



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

Page maintained by Tom O'Malley, <mailto:tomalley@njstatelib.org>  
Copyright(c) 2004, New Jersey State Library.  
Updated: 08/22/05

Title 40.  
Chapter 23.  
Article 9. (New)  
Criminal History  
Record Checks  
§33 - C.40:23-54  
§34 - C.40:48-1.4

P.L. 2003, CHAPTER 199, *approved December 24, 2003*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 2367

1 AN ACT concerning criminal history background checks, amending  
2 various parts of the statutory law and supplementing Title 40 of  
3 the Revised Statutes.

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

7  
8 1. N.J.S.2B:1-3 is amended to read as follows:

9 2B:1-3. Criminal History Record Information. The Supreme  
10 Court is authorized to receive criminal history record information from  
11 the Federal Bureau of Investigation for use in licensing and disciplining  
12 attorneys-at-law of this State. Each applicant for licensure shall  
13 submit to the Board of Bar Examiners the applicant's name, address,  
14 fingerprints and written consent for a criminal history record  
15 background check to be performed. The Board of Bar Examiners is  
16 authorized to receive criminal history record information from the  
17 State Bureau of Identification in the Division of State Police and the  
18 Federal Bureau of Investigation consistent with applicable State and  
19 federal laws, rules and regulations. The applicant shall bear the cost  
20 for the criminal history record background check, including all costs  
21 of administering and processing the check.

22 (cf: N.J.S. 2B:1-3)

23

24 2. Section 14 of P.L.1940, c.17 (C.5:5-34) is amended to read as  
25 follows:

26 14. No person shall be licensed in any capacity whatsoever by the  
27 Racing Commission or employed in any capacity whatsoever at any  
28 place, track or enclosure where a horse race meeting is permitted who  
29 has been convicted of a crime involving moral turpitude. Each person  
30 seeking licensure or employment shall submit to the executive director  
31 the person's name, address and written consent for a criminal history  
32 record background check to be performed. The applicant shall submit  
33 to being fingerprinted in accordance with applicable State and federal  
34 laws, rules and regulations. The executive director is authorized to  
35 receive criminal history record information from the State Bureau of

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly floor amendments adopted June 23, 2003.

1 Identification in the Division of State Police and the Federal Bureau  
2 of Investigation consistent with applicable State and federal laws, rules  
3 and regulations. Upon receipt of such notification, the executive  
4 director shall make a determination regarding the person's eligibility  
5 for licensure or employment. The applicant shall bear the cost for the  
6 criminal history record background check, including all costs of  
7 administering and processing the check. The Division of State Police  
8 shall promptly notify the executive director in the event a current or  
9 prospective licensee or employee, who was the subject of a criminal  
10 history record background check pursuant to this section, is convicted  
11 of a crime or offense in this State after the date the background check  
12 was performed.

13 (cf: P.L.1940, c.17, s.14)

14

15 3. Section 1 of P.L.1946, c.167 (C.5:5-34.1) is amended to read  
16 as follows:

17 1. Whenever any association or corporation has been or shall be  
18 granted a permit to hold or conduct a horse race meeting, no person  
19 shall in any manner become the owner or holder, directly or indirectly,  
20 of any shares of stock or certificates or other evidence of ownership  
21 comprising a five percent or greater interest in such association or  
22 corporation without first having obtained the approval of the  
23 commission therefor; and the commission may, after hearing, revoke  
24 such permit granted to any corporation or association which shall  
25 register on its books in the name of any person its shares of stock or  
26 certificates or other evidence of ownership of any such interest in such  
27 association or corporation without the approval of the commission  
28 having first been obtained, or which shall knowingly permit a person  
29 to be directly or indirectly interested in these shares of stock or  
30 certificates or other evidence of ownership of any interest in such  
31 association or corporation without reporting the same to the  
32 commission. Whenever the commission shall give to any person its  
33 approval to own or hold these shares of stock or certificates or other  
34 evidence of ownership of any such interest in any such association or  
35 corporation, it shall by registered mail notify the secretary of such  
36 association or corporation of such approval; provided, however, that  
37 under no circumstances shall the commission give such approval to any  
38 person who has been convicted of a crime involving moral turpitude,  
39 or has violated any of the provisions of the racing laws of the State of  
40 New Jersey or any rule or regulation of the commission, or has at any  
41 time been denied a license or permit of any kind by the commission.

42 A person seeking approval of the commission to become the owner  
43 or holder, directly or indirectly, of any shares of stock or certificates  
44 or other evidence of ownership comprising a five percent or greater  
45 interest in such association or corporation shall submit the applicant's  
46 name, address, and written consent to the executive director for a

1 criminal history record background check to be performed. The  
2 executive director is authorized to receive criminal history record  
3 information from the State Bureau of Identification in the Division of  
4 State Police and the Federal Bureau of Investigation consistent with  
5 applicable State and federal laws, rules and regulations. Upon receipt  
6 of such notification, the executive director shall make a determination  
7 regarding the eligibility of the current or prospective owner. The  
8 person seeking approval shall bear the cost for the criminal history  
9 record background check, including all costs of administering and  
10 processing the check. The Division of State Police shall promptly  
11 notify the executive director in the event the person seeking approval,  
12 who was the subject of a criminal history record background check  
13 pursuant to this section, is convicted of a crime or offense in this State  
14 after the date the background check was performed.

15 (cf: P.L.1983, c.254, s.1).

16

17 4. Section 6 of P.L.1954, c.7 (C.5:8-6) is amended to read as  
18 follows:

19 6. It shall be the duty of the commission to supervise the  
20 administration of the Bingo Licensing Law and the Raffles Licensing  
21 Law and to adopt, amend and repeal rules and regulations governing  
22 the issuance and amendment of licenses thereunder and the holding,  
23 operating and conducting of games of chance under such licenses,  
24 establishing schedules of rentals or charges which may be paid for the  
25 leasing, sale or providing of equipment for use in or in connection with  
26 the holding, operating or conducting of any game or games of chance  
27 authorized to be held, operated or conducted under the Bingo  
28 Licensing Law or the Raffles Licensing Law, and prescribing fees for  
29 registrations, licenses and other services provided pursuant to  
30 P.L.1954, c.7 (C.5:8-1 et seq.), as amended and supplemented, which  
31 shall have the force of law and shall be binding upon all municipalities  
32 issuing licenses under either or both of said laws and upon all licensees  
33 thereunder and lessors, sellers or providers of equipment to licensees,  
34 to the end that such licenses shall be issued to qualified licensees only  
35 and that said games of chance shall be fairly and properly conducted  
36 for the purposes and in the manner in said laws prescribed and to  
37 prevent the games of chance authorized to be conducted by said laws  
38 from being conducted for commercial purposes instead of for the  
39 purposes authorized in said laws, and in order to provide uniformity  
40 in the administration of said laws throughout the State, the  
41 commission shall prescribe forms of applications for licenses, licenses,  
42 amendment of licenses, reports of the conduct of games and other  
43 matters incident to the administration of said laws. The commission  
44 shall receive and investigate applications from organizations wishing  
45 to hold, operate or conduct any game or games of chance pursuant to  
46 the Bingo Licensing Law or the Raffles Licensing Law, as amended

