant of any size or storage capacity, shall be inspected annually by an
23 inspector of the Mechanical Inspection Bureau or of an insurance
24 company, as provided in subsection a. of R.S.4:7-14; and the owner,
25 lessee or operator shall comply with the recommendations of the
26 inspector in conformity with the rules and regulations adopted by the
27 Board of Boiler, Pressure Vessel and Refrigeration Rules of the
28 Mechanical Inspection Bureau and approved by the commissioner.

29 The fees for such inspection by an inspector of the Mechanical
30 Inspection Bureau shall be as follows:

31 a. Refrigeration systems of 25 tons and over, but less than 300
32 tons of refrigerating capacity, the sum of [\$50] \$75 for each
33 inspection[, plus the actual travel expense of the inspector];

34 b. Refrigeration systems under 25 tons and over 3 tons of
35 refrigerating capacity, the sum of [\$35] \$50 for each inspection[, plus
36 the actual travel expense of the inspector];

37 c. Refrigeration systems of 300 tons or over of refrigerating
38 capacity, the sum of [\$70] \$100 for each inspection[, plus the actual
39 travel expense of the inspector].

40 [The fees and travel expenses shall be paid to the inspector, at the
41 time of inspection, by the owner, lessee or operator of the refrigeration
42 system.] The fees established hereinabove pursuant to the amendatory
43 provisions of P.L. _____ c. _____ (pending before the Legislature as this
44 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
45 thereafter may be adjusted by the Commissioner of Labor in

1 accordance with fee schedules adopted by regulation.

2 The annual inspection and inspection reports of refrigeration
3 systems by insurance companies licensed to do business within this
4 State and otherwise complying with this chapter shall be accepted in
5 lieu of other inspections. Each insurance company shall file with the
6 commissioner a report of each inspection and shall pay to him a fee of
7 ~~[\$10]~~ \$20 for each annual refrigeration system inspection, to be
8 collected by the insurer from the owner or lessee of the plant
9 inspected. Such fee as established pursuant to the amendatory
10 provisions of P.L. c. (pending before the Legislature as this
11 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
12 thereafter may be adjusted by the Commissioner of Labor in
13 accordance with fee schedules adopted by regulation. After the
14 owner, lessee or operator has complied with the rules or regulations,
15 a certificate shall be issued by the Mechanical Inspection Bureau,
16 which certificate shall be valid for one year and be the authority for the
17 operation of the refrigeration system during such time. Upon
18 expiration, the certificate shall be renewed by the Mechanical
19 Inspection Bureau if the refrigeration system is found to be in proper
20 condition for operation within the prescribed rules of the Mechanical
21 Inspection Bureau. All fees collected under chapter 7 of Title 34 of the
22 Revised Statutes shall be applied toward enforcement and
23 administration costs of the Division of Workplace Standards in the
24 Department of Labor.

25 (cf: P.L.1991, c.205, s.12)

26

27 8. R.S.34:7-26 is amended as follows:

28 34:7-26. Any owner, lessee, seller or operator of any steam or hot
29 water boiler or similar equipment specified in R.S.34:7-14, pressure
30 vessel or refrigeration system who shall sell, use, cause or allow to be
31 used such steam or hot water boiler or similar equipment specified in
32 R.S.34:7-14, pressure vessel or refrigeration system in violation of any
33 provision of this article shall be liable to a penalty of not less than
34 \$500.00 nor more than ~~[\$1,000.00]~~ \$10,000.00 for each first offense
35 and not less than \$500.00 nor more than ~~[\$2,500.00]~~ \$25,000.00 for
36 each subsequent offense, to be collected by a civil action or, in the
37 commissioner's discretion, to be imposed by the commissioner as a
38 compromise. All civil actions shall be brought by the Department of
39 Labor as plaintiff, and may be brought in the Special Civil Part, Law
40 Division of the Superior Court of the county, or municipal court of the
41 municipality, wherein such violation shall occur. Any sum collected as
42 a penalty pursuant to this section shall be applied toward enforcement
43 and administration costs of the Division of Workplace Standards in the
44 Department of Labor.

45 (cf: P.L.1991, c.205, s.13)

1 9. (New section) The Department of Health and Senior Services
2 may, pursuant to regulation adopted in accordance with the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), establish and charge reasonable fees not to exceed \$100 to cover
5 administrative costs associated with the issuance of a "Certificate of
6 Free Sale." For the purpose of this act, a "Certificate of Free Sale" is
7 defined as a certificate completed and issued by the department
8 attesting that a specific food, drug, cosmetic, or medical device
9 product regulated under Title 24 of the Revised Statutes, as amended
10 and supplemented, and manufactured, distributed, and offered for sale
11 in this State is labeled in conformance with the applicable food, drug,
12 cosmetic, or medical device laws and rules of this State and further
13 attests to the results of the most recently conducted sanitary inspection
14 of the manufacturer or distributor of the subject product.

15 Further, the Department of Health and Senior Services may,
16 pursuant to regulation adopted in accordance with the "Administrative
17 Procedure Act," establish and charge reasonable fees not to exceed
18 \$100 to cover administrative costs associated with the issuance of
19 other certifications or affidavits related to matters regulated by the
20 department under Title 24 of the Revised Statutes, as amended and
21 supplemented.

22

23 10. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended as
24 follows:

25 10. Application for a certificate of need shall be made to the
26 department, and shall be in such form and contain such information as
27 the department may prescribe. The department shall charge a
28 nonreturnable fee for the filing of an application for a certificate of
29 need. The minimum fee for the filing of an application shall be
30 ~~[\$5,000]~~ \$7,500. For a project whose total cost is greater than \$1
31 million, the fee shall be ~~[\$5,000]~~ \$7,500 plus ~~[0.15%]~~ 0.25% of the
32 total project cost. Upon determination that an application is complete,
33 copies thereof shall be referred by the department to the State Health
34 Planning Board for review, when applicable.

35 The board shall provide adequate mechanisms for full consideration
36 of each application submitted to the board and for developing
37 recommendations thereon. Such recommendations, whether favorable
38 or unfavorable, shall be forwarded to the commissioner within 90 days
39 of the date of referral of the application. A copy of the
40 recommendations made shall be forwarded to the applicant.

41 Recommendations concerning certificates of need shall be
42 governed and based upon the principles and considerations set forth
43 in section 8 of P.L.1971, c.136 (C:26:2H-8).

44 No member, officer or employee of the State Health Planning
45 Board shall be subject to civil action in any court as the result of any
46 act done or failure to act, or of any statement made or opinion given,

1 while discharging his duties under this act as such member, officer, or
2 employee, provided he acted in good faith with reasonable care and
3 upon proper cause.

4 (cf: P.L.1998, c.43, s.10)

5
6 11. Section 3 of P.L.1997 c.399 (C.52:34-9.3) is amended to read
7 as follows:

8 3. A professional firm which wishes to be considered qualified to
9 provide professional architectural, engineering, or land surveying
10 services to an agency seeking to negotiate a contract or agreement for
11 the performance of such services shall file or shall have filed with the
12 agency a current statement of qualifications and supporting data. Such
13 a statement may be filed at any time during a calendar year, and a \$100
14 fee shall be remitted to the State Treasurer by the professional firm at
15 the time each statement is filed. The content of any such statement
16 shall conform to such regulations with respect thereto as the State
17 Treasurer, in accordance with the "Administrative Procedure Act,"
18 P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate. For the
19 purposes of this section and section 5 of this act, no statement which
20 shall have been filed more than two years prior to the publication of an
21 advertisement pursuant to the provisions of section 4 of this act shall
22 be deemed to be a current statement with respect to qualification of
23 the firm which shall have filed the statement to provide professional
24 architectural, engineering, or land surveying services under any
25 contract or agreement of which notice is given through that
26 advertisement.

27 A statement of qualifications and supporting data filed with an
28 agency under this section shall be a public record for all purposes of
29 P.L.1963, c.73 (C.47:1A-1 et seq.).

30 The fee prescribed hereunder shall not apply to any statements
31 filed before the effective date of P.L. , c. (pending before the
32 Legislature as this bill).

33 (cf: P.L.1997, c.399, s.3)

34
35 12. R.S.52:35-2 is amended to read as follows:

36 52:35-2. Officials of the state shall require of all persons
37 proposing to submit bids on public work to be furnished for or on
38 behalf of the state or any officer, board, commission, committee,
39 department or other branch of the state government, a statement under
40 oath in response to a questionnaire, standardized for like classes of
41 work, to be submitted to such persons by such state official. The
42 statement shall develop fully the financial ability, adequacy of plant
43 and equipment, organization and prior experience of the prospective
44 bidder, and also such other pertinent and material facts as may seem
45 desirable. All persons shall remit a \$100 fee to the State Treasurer at
46 the time each statement is filed. The fee shall not apply to any

1 statements filed before the effective date of P.L. , c. (pending
2 before the Legislature as this bill).

3 (cf: R.S.52:35-2)

4

5 13. R.S.52:35-8 is amended to read as follows:

6 52:35-8. No person shall be qualified to bid on any contract, who
7 shall not have submitted a statement as required by R.S.52:35-2 within
8 a period of [18] 24 months preceding the date of opening of bids for
9 such contract.

10 (cf: P.L.1999, c.197 s.1)

11

12 14. Section 3 of P.L.1966, c.185 (C.27:7-35.3) is amended to read
13 as follows:

14 3. Any person desiring such classification shall file with the
15 department a statement under oath in response to a questionnaire,
16 prepared and standardized for like classes of work, by the department.
17 The statement shall develop fully the financial ability, adequacy of
18 plant and equipment, organization and prior experience of the
19 prospective bidder, and also such other pertinent and material facts as
20 may be deemed desirable. All persons shall remit a \$100 fee to the
21 Department of the Treasury at the time each statement is filed. The
22 fee shall be deposited in the general fund. The fee shall not apply to
23 any statements filed before the effective date of P.L. , c. (C.)
24 (pending before the Legislature as this bill).

25 (cf: P.L1966, c.185, s.3)

26

27 15. N.J.S.17B:23-5 is amended to read as follows:

28 17B:23-5. a. When by or pursuant to the laws of any other state
29 or a province of Canada any taxes, licenses and other fees, in the
30 aggregate, and any fines, penalties, deposit requirements or other
31 obligations, prohibitions or restrictions are or would be imposed upon
32 New Jersey insurers, or upon the agents or representatives of such
33 insurers, which are in excess of such taxes, licenses and other fees, in
34 the aggregate, or which are in excess of the fines, penalties, deposit
35 requirements or other obligations, prohibitions, or restrictions directly
36 imposed upon similar insurers, or upon the agents or representatives
37 of such insurers of such other State or province under the statutes of
38 this State, so long as such laws of such other State or province
39 continue in force or are so applied, the same taxes, licenses and other
40 fees, in the aggregate, or fines, penalties or deposit requirements or
41 other obligations, prohibitions, or restrictions of whatever kind shall
42 be imposed by the commissioner upon the insurers or upon the agents
43 or representatives of such insurers, of such other State of province
44 doing business in New Jersey. Any tax, license or other fee or other
45 obligation imposed by any city, county, or other political subdivision
46 or agency of such other State or province on New Jersey insurers or

1 their agents or representatives shall be deemed to be imposed by such
2 State or province within the meaning of this section and the
3 commissioner may compute the burden of any such taxes on an
4 aggregate basis as an addition to the rate of tax payable by similar
5 New Jersey insurers in such State or province. The addition to the
6 rate of tax payable by similar New Jersey insurers shall be determined
7 by dividing (1) the aggregate of the tax obligations paid to such city,
8 county or other political subdivisions of such State or province by
9 such New Jersey insurers, by (2) the aggregate of the taxable
10 premiums of such insurers under the premium taxing statute of such
11 State or province. The commissioner may issue regulations to carry
12 out the purpose of this section that may include identification of any
13 specific obligation imposed any other state or province, in order to
14 ensure the ability of this State to calculate and collect all appropriate
15 fees.