1 and supplemented. If the commission determines that the applicant is  
2 a bona fide organization or association of veterans of any war in which  
3 the United States has been engaged or a church or a religious  
4 congregation or a religious organization or a charitable, educational  
5 or fraternal organization, or a civic or service club, or a senior citizen  
6 association or club, or an officially recognized volunteer fire company  
7 or an officially recognized volunteer first aid or rescue squad, the  
8 commission shall issue to it a registration certificate as proof of such  
9 a determination. The certificate shall be sufficient proof to a municipal  
10 governing body that the organization holding it is eligible to apply for  
11 a license to hold, operate and conduct games of chance in accordance  
12 with the provisions of the Bingo Licensing Law or the Raffles  
13 Licensing Law, as the case may be. The commission shall have power  
14 also to approve any person, persons or corporation, applying to it for  
15 approval, to lease, sell or provide any equipment for use in or in  
16 connection with the holding, operating or conducting of any game or  
17 games of chance authorized to be held, operated or conducted under  
18 the Bingo Licensing Law or the Raffles Licensing Law as to such  
19 person's or persons' good moral character and freedom from  
20 conviction of crime or, if a corporation, as to the good moral character  
21 and freedom from conviction of crime of all of its officers and each of  
22 its stockholders who hold 10% or more of its stock issued and  
23 outstanding, and any such application may be disapproved by the  
24 commission after hearing and due notice thereof if it shall find that the  
25 applicant is not of good moral character and free from conviction of  
26 crime as hereinbefore prescribed. For the purposes of this section,  
27 upon the request of the commissioner, each applicant for approval to  
28 lease, sell or provide any equipment for use in or in connection with  
29 the holding, operating or conducting of any game or games of chance  
30 authorized to be held, operated or conducted under the Bingo  
31 Licensing Law or the Raffles Licensing Law, shall submit to the  
32 commission the applicant's name, address, fingerprints and written  
33 consent for a criminal history record background check to be  
34 performed. The commission is hereby authorized to exchange  
35 fingerprint data with and receive criminal history record information  
36 from the State Bureau of Identification in the Division of State Police  
37 and the Federal Bureau of Investigation consistent with applicable  
38 State and federal laws, rules and regulations. The applicant shall bear  
39 the cost for the criminal history record background check, including  
40 all costs of administering and processing the check. The Division of  
41 State Police shall promptly notify the commission in the event an  
42 applicant or prospective applicant, who was the subject of a criminal  
43 history record background check pursuant to this section, is arrested  
44 for a crime or offense in this State after the date the background check  
45 was performed.  
46 (cf: P.L.1994, c.63, s.1)

1       5. Section 84 of P.L.1977, c.110 (C.5:12-84) is amended to read  
2 as follows:

3       84. Casino License--Applicant Requirements. Any applicant for  
4 a casino license must produce information, documentation and  
5 assurances concerning the following qualification criteria:

6       a. Each applicant shall produce such information, documentation  
7 and assurances concerning financial background and resources as may  
8 be required to establish by clear and convincing evidence the financial  
9 stability, integrity and responsibility of the applicant, including but not  
10 limited to bank references, business and personal income and  
11 disbursement schedules, tax returns and other reports filed with  
12 governmental agencies, and business and personal accounting and  
13 check records and ledgers. In addition, each applicant shall, in  
14 writing, authorize the examination of all bank accounts and records as  
15 may be deemed necessary by the commission or the division.

16       b. Each applicant shall produce such information, documentation  
17 and assurances as may be necessary to establish by clear and  
18 convincing evidence the integrity of all financial backers, investors,  
19 mortgagees, bondholders, and holders of indentures, notes or other  
20 evidences of indebtedness, either in effect or proposed, which bears  
21 any relation to the casino proposal submitted by the applicant or  
22 applicants; provided, however, that this section shall not apply to  
23 banking or other licensed lending institutions exempted from the  
24 qualification requirements of subsections c. and d. of section 85 of  
25 P.L.1977, c.110 (C.5:12-85) and institutional investors waived from  
26 the qualification requirements of those subsections pursuant to the  
27 provisions of subsection f. of section 85 of P.L.1977, c.110  
28 (C.5:12-85). Any such banking or licensed lending institution or  
29 institutional investor shall, however, produce for the commission or  
30 the division upon request any document or information which bears  
31 any relation to the casino proposal submitted by the applicant or  
32 applicants. The integrity of financial sources shall be judged upon the  
33 same standards as the applicant. In addition, the applicant shall  
34 produce whatever information, documentation or assurances as may  
35 be required to establish by clear and convincing evidence the adequacy  
36 of financial resources both as to the completion of the casino proposal  
37 and the operation of the casino.

38       c. Each applicant shall produce such information, documentation  
39 and assurances as may be required to establish by clear and convincing  
40 evidence the applicant's good character, honesty and integrity. Such  
41 information shall include, without limitation, information pertaining to  
42 family, habits, character, reputation, criminal and arrest record,  
43 business activities, financial affairs, and business, professional and  
44 personal associates, covering at least the 10-year period immediately  
45 preceding the filing of the application. Each applicant shall notify the  
46 commission of any civil judgments obtained against any such applicant

1 pertaining to antitrust or security regulation laws of the federal  
2 government, of this State or of any other state, jurisdiction, province  
3 or country. In addition, each applicant shall produce letters of  
4 reference from law enforcement agencies having jurisdiction in the  
5 applicant's place of residence and principal place of business, which  
6 letters of reference shall indicate that such law enforcement agencies  
7 do not have any pertinent information concerning the applicant, or if  
8 such law enforcement agency does have information pertaining to the  
9 applicant, shall specify what the information is. If the applicant has  
10 conducted gaming operations in a jurisdiction which permits such  
11 activity, the applicant shall produce letters of reference from the  
12 gaming or casino enforcement or control agency which shall specify  
13 the experiences of such agency with the applicant, his associates, and  
14 his gaming operation; provided, however, that if no such letters are  
15 received within 60 days of request therefor, the applicant may submit  
16 a statement under oath that he is or was during the period such  
17 activities were conducted in good standing with such gaming or casino  
18 enforcement or control agency.

19 d. Each applicant shall produce such information, documentation  
20 and assurances as may be required to establish by clear and convincing  
21 evidence that the applicant has sufficient business ability and casino  
22 experience as to establish the likelihood of creation and maintenance  
23 of a successful, efficient casino operation. The applicant shall produce  
24 the names of all proposed casino key employees as they become  
25 known and a description of their respective or proposed  
26 responsibilities, and a full description of security systems and  
27 management controls proposed for the casino and related facilities.

28 e. Each applicant shall produce such information, documentation  
29 and assurances to establish to the satisfaction of the commission the  
30 suitability of the casino and related facilities subject to subsection i. of  
31 section 83 of P.L.1977, c.110 (C.5:12-83) and its proposed location  
32 will not adversely affect casino operations. Each applicant shall submit  
33 an impact statement which shall include, without limitation,  
34 architectural and site plans which establish that the proposed facilities  
35 comply in all respects with the requirements of this act and the  
36 requirements of the master plan and zoning and planning ordinances  
37 of Atlantic City, without any use variance from the provisions thereof;  
38 a market impact study which analyzes the adequacy of the patron  
39 market and the effect of the proposal on such market and on the  
40 existing casino facilities licensed under this act; and an analysis of the  
41 effect of the proposal on the overall economic and competitive  
42 conditions of Atlantic City and the State of New Jersey.

43 f. For the purposes of this section, each applicant shall submit to  
44 the commission the applicant's name, address, fingerprints and written  
45 consent for a criminal history record background check to be  
46 performed. The commission is hereby authorized to exchange



1 fingerprint data with and receive criminal history record information  
2 from the State Bureau of Identification in the Division of State Police  
3 and the Federal Bureau of Investigation consistent with applicable  
4 State and federal laws, rules and regulations. The applicant shall bear  
5 the cost for the criminal history record background check, including  
6 all costs of administering and processing the check. The Division of  
7 State Police shall promptly notify the commission in the event a  
8 current or prospective licensee, who was the subject of a criminal  
9 history record background check pursuant to this section, is arrested  
10 for a crime or offense in this State after the date the background check  
11 was performed.

12 (cf: P.L.1995, c.18, s.25)

13

14 6. Section 89 of P.L.1977 c.110 (C.5:12-89) is amended to read  
15 as follows:

16 89. Licensing of Casino Key Employees.

17 a. No person may be employed as a casino key employee unless he  
18 is the holder of a valid casino key employee license issued by the  
19 commission.

20 b. Each applicant must, prior to the issuance of any casino key  
21 employee license, produce information, documentation and assurances  
22 concerning the following qualification criteria:

23 (1) Each applicant for a casino key employee license shall produce  
24 such information, documentation and assurances as may be required  
25 to establish by clear and convincing evidence the financial stability,  
26 integrity and responsibility of the applicant, including but not limited  
27 to bank references, business and personal income and disbursements  
28 schedules, tax returns and other reports filed with governmental  
29 agencies, and business and personal accounting and check records and  
30 ledgers. In addition, each applicant shall, in writing, authorize the  
31 examination of all bank accounts and records as may be deemed  
32 necessary by the commission or the division.

33 (2) Each applicant for a casino key employee license shall produce  
34 such information, documentation and assurances as may be required  
35 to establish by clear and convincing evidence the applicant's good  
36 character, honesty and integrity. Such information shall include,  
37 without limitation, data pertaining to family, habits, character,  
38 reputation, criminal and arrest record, business activities, financial  
39 affairs, and business, professional and personal associates, covering at  
40 least the 10-year period immediately preceding the filing of the  
41 application. Each applicant shall notify the commission of any civil  
42 judgments obtained against such applicant pertaining to antitrust or  
43 security regulation laws of the federal government, of this State or of  
44 any other state, jurisdiction, province or country. In addition, each  
45 applicant shall, upon request of the commission or the division,  
46 produce letters of reference from law enforcement agencies having

1 jurisdiction in the applicant's place of residence and principal place of  
2 business, which letters of reference shall indicate that such law  
3 enforcement agencies do not have any pertinent information  
4 concerning the applicant, or if such law enforcement agency does have  
5 information pertaining to the applicant, shall specify what that  
6 information is. If the applicant has been associated with gaming or  
7 casino operations in any capacity, position or employment in a  
8 jurisdiction which permits such activity, the applicant shall, upon  
9 request of the commission or division, produce letters of reference  
10 from the gaming or casino enforcement or control agency, which shall  
11 specify the experience of such agency with the applicant, his associates  
12 and his participation in the gaming operations of that jurisdiction;  
13 provided, however, that if no such letters are received from the  
14 appropriate law enforcement agencies within 60 days of the applicant's  
15 request therefor, the applicant may submit a statement under oath that  
16 he is or was during the period such activities were conducted in good  
17 standing with such gaming or casino enforcement or control agency.

18 (3) (Deleted by amendment, P.L.1995, c.18.)

19 (4) Each applicant shall be a resident of the State of New Jersey  
20 prior to the issuance of a casino key employee license; provided,  
21 however, that upon petition by the holder of a casino license, the  
22 commission may waive this residency requirement for any applicant  
23 whose particular position will require him to be employed outside the  
24 State.

25 The commission may also, by regulation, require that all applicants  
26 for casino key employee licenses be residents of this State for a period  
27 not to exceed six months immediately prior to the issuance of such  
28 license, but application may be made prior to the expiration of the  
29 required period of residency. The commission shall, by resolution,  
30 waive the required residency period for an applicant upon a showing  
31 that the residency period would cause undue hardship upon the casino  
32 licensee which intends to employ said applicant, or upon a showing of  
33 other good cause.

34 (5) For the purposes of this section, each applicant shall submit  
35 to the commission the applicant's name, address, fingerprints and  
36 written consent for a criminal history record background check to be  
37 performed. The commission is hereby authorized to exchange  
38 fingerprint data with and receive criminal history record information  
39 from the State Bureau of Identification in the Division of State Police  
40 and the Federal Bureau of Investigation consistent with applicable  
41 State and federal laws, rules and regulations. The applicant shall bear  
42 the cost for the criminal history record background check, including  
43 all costs of administering and processing the check. The Division of  
44 State Police shall promptly notify the commission in the event a  
45 current or prospective licensee, who was the subject of a criminal  
46 history record background check pursuant to this section, is arrested

1 for a crime or offense in this State after the date the background check  
2 was performed.

3 c. (Deleted by amendment, P.L.1995, c.18.)

4 d. The commission shall deny a casino key employee license to any  
5 applicant who is disqualified on the basis of the criteria contained in  
6 section 86 of this act.

7 e. Upon petition by the holder of a casino license, the commission  
8 may issue a temporary license to an applicant for a casino key  
9 employee license, provided that:

10 (1) The applicant for the casino key employee license has filed a  
11 complete application as required by the commission;

12 (2) The division either certifies to the commission that the  
13 completed casino key employee license application as specified in  
14 paragraph (1) of this subsection has been in the possession of the  
15 division for at least 15 days or agrees to allow the commission to  
16 consider the application in some lesser time;

17 (3) (Deleted by amendment, P.L.1995, c.18.)

18 (4) The petition for a temporary casino key employee license  
19 certifies, and the commission finds, that an existing casino key  
20 employee position of the petitioner is vacant or will become vacant  
21 within 60 days of the date of the petition and that the issuance of a  
22 temporary key employee license is necessary to fill the said vacancy on  
23 an emergency basis to continue the efficient operation of the casino,  
24 and that such circumstances are extraordinary and not designed to  
25 circumvent the normal licensing procedures of this act;

26 (5) The division does not object to the issuance of the temporary  
27 casino key employee license.

28 In the event that an applicant for a casino key employee license is  
29 the holder of a valid casino employee license issued pursuant to  
30 section 90 of this act, and if the provisions of paragraphs (1), (2), and  
31 (5) of this subsection are satisfied, the commission may issue a  
32 temporary casino key employee license upon petition by the holder of  
33 a casino license, if the commission finds the issuance of a casino key  
34 employee license will be delayed by necessary investigations and the  
35 said temporary casino key employee license is necessary for the  
36 operation of the casino.

37 Unless otherwise terminated pursuant to this act, any temporary  
38 casino key employee license issued pursuant to this subsection shall  
39 expire nine months from the date of its issuance.

40 (cf: P.L.1995, c.18, s.27)

1       7. Section 90 of P.L.1977, c.110 (C.5:12-90) is amended to read  
2 as follows:

3       90. Licensing of Casino Employees.

4       a. No person may commence employment as a casino employee  
5 unless he is the holder of a valid casino employee license.

6       b. Any applicant for a casino employee license must, prior to the  
7 issuance of any such license, produce sufficient information,  
8 documentation and assurances to meet the qualification criteria,  
9 including New Jersey residency, contained in subsection b. of section  
10 89 of this act and any additional residency requirement imposed under  
11 subsection c. of this section.

12       c. The commission may, by regulation, require that all applicants  
13 for casino employee licenses be residents of this State for a period not  
14 to exceed six months immediately prior to the issuance of such license,  
15 but application may be made prior to the expiration of the required  
16 period of residency. The commission shall, by resolution, waive the  
17 required residency period for an applicant upon a showing that the  
18 residency period would cause undue hardship upon the casino licensee  
19 which intends to employ said applicant, or upon a showing of other  
20 good cause.

21       d. (Deleted by amendment, P.L.1995, c.18.)

22       e. The commission shall deny a casino employee license to any  
23 applicant who is disqualified on the basis of the criteria contained in  
24 section 86 of this act.

25       f. For the purposes of this section, casino security employees shall  
26 be considered casino employees and must, in addition to any  
27 requirements under other laws, be licensed in accordance with the  
28 provisions of this act.

29       g. Upon petition by the holder of a casino license, a temporary  
30 license may be issued by the commission to an applicant for a casino  
31 employee license provided that:

32       (1) the applicant for the casino employee license has filed a  
33 complete application as required by the commission;

34       (2) the division either certifies to the commission that the  
35 completed casino employee license application as specified in  
36 paragraph (1) of this subsection has been in the possession of the  
37 division for at least 15 days or agrees to allow the commission to  
38 consider the application in some lesser time;

39       (3) the petition for a temporary casino employee license certifies,  
40 and the commission finds, that the issuance of a plenary license will be  
41 restricted by necessary investigations, and the temporary licensing of  
42 the applicant is necessary for the operation of the casino and is not  
43 designed to circumvent the normal licensing procedures of the "Casino  
44 Control Act"; and

45       (4) the division does not object to the issuance of the temporary  
46 casino employee license.

1 Unless otherwise terminated pursuant to this act, a temporary  
2 license issued pursuant to this subsection shall expire six months from  
3 the date of its issuance and be renewable, at the discretion of the  
4 commission, for one additional six-month period.

5 h. Notwithstanding the provisions of subsection e. of this section,  
6 no applicant shall be denied a casino employee license on the basis of  
7 a conviction of any of the offenses enumerated in this act as  
8 disqualification criteria or the commission of any act or acts which  
9 would constitute any offense under subsection c. of section 86 of  
10 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that  
11 section; provided that the applicant has affirmatively demonstrated his  
12 rehabilitation. In determining whether the applicant has affirmatively  
13 demonstrated his rehabilitation the commission shall consider the  
14 following factors:

- 15 (1) The nature and duties of the position applied for;
- 16 (2) The nature and seriousness of the offense or conduct;
- 17 (3) The circumstances under which the offense or conduct  
18 occurred;
- 19 (4) The date of the offense or conduct;
- 20 (5) The age of the applicant when the offense or conduct was  
21 committed;
- 22 (6) Whether the offense or conduct was an isolated or repeated  
23 incident;
- 24 (7) Any social conditions which may have contributed to the  
25 offense or conduct;
- 26 (8) Any evidence of rehabilitation, including good conduct in  
27 prison or in the community, counseling or psychiatric treatment  
28 received, acquisition of additional academic or vocational schooling,  
29 successful participation in correctional work-release programs, or the  
30 recommendation of persons who have or have had the applicant under  
31 their supervision.