16 b. This section shall not apply to personal income taxes, nor as to
17 ad valorem taxes on real or personal property nor as to special
18 purpose obligations or assessments imposed [by another State or
19 province] in connection with particular kinds of insurance; except that
20 deductions, from premium taxes otherwise payable, allowed on
21 account of real estate or personal property taxes shall be taken into
22 consideration by the commissioner in determining the propriety and
23 extent of retaliatory action under this section.

24 c. For the purposes of this section the domicile of an alien insurer,
25 other than insurers formed under the laws of Canada or a province
26 thereof, shall be that State designated by the insurer in writing filed
27 with the commissioner at time of admission to this State or within 6
28 months after the effective date of this code, whichever date is the later,
29 and may be any one of the following States:

30 (1) That in which the insurer was first authorized to transact
31 insurance;

32 (2) That in which is located the insurer's principal place of business
33 in the United States;

34 (3) That in which is held the larger deposit of trust assets of the
35 insurer for the protection of its policyholders and creditors in the
36 United States;

37 If the insurer makes no such designation its domicile shall be
38 deemed to be that State in which is located its principal place of
39 business in the United States. In the case of an insurer formed under
40 the laws of Canada or a province thereof, its domicile shall be deemed
41 to be that province in which its head office is situated.

42 (cf: P.L.1971, c.144, s.17B:23-5)

43

44 16. Section 2 of P.L.1971, c.158 (C.24:15-14) is amended to read
45 as follows:

46 2. Where no other fee is provided by law or regulation, the

1 commissioner may in accordance with a fee schedule adopted by
2 ~~him~~ the department as a rule or regulation establish and charge
3 reasonable fees for any service performed in the licensing and
4 inspection of any premises coming within the provisions of this
5 chapter. The fees charged as provided for by this section shall be no
6 more than ~~[\$500.00]~~ \$1,000 based on criteria set forth in the rule or
7 regulation.

8 (cf: P.L.1983, c.275, s.11)

9

10 17. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read
11 as follows:

12 2. a. The Superintendent of State Police, with the approval of the
13 Attorney General, shall, pursuant to the "Administrative Procedure
14 Act," P.L.1968, c 410 (C.52:14B-1 et seq.), adopt rules and
15 regulations authorizing the dissemination, by the State Bureau of
16 Identification, of criminal history record background information
17 requested by State, county and local government agencies, including
18 the Division of State Police, in noncriminal matters, or requested by
19 individuals, nongovernmental entities or other governmental entities
20 whose access to such criminal history record background information
21 is not prohibited by law. A fee not to exceed ~~[\$25]~~ \$30 shall be
22 imposed for processing fingerprint identification checks; a fee not to
23 exceed ~~[\$15]~~ \$18 shall be imposed for processing criminal history
24 name search identification checks. These fees shall be in addition to
25 any other fees required by law. In addition to any fee specified herein,
26 a nonrefundable fee, the amount of which shall be determined by the
27 Superintendent of State Police, with the approval of the Attorney
28 General, shall be collected to cover the cost of securing and processing
29 a federal criminal records check for each applicant.

30 b. State, county and local government agencies, including the
31 Division of State Police, and nongovernmental entities are authorized
32 to impose and collect the processing fee established pursuant to
33 subsection a. of this section from the person for whom the criminal
34 history record background check is being processed or from the party
35 requesting the criminal history record background check. The
36 Superintendent of State Police shall provide this processing service
37 without the collection of fees from the applicants in processing
38 background checks of prospective foster parents or members of their
39 immediate families. In such cases, the Department of Human Services
40 shall be responsible for paying the fees imposed pursuant to subsection
41 a. of this section. Nothing in this section shall prohibit the
42 Superintendent of State Police, with the approval of the Attorney
43 General, from providing this processing service without the collection
44 of fees from the applicant in other circumstances which in his sole
45 discretion he deems appropriate, if the applicants would not receive a
46 wage or salary for the time and services they provide to an

1 organization or who are considered volunteers. In those circumstances
2 where the Superintendent of State Police, with the approval of the
3 Attorney General, determines to provide this processing service
4 without the collection of fees to the individual applicants, the
5 superintendent may assess the fees for providing this service on behalf
6 of the applicants to any department of State, county or municipal
7 government which is responsible for operating or overseeing that
8 volunteer program. The agencies shall transfer all moneys collected for
9 the processing fee to the Division of State Police.

10 (cf: P.L.1994, c.60, s.4)

11

12 18. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to
13 read as follows:

14 14. Any person, firm, partnership, corporation or association who
15 shall operate or conduct a health care facility without first obtaining
16 the license required by this act, or who shall operate such health care
17 facility after revocation or suspension of license, shall be liable to a
18 penalty of not more than ~~[\$1,000]~~ \$2,500 as provided for by
19 regulation for each day of operation in violation hereof for the first
20 offense and \$5,000 for any subsequent offense. Any person, firm,
21 partnership, corporation or association who violates any rule or
22 regulation adopted in accordance with this act as the same pertains to
23 the care of patients and physical plant standards shall be subject to a
24 penalty of not more than ~~[\$2,500]~~ \$5,000 as provided for by
25 regulation for each day that he is in violation of such rule or
26 regulation. Upon notification to the facility of such violations as
27 pertain to the care of patients or to the hazardous or unsafe condition
28 existing in or upon the structure in which the licensed facility is
29 maintained, the commissioner shall allow the facility 72 hours in which
30 to correct any such violation and if at the end of such period the
31 violation is not corrected and it poses an imminent threat to the health,
32 safety or welfare of the public or the residents of the facility, he may,
33 in his discretion, summarily suspend the license of the facility without
34 a hearing and may order immediate correction of such violation as a
35 prerequisite of reinstatement of licensure. If a licensee that is subject
36 to summary suspension shall deny that a violation exists or has
37 occurred, he shall be have the right to apply to the commissioner for
38 a hearing. Such hearing shall be held and a decision rendered within
39 48 hours of receipt of said request. If the commissioner shall rule
40 against the licensee, the licensee shall have the right to apply for
41 injunctive relief against the commissioner's order. Jurisdiction of such
42 injunctive relief shall be in the Superior Court of New Jersey. Nothing
43 herein shall be construed to prevent the commissioner from thereafter
44 suspending or revoking the license in accordance with the procedure
45 set forth in section 13. If, within one year after such violation such
46 person, firm, partnership, corporation or association is found guilty of

1 the same violation such penalties as hereinbefore set forth shall be
2 doubled, and if there be a third violation within such time, such
3 penalties shall be tripled. In addition thereto the department may, in
4 its discretion, suspend the license for such time as it may deem proper
5 or revoke said license.

6 Any person, firm, partnership, corporation or association who
7 shall, except in cases of an emergency, maintain more patients in his
8 premises than he is licensed so to do, shall be subject to a penalty, in
9 accordance with the procedure set forth in section 13, in an amount
10 equal to the daily charge collected from such patient or patients plus
11 \$25.00 for each day each extra patient is so maintained.

12 (cf: P.L.1998, c.43, s.14)

13

14 19. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to
15 read as follows:

16 26. a. There is established in the Department of the Treasury a
17 nonlapsing, revolving fund to be known as the "Worker and
18 Community Right To Know Fund." The "Worker and Community
19 Right To Know Fund" shall be credited with all fees collected pursuant
20 to paragraph (1) of subsection b. of this section and interest on
21 moneys in the "Worker and Community Right To Know Fund" shall
22 be credited to the "Worker and Community Right To Know Fund" and
23 all moneys in the "Worker and Community Right To Know Fund" are
24 appropriated for the purposes of the "Worker and Community Right
25 To Know Fund", and no moneys shall be expended for those purposes
26 without the specific appropriation thereof by the Legislature. The
27 State Treasurer shall be the administrator of the "Worker and
28 Community Right To Know Fund", and all disbursements from the
29 "Worker and Community Right To Know Fund" shall be made by the
30 State Treasurer upon the warrant of the Director of the Division of
31 Budget and Accounting.

32 b. The Department of Labor shall annually assess each employer
33 a fee of not less than ~~[\$50.00]~~ \$75.00 nor more than an amount equal
34 to ~~[\$2.00]~~ \$4.00 per employee to provide for the implementation of
35 the provisions of this act. All fees collected by the department
36 pursuant to this paragraph shall be deposited in the "Worker and
37 Community Right To Know Fund".

38 (cf: P.L.1991, c.235, s.20)

39

40 20. R.S.43:21-14 is amended to read as follows:

41 43:21-14. (a)(1) In addition to such reports as may be required
42 under the provisions of subsection (g) of R.S.43:21-11, every
43 employer shall file with the controller periodical contribution reports
44 on such forms and at such times as the controller shall prescribe, to
45 disclose the employer's liability for contributions under the provisions
46 of this chapter (R.S.43:21-1 et seq.), and at the time of filing each

1 contribution report shall pay the contributions required by this chapter
2 (R.S.43:21-1 et seq.), for the period covered by such report. The
3 controller may require that such reports shall be under oath of the
4 employer. Any employer who shall fail to file any report, required by
5 the controller, on or before the last day for the filing thereof shall pay
6 a penalty of [~~\$5.00~~] \$10.00 for each day of delinquency until and
7 including the fifth day following such last day and for any period of
8 delinquency after such fifth day, a penalty of [~~\$5.00~~] \$10.00 a day or
9 [~~20%~~] 25% of the amount of the contributions due and payable by the
10 employer for the period covered by the report, whichever is the lesser;
11 if there be no liability for contributions for the period covered by any
12 contribution report or in the case of any report other than a
13 contribution report, the employer or employing unit shall pay a penalty
14 of [~~\$5.00~~] \$10.00 a day for each day of delinquency in filing or
15 [~~\$25.00~~] \$50.00, whichever is the lesser; provided, however, that
16 when it is shown to the satisfaction of the controller that the failure to
17 file any such report was not the result of fraud or an intentional
18 disregard of this chapter (R.S.43:21-1 et seq.), or the regulations
19 promulgated hereunder, the controller, in his discretion, may remit or
20 abate any unpaid penalties heretofore or hereafter imposed under this
21 section. On or before October 1 of each year, the controller shall
22 submit to the Commissioner of Labor a report covering the 12-month
23 period ending on the preceding June 30, and showing the names and
24 addresses of all employers for whom the controller remitted or abated
25 any penalties, or ratified any remission or abatement of penalties, and
26 the amount of such penalties with respect to each employer. Any
27 employer who shall fail to pay the contributions due for any period, on
28 or before the date they are required by the controller to be paid, shall
29 pay interest on the amount thereof from such date until the date of
30 payment thereof, at the rate of 1% a month through June 30, 1981 and
31 at the rate of 1 1/4% a month after June 30, 1981. Upon the written
32 request of any employer or employing unit, filed with the controller on
33 or before the due date of any report or contribution payment, the
34 controller, for good cause shown, may grant, in writing, an extension
35 of time for the filing of such report or the paying of such contribution,
36 with interest at the applicable rate; provided no such extension shall
37 exceed 30 days and that no such extension shall postpone payment of
38 any contribution for any period beyond the day preceding the last day
39 for filing tax returns under Title IX of the federal Social Security Act
40 for the year in which said period occurs.

41 (2)(A) For the calendar quarter commencing July 1, 1984 and each
42 successive quarter thereafter, each employer shall file a report with the
43 controller within 30 days after the end of each quarter in a form and
44 manner prescribed by the controller, listing the name, social security
45 number and wages paid to each employee and the number of base
46 weeks (as defined in subsection (t) of R.S.43:21-19) worked by the

1 employee during the calendar quarter. (B) Any employer who fails
2 without reasonable cause to comply with the reporting requirements
3 of this paragraph (2) shall be liable for a penalty in the following
4 amount for each employee with respect to whom the employer is
5 required to file a report but who is not included in the report or for
6 whom the required information is not accurately reported for each
7 employee required to be included, whether or not the employee is
8 included:

9 (i) For the first failure for one quarter in any eight consecutive
10 quarters, \$5.00 for each employee;

11 (ii) For the second failure for any quarter in any eight consecutive
12 quarters, \$10.00 for each employee; and

13 (iii) For the third failure for any quarter in any eight consecutive
14 quarters, and for any failure in any eight consecutive quarters, which
15 failure is subsequent to the third failure, \$25.00 for each employee.

16 (C) Information reported by employers as requested by this
17 paragraph (2) shall be used by the Department of Labor for the
18 purpose of determining eligibility for benefits of individuals in
19 accordance with the provisions of R.S.43:21-1 et seq.
20 Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the
21 Department of Labor is hereby authorized to provide the Department
22 of Human Services and the Higher Education Assistance Authority
23 with information reported by employers as required by this paragraph
24 (2). For each fiscal year, the Director of the Division of Budget and
25 Accounting of the Department of the Treasury shall charge the
26 appropriate account of the Department of Human Services and the
27 Higher Education Assistance Authority in amounts sufficient to
28 reimburse the Department of Labor for the cost of providing
29 information under this subparagraph (C).

30 (D) For the purpose of administering the provisions of this
31 paragraph (2), all appropriations, files, books, papers, records,
32 equipment and other property, and employees currently assigned to the
33 Division of Taxation for the implementation of the "Wage Reporting
34 Act," P.L.1980, c.48 (C.54:1-55 et seq.), shall be transferred to the
35 Department of Labor as of September 1, 1984 in accordance with the
36 provisions of the "State Agency Transfer Act," P.L.1971, c.375
37 (C.52:14D-1 et seq.).

38 (b) The contributions, penalties, and interest due from any
39 employer under the provisions of this chapter (R.S.43:21-1 et seq.),
40 from the time they shall be due, shall be a personal debt of the
41 employer to the State of New Jersey, recoverable in any court of
42 competent jurisdiction in a civil action in the name of the State of New
43 Jersey; provided, however, that except in the event of fraud, no
44 employer shall be liable for contributions or penalties unless
45 contribution reports have been filed or assessments have been made in
46 accordance with subsection (c) or (d) of this section before four years

1 have elapsed from the last day of the calendar year with respect to
2 which any contributions become payable under this chapter
3 (R.S.43:21-1 et seq.), nor shall any employer be required to pay
4 interest on any such contribution unless contribution reports were filed
5 or assessments made within such four-year period; provided further
6 that if such contribution reports were filed or assessments made within
7 the four-year period, no civil action shall be instituted, nor shall any
8 certificate be issued to the Clerk of the Superior Court under
9 subsection (e) of this section, except in the event of fraud, after six
10 years have elapsed from the last day of the calendar year with respect
11 to which any contributions become payable under this chapter
12 (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments
13 received from an employer on account of any debt incurred under the
14 provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the
15 controller on account of the contribution liability of the employer and
16 then to interest and penalties, and any balance remaining shall be
17 recoverable by the controller from the employer. Upon application
18 therefor, the controller shall furnish interested persons and entities
19 certificates of indebtedness covering employers, employing units and
20 others for contributions, penalties and interest, for each of which
21 certificates the controller shall charge and collect a fee of \$2.00 per
22 name; no such certificate to be issued, however, for a fee of less than
23 \$10.00. All fees so collected shall be paid into the unemployment
24 compensation administration fund.

25 (c) If any employer shall fail to make any report as required by the
26 rules and regulations of the division pursuant to the provisions of this
27 chapter (R.S.43:21-1 et seq.), the controller may make an estimate of
28 the liability of such employer from any information it may obtain, and,
29 according to such estimate so made, assess such employer for the
30 contributions, penalties, and interest due the State from him, give
31 notice of such assessment to the employer, and make demand upon
32 him for payment.

33 (d) After a report is filed under the provisions of this chapter
34 (R.S.43:21-1 et seq.) and the rules and regulations thereof, the
35 controller shall cause the report to be examined and shall make such
36 further audit and investigation as it may deem necessary, and if
37 therefrom there shall be determined that there is a deficiency with
38 respect to the payment of the contributions due from such employer,
39 the controller shall assess the additional contributions, penalties, and
40 interest due the State from such employer, give notice of such
41 assessment to the employer, and make demand upon him for payment.

42 (e) As an additional remedy, the controller may issue to the Clerk
43 of the Superior Court of New Jersey a certificate stating the amount
44 of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.)
45 and describing the liability, and thereupon the clerk shall immediately
46 enter upon his record of docketed judgments such certificate or an

1 abstract thereof and duly index the same. Any such certificate or
2 abstract, heretofore or hereafter docketed, from the time of docketing
3 shall have the same force and effect as a judgment obtained in the
4 Superior Court of New Jersey, and the controller shall have all the
5 remedies and may take all the proceedings for the collection thereof
6 which may be had or taken upon the recovery of such a judgment in a
7 civil action upon contract in said court. Such debt, from the time of
8 docketing thereof, shall be a lien on and bind the lands, tenements and
9 hereditaments of the debtor.

10 The Clerk of the Superior Court shall be entitled to receive for
11 docketing such certificate, \$0.50, and for a certified transcript of such
12 docket, \$0.50. If the amount set forth in said certificate as a debt shall
13 be modified or reversed upon review, as hereinafter provided, the
14 Clerk of the Superior Court shall, when an order of modification or
15 reversal is filed, enter in the margin of the docket opposite the entry
16 of the judgment, the word "modified" or "reversed," as the case may
17 be, and the date of such modification or reversal.

18 The employer, or any other party having an interest in the property
19 upon which the debt is a lien, may deposit the amount claimed in the
20 certificate with the Clerk of the Superior Court of New Jersey,
21 together with an additional 10% of the amount thereof, or \$100.00,
22 whichever amount is the greater, to cover interest and the costs of
23 court, or in lieu of depositing the amount in cash, may give a bond to
24 the State of New Jersey in double the amount claimed in the
25 certificate, and file the same with the Clerk of the Superior Court. Said
26 bond shall have such surety and shall be approved in the manner
27 required by the Rules Governing the Courts of the State of New
28 Jersey.

29 After the deposit of said money or the filing of said bond, the
30 employer, or any other party having an interest in the said property,
31 may, after exhausting all administrative remedies, secure judicial
32 review of the legality or validity of the indebtedness or the amount
33 thereof, and the said deposit of cash shall be as security for, and the
34 bond shall be conditioned to prosecute, the judicial review with effect.

35 Upon the deposit of said money or the filing of the said bond with
36 the Clerk of the Superior Court, all proceedings on such judgment
37 shall be stayed until the final determination of the cause, and the
38 moneys so deposited shall be subject to the lien of the indebtedness
39 and costs and interest thereon, and the lands, tenements, and
40 hereditaments of said debtor shall forthwith be discharged from the
41 lien of the State of New Jersey and no execution shall issue against the
42 same by virtue of said judgment.

43 Notwithstanding the provisions of subsections (a) through (c) of
44 this section, the Department of Labor may, with the concurrence of the
45 State Treasurer, when all reasonable efforts to collect amounts owed
46 have been exhausted, or to avoid litigation, reduce any liability for

1 contributions, penalties and interest, provided no portion of those
2 amounts represents contributions made by an employee pursuant to
3 subsection (d) of R.S.43:21-7.

4 (f) If, not later than two years after the calendar year in which any
5 moneys were erroneously paid to or collected by the controller,
6 whether such payments were voluntarily or involuntarily made or made
7 under mistake of law or of fact, an employer, employing unit, or
8 employee who has paid such moneys shall make application for an
9 adjustment thereof, the said moneys shall, upon order of the controller,
10 be either credited or refunded, without interest, from the appropriate
11 fund. For like cause and within the same period, credit or refund may
12 be so made on the initiative of the controller.

13 (g) All interest and penalties collected pursuant to this section
14 shall be paid into a special fund to be known as the unemployment
15 compensation auxiliary fund; all moneys in this special fund shall be
16 deposited, administered and disbursed in the same manner and under
17 the same conditions and requirements as is provided by law for other
18 special funds in the State Treasury, and shall be expended, under
19 legislative appropriation, for the purpose of aiding in defraying the
20 cost of the administration of this chapter (R.S.43:21-1 et seq.); for the
21 repayment of any interest bearing advances made from the federal
22 unemployment account pursuant to the provisions of section 1202(b)
23 of the Social Security Act, 42 U.S.C. s.1322; and for essential and
24 necessary expenditures in connection with programs designed to
25 stimulate employment, as determined by the Commissioner of Labor,
26 except that any moneys in this special fund shall be first applied to
27 aiding in the defraying of necessary costs of the administration of this
28 chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of
29 Labor. The Treasurer of the State shall be ex officio the treasurer and
30 custodian of this special fund and, subject to legislative appropriation,
31 shall administer the fund in accordance with the directions of the
32 controller. Any balances in this fund shall not lapse at any time, but
33 shall be continuously available, subject to legislative appropriation, to
34 the controller for expenditure. The State Treasurer shall give a
35 separate and additional bond conditioned upon the faithful
36 performance of his duties in connection with the unemployment
37 compensation auxiliary fund, in an amount to be fixed by the division,
38 the premiums for such bond to be paid from the moneys in the said
39 special fund.

40 (cf: P.L.1997, c.255, s.3)

41

42 21. R.S.33:1-10 is amended to read as follows:

43 33:1-10. Class A licenses shall be subdivided and classified as
44 follows:

45 Plenary brewery license. 1a. The holder of this license shall be
46 entitled, subject to rules and regulations, to brew any malt alcoholic

1 beverages and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of the
4 places of such sale and distribution, and to maintain a warehouse. The
5 fee for this license shall be [~~\$8,500.00~~] \$10,625.

6 Limited brewery license. 1b. The holder of this license shall be
7 entitled, subject to rules and regulations, to brew any malt alcoholic
8 beverages in a quantity to be expressed in said license, dependent upon
9 the following fees and not in excess of 300,000 barrels of 31 fluid
10 gallons capacity per year and to sell and distribute this product to
11 wholesalers and retailers licensed in accordance with this chapter, and
12 to sell and distribute without this State to any persons pursuant to the
13 laws of the places of such sale and distribution, and to maintain a
14 warehouse. The fee for this license shall be graduated as follows: to so
15 brew not more than 50,000 barrels of 31 fluid gallons capacity per
16 annum, [~~\$1,000.00~~] \$1,250; to so brew not more than 100,000 barrels
17 of 31 fluid gallons capacity per annum, [~~\$2,000.00~~] \$2,500; to so
18 brew not more than 200,000 barrels of 31 fluid gallons capacity per
19 annum, [~~\$4,000.00~~] \$5,000; to so brew not more than 300,000 barrels
20 of 31 fluid gallons capacity per annum, [~~\$6,000.00~~] \$7,500.

21 Restricted brewery license. 1c. The holder of this license shall be
22 entitled, subject to rules and regulations, to brew any malt alcoholic
23 beverages in a quantity to be expressed in such license not in excess of
24 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding
25 the provisions of R.S.33:1-26, the director shall issue a restricted
26 brewery license only to a person or an entity which has identical
27 ownership to an entity which holds a plenary retail consumption
28 license issued pursuant to R.S.33:1-12, provided that such plenary
29 retail consumption license is operated in conjunction with a restaurant
30 regularly and principally used for the purpose of providing meals to its
31 customers and having adequate kitchen and dining room facilities, and
32 that the licensed restaurant premises is immediately adjoining the
33 premises licensed as a restricted brewery. The holder of this license
34 shall only be entitled to sell or deliver the product to that restaurant
35 premises. The fee for this license shall be [~~\$1,000.00~~] \$1,250, which
36 fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid
37 gallons per annum. The licensee also shall pay an additional [~~\$500~~]
38 \$625 for every additional 1,000 barrels of 31 fluid gallons produced.
39 No more than two restricted brewery licenses shall be issued to a
40 person or entity which holds an interest in a plenary retail consumption
41 license. If the governing body of the municipality in which the licensed
42 premises will be located should file a written objection, the director
43 shall hold a hearing and may issue the license only if the director finds
44 that the issuance of the license will not be contrary to the public
45 interest. All fees related to the issuance of both licenses shall be paid
46 in accordance with statutory law.