32 i. For the purposes of this section, each applicant shall submit to  
33 the commission the applicant's name, address, fingerprints and written  
34 consent for a criminal history record background check to be  
35 performed. The commission is hereby authorized to exchange  
36 fingerprint data with and receive criminal history record information  
37 from the State Bureau of Identification in the Division of State Police  
38 and the Federal Bureau of Investigation consistent with applicable  
39 State and federal laws, rules and regulations. The applicant shall bear  
40 the cost for the criminal history record background check, including  
41 all costs of administering and processing the check. The Division of  
42 State Police shall promptly notify the commission in the event a  
43 current or prospective licensee, who was the subject of a criminal  
44 history record background check pursuant to this section, is arrested  
45 for a crime or offense in this State after the date the background check  
46 was performed.

1 (cf: P.L.1995, c.18, s.28)

2

3 8. Section 91 of P.L.1977, c.110 (C.5:12-91) is amended to read  
4 as follows:

5 91. Registration of Casino Service Employees.

6 a. No person may commence employment as a casino service  
7 employee unless the person has been registered with the commission,  
8 which registration shall be in accordance with subsection f. of this  
9 section.

10 b. Any applicant for casino service employee registration shall  
11 produce such information as the commission may require. Subsequent  
12 to the registration of a casino service employee, the commission may  
13 revoke, suspend, limit, or otherwise restrict the registration upon a  
14 finding that the registrant is disqualified on the basis of the criteria  
15 contained in section 86 of P.L.1977, c.110 (C.5:12-86).

16 c. The commission may, by regulation, require that all applicants  
17 for casino service employee registration be residents of this State for  
18 a period not to exceed three months immediately prior to such  
19 registration, but application may be made prior to the expiration of the  
20 required period of residency. The commission shall waive the required  
21 residency period for an applicant upon a showing that the residency  
22 period would cause undue hardship upon the casino licensee which  
23 intends to employ said applicant, or upon a showing of other good  
24 cause.

25 d. Notwithstanding the provisions of subsection b. of this section,  
26 no casino service employee registration shall be revoked on the basis  
27 of a conviction of any of the offenses enumerated in this act as  
28 disqualification criteria or the commission of any act or acts which  
29 would constitute any offense under subsection c. of section 86 of  
30 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that  
31 section, provided that the registrant has affirmatively demonstrated the  
32 registrant's rehabilitation. In determining whether the registrant has  
33 affirmatively demonstrated the registrant's rehabilitation the  
34 commission shall consider the following factors:

35 (1) The nature and duties of the registrant's position;

36 (2) The nature and seriousness of the offense or conduct;

37 (3) The circumstances under which the offense or conduct  
38 occurred;

39 (4) The date of the offense or conduct;

40 (5) The age of the registrant when the offense or conduct was  
41 committed;

42 (6) Whether the offense or conduct was an isolated or repeated  
43 incident;

44 (7) Any social conditions which may have contributed to the  
45 offense or conduct;

46 (8) Any evidence of rehabilitation, including good conduct in

1 prison or in the community, counseling or psychiatric treatment  
2 received, acquisition of additional academic or vocational schooling,  
3 successful participation in correctional work-release programs, or the  
4 recommendation of persons who have or have had the registrant under  
5 their supervision.

6 e. The commission may waive any disqualification criterion for a  
7 casino service employee consistent with the public policy of this act  
8 and upon a finding that the interests of justice so require.

9 f. Upon petition by the holder of a casino license, casino service  
10 employee registration shall be granted to each applicant for such  
11 registration named therein, provided that the petition certifies that  
12 each such applicant has filed a completed application for casino service  
13 employee registration as required by the commission.

14 All casino hotel employee registrations shall expire 120 days after  
15 the effective date of this amendatory and supplementary act, P.L.2002,  
16 c.65. Any holder of a casino hotel employee registration may until  
17 that date convert that registration to a casino service employee  
18 registration without fee.

19 g. For the purposes of this section, each applicant shall submit to  
20 the commission the applicant's name, address, fingerprints and written  
21 consent for a criminal history record background check to be  
22 performed. The commission is hereby authorized to exchange  
23 fingerprint data with and receive criminal history record information  
24 from the State Bureau of Identification in the Division of State Police  
25 and the Federal Bureau of Investigation consistent with applicable  
26 State and federal laws, rules and regulations. The applicant shall bear  
27 the cost for the criminal history record background check, including  
28 all costs of administering and processing the check. The Division of  
29 State Police shall promptly notify the commission in the event a  
30 current or prospective licensee, who was the subject of a criminal  
31 history record background check pursuant to this section, is arrested  
32 for a crime or offense in this State after the date the background check  
33 was performed.

34 (cf: P.L.2002, c.65, s.16)

35  
36 9. Section 1 of P.L.1966, c.79 (C.17:9A-18.1) is amended to read  
37 as follows:

38 1. Except with the written consent of the commissioner, no person  
39 shall serve as an officer, director or employee of a bank, savings bank  
40 or bank holding company if (a) that person is convicted of any crime  
41 involving dishonesty or breach of trust, or (b) that person is  
42 prohibited from serving or continuing to serve in such capacity  
43 pursuant to 12 U.S.C. s.1829.

44 Any person seeking employment as an officer, director, or  
45 employee of a bank, savings bank or bank holding company shall  
46 submit to the commissioner the person's name, address, fingerprints

1 and written consent for a criminal history record background check to  
2 be performed; provided, however, that this requirement may be waived  
3 by the commissioner if the person provides satisfactory proof that such  
4 a criminal history record background check has been performed by a  
5 federal regulator. The commissioner is hereby authorized to exchange  
6 fingerprint data with and receive criminal history record information  
7 from the State Bureau of Identification in the Division of State Police  
8 and the Federal Bureau of Investigation consistent with applicable  
9 State and federal laws, rules and regulations, for the purposes of  
10 facilitating determinations concerning licensure eligibility. The  
11 applicant shall bear the cost for the criminal history record background  
12 check, including all costs of administering and processing the check.  
13 The Division of State Police shall promptly notify the commissioner in  
14 the event a current holder of a license or prospective applicant, who  
15 was the subject of a criminal history record background check  
16 pursuant to this section, is arrested for a crime or offense in this State  
17 after the date the background check was performed.

18 (cf: P.L.1997, c.33, s.9)

19

20 10. Section 7 of P.L.1996, c.157 (C.17:11C-7) is amended to read  
21 as follows:

22 7. The commissioner shall issue a license under this act if the  
23 following conditions are met:

24 a. A written application for a new license or for a renewal of a  
25 license shall be submitted to the commissioner on the forms and in the  
26 manner, and accompanied by such evidence in support of the  
27 application, as required by this act and as may be prescribed by the  
28 commissioner, and shall be accompanied by the required fees.

29 b. An individual applicant for a new license shall qualify by  
30 examination, the content and form of which shall be approved by the  
31 commissioner. The commissioner may designate an independent  
32 testing service to prepare and administer the examinations. In  
33 addition, the commissioner by regulation may establish additional  
34 requirements for licensure as an individual, including education and  
35 experience.

36 c. If the commissioner finds that the financial responsibility,  
37 experience, character, and general fitness of the applicant for a new  
38 license or for a renewal of a license demonstrate that the business will  
39 be operated honestly, fairly, and efficiently within the purposes of this  
40 act, and if all other licensing requirements of this act and regulations  
41 promulgated by the commissioner are met, the commissioner shall  
42 issue the license of the type sought by the applicant.

43 d. A person holding a license under this act or as a sales finance  
44 company pursuant to the "Retail Installment Sales Act of 1960,"  
45 P.L.1960, c.40 (C.17:16C-1 et seq.), who is in full compliance with  
46 this act, the "Retail Installment Sales Act of 1960," and the regulations  
47 promulgated thereunder, as applicable, may apply to the commissioner



1 for a license to act as a mortgage banker or mortgage broker, a  
2 secondary lender, a consumer lender or a sales finance company, or  
3 any combination of these capacities for which the person is not already  
4 licensed, by filing with the commissioner an abbreviated application  
5 containing the information which the commissioner deems necessary  
6 when considering whether to license that person for that specific  
7 activity, an application fee, and the necessary additional license fee.