1 Plenary winery license. 2a. Provided that the holder is engaged in
2 growing and cultivating grapes or fruit used in the production of wine
3 on at least three acres on, or adjacent to, the winery premises, the
4 holder of this license shall be entitled, subject to rules and regulations,
5 to produce any fermented wines, and to blend, fortify and treat wines,
6 and to sell and distribute his products to wholesalers and retailers
7 licensed in accordance with this chapter and to churches for religious
8 purposes, and to sell and distribute without this State to any persons
9 pursuant to the laws of the places of such sale and distribution, and to
10 maintain a warehouse, and to sell his products at retail to consumers
11 on the licensed premises of the winery for consumption on or off the
12 premises and to offer samples for sampling purposes only. The fee for
13 this license shall be [~~\$750.00~~] \$938. The holder of this license shall
14 also have the right to sell such wine at retail in original packages in
15 five salesrooms apart from the winery premises for consumption on or
16 off the premises and for sampling purposes for consumption on the
17 premises, at a fee of [~~\$200.00~~] \$250 for each salesroom. Additionally,
18 subject to rules and regulations, one salesroom per county may be
19 jointly controlled and operated by at least two plenary or farm winery
20 licensees for the sale of the products of any plenary or farm winery
21 licensee for consumption on or off the premises and for consumption
22 on the licensed premises for sampling purposes at an additional fee of
23 [~~\$500.00~~] \$625 per county salesroom. For the purposes of this
24 subsection, "sampling" means the selling at a nominal charge or the
25 gratuitous offering of an open container not exceeding one and
26 one-half ounces of any wine.

27 For the purposes of this subsection, "product" means any wine that
28 is produced, blended, fortified, or treated by the licensee on its
29 licensed premises situated in the State of New Jersey.

30 Any holder of a plenary winery license who sold wine which was
31 produced, bottled, and labelled by that holder in a place other than its
32 licensed New Jersey premises between July 1, 1992 and June 30, 1993,
33 may continue to sell that wine provided no more than 25,000 cases,
34 each case consisting of 12 750 milliliter bottles or the equivalent, are
35 sold in any single license year. This privilege shall terminate upon, and
36 not survive, any transfer of the license to another person or entity
37 subsequent to the effective date of this 1993 amendatory act or any
38 transfer of stock of the licensed corporation other than to children,
39 grandchildren, parents, spouses or siblings of the existing
40 stockholders.

41 Farm winery license. 2b. The holder of this license shall be entitled,
42 subject to rules and regulations, to manufacture any fermented wines
43 and fruit juices in a quantity to be expressed in said license, dependent
44 upon the following fees and not in excess of 50,000 gallons per year
45 and to sell and distribute his products to wholesalers and retailers
46 licensed in accordance with this chapter and to churches for religious

1 purposes and to sell and distribute without this State to any persons
2 pursuant to the laws of the places of such sale and distribution, and to
3 maintain a warehouse and to sell at retail to consumers for
4 consumption on or off the licensed premises and to offer samples for
5 sampling purposes only. The license shall be issued only when the
6 winery at which such fermented wines and fruit juices are
7 manufactured is located and constructed upon a tract of land
8 exclusively under the control of the licensee, provided that the licensee
9 is actively engaged in growing and cultivating an area of not less than
10 three acres on or adjacent to the winery premises and on which are
11 growing grape vines or fruit to be processed into wine or fruit juice;
12 and provided, further, that for the first five years of the operation of
13 the winery such fermented wines and fruit juices shall be manufactured
14 from at least 51% grapes or fruit grown in the State and that thereafter
15 they shall be manufactured from grapes or fruit grown in this State at
16 least to the extent required for labeling as "New Jersey Wine" under
17 the applicable federal laws and regulations. The containers of all wine
18 sold to consumers by such licensee shall have affixed a label stating
19 such information as shall be required by the rules and regulations of
20 the Director of the Division of Alcoholic Beverage Control. The fee
21 for this license shall be graduated as follows: to so manufacture
22 between 30,000 and 50,000 gallons per annum, [~~\$300.00~~] \$375; to so
23 manufacture between 2,500 and 30,000 gallons per annum, [~~\$200.00~~]
24 \$250; to so manufacture between 1,000 and 2,500 gallons per annum,
25 [~~\$100.00~~] \$125; to so manufacture less than 1,000 gallons per annum,
26 [~~\$50.00~~] \$63. No farm winery license shall be held by the holder of
27 a plenary winery license or be situated on a premises licensed as a
28 plenary winery.

29 The holder of this license shall also have the right to sell his
30 products in original packages at retail to consumers in five salesrooms
31 apart from the winery premises for consumption on or off the
32 premises, and for sampling purposes for consumption on the premises,
33 at a fee of [~~\$200.00~~] \$250 for each salesroom. Additionally, subject
34 to rules and regulations, one salesroom per county may be jointly
35 controlled and operated by at least two plenary or farm winery
36 licensees for the sale of the products of any plenary or farm winery
37 licensee for consumption on or off the premises and for consumption
38 on the licensed premises for sampling purposes only, at an additional
39 fee of [~~\$500.00~~] \$625 per county salesroom. For the purposes of this
40 subsection, "sampling" means the selling at a nominal charge or the
41 gratuitous offering of an open container not exceeding one and
42 one-half ounces of any wine.

43 Unless otherwise indicated, for the purposes of this subsection,
44 with respect to farm winery licenses, "manufacture" means the
45 vinification, aging, storage, blending, clarification, stabilization and
46 bottling of wine or juice from New Jersey fruit to the extent required

1 by this subsection.

2 Wine blending license. 2c. The holder of this license shall be
3 entitled, subject to rules and regulations, to blend, treat, mix, and
4 bottle fermented wines and fruit juices with non-alcoholic beverages,
5 and to sell and distribute his products to wholesalers and retailers
6 licensed in accordance with this chapter, and to sell and distribute
7 without this State to any persons pursuant to the laws of the places of
8 such sale and distribution, and to maintain a warehouse. The fee for
9 this license shall be [~~\$500.00~~] \$625.

10 Plenary distillery license. 3a. The holder of this license shall be
11 entitled, subject to rules and regulations, to manufacture any distilled
12 alcoholic beverages and rectify, blend, treat and mix, and to sell and
13 distribute his products to wholesalers and retailers licensed in
14 accordance with this chapter, and to sell and distribute without this
15 State to any persons pursuant to the laws of the places of such sale
16 and distribution, and to maintain a warehouse. The fee for this license
17 shall be [~~\$10,000.00~~] \$12,500.

18 Limited distillery license. 3b. The holder of this license shall be
19 entitled, subject to rules and regulations, to manufacture and bottle
20 any alcoholic beverages distilled from fruit juices and rectify, blend,
21 treat, mix, compound with wine and add necessary sweetening and
22 flavor to make cordial or liqueur, and to sell and distribute to
23 wholesalers and retailers licensed in accordance with this chapter, and
24 to sell and distribute without this State to any persons pursuant to the
25 laws of the places of such sale and distribution and to warehouse these
26 products. The fee for this license shall be [~~\$3,000.00~~] \$3,750.

27 Supplementary limited distillery license. 3c. The holder of this
28 license shall be entitled, subject to rules and regulations, to bottle and
29 rebottle, in a quantity to be expressed in said license, dependent upon
30 the following fees, alcoholic beverages distilled from fruit juices by
31 such holder pursuant to a prior plenary or limited distillery license, and
32 to sell and distribute his products to wholesalers and retailers licensed
33 in accordance with this chapter, and to sell and distribute without this
34 State to any persons pursuant to the laws of the places of such sale
35 and distribution, and to maintain a warehouse. The fee for this license
36 shall be graduated as follows: to so bottle and rebottle not more than
37 5,000 wine gallons per annum, [~~\$250.00~~] \$313; to so bottle and
38 rebottle not more than 10,000 wine gallons per annum, [~~\$500.00~~]
39 \$625; to so bottle and rebottle without limit as to amount,
40 [~~\$1,000.00~~] \$1,250.

41 Rectifier and blender license. 4. The holder of this license shall be
42 entitled, subject to rules and regulations, to rectify, blend, treat and
43 mix distilled alcoholic beverages, and to fortify, blend, and treat
44 fermented alcoholic beverages, and prepare mixtures of alcoholic
45 beverages, and to sell and distribute his products to wholesalers and
46 retailers licensed in accordance with this chapter, and to sell and

1 distribute without this State to any persons pursuant to the laws of the
2 places of such sale and distribution, and to maintain a warehouse. The
3 fee for this license shall be [~~\$6,000.00~~] \$7,500.

4 Bonded warehouse bottling license. 5. The holder of this license
5 shall be entitled, subject to rules and regulations, to bottle alcoholic
6 beverages in bond on behalf of all persons authorized by federal and
7 State law and regulations to withdraw alcoholic beverages from bond.
8 The fee for this license shall be [~~\$500.00~~] \$625. This license shall be
9 issued only to persons holding permits to operate Internal Revenue
10 bonded warehouses pursuant to the laws of the United States.

11 The provisions of section 21 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1993, c.372, s.1)

16

17 22. R.S.33:1-11 is amended to read as follows:

18 33:1-11. Class B licenses shall be subdivided and classified as
19 follows:

20 Plenary wholesale license. 1. The holder of this license shall be
21 entitled, subject to rules and regulations, to sell and distribute
22 alcoholic beverages to retailers and wholesalers licensed in accordance
23 with this chapter, and to sell and distribute without this State to any
24 persons pursuant to the laws of the places of such sale and
25 distribution, and to maintain a warehouse and salesroom; provided,
26 however, that the delivery of such alcoholic beverages by the holder
27 of this license to retailers licensed under this Title shall be from
28 inventory in a warehouse located in New Jersey which is operated
29 under a plenary wholesale license. The fee for this license shall be
30 [~~\$7,000.00~~] \$8,750.

31 Limited wholesale license. 2a. The holder of this license shall be
32 entitled, subject to rules and regulations, to sell and distribute brewed
33 malt alcoholic beverages and naturally fermented wines to retailers and
34 wholesalers licensed in accordance with this chapter, and to sell and
35 distribute without this State to any persons pursuant to the laws of the
36 places of such sale and distribution, and to maintain a warehouse and
37 salesroom. The fee for this license shall be [~~\$1,500.00~~] \$1,875.

38 Wine wholesale license. 2b. The holder of this license shall be
39 entitled, subject to rules and regulations, to sell and distribute any
40 naturally fermented, treated, blended, fortified and sparkling wines to
41 retailers and wholesalers licensed in accordance with this chapter, and
42 to sell and distribute without this State to any persons pursuant to the
43 laws of the places of such sale and distribution, and to maintain a
44 warehouse and salesroom; provided, however, that the delivery of
45 such wines by the holder of this license to retailers licensed under this
46 Title shall be from inventory in a warehouse located in New Jersey

1 which is operated under a wine wholesale license. The fee for this
2 license shall be [~~\$3,000.00~~] \$3,750.

3 State beverage distributor's license. 2c.(1) The holder of this
4 license shall be entitled, subject to rules and regulations, to sell and
5 distribute unchilled, brewed, malt alcoholic beverages in original
6 containers only, in quantities of not less than 144 fluid ounces and
7 chilled draught malt alcoholic beverages in kegs, barrels or other
8 similar containers of at least one fluid gallon in capacity, to retailers
9 licensed in accordance with this chapter, and to sell and distribute
10 without this State to any person pursuant to the laws of the places of
11 such sale and distribution, and to maintain a warehouse and salesroom.
12 The holder of this license may sell unchilled, brewed, malt alcoholic
13 beverages in original containers only, in quantities of not less than 144
14 fluid ounces and chilled draught malt alcoholic beverages in kegs,
15 barrels or other similar containers of at least 7.75 fluid gallons in
16 capacity, at retail; provided, however, that such sales shall be made
17 only for consumption off the licensed premises. This license shall not
18 be issued to any person holding a plenary or limited brewery license,
19 nor shall it be issued to any person directly or indirectly interested in
20 any brewery within or without this State. This license shall not be
21 issued for premises in or upon which any retail business, except the
22 sale of malt alcoholic beverages and nonalcoholic beverages, is carried
23 on. The fee for this license shall be [~~\$825~~] \$1,031.

24 (2) After the effective date of P.L.1995, c. 309 any license issued
25 or transferred pursuant to this subsection for a premises located in a
26 municipality in a county of the fifth or sixth class shall be limited to
27 prohibit retail sales.

28 (3) The holder of a license issued pursuant to this subsection shall
29 not be entitled to sell malt alcoholic beverages at retail as provided in
30 paragraph (1) of this subsection, at hours of the day or on days of the
31 week during which sales by holders of plenary retail distributors
32 licenses are prohibited in the municipality in which the licensed
33 premises is located or in a municipality which, in accordance with the
34 provisions of this title, prohibits all retail sales of wine and malt
35 alcoholic beverages in original bottle or can containers.

36 The provisions of section 22 of P.L. _____, c. _____ (C. _____)
37 amendatory of this section shall apply to licenses issued or transferred
38 on or after July 1, 2003, and to license renewals commencing on or
39 after July 1, 2003.

40 (cf: P.L.1995, c.309, s.1)

41

42 23. R.S.33:1-12 is amended to read as follows:

43 33:1-12. Class C licenses shall be subdivided and classified as
44 follows:

45 Plenary retail consumption license. 1. The holder of this license
46 shall be entitled, subject to rules and regulations, to sell any alcoholic

1 beverages for consumption on the licensed premises by the glass or
2 other open receptacle, and also to sell any alcoholic beverages in
3 original containers for consumption off the licensed premises; but this
4 license shall not be issued to permit the sale of alcoholic beverages in
5 or upon any premises in which a grocery, delicatessen, drug store or
6 other mercantile business is carried on, except as hereinafter provided.
7 Subject to such rules and regulations established from time to time by
8 the director, the holder of this license shall be permitted to sell
9 alcoholic beverages in or upon the premises in which any of the
10 following is carried on: the keeping of a hotel or restaurant including
11 the sale of mercantile items incidental thereto as an accommodation to
12 patrons; the sale, at an entertainment facility as defined in R.S. 33:1-1,
13 having a seating capacity for no less than 4,000 patrons, of mercantile
14 items traditionally associated with the type of event or program held
15 at the site; the sale of distillers', brewers' and vintners' packaged
16 holiday merchandise prepacked as a unit with other suitable objects as
17 gift items to be sold only as a unit; the sale of novelty wearing apparel
18 identified with the name of the establishment licensed under the
19 provisions of this section; the sale of cigars, cigarettes, packaged
20 crackers, chips, nuts and similar snacks and ice at retail as an
21 accommodation to patrons, or the retail sale of nonalcoholic beverages
22 as accessory beverages to alcoholic beverages; or, in commercial
23 bowling establishments, the retail sale or rental of bowling accessories
24 and the retail sale from vending machines of candy, ice cream and
25 nonalcoholic beverages. The fee for this license shall be fixed by the
26 governing board or body of the municipality in which the licensed
27 premises are situated, by ordinance, at not less than ~~[\$200.00]~~ \$250
28 and not more than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted
29 which shall raise or lower the fee to be charged for this license by
30 more than 20% from that charged in the preceding license year or
31 \$500.00, whichever is the lesser. The governing board or body of each
32 municipality may, by ordinance, enact that no plenary retail
33 consumption license shall be granted within its respective municipality.

34 The holder of this license shall be permitted to obtain a restricted
35 brewery license issued pursuant to subsection 1c. of R.S. 33:1-10 and
36 to operate a restricted brewery immediately adjoining the licensed
37 premises in accordance with the restrictions set forth in that
38 subsection. All fees related to the issuance of both licenses shall be
39 paid in accordance with statutory law.

40 Seasonal retail consumption license. 2. The holder of this license
41 shall be entitled, subject to rules and regulations, to sell any alcoholic
42 beverages for consumption on the licensed premises by the glass or
43 other open receptacle, and also to sell any alcoholic beverages in
44 original containers for consumption off the licensed premises, during
45 the summer session from May 1 until November 14, inclusive, or
46 during the winter season from November 15 until April 30, inclusive;

1 but this license shall not be issued to permit the sale of alcoholic
2 beverages in or upon any premises in which a grocery, delicatessen,
3 drug store or other mercantile business is carried on, except as
4 hereinafter provided. Subject to such rules and regulations established
5 from time to time by the director, the holder of this license shall be
6 permitted to sell alcoholic beverages in or upon the premises in which
7 any of the following is carried on: the keeping of a hotel or restaurant
8 including the sale of mercantile items incidental thereto as an
9 accommodation to patrons; the sale of distillers', brewers' and vintners'
10 packaged holiday merchandise prepacked as a unit with other suitable
11 objects as gift items to be sold only as a unit; the sale of novelty
12 wearing apparel identified with the name of the establishment licensed
13 under the provisions of this section; the sale of cigars, cigarettes,
14 packaged crackers, chips, nuts and similar snacks and ice at retail as
15 an accommodation to patrons; or the retail sale of nonalcoholic
16 beverages as accessory beverages to alcoholic beverages. The fee for
17 this license shall be fixed by the governing board or body of the
18 municipality in which the licensed premises are situated, by ordinance,
19 at 75% of the fee fixed by said board or body for plenary retail
20 consumption licenses. The governing board or body of each
21 municipality may, by ordinance, enact that no seasonal retail
22 consumption license shall be granted within its respective municipality.

23 Plenary retail distribution license. 3. a. The holder of this license
24 shall be entitled, subject to rules and regulations, to sell any alcoholic
25 beverages for consumption off the licensed premises, but only in
26 original containers. The governing board or body of each municipality
27 may, by ordinance, enact that this license shall not be issued to permit
28 the sale of alcoholic beverages in or upon any premises in which any
29 other mercantile business is carried on, except that any such ordinance,
30 heretofore or hereafter adopted, shall not prohibit the retail sale of
31 distillers', brewers' and vintners' packaged holiday merchandise
32 prepacked as a unit with other suitable objects as gift items to be sold
33 only as a unit; the sale of novelty wearing apparel identified with the
34 name of the establishment licensed under the provisions of this act;
35 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
36 ice, and nonalcoholic beverages as accessory beverages to alcoholic
37 beverages. The fee for this license shall be fixed by the governing
38 board or body of the municipality in which the licensed premises are
39 situated, by ordinance, at not less than ~~[\$100.00]~~ \$125 and not more
40 than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted which shall
41 raise or lower the fee to be charged for this license by more than 20%
42 from that charged in the preceding license year or \$500.00, whichever
43 is the lesser. The governing board or body of each municipality may,
44 by ordinance, enact that no plenary retail distribution license shall be
45 granted within its respective municipality.

46 Limited retail distribution license. 3. b. The holder of this license

1 shall be entitled, subject to rules and regulations, to sell any unchilled,
2 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
3 ounces for consumption off the licensed premises, but only in original
4 containers; provided, however, that this license shall be issued only for
5 premises operated and conducted by the licensee as a bona fide
6 grocery store, meat market, meat and grocery store, delicatessen, or
7 other type of bona fide food store at which groceries or other
8 foodstuffs are sold at retail; and provided further that this license shall
9 not be issued except for premises at which the sale of groceries or
10 other foodstuffs is the primary and principal business and at which the
11 sale of alcoholic beverages is merely incidental and subordinate
12 thereto. The fee for this license shall be fixed by the governing body
13 or board of the municipality in which the licensed premises are
14 situated, by ordinance, at not less than ~~[\$25.00]~~ \$31 and not more
15 than ~~[\$50.00]~~ \$63. The governing board or body of each municipality
16 may, by ordinance, enact that no limited retail distribution license shall
17 be granted within its respective municipality.

18 Plenary retail transit license. 4. The holder of this license shall be
19 entitled, subject to rules and regulations, to sell any alcoholic
20 beverages, for consumption only, on railroad trains, airplanes,
21 limousines and boats, while in transit. The fee for this license for use
22 by a railroad or air transport company shall be ~~[\$300.00]~~ \$375, for
23 use by the owners of limousines shall be ~~[\$25.00]~~ \$31 per vehicle, and
24 for use on a boat shall be ~~[\$50.00]~~ \$63 on a boat 65 feet or less in
25 length, ~~[\$100.00]~~ \$125 on a boat more than 65 feet in length but not
26 more than 110 feet in length, and ~~[\$300.00]~~ \$375 on a boat more than
27 110 feet in length; such boat lengths shall be determined in the manner
28 prescribed by the Bureau of Customs of the United States Government
29 or any federal agency successor thereto for boat measurement in
30 connection with issuance of marine documents. A license issued under
31 this provision to a railroad or air transport company shall cover all
32 railroad cars and planes operated by any such company within the
33 State of New Jersey. A license for a boat or limousine issued under
34 this provision shall apply only to the particular boat or limousine for
35 which issued, and shall permit the purchase of alcoholic beverages for
36 sale or service in a boat or limousine to be made from any Class A and
37 B licensee or from any Class C licensee whose license privilege permits
38 the sale of alcoholic beverages in original containers for off-premises
39 consumption. An interest in a plenary retail transit license issued in
40 accordance with this section shall be excluded in determining the
41 maximum number of retail licenses permitted under P.L.1962, c.152
42 (C.33:1-12.31 et seq.).

43 Club license. 5. The holder of this license shall be entitled, subject
44 to rules and regulations, to sell any alcoholic beverages but only for
45 immediate consumption on the licensed premises and only to bona fide
46 club members and their guests. The fee for this license shall be fixed

1 by the governing board or body of the municipality in which the
2 licensed premises are situated, by ordinance, at not less than ~~[\$50.00]~~
3 ~~\$63~~ and not more than ~~[\$150.00]~~ ~~\$188~~. The governing board or body
4 of each municipality may, by ordinance, enact that no club licenses
5 shall be granted within its respective municipality. Club licenses may
6 be issued only to such corporations, associations and organizations as
7 are operated for benevolent, charitable, fraternal, social, religious,
8 recreational, athletic, or similar purposes, and not for private gain, and
9 which comply with all conditions which may be imposed by the
10 Commissioner of Alcoholic Beverage Control by rules and regulations.

11 The provisions of section 23 of P.L. _____, c. _____ (C. _____)
12 amendatory of this section shall apply to licenses issued or transferred
13 on or after July 1, 2003, and to license renewals commencing on or
14 after July 1, 2003.

15 (cf: P.L.1997, c.8, s.2)

16

17 24. R.S.33:1-13 is amended to read as follows:

18 33:1-13. Class D licenses shall be as follows:

19 Transportation license. The holder of this license shall be entitled,
20 subject to rules and regulations, to transport alcoholic beverages into,
21 out of, through and within the State of New Jersey and to maintain a
22 warehouse. The fee for this license shall be ~~[\$500.00]~~ ~~\$625~~.

23 The provisions of section 24 of P.L. _____, c. _____ (C. _____)
24 amendatory of this section shall apply to licenses issued or transferred
25 on or after July 1, 2003, and to license renewals commencing on or
26 after July 1, 2003.

27 (cf: P.L.1970, c.78, s.3)

28

29 25. R.S.33:1-14 is amended to read as follows:

30 33:1-14. Class E licenses shall be subdivided and classified as
31 follows:

32 Public warehouse license. 1. The holder of this license shall be
33 entitled, subject to rules and regulations, to receive for purposes of
34 storing and warehousing and to store and warehouse alcoholic
35 beverages in the licensed public warehouse; but this license shall not
36 authorize the transportation of alcoholic beverages. The fee for this
37 license shall be ~~[\$400.00]~~ ~~\$500~~.