8 e. Any applicant for a license pursuant to this section and any  
9 officer, director, partner or owner of a controlling interest of a  
10 corporation or partnership filing for licensure shall submit to the  
11 commissioner the applicant's name, address, fingerprints and written  
12 consent for a criminal history record background check to be  
13 performed. The commissioner is authorized to exchange fingerprint  
14 data with and receive criminal history record information from the  
15 State Bureau of Identification in the Division of State Police and the  
16 Federal Bureau of Investigation consistent with applicable State and  
17 federal laws, rules and regulations, for the purposes of facilitating  
18 determinations concerning licensure eligibility. The applicant shall  
19 bear the cost for the criminal history record background check,  
20 including all costs of administering and processing the check. The  
21 Division of State Police shall promptly notify the commissioner in the  
22 event a current holder of a license or prospective applicant, who was  
23 the subject of a criminal history record background check pursuant to  
24 this section, is arrested for a crime or offense in this State after the  
25 date the background check was performed.

26 (cf: P.L.1996, c.157, s.7)

27  
28 11. R.S.17:17-10 is amended to read as follows:

29 17:17-10. a. When satisfied that a company has complied with all  
30 the requirements of this subtitle to entitle it to engage in business and  
31 that the proposed methods of operation of the company are not such  
32 as would render its operation hazardous to the public or its  
33 policyholders, the commissioner shall issue to the company a  
34 certificate authorizing it to commence business, specifying in the  
35 certificate the particular kind or kinds of insurance it is authorized to  
36 transact. The commissioner may refuse to issue a certificate of  
37 authority if he finds that any of the company's directors or officers has  
38 been convicted of a crime involving fraud, dishonesty, or like moral  
39 turpitude or that said persons are not persons of good character and  
40 integrity. Any applicant for a license pursuant to this section and any  
41 officer, director, partner or owner of a controlling interest of a  
42 corporation or partnership for licensure shall submit to the  
43 commissioner the applicant's name, address, fingerprints and written  
44 consent for a criminal history record background check to be  
45 performed. The commissioner is authorized to exchange fingerprint  
46 data with and receive criminal history record information from the  
47 State Bureau of Identification in the Division of State Police and the

1 Federal Bureau of Investigation consistent with applicable State and  
2 federal laws, rules and regulations, for the purposes of facilitating  
3 determinations concerning licensure eligibility. The applicant shall  
4 bear the cost for the criminal history record background check,  
5 including all costs of administering and processing the check. The  
6 Division of State Police shall promptly notify the commissioner in the  
7 event a current holder of a license or prospective applicant, who was  
8 the subject of a criminal history record background check pursuant to  
9 this section, is arrested for a crime or offense in this State after the  
10 date the background check was performed. No company shall transact  
11 the business for which it is incorporated until it has received the  
12 certificate from the commissioner. If any company fails to obtain the  
13 certificate of authority within one year from the date of the certificate  
14 of the Attorney General to its certificate of incorporation, as provided  
15 in R.S.17:17-5, the company shall, ipso facto, be dissolved and its  
16 certificate of incorporation be null and void.

17 b. No company licensed to transact insurance business in this State  
18 pursuant to chapter 17 of Title 17 of the Revised Statutes may  
19 surrender its certificate of authority or discontinue writing or renewing  
20 any kind or kinds of insurance specified in the certificate, except in  
21 accordance with a plan to be submitted by the company and approved  
22 by the commissioner, which plan shall provide for an orderly  
23 withdrawal from the market and for the minimization of the impact of  
24 the surrender of the certificate or the discontinuance of the writing or  
25 renewing of any kind or kinds of insurance upon the public generally  
26 and upon the company's policyholders in this State. No surrender or  
27 discontinuance shall become effective until the approved plan has been  
28 complied with. In reviewing a plan for withdrawal submitted by the  
29 company, the commissioner shall consider, and may require as a  
30 condition of approval, whether some or all other certificates of  
31 authority issued pursuant to chapter 17 or 32 of Title 17 of the  
32 Revised Statutes held by the company or by other companies within  
33 the same holding company system as the company submitting the plan  
34 shall be required to be surrendered. The provisions of this subsection  
35 shall apply to any request for withdrawal, surrender or discontinuance  
36 filed on or after January 25, 1990.

37 (cf: P.L.1990, c.8, s.71)

38

39 12. Section 7 of P.L.2001, c.210 (C.17:22A-32) is amended to  
40 read as follows:

41 7. a. An individual applying for a resident insurance producer  
42 license shall make application to the commissioner on the uniform  
43 application and declare under penalty of refusal, suspension or  
44 revocation of the license that the statements made in the application  
45 are true, correct and complete to the best of the individual's  
46 knowledge and belief. Before approving the application, the

1 commissioner shall find that the individual:

2 (1) Is at least 18 years of age;

3 (2) Has not committed any act that is a ground for denial,  
4 suspension or revocation set forth in section 15 of this act;

5 (3) Has completed a prelicensing course of study for the lines of  
6 authority for which the individual has applied as prescribed by the  
7 commissioner by regulation;

8 (4) Has paid the fees set forth in section 19 of this act; and

9 (5) Has successfully passed the examinations for the lines of  
10 authority for which the individual has applied.

11 b. A business entity acting as an insurance producer shall obtain  
12 an insurance producer license. Application shall be made using the  
13 uniform business entity application. Before approving the application,  
14 the commissioner shall find that:

15 (1) The business entity has paid the fees set forth in section 19 of  
16 this act; and

17 (2) The business entity has designated a licensed insurance  
18 producer or producers responsible for the business entity's compliance  
19 with the insurance laws, rules and regulations of this State.

20 c. The commissioner may require any documents reasonably  
21 necessary to verify the information contained in an application.

22 d. Each insurer that sells, solicits or negotiates any form of limited  
23 line credit insurance shall provide to each individual whose duties will  
24 include selling, soliciting or negotiating limited line credit insurance a  
25 program of instruction that is approved by the commissioner.

26 e. Any applicant for a license pursuant to this section and any  
27 officer, director, partner or owner of a controlling interest of a  
28 corporation or partnership filing for licensure pursuant to this section  
29 shall submit to the commissioner the applicant's name, address,  
30 fingerprints and written consent for a criminal history record  
31 background check to be performed. The commissioner is hereby  
32 authorized to exchange fingerprint data with and receive criminal  
33 history record information from the State Bureau of Identification in  
34 the Division of State Police and the Federal Bureau of Investigation  
35 consistent with applicable State and federal laws, rules and  
36 regulations, for the purposes of facilitating determinations concerning  
37 licensure eligibility. The applicant shall bear the cost for the criminal  
38 history record background check, including all costs of administering  
39 and processing the check. The Division of State Police shall promptly  
40 notify the commissioner in the event a current holder of a license or  
41 prospective applicant, who was the subject of a criminal history record  
42 background check pursuant to this section, is arrested for a crime or  
43 offense in this State after the date the background check was  
44 performed.

45 (cf: P.L.2001, c.210, s.7)

46

1       13. Section 2 of P.L.1999, c.211 (C.17B:30A-2) is amended to  
2 read as follows:

3       2. a. A person shall not operate as a viatical settlement provider,  
4 viatical settlement representative or viatical settlement broker without  
5 first having obtained a license from the commissioner.

6       b Application for a viatical settlement provider, viatical settlement  
7 representative or viatical settlement broker license shall be made to the  
8 commissioner by the applicant on a form prescribed by the  
9 commissioner, and the application shall be accompanied by a fee, the  
10 amount of which shall be set by the commissioner by regulation.

11       c. Licenses may be renewed from year to year on the anniversary  
12 date upon payment of the annual renewal fee in an amount set by the  
13 commissioner by regulation. Failure to pay the fee by the renewal date  
14 shall result in expiration of the license.

15       d. The applicant shall provide information on forms required by  
16 the commissioner. The commissioner shall have authority, at any time,  
17 to require the applicant to fully disclose the identity of all  
18 stockholders, partners, officers, members and employees, and the  
19 commissioner may refuse to issue a license in the name of a legal entity  
20 if not satisfied that any officer, employee, stockholder, partner or  
21 member thereof who may materially influence the applicant's conduct  
22 meets the standards of this act.