38 Broker's license. 2. The holder of this license shall be entitled,
39 subject to rules and regulations, to act as a broker in the purchase and
40 sale of alcoholic beverages for a fee or commission, for or on behalf
41 of a person authorized to manufacture or sell at wholesale alcoholic
42 beverages within or without the State. Such license shall not entitle the
43 holder to buy or sell any alcoholic beverages for his own account, or
44 take or deliver title to such alcoholic beverages, or receive or store
45 any alcoholic beverages in his own name in this State, or offer,
46 negotiate for the sale of or sell any alcoholic beverages to any

1 wholesaler or retailer within this State; but such licensee shall be
2 permitted, subject to rules and regulations, to use samples of alcoholic
3 beverages in connection with the exercise of the privileges of such
4 license. Such licensee's activities hereunder shall not be deemed to
5 constitute a sale within the meaning of paragraph "w" of section
6 33:1-1 of the Revised Statutes. The fee for this license shall be
7 ~~[\$400.00]~~ \$500.

8 The provisions of section 25 of P.L. _____, c. _____ (C. _____)
9 amendatory of this section shall apply to licenses issued or transferred
10 on or after July 1, 2003, and to license renewals commencing on or
11 after July 1, 2003.

12 (cf: P.L.1970, c.78, s.4)

13

14 26. R.S.33:1-25 is amended to read as follows:

15 33:1-25. No license of any class shall be issued to any person under
16 the age of 21 years or to any person who has been convicted of a
17 crime involving moral turpitude.

18 In applications by corporations, except for club licenses, the names
19 and addresses of, and the amount of stock held by, all stockholders
20 holding 1% or more of any of the stock thereof, and the names and
21 addresses of all officers and of all members of the board of directors
22 must be stated in the application, and if one or more of the officers or
23 members of the board of directors or one or more of the owners,
24 directly or indirectly, of more than 10% of the stock would fail to
25 qualify as an individual applicant in all respects, no license of any class
26 shall be granted.

27 In applications for club licenses, the names and addresses of all
28 officers, trustees, directors, or other governing official, together with
29 the names and addresses of all members of the corporation, association
30 or organization, must be stated in the application.

31 In applications by partnerships, the application shall contain the
32 names and addresses of all of the partners. No license shall be issued
33 unless all of the partners would qualify as individual applicants.

34 A photostatic copy of all federal permits necessary to the lawful
35 conduct of the business for which a State license is sought and which
36 relate to alcoholic beverages, or other evidence in lieu thereof
37 satisfactory to the director, must accompany the license application,
38 together with a deposit of the full amount of the required license fee,
39 which deposit to the extent of 90% thereof shall be returned to the
40 applicant by the director or other issuing authority if the application is
41 denied, and the remaining 10% shall constitute an investigation fee and
42 be accounted for as other license fees.

43 Every applicant for a license that is not a renewal of an annual
44 license shall cause a notice of the making of the application to be
45 published in a form prescribed by rules and regulations, once per week
46 for two weeks successively in a newspaper printed in the English

1 language, published and circulated in the municipality in which the
2 licensed premises are located; but if there shall be no such newspaper,
3 then the notice shall be published in a newspaper, printed in the
4 English language, published and circulated in the county in which the
5 licensed premises are located. No publication shall be required with
6 respect to applications for transportation or public warehouse licenses
7 or with respect to applications for renewal of licenses.

8 The Division of Alcoholic Beverage Control shall cause a general
9 notice of the making of annual renewal applications and the manner in
10 which members of the public may object to the approving of the
11 applications to be published in a form prescribed by rules and
12 regulations, once per week from the week of April 1 through the week
13 of June 1 in a newspaper printed in the English language published and
14 circulated in the counties in which the premises of applicants for
15 renewals of annual licenses are located. Any application for the
16 renewal of an annual license shall be made by May 1, and none shall be
17 approved before May 1.

18 Every person filing an application for license, renewal of license or
19 transfer of license with a municipal issuing authority shall, within 10
20 days of such filing, file with the director a copy of the application
21 together with a nonreturnable filing fee of ~~[\$100.00]~~ \$200.

22 Applicants for licenses shall answer questions as may be asked and
23 make declarations as shall be required by the form of application for
24 license as may be promulgated by the director from time to time. All
25 applications shall be duly sworn to by each of the applicants, except in
26 the case of applicants in the military service of the United States
27 whose applications may be signed in their behalf by an attorney-in-fact
28 holding a power of attorney in form approved by the director, and
29 except in cases of applications by corporations which shall be duly
30 sworn to by the president or vice-president. All statements in the
31 applications required to be made by law or by rules and regulations
32 shall be deemed material, and any person who shall knowingly misstate
33 any material fact, under oath, in the application shall be guilty of a
34 misdemeanor. Fraud, misrepresentation, false statements, misleading
35 statements, evasions or suppression of material facts in the securing of
36 a license are grounds for suspension or revocation of the license.

37 The provisions of section 26 of P.L. _____, c. _____ (C. _____)
38 amendatory of this section shall apply to licenses issued or transferred
39 on or after July 1, 2003, and to license renewals commencing on or
40 after July 1, 2003.

41 (cf: P.L.1992, c.188, s.3)

42

43 27. R.S.33:1-72 is amended to read as follows:

44 33:1-72. The sale of receipts, certificates, contracts or other
45 documents given upon the storage of alcoholic beverages is prohibited,
46 except under and pursuant to the provisions of a warehouse receipts

1 license issued by the director. The holder of such license shall be
2 entitled to sell such warehouse receipts subject to rules and regulations
3 and the fee therefor shall be ~~[\$300.00]~~ \$375. No publication shall be
4 required with respect to applications for warehouse receipts licenses.

5 The provisions of section 27 of P.L. _____, c. _____ (C. _____)
6 amendatory of this section shall apply to licenses issued or transferred
7 on or after July 1, 2003, and to license renewals commencing on or
8 after July 1, 2003.

9 (cf: P.L.1970, c.78, s.8)

10

11 28. R.S.33:1-74 is amended to read as follows:

12 33:1-74. a. To provide for contingencies where it would be
13 appropriate and consonant with the spirit of this chapter to issue a
14 license but the contingency has not been expressly provided for, the
15 director of the division may for special cause shown, subject to rules
16 and regulations, issue temporary permits. The fee for a one-day permit
17 authorizing the sale of alcoholic beverages for consumption on a
18 designated premises by a civic, religious, educational or veterans
19 organization shall be ~~[\$50.00]~~ \$100 and for a one-day permit
20 authorizing such sale by any other organization, ~~[\$75.00]~~ \$150. The
21 fee for any other type of temporary permit shall be determined in each
22 case by the director of the division and shall not be less than ~~[\$5.00]~~
23 \$10 nor more than ~~[\$1,000.00]~~ \$2,000, payable to the director of the
24 division and to be accounted for by the director as are license fees.

25 b. As to any designated premises such temporary permits shall not
26 exceed in the aggregate 25 in any one calendar year, but the director
27 of the division may by said rules and regulations provide for a lesser
28 number in the aggregate for any such designated premises in any one
29 calendar year.

30 c. The issuance of temporary permits to authorize the sale of
31 alcoholic beverages by the glass or other open receptacle by civic,
32 religious, educational, veterans or other qualified organizations shall
33 be permissible, notwithstanding that the sale of alcoholic beverages has
34 otherwise been prohibited by referendum under R.S. 33:1-44 through
35 R.S. 33:1-47 or municipal ordinance or resolution.

36 (cf: P.L.1992, c.188, s.13)

37

38 29. (New section) If prior to the effective date of P.L. _____, c.
39 (C. _____) (pending before the Legislature as this bill), an applicant for
40 a license or license renewal has submitted the license fee for an
41 application for a license issued or transferred on or after July 1, 2003,
42 or renewed for a license term commencing on or after July 1, 2003
43 pursuant to R.S.33:1-10, R.S.33:1-11, R.S.33:1-12, R.S.33:1-13,
44 R.S.33:1-14, R.S.33:1-25, R.S.33:1-72 or R.S.33:1-74, the applicant
45 shall submit immediately any outstanding portion of the total license
46 fee as increased by P.L. _____, c. _____. If the increased portion of the

1 license fee has not been paid in full by October 1, 2003, the applicant
2 shall be deemed to be in violation of R.S.33:1-27 and the director may
3 issue an ex parte order revoking the license or indefinitely suspending
4 same until payment. The Division of Alcoholic Beverage Control may
5 promulgate regulations to effectuate this section as well as the
6 purposes of the amendatory provisions of sections 21 through 28 of
7 P.L. , c. . All such regulations shall be immediately effective for
8 a period not to exceed six months upon their filing with the Office of
9 Administrative Law, and thereafter may be amended, adopted or
10 readopted in accordance with the requirements of the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

12

13 30. Section 6 of P.L.1979, c.111 (C.13:18A-6) is amended to
14 read as follows:

15 6. The Pinelands Commission shall have the following powers:

16 a. To adopt and from time to time amend and repeal suitable
17 by-laws for the management of its affairs;

18 b. To adopt and use an official seal and alter the same at its
19 pleasure;

20 c. To maintain an office at such place or places in the pinelands
21 area as it may designate;

22 d. To sue and be sued in its own name;

23 e. To appoint, retain and employ, without regard to the provisions
24 of Title [11] 11A of the [Revised] New Jersey Statutes but within
25 the limits of funds appropriated or otherwise made available for such
26 purposes, such officers, agents, employees and experts as it may
27 require, and to determine the qualifications, terms of office, duties,
28 services and compensation therefor;

29 f. To apply for, receive, and accept, from any Federal, State, or
30 other public or private source, grants or loans for, or in aid of, the
31 commission's authorized purposes;

32 g. To enter into any and all agreements or contracts, execute any
33 and all instruments, and do and perform any and all acts or things
34 necessary, convenient, or desirable for the purposes of the commission
35 or to carry out any power expressly given in this act;

36 h. To conduct examinations and investigations, to hear testimony,
37 taken under oath at public or private hearings, on any material matter,
38 and to require attendance of witnesses and the production of books
39 and papers;

40 i. To prepare and transmit to the Commissioner of Environmental
41 Protection such recommendations for water quality standards for
42 surface and ground waters in the pinelands area, or in tributaries and
43 watersheds thereof, as the commission deems appropriate;

44 j. To prepare, promulgate, adopt, amend or repeal, pursuant to the
45 provisions of the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), such rules and regulations as are necessary in

1 order to implement the provisions of this act;

2 qk. To appoint advisory boards, commissions, or panels to assist in its
3 activities;

4 l. To identify any lands in which the public acquisition of a fee
5 simple or lesser interest therein is necessary or desirable in order to
6 insure the preservation thereof, or to provide sites for public
7 recreation, as well as any lands the beneficial use of which are so
8 adversely affected by the restrictions imposed pursuant to this act as
9 to require a guarantee of just compensation therefor, and to transmit
10 such identifications to the affected local governments, the
11 Commissioner of Environmental Protection and to the Secretary of the
12 United States Department of Interior;

13 m. To call to its assistance and avail itself of the services of such
14 employees of any State, county or municipal department, board,
15 commission or agency as may be required and made available for such
16 purposes.

17 n. To establish and change, in accordance with a fee schedule to
18 be set forth by regulation adopted pursuant to the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable fees
20 for services performed relating to development review applications
21 filed with the commission as required by the Comprehensive
22 Management Plan.

23 (cf: P.L.1979, c. 111, s. 6)

24

25 31. R.S.45:15-9 is amended to read as follows:

26 45:15-9. All persons desiring to become real estate brokers,
27 broker-salespersons or salespersons shall apply to the commission for
28 a license under the provisions of this article. Every applicant for a
29 license as a broker, broker-salesperson or salesperson shall be of the
30 age of 18 years or over, and in the case of an association or a
31 corporation the directors thereof shall be of the age of 18 years or
32 over. Application for a license, whether as a real estate broker,
33 broker-salesperson or a salesperson, shall be made to the commission
34 upon forms prescribed by it and shall be accompanied by an
35 application fee of ~~[\$25]~~ \$50 which fee shall not be refundable. Every
36 applicant for a license whether as a real estate broker, broker-
37 salesperson or salesperson shall have the equivalent of a high school
38 education. The issuance of a license to an applicant who is a
39 nonresident of this State shall be deemed to be his irrevocable consent
40 that service of process upon him as a licensee in any action or
41 proceeding may be made upon him by service upon the secretary of the
42 commission or the person in charge of the office of the commission.
43 The applicant shall furnish evidence of good moral character, and in
44 the case of an association, partnership or corporation, the members,
45 officers or directors thereof shall furnish evidence of good moral
46 character. The commission may make such investigation and require

1 such proof as it deems proper and in the public interest as to the
2 honesty, trustworthiness, character and integrity of an applicant. Every
3 applicant for a license as a broker or broker-salesperson shall have first
4 been the holder of a New Jersey real estate salesperson's license and
5 have been actively engaged on a full-time basis in the real estate
6 brokerage business in this State for three years immediately preceding
7 the date of application, which requirement may be waived by the
8 commission where the applicant has been the holder of a broker's
9 license in another state and actively engaged in the real estate
10 brokerage business for at least three years immediately preceding the
11 date of his application, meets the educational requirements and
12 qualifies by examination. No license as a broker shall be granted to a
13 general partnership or corporation unless at least one of the partners
14 or officers of said general partnership or corporation qualifies as and
15 holds a license as a broker to transact business in the name and on
16 behalf of said general partnership or corporation as its authorized
17 broker and no such authorized broker shall act as a broker on his own
18 individual account unless he is also licensed as a broker in his
19 individual name; the license of said general partnership or corporation
20 shall cease if at least one partner or officer does not hold a license as
21 its authorized broker at all times. A change in the status of the license
22 of an authorized broker to an individual capacity or vice versa shall be
23 effected by application to the commission accompanied by a fee of
24 ~~[\$25]~~ \$50. No license as a broker shall be granted to a limited
25 partnership unless its general partner qualifies as and holds a license
26 as a broker to transact business in the name of and on behalf of the
27 limited partnership. In the event that a corporation is a general partner
28 of a limited partnership, no license as a broker shall be granted to the
29 limited partnership unless the corporation is licensed as a broker and
30 one of the officers of the corporation qualifies as and holds a license
31 as the corporation's authorized broker.

32 In the event that any person to whom a broker's or broker-
33 salesperson's license has been or shall have been issued shall fail to
34 renew such license or obtain a new license for a period of more than
35 two but less than five consecutive years after the expiration of the last
36 license held, prior to issuing another broker or broker-salesperson
37 license to the person, the commission shall require such person to
38 work as a licensed salesperson on a full-time basis for one full year, to
39 pass an examination, and to successfully complete a 90-hour general
40 broker's pre-licensure course at a licensed real estate school, as the
41 commission shall prescribe by regulation. In the event that any person
42 to whom a broker's or broker-salesperson's license has been or shall
43 have been issued fails to maintain or renew the license or obtain a new
44 license for a period of more than five consecutive years after the
45 expiration of the last license held, prior to issuing another broker or
46 broker-salesperson license to the person the commission shall require

1 the person to pass the salesperson's license examination and then to
2 work as a licensed salesperson on a full-time basis for three years, to
3 fulfill all of the educational requirements applicable to first time
4 applicants for a broker or broker-salesperson license and to pass the
5 broker's license examination. The commission may, in its discretion,
6 approve for relicensure the former holder of a broker or broker-
7 salesperson license who has not renewed the license or obtained a new
8 license for two or more consecutive years upon a sufficient showing
9 that the applicant was medically unable to do so. All applicants so
10 approved shall pass the broker's license examination prior to being
11 relicensed. This paragraph shall not apply to a person reapplying for
12 a broker's or broker-salesperson's license who was licensed as a broker
13 or broker-salesperson and who allowed his license to expire due to
14 subsequent employment in a public agency in this State with
15 responsibility for dealing with matters relating to real estate if the
16 person reapplying does so within one year of termination of that
17 employment.

18 In the event that any person to whom a salesperson's license has
19 been or shall have been issued shall fail to maintain or renew such
20 license or obtain a new license for a period of two consecutive years
21 or more after the expiration of the last license held, the commission
22 shall require such person to attend a licensed school and pass the State
23 examination prior to issuance of a further license. The commission
24 may, in its discretion, approve for relicensure a salesperson applicant
25 who has not renewed his license or obtained a new license for two or
26 more consecutive years upon a sufficient showing that the applicant
27 was medically unable to do so. All salesperson applicants so approved
28 shall pass the salesperson's license examination prior to being
29 relicensed. This paragraph shall not apply to a person reapplying for
30 a salesperson's license who was a licensed salesperson and who
31 allowed his license to expire due to subsequent employment in a public
32 agency in this State with responsibility for dealing with matters
33 relating to real estate if the person reapplying does so within one year
34 of termination of that employment.

35 (cf: P.L.1993, c.51, s.7)

36

37 32. Section 49 of P.L.1993, c.51 (C.45:15-10.6) is amended to
38 read as follows:

39 49. a. Every application for licensure as a real estate school shall
40 be accompanied by an application fee of ~~[\$50]~~ \$100 and a criminal
41 history record check fee for all individual owners, members of a
42 partnership, or officers, directors and owners of a controlling interest
43 in a corporation, which fees shall be non-refundable.

44 b. All licenses issued to real estate schools shall expire on a date
45 fixed by the commission which date shall not be more than two years
46 from the date of issuance of the license. The license fee for each real

1 estate school license issued in the first 12 months of any two-year real
2 estate school license term established by the commission shall be
3 ~~[\$200]~~ \$400 for the first location and ~~[\$100]~~ \$200 for each
4 additional location licensed. The license fee for each real estate school
5 license issued in the second 12 months of any two-year real estate
6 school license term established by the commission shall be ~~[\$100]~~
7 \$200 for the first location and ~~[\$50]~~ \$100 for each additional location
8 licensed. The fee for the renewal of each real estate school license for
9 an additional two-year license term shall be ~~[\$200]~~ \$400 for the first
10 location and ~~[\$100]~~ \$200 for each additional location.

11 c. Any accredited college or university located in this State or any
12 public adult education program conducted by a board of education in
13 this State which otherwise qualifies for licensure as a real estate school
14 shall be issued a license without the payment of any license or license
15 renewal fee.

16 (cf: P.L.1993, c.51, s.49)

17

18 33. Section 50 of P.L.1993, c.51 (C.45:15-10.7) is amended to
19 read as follows:

20 50. Every application for licensure as a real estate instructor shall
21 be accompanied by an application fee of ~~[\$25]~~ \$50 and a criminal
22 history record check fee, which fees shall be non-refundable. All
23 licenses issued to real estate instructors shall expire on a date fixed by
24 the commission which shall be no more than two years from the date
25 of issuance of the license. The license fee for each real estate
26 instructor license issued in the first 12 months of any two-year real
27 estate instructor license term established by the commission shall be
28 ~~[\$100]~~ \$200 and the fee for an instructor license issued in the second
29 12 months of the cycle shall be ~~[\$50]~~ \$100. The fee for the renewal
30 of each real estate instructor license for an additional two-year license
31 term shall be ~~[\$50]~~ \$100. Upon payment of the renewal fee and the
32 submission of evidence of satisfactory completion of any continuing
33 education requirements which the commission may by regulation
34 prescribe, the commission shall renew the license of a real estate
35 instructor for a two-year period.

36 (cf: P.L.1993, c.51, s.50)

37

38 34. R.S.45:15-12 is amended to read as follows:

39 45:15-12. Every real estate broker shall maintain a designated
40 main office open to the public. A real estate broker's main office shall
41 have prominently displayed therein the license certificate of the broker
42 and all licensed persons in his employ and shall be deemed the business
43 address of all licensed persons for all purposes under chapter 15 of
44 Title 45 of the Revised Statutes. In case a real estate broker maintains
45 more than one place of business, a branch office license shall be issued

1 to such broker for each branch office so maintained in this State;
2 provided, however, that the said branch office or offices are under the
3 direct supervision of a broker-salesperson. The branch office license
4 or licenses shall be issued upon the payment of a fee of [~~\$25~~] \$50 for
5 each license so issued. Every place of business maintained by a real
6 estate broker shall have conspicuously displayed on the exterior
7 thereof the name in which the broker is authorized to operate and, in
8 the case of a corporation or partnership, the name of the individual
9 licensed as its authorized broker, and the words Licensed Real Estate
10 Broker. A real estate broker whose main office is located in another
11 state shall maintain a valid real estate broker's license in good standing
12 in the state where the office is located.

13 (cf: P.L.1993, c.51, s.13)

14

15 35. R.S.45:15-13 is amended to read as follows:

16 45:15-13. All licenses shall be issued by the commission in such
17 form as it shall prescribe. Each license shall show the name and
18 address of the licensee and shall have imprinted thereon the seal of the
19 commission. Notice in writing shall be given to the commission by
20 each licensed broker of any change of business address, whereupon the
21 commission shall issue new licenses to the broker and to all persons
22 licensed through the broker for the unexpired period, upon the
23 payment of a fee of [~~\$25~~] \$50 for the issuance of the new broker
24 license and a fee of [~~\$5.00~~] \$10 for each additional new license
25 certificate so issued. A change of business address without
26 notification to the commission, and without the issuance of a new
27 broker's license, shall automatically cancel the license theretofore
28 issued.

29 (cf: P.L.1993, c.51, s.15)

30

31 36. R.S.45:15-15 is amended to read as follows:

32 45:15-15. The biennial fee for each real estate broker's license
33 shall be [~~\$100~~] \$200, the biennial fee for each real estate broker-
34 salesperson's license shall be [~~\$100~~] \$200 and the biennial fee for each
35 real estate salesperson's license shall be [~~\$50~~] \$100. The biennial fee
36 for a branch office license shall be [~~\$50~~] \$100. Each license granted
37 under this article shall entitle the licensee to perform all of the acts
38 contemplated herein during the period for which the license is issued,
39 as prescribed by this article. If a licensee fails to apply for a renewal
40 of his license prior to the date of expiration of such license, the
41 commission may refuse to issue a renewal license except upon the
42 payment of a late renewal fee in the amount of [~~\$10~~] \$20 for a
43 salesperson or broker-salesperson and [~~\$20~~] \$40 for a broker;
44 provided, however, the commission may, in its discretion, refuse to
45 renew any license upon sufficient cause being shown. The commission

1 shall refuse to renew the license of any licensee convicted of any
2 offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1)
3 during the term of the last license issued by the commission unless the
4 conviction was previously the subject of a revocation proceeding.
5 Renewed licenses may be granted for each ensuing two years upon
6 request of licensees and the payment of the full fee therefor as herein
7 required. Upon application and payment of the fees provided herein,
8 initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be
9 issued, but the commission may, in its discretion, refuse to grant or
10 reinstate any license upon sufficient cause being shown. The license
11 fees for initial or reinstated licenses shall be determined based upon the
12 biennial fees established herein, with a full biennial fee payable for the
13 license term in which application is received. The revocation or
14 suspension of a broker's license shall automatically suspend every real
15 estate broker-salesperson's and salesperson's license granted to
16 employees of the broker whose license has been revoked or suspended,
17 pending a change of employer and the issuance of a new license. The
18 new license shall be issued without additional charge, if the same is
19 granted during the license term in which the original license was
20 granted. Any renewal fee in this section shall be billed by the
21 commission on or after April 1 but before April 15, and such fees shall
22 be paid on or before June 1, except that the fee increases imposed
23 pursuant to the amendments made in this section pursuant to section
24 36 of P.L.2003, c. (now pending before the Legislature as this bill)
25 due for the first biennial renewal period ending after enactment of
26 section 36 shall be paid on or before June 1, 2004.