23       e. A license issued to a legal entity authorizes all members,  
24 officers and designated employees to act as viatical settlement  
25 providers, viatical settlement brokers or viatical settlement  
26 representatives, as applicable, under the license, and all those persons  
27 shall be named in the application and any supplements to the  
28 application.

29       f. Upon the filing of an application and the payment of the license  
30 fee, the commissioner shall make an investigation of each applicant  
31 and issue a license if the commissioner finds that the applicant:

32       (1) Has provided a detailed plan of operation;

33       (2) Is competent and trustworthy and intends to act in good faith  
34 in the capacity of the license applied for;

35       (3) Has a good business reputation and has had experience,  
36 training or education so as to be qualified in the business for which the  
37 license is applied for; and

38       (4) If a legal entity, provides a certificate of good standing from  
39 the state of its domicile.

40       g. The commissioner shall not issue a license to a nonresident  
41 applicant unless a written designation of an agent for service of  
42 process is filed and maintained with the commissioner, or the applicant  
43 has filed with the commissioner the applicant's written irrevocable  
44 consent that any action against the applicant may be commenced  
45 against the applicant by service of process on the commissioner.

46       h. A viatical settlement provider, viatical settlement representative

1 or viatical settlement broker transacting business in this State prior to  
2 the effective date of this act may continue to do so pending approval  
3 or disapproval of the provider, representative or broker's application  
4 for a license as long as the application is filed with the commissioner  
5 on or before the 180th day after the effective date of this act.

6 i. Any applicant for a license pursuant to this section and any  
7 officer, director, partner or owner of a controlling interest of a  
8 corporation or partnership filing for licensure shall submit to the  
9 commissioner the applicant's name, address, fingerprints and written  
10 consent for a criminal history record background check to be  
11 performed. The commissioner is authorized to exchange fingerprint  
12 data with and receive criminal history record information from the  
13 State Bureau of Identification in the Division of State Police and the  
14 Federal Bureau of Investigation consistent with applicable State and  
15 federal laws, rules and regulations, for the purposes of facilitating  
16 determinations concerning licensure eligibility. The applicant shall  
17 bear the cost for the criminal history record background check,  
18 including all costs of administering and processing the check. The  
19 Division of State Police shall promptly notify the commissioner in the  
20 event a current holder of a license or prospective applicant, who was  
21 the subject of a criminal history record background check pursuant to  
22 this section, is arrested for a crime or offense in this State after the  
23 date the background check was performed.

24 (cf: P.L.1999, c.211, s.2)

25  
26 14. N.J.S.17B:18-42 is amended to read as follows:

27 17B:18-42. When satisfied that a domestic insurer has complied  
28 with all the requirements of this code to entitle it to engage in business  
29 and that the proposed methods of operation of the insurer are not such  
30 as would render its operation hazardous to the public or its  
31 policyholders, the commissioner shall issue to the insurer a certificate  
32 authorizing it to commence business, specifying in the certificate the  
33 particular kind or kinds of insurance it is authorized to transact. The  
34 commissioner may refuse to issue a certificate of authority if he finds  
35 that any of the insurer's directors or officers has been convicted of a  
36 crime involving fraud, dishonesty, or like moral turpitude or that said  
37 persons are not persons of good character and integrity. Any applicant  
38 for a license pursuant to this section and any officer, director, partner  
39 or owner of a controlling interest of a corporation or partnership for  
40 licensure shall submit to the commissioner the applicant's name,  
41 address, fingerprints and written consent for a criminal history record  
42 background check to be performed. The commissioner is authorized  
43 to exchange fingerprint data with and receive criminal history record  
44 information from the State Bureau of Identification in the Division of  
45 State Police and the Federal Bureau of Investigation consistent with  
46 applicable State and federal laws, rules and regulations, for the

1 purposes of facilitating determinations concerning licensure eligibility.  
2 The applicant shall bear the cost for the criminal history record  
3 background check, including all costs of administering and processing  
4 the check. The Division of State Police shall promptly notify the  
5 commissioner in the event a current holder of a license or prospective  
6 applicant, who was the subject of a criminal history record background  
7 check pursuant to this section, is arrested for a crime or offense in this  
8 State after the date the background check was performed. No insurer  
9 shall transact the business for which it is incorporated until it has  
10 received the certificate from the commissioner. If any insurer fails to  
11 obtain the certificate of authority within 1 year from the date of the  
12 certificate of the commissioner to its certificate of incorporation, as  
13 provided in section 17B:18-5, and such failure is the result of its lack  
14 of due diligence in meeting the requirements therefor, the insurer shall,  
15 ipso facto, be dissolved and its certificate of incorporation be null and  
16 void.

17 (cf: N.J.S.17B:18-42)

18

19 15. R.S.45:22-3 is amended to read as follows:

20 Application for such license shall be in writing and shall state the  
21 full name and place of residence of the applicant, or, if the applicant  
22 be a partnership, of each member thereof, or, if the applicant be a  
23 corporation or association, of each officer and stockholder thereof,  
24 together with the place or places where the business is to be  
25 conducted.

26 Any applicant for a license pursuant to this section and any officer,  
27 director, partner or owner of a controlling interest of a corporation or  
28 partnership filing for licensure shall submit to the commissioner the  
29 applicant's name, address, fingerprints and written consent for a  
30 criminal history record background check to be performed. The  
31 commissioner is authorized to exchange fingerprint data with and  
32 receive criminal history record information from the State Bureau of  
33 Identification in the Division of State Police and the Federal Bureau  
34 of Investigation consistent with applicable State and federal laws, rules  
35 and regulations, for the purposes of facilitating determinations  
36 concerning licensure eligibility. The applicant shall bear the cost for  
37 the criminal history record background check, including all costs of  
38 administering and processing the check. The Division of State Police  
39 shall promptly notify the commissioner in the event a current holder of  
40 a license or prospective applicant, who was the subject of a criminal  
41 history record background check pursuant to this section, is arrested  
42 for a crime or offense in this State after the date the background check  
43 was performed.

44 (cf: R.S.45:22-3)

1       16. Section 13 of P.L.1968, c.356 (C.30:11-23) is amended to  
2 read as follows:

3       13. Except as to persons who shall qualify for a conditional license  
4 pursuant to the provisions of this act, no license shall be issued to a  
5 person unless he is a citizen of the United States at the time of the  
6 submission of the application, or has declared his intention of  
7 becoming a citizen of the United States in the form and manner  
8 prescribed by the Commissioner of Health. No license granted to a  
9 noncitizen shall be valid or be renewed after 6 years from the date of  
10 his declaration of intention unless he shall furnish evidence of his  
11 actually having become a citizen. No license shall be issued to any  
12 person under the age of 18 years; to any person who has ever been  
13 convicted of a crime involving moral turpitude; or to any person who  
14 has been found guilty of violating the provisions of this act by a court  
15 of competent jurisdiction or who has admitted such guilt.

16       For the purposes of this section, each applicant for a license shall  
17 submit to the commissioner the applicant's name, address, fingerprints  
18 and written consent for a criminal history record background check to  
19 be performed. The commissioner is hereby authorized to exchange  
20 fingerprint data with and receive criminal history record information  
21 from the State Bureau of Identification in the Division of State Police  
22 and the Federal Bureau of Investigation consistent with applicable  
23 State and federal laws, rules and regulations, for purposes of  
24 facilitating determinations concerning licensure eligibility. The  
25 applicant shall bear the cost for the criminal history record background  
26 check, including all costs of administering and processing the check.  
27 The Division of State Police shall promptly notify the commissioner in  
28 the event a current holder of a license or prospective applicant, who  
29 was the subject of a criminal history record background check  
30 pursuant to this section, is arrested for a crime or offense in this State  
31 after the date the background check was performed.

32 (cf: P.L.1973, c.178, s.1)

33  
34       17. Section 2 of P.L.1954, c.14 (C.32:23-86) is amended to read  
35 as follows:

36       2. In addition to the powers and duties elsewhere described in this  
37 act, the commission shall have the following powers:

38       (1) To issue temporary permits and permit temporary registrations  
39 under such terms and conditions as the commission may prescribe  
40 which shall be valid for a period to be fixed by the commission not in  
41 excess of 6 months.

42       (2) To require any applicant for a license or registration or any  
43 prospective licensee to furnish such facts and evidence as the  
44 commission may deem appropriate to enable it to ascertain whether the  
45 license or registration should be granted.

46       (3) In any case in which the commission has the power to revoke,

1 cancel or suspend any stevedore license the commission shall also have  
2 the power to impose as an alternative to such revocation, cancellation  
3 or suspension, a penalty, which the licensee may elect to pay the  
4 commission in lieu of the revocation, cancellation or suspension. The  
5 maximum penalty shall be \$5,000.00 for each separate offense. The  
6 commission may, for good cause shown, abate all or part of such  
7 penalty.

8 (4) To designate any officer, agent or employee of the commission  
9 to be an investigator who shall be vested with all the powers of a  
10 peace or police officer of the State of New York in that State, and of  
11 the State of New Jersey in that State.

12 (5) To confer immunity, in the following manner: In any  
13 investigation, interview or other proceeding conducted under oath by  
14 the commission or any duly authorized officer, employee or agent  
15 thereof, if a person refuses to answer a question or produce evidence  
16 of any other kind on the ground that he may be incriminated thereby,  
17 and notwithstanding such refusal, an order is made upon 24 hours'  
18 prior written notice to the appropriate Attorney General of the State  
19 of New York or the State of New Jersey, and to the appropriate  
20 district attorney or prosecutor having an official interest therein, by the  
21 unanimous vote of both members of the commission or their designees  
22 appointed pursuant to the provisions of section 3 of Article III of this  
23 act, that such person answer the question or produce the evidence,  
24 such person shall comply with the order. If such person complies with  
25 the order, and if, but for this subdivision, he would have been  
26 privileged to withhold the answer given or the evidence produced by  
27 him, then immunity shall be conferred upon him, as provided for  
28 herein.

29 "Immunity" as used in this subdivision means that such person shall  
30 not be prosecuted or subjected to any penalty or forfeiture for or on  
31 account of any transaction, matter or thing concerning which, in  
32 accordance with the order by the unanimous vote of both members of  
33 the commission or their designees appointed p he gave answer or  
34 produced evidence, and that no such answer given or evidence  
35 produced shall be received against him upon any criminal proceeding.  
36 But he may nevertheless be prosecuted or subjected to penalty or  
37 forfeiture for any perjury or contempt committed in answering, or  
38 failing to answer, or in producing or failing to produce evidence, in  
39 accordance with the order, and any such answer given or evidence  
40 produced shall be admissible against him upon any criminal proceeding  
41 concerning such perjury or contempt.

42 Immunity shall not be conferred upon any person except in  
43 accordance with the provisions of this subdivision. If, after  
44 compliance with the provisions of this subdivision, a person is ordered  
45 to answer a question or produce evidence of any other kind and  
46 complies with such order, and it is thereafter determined that the



1 appropriate Attorney General or district attorney or prosecutor having  
2 an official interest therein was not notified, such failure or neglect shall  
3 not deprive such person of any immunity otherwise properly conferred  
4 upon him.

5 (6) <sup>1</sup>[To exchange fingerprint data with and receive criminal  
6 history record background information from the State Bureau of  
7 Identification in the Division of State Police and the Federal Bureau  
8 of Investigation consistent with applicable State and federal laws, rules  
9 and regulations.

10 (7) To require the fingerprinting of the following persons in  
11 accordance with applicable State and federal laws, rules and  
12 regulations:

13 (a) any employee, officer or agent of the commission, including  
14 any applicant for employment, appointment or promotion;

15 (b) any applicant or renewal applicant for registration as a  
16 longshoreman pursuant to section 1 of P.L.1953, c.202 (C.32:23-27  
17 et seq.);

18 (c) any applicant or renewal applicant for registration as a checker  
19 pursuant to section 6 of P.L.1956, c.194 (C.32:23-105);

20 (d) any applicant or renewal applicant for registration as a  
21 telecommunications system controller pursuant to section 1 of  
22 P.L.1990, c.59 (C.32:23-105.1);

23 (e) any applicant or renewal applicant for licensure as a pier  
24 superintendent or hiring agent pursuant to section 1 of P.L.1953,  
25 c.202 (C.32:23-12 et seq.);

26 (f) any applicant or renewal applicant for licensure as a stevedore  
27 pursuant to section 1 of P.L.1953, c.202 (C.32:23-19 et seq.),  
28 including any persons comprising or intending to comprise a  
29 partnership stevedore and any officer, director or stockholder owning  
30 five percent or more of the stock of a corporate stevedore;

31 (g) any applicant or renewal applicant for licensure as a port  
32 watchman pursuant to section 1 of P.L.1953, c.202 (C.32:23-39 et  
33 seq.); and

34 (h) any other applicant or renewal applicant for registration or  
35 licensure in a category currently existing or hereafter established.

36 A person subject to the provisions of this section shall submit to  
37 being fingerprinted in accordance with applicable State and federal  
38 laws, rules and regulations and shall bear the cost for the criminal  
39 history record background check, including all costs of administering  
40 and processing the check. No criminal history record background  
41 check shall be performed pursuant to this section unless the person has  
42 provided his written consent to such check. A person who refuses to  
43 consent to, or cooperate in, the securing of a criminal history record  
44 background check shall not be considered for registration, renewal  
45 registration, licensure, renewal licensure, employment, appointment or  
46 promotion] To require any applicant or renewal applicant for

1 registration as a longshoreman, any applicant or renewal applicant for  
2 registration as a checker or any applicant or renewal applicant for  
3 registration as a telecommunications system controller and any person  
4 who is sponsored for a license as a pier superintendent or hiring agent,  
5 any person who is an individual owner of an applicant or renewal  
6 applicant stevedore or any persons who are individual partners of an  
7 applicant or renewal applicant stevedore, or any officers, directors or  
8 stockholders owning five percent or more of any of the stock of an  
9 applicant or renewal applicant corporate stevedore or any applicant or  
10 renewal applicant for a license as a port watchman or any other  
11 category of applicant or renewal applicant for registration or licensing  
12 within the commission's jurisdiction to be fingerprinted by the  
13 commission at the cost and expense of the applicant or renewal  
14 applicant.

15 (7) To exchange fingerprint data with and receive criminal history  
16 record information from the Federal Bureau of Investigation and the  
17 State Bureau of Identification for use in making the determinations  
18 required by this section.

19 (8) Notwithstanding any other provision of law to the contrary, to  
20 require any applicant for employment or employee of the commission  
21 to be fingerprinted at the cost and expense of the applicant or  
22 employee and to exchange fingerprint data with and receive criminal  
23 history record information from the Federal Bureau of Investigation  
24 and the State Bureau of Identification for use in the hiring or retention  
25 of such person<sup>1</sup>.

26 (cf: P.L.1969, c.129, s.1)

27

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

29 33:1-25. No license of any class shall be issued to any person  
30 under the age of 21 years or to any person who has been convicted of  
31 a crime involving moral turpitude. Each applicant shall submit to the  
32 director the applicant's name, address, fingerprints and written consent  
33 for a criminal history record background check to be performed. The  
34 director is authorized to receive criminal history record information  
35 from the State Bureau of Identification in the Division of State Police  
36 and the Federal Bureau of Investigation consistent with applicable  
37 State and federal laws, rules and regulations. The applicant shall bear  
38 the cost for the criminal history record background check, including  
39 all costs of administering and processing the check. The Division of  
40 State Police shall promptly notify the director in the event a current  
41 holder of a license or prospective applicant, who was the subject of a  
42 criminal history record background check pursuant to this section, is  
43 arrested for a crime or offense in this State after the date the  
44 background check was performed.

45 In applications by corporations, except for club licenses, the names  
46 and addresses of, and the amount of stock held by, all stockholders

1 holding 1% or more of any of the stock thereof, and the names and  
2 addresses of all officers and of all members of the board of directors  
3 must be stated in the application, and if one or more of the officers or  
4 members of the board of directors or one or more of the owners,  
5 directly or indirectly, of more than 10% of the stock would fail to  
6 qualify as an individual applicant in all respects, no license of any class  
7 shall be granted.

8 In applications for club licenses, the names and addresses of all  
9 officers, trustees, directors, or other governing official, together with  
10 the names and addresses of all members of the corporation, association  
11 or organization, must be stated in the application.