27 A real estate broker who maintains a main office or branch office
28 licensed by the commission which is located in another state shall
29 maintain a valid real estate broker's license in good standing in the
30 state where the office is located and shall maintain a real estate license
31 in that other state for each office licensed by the commission. Upon
32 request, the real estate broker shall provide a certification of his
33 license status in the other state to the commission. Any license issued
34 by the commission to a real estate broker for a main or branch office
35 located outside this State shall be automatically suspended upon the
36 revocation, suspension or refusal to renew the real estate broker's
37 license issued by the state where the office is located. The licenses
38 issued by the commission to every broker-salesperson or salesperson
39 employed by the broker shall be automatically suspended pending a
40 change of employer and the issuance of a new license. The new
41 license shall be issued without additional charge if granted during the
42 license term in which the original license was granted.
43 (cf: P.L.1996, c.38, s.3)

44

45 37. Section 2 of P.L.1993, c.321 (C.30:9A-19) is amended as
46 follows:

1 2. a. A person shall not conduct, maintain or operate a mental
 2 health program unless: [a.] (1) the commissioner has issued a license
 3 to that person, in accordance with rules and regulations adopted by the
 4 commissioner which prescribe standards for the provision of services
 5 by a mental health program; and [b.] (2) that person has a purchase
 6 of service contract or an affiliation agreement with the Division of
 7 Mental Health Services in the Department of Human Services.

8 b. Application for a license to conduct, maintain or operate a
 9 mental health program shall be made upon forms prescribed by the
 10 commissioner. The commissioner shall charge such nonrefundable fees
 11 for the filing of an application for a license, and for any renewal
 12 thereof, as the commissioner shall from time to time fix by regulation.
 13 (cf: P.L.1995, c.321, s.2)

14
 15 38. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to
 16 read as follows:

17 2. County clerks and registers of deeds and mortgages, in counties
 18 having such offices, shall charge for the services herein enumerated the
 19 following fees:

	Fee
21 For recording veteran's discharge papers	No fee
22 For recording any instrument:	
23 First page	[\$25.00] <u>\$30.00</u>
24 Each additional page or part thereof	[\$5.00] <u>\$10.00</u>
25 Each rider, insertion, addition, or any map, 26 plat or sketch filed or recorded pursuant 27 to subsection (c) of section 2 of P.L.1957, 28 c.130 (C.48:3-17.3)	[\$5.00] <u>\$10.00</u>
29 For entering the marginal notation of an order 30 judgment, statement or warrant discharging, 31 annulling a notice of lis pendens and for 32 filing such order, judgment or statement	[\$5.00] <u>\$10.00</u>
33 For filing a lis pendens foreclosure	[\$25.00] <u>\$30.00</u>
34 Notation	[\$5.00] <u>\$10.00</u>
35 For preparing and transmitting to the assessor, 36 collector, or other custodian of the assessment 37 map of any taxing district, the abstract of an 38 instrument evidencing title to realty	[\$5.00] <u>\$10.00</u>
39 For entering the marginal notation of a discharge 40 or release of a New Jersey building and loan 41 or savings and loan mortgage and forwarding 42 abstract	[\$5.00] <u>\$10.00</u>
43 For entering the marginal notation of a discharge, 44 assignment, postponement or release of a 45 mortgage, other than building and loan and	

SCS for **S2672** CODEY

1	savings and loan mortgages	[\$5.00]	<u>\$10.00</u>
2	For the cancellation of any mortgage	[\$15.00]	<u>\$20.00</u>
3	For a marginal notation of the discharge of a		
4	mortgage in counties where mortgages are		
5	indexed under a system requiring a duplication		
6	of indices and description	[\$5.00]	<u>\$10.00</u>
7	For filing and recording notice of federal tax		
8	lien or other federal lien or certificate		
9	discharging such lien	[\$20.00]	<u>\$25.00</u>
10	For filing a notice of settlement	[\$15.00]	<u>\$20.00</u>
11	For filing each map, plat, plan or chart		
12	(except when presented by the State or		
13	its agencies or filed pursuant to subsection		
14	section 2 of P.L.1957, c.130 (C.48:3-17.3))	[\$50.00]	<u>\$55.00</u>
15	For recording tax sale certificate, except by		
16	municipalities, or a redemption or assignment		
17	of tax sale certificate, first page	[\$25.00]	<u>\$30.00</u>
18	Each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
19	Certified copy of veteran's discharge	[\$1.00]	<u>\$6.00</u>
20	For indexing any recorded instrument in excess		
21	of 5 parties, per each name in excess of 5	[\$1.00]	<u>\$6.00</u>
22	For recording tax sale certificate, lien, deed,		
23	or related instrument by a municipality	[\$3.00]	<u>\$8.00</u>
24	For recording vacations or dedications of roads,		
25	first page	[\$25.00]	<u>\$30.00</u>
26	each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
27	For disclaimers	[\$10.00]	<u>\$15.00</u>

28 (cf: P.L.2001, c.370, s.4)

29

30 39. (New section) a. There is established the "New Jersey Public

31 Records Preservation Account," a dedicated account within the

32 Department of the Treasury. Notwithstanding any other provision of

33 law to the contrary, monies received by a county clerk attributable

34 solely to the amount of increases to the fees imposed pursuant to

35 section 2 of P.L.1965, c.123 (C.22A:4-4.1) (now pending before the

36 Legislature as this bill) shall be paid by the county clerk to the

37 Treasurer for deposit in the New Jersey Public Records Preservation

38 Account, two dollars of which shall be allocated for grants to counties

39 and municipalities for the management, storage and preservation of

40 public records and three dollars of which shall be allocated to the

41 Division of Archives and Records Management within the Department

42 of State for the management, storage and preservation of public

43 records.

44 b. The State Division of Archives and Records, in consultation

45 with the State Records Committee, may, pursuant to the provisions of

1 the Administrative Procedure Act, make, adopt, amend, or repeal such
2 rules and regulations as the Division finds necessary to carry out the
3 provisions of this section.

4
5 40. (New section) The Secretary of State is authorized to
6 establish reasonable fees for the specialized research, reference, and
7 reproduction services provided by the State Archives, Division of
8 Archives and Records Management in the Department of State,
9 involving permanent historical documents in any format or medium.
10 Such fees shall be established pursuant to the provisions of the
11 Administrative Procedure Act, and shall reflect the actual costs of the
12 services, including labor and overhead. All fees collected by the State
13 Archives for such services shall be paid into the existing nonlapsing
14 "Archives User Fees Account" administered by the Division of
15 Archives and Records Management.

16
17 41. N.J.S.22A:2-12 is amended to read as follows:

18 22A:2-12. Upon the filing of the first paper in any action or
19 proceeding in the Chancery Division of the Superior Court, there shall
20 be paid to the clerk of the court, for the use of the State, the following
21 fees, which, except as hereinafter provided, shall constitute the entire
22 fees to be collected by the clerk for the use of the State, down to the
23 final disposition of the cause:

24 Receivership and partition, \$200.00.

25 All other actions and proceedings except in probate cases and
26 actions and proceedings for divorce, \$200.00.

27 Actions and proceedings for divorce, [~~\$200.00~~] \$250.00, \$25.00
28 of which shall be forwarded by the Clerk of the Superior Court as
29 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

30 Any person filing a motion in any action or proceeding shall pay to
31 the clerk \$30.00.

32 (cf: P.L.2002, c.34, s.28)

33
34 42. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
35 to read as follows:

36 2. The Clerk of the Superior Court shall forward \$25.00 of the
37 [~~\$200.00~~] \$250.00 filing fee for divorce provided for in N.J.S.22A:2-
38 12 on a quarterly basis to the Department of Community Affairs.

39 (cf: P.L.2002, c.34, s.29)

40
41 43. (New section) a. On or before October 1, 2003 and on or
42 before each October 1 thereafter, or in the case of persons
43 commencing transporting passengers after that date at least 10
44 business days before the commencement of transporting, a fee shall
45 be due and payable pursuant to this section for the operating period
46 from October 1 through September 30 for each limousine, as that term

1 is defined pursuant to R.S.48:16-13, and any other vehicle for hire that
2 is used to transport passengers, from or to a location in New Jersey if
3 such vehicle is not registered in New Jersey. If the only use of the
4 limousine or other vehicle for hire during the operating period is the
5 transporting of passengers to or from an airport located in this State,
6 the fee shall be \$100; in all other cases, the fee shall be \$250.

7 b. Upon payment of the fee pursuant to subsection a. of this
8 section, the Chief Administrator of the New Jersey Motor Vehicle
9 Commission shall issue a "for hire" permit, which permit shall be
10 displayed in the vehicle at all times while the vehicle is within the
11 State, in a manner prescribed by the Chief Administrator.

12 c. Failure to display the "for hire" permit is a motor vehicle
13 violation, punishable by a fine of up to \$350 in addition to any other
14 penalty otherwise authorized for motor vehicle violations. Failure to
15 pay the fee due under this section is a separate motor vehicle violation
16 and shall be punishable by a fine of not less than \$350, in addition to
17 any other penalty authorized for motor vehicle violations. A vehicle
18 failing to display a "for hire" permit may be impounded by a law
19 enforcement agency, its agent, or any other appropriate authority,
20 which may charge the owner or operator fees for the costs of towing
21 and impoundment.

22 d. The Chief Administrator is authorized to promulgate rules and
23 regulations necessary to effectuate the purposes of this section,
24 including, but not limited to, regulations concerning the assessment of
25 motor vehicle violation points for violation of the provisions of this
26 section and fee collection and remittance methods and procedures, in
27 accordance with the "Administrative Procedure Act," P.L.1968, c.410
28 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
29 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
30 the contrary, the Chief Administrator may adopt immediately upon
31 filing with the Office of Administrative Law such regulations as the
32 Chief Administrator deems necessary to implement the provisions of
33 this section, which regulations shall be effective for a period not to
34 exceed 180 days from the date of the filing. The regulations may
35 thereafter be amended, adopted or readopted by the Chief
36 Administrator as the Chief Administrator deems necessary in
37 accordance with the requirements of P.L.1968, c.410.

38
39 44. Section 6 of P.L.1977, c 44 (C.34:1B-27) is amended to read
40 as follows:

41 6. The Motion Picture and Television Development Commission
42 shall have the following powers:

43 a. To adopt such rules and regulations as it deems advisable with
44 respect to the conduct of its own affairs.

45 b. To hold hearings, and to do or perform any acts which may be
46 necessary, desirable or proper to carry out the purposes of this act.

1 c. To request and obtain from any department, division, board,
2 bureau, commission, or other agency of the State or of any county,
3 municipality, authority or other political subdivision within the State
4 such assistance and data as will enable it properly to carry out its
5 powers and duties hereunder.

6 d. To accept any Federal funds granted, by act of Congress or by
7 Executive Order, for all or any of the purposes of this act.

8 e. To accept any gifts, donations, bequests, or grants of funds
9 from private and public agencies for all or any of the purposes of this
10 act.

11 f. To coordinate the activities of similar councils or boards
12 appointed by any city or county within the State for all or any of the
13 purposes of this act.

14 g. To create advisory councils necessary for the performance of
15 responsibilities pursuant to this act and to appoint members thereto.

16 h. To directly secure any and all location permits from any
17 department, division, board, bureau, commission, or other agency of
18 the State or from any county, municipality, authority, or other political
19 subdivision within the State for applicants interested in motion picture
20 and television production within the State.

21 i. to establish reasonable fees, pursuant to the provisions of the
22 "Administrative Procedure Act," for the services provided by the
23 commission.

24 (cf: P.L.1977, c.44, s.6)

25

26 45. This act shall take effect immediately.