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

15 A photostatic copy of all federal permits necessary to the lawful  
16 conduct of the business for which a State license is sought and which  
17 relate to alcoholic beverages, or other evidence in lieu thereof  
18 satisfactory to the director, must accompany the license application,  
19 together with a deposit of the full amount of the required license fee,  
20 which deposit to the extent of 90% thereof shall be returned to the  
21 applicant by the director or other issuing authority if the application is  
22 denied, and the remaining 10% shall constitute an investigation fee and  
23 be accounted for as other license fees.

24 Every applicant for a license that is not a renewal of an annual  
25 license shall cause a notice of the making of the application to be  
26 published in a form prescribed by rules and regulations, once per week  
27 for two weeks successively in a newspaper printed in the English  
28 language, published and circulated in the municipality in which the  
29 licensed premises are located; but if there shall be no such newspaper,  
30 then the notice shall be published in a newspaper, printed in the  
31 English language, published and circulated in the county in which the  
32 licensed premises are located. No publication shall be required with  
33 respect to applications for transportation or public warehouse licenses  
34 or with respect to applications for renewal of licenses.

35 The Division of Alcoholic Beverage Control shall cause a general  
36 notice of the making of annual renewal applications and the manner in  
37 which members of the public may object to the approving of the  
38 applications to be published in a form prescribed by rules and  
39 regulations, once per week from the week of April 1 through the week  
40 of June 1 in a newspaper printed in the English language published and  
41 circulated in the counties in which the premises of applicants for  
42 renewals of annual licenses are located. Any application for the  
43 renewal of an annual license shall be made by May 1, and none shall be  
44 approved before May 1.

45 Every person filing an application for license, renewal of license or  
46 transfer of license with a municipal issuing authority shall, within 10

1 days of such filing, file with the director a copy of the application  
2 together with a nonreturnable filing fee of \$100.00.

3 Applicants for licenses shall answer questions as may be asked and  
4 make declarations as shall be required by the form of application for  
5 license as may be promulgated by the director from time to time. All  
6 applications shall be duly sworn to by each of the applicants, except in  
7 the case of applicants in the military service of the United States  
8 whose applications may be signed in their behalf by an attorney-in-fact  
9 holding a power of attorney in form approved by the director, and  
10 except in cases of applications by corporations which shall be duly  
11 sworn to by the president or vice-president. All statements in the  
12 applications required to be made by law or by rules and regulations  
13 shall be deemed material, and any person who shall knowingly misstate  
14 any material fact, under oath, in the application shall be guilty of a  
15 misdemeanor. Fraud, misrepresentation, false statements, misleading  
16 statements, evasions or suppression of material facts in the securing of  
17 a license are grounds for suspension or revocation of the license.

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

19

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

21 33:1-26. All licenses shall be for a term of one year from July 1 in  
22 each year. The respective fees for any such license shall be prorated  
23 according to the effective date of the license and based on the  
24 respective annual fee as in this chapter provided. Where the license  
25 fee deposited with the application exceeds the prorated fee, a refund  
26 of the excess shall be made to the licensee. Licenses are not  
27 transferable except as hereinafter provided. A separate license is  
28 required for each specific place of business and the operation and  
29 effect of every license is confined to the licensed premises. No retail  
30 license of any class shall be issued to any holder of a manufacturer's or  
31 wholesaler's license, and no manufacturer's or wholesaler's license shall  
32 be issued to the holder of a retail license of any class. Any person who  
33 shall exercise or attempt to exercise, or hold himself out as authorized  
34 to exercise, the rights and privileges of a licensee except the licensee  
35 and then only with respect to the licensed premises, shall be guilty of  
36 a misdemeanor.

37 In case of death, bankruptcy, receivership or incompetency of the  
38 licensee, or if for any other reason whatsoever the operation of the  
39 business covered by the license shall devolve by operation of law upon  
40 a person other than the licensee, the director or the issuing authority  
41 may, in his or its discretion, extend the license for a limited time, not  
42 exceeding its term, to the executor, administrator, trustee, receiver or  
43 other person upon whom the same has devolved by operation of law  
44 as aforesaid. Under no circumstances, however, shall a license, or  
45 rights thereunder, be deemed property, subject to inheritance, sale,  
46 pledge, lien, levy, attachment, execution, seizure for debts, or any

1 other transfer or disposition whatsoever, except for payment of taxes,  
2 fees, interest and penalties imposed by any State tax law for which a  
3 lien may attach pursuant to R.S.54:49-1 or pursuant to the State Tax  
4 Uniform Procedure Law, R.S.54:48-1 et seq., or any similar State lien  
5 of tax, except to the extent expressly provided by this chapter.

6 On application made therefor setting forth the same matters and  
7 things with reference to the premises to which a transfer of license is  
8 sought as are required to be set forth in connection with an original  
9 application for license, as to the premises, and after publication of  
10 notice of intention to apply for transfer, in the same manner as is  
11 required in case of an application for license as to the premises, the  
12 director or other issuing authority may transfer, upon payment of a fee  
13 of 10% of the annual license fee for the license sought to be  
14 transferred, any license issued by him or it respectively to a different  
15 place of business than that specified therein, by endorsing permission  
16 upon the license.

17 On application made therefor setting forth the same matters and  
18 things with reference to the person to whom a transfer of license is  
19 sought as are required to be set forth in connection with an original  
20 application for license, which application for transfer shall be signed  
21 and sworn to by the person to whom the transfer of license is sought  
22 and shall bear the consent in writing of the licensee to the transfer, and  
23 after publication of notice of intention by the person to whom the  
24 transfer of license is sought, to apply for transfer in the same manner  
25 as is required in the case of an original application for license, the  
26 director or other issuing authority, as the case may be, may transfer  
27 any license issued by him or it respectively to the applicant for transfer  
28 by endorsing the license. The application and the applicant shall  
29 comply with all requirements of this chapter pertaining to an original  
30 application for license and shall be accompanied, in lieu of the license  
31 fee required on the original application, by a fee of 10% of the annual  
32 license fee for the license sought to be transferred, which 10% shall be  
33 retained by the director or other issuing authority, as the case may be,  
34 whether the transfer be granted or not, and accounted for as other  
35 license fees.

36 If the other issuing authority shall refuse to grant a transfer the  
37 applicant shall be notified forthwith of the refusal by a notice served  
38 personally upon the applicant, or sent to him by registered mail  
39 addressed to him at the address stated in the application, and the  
40 applicant may, within 30 days after the date of service or mailing of  
41 the notice, appeal to the director from the action of the issuing  
42 authority. If the other issuing authority shall grant a transfer, any  
43 taxpayer or other aggrieved person opposing the grant of the transfer  
44 may, within 30 days after the grant of the transfer, appeal to the  
45 director from the action of the issuing authority.

46 No person who would fail to qualify as a licensee under this

1 chapter shall be knowingly employed by or connected in any business  
2 capacity whatsoever with a licensee. A person failing to qualify as to  
3 age or by reason of conviction of a crime involving moral turpitude  
4 may, with the approval of the director, and subject to rules and  
5 regulations, be employed by any licensee, but the employee if  
6 disqualified by age shall not, in any manner whatsoever serve, sell or  
7 solicit the sale or participate in the manufacture, rectification,  
8 blending, treating, fortification, mixing, processing or bottling of any  
9 alcoholic beverage; and further provided, that no permit shall be  
10 necessary for the employment in a bona fide hotel or restaurant of any  
11 person failing to qualify as to age so long as the person shall not in any  
12 manner whatsoever serve, sell or solicit the sale of any alcoholic  
13 beverage, or participate in the mixing, processing or preparation  
14 thereof. Each person seeking to be employed or connected in any  
15 business capacity whatsoever with a licensee shall submit to the  
16 director the applicant's name, address, fingerprints and written consent  
17 for a criminal history record background check to be performed. The  
18 director is authorized to receive criminal history record information  
19 from the State Bureau of Identification in the Division of State Police  
20 and the Federal Bureau of Investigation consistent with applicable  
21 State and federal laws, rules and regulations. The applicant shall bear  
22 the cost for the criminal history record background check, including  
23 all costs of administering and processing the check. The Division of  
24 State Police shall promptly notify the director in the event a current  
25 holder of a license or prospective applicant, who was the subject of a  
26 criminal history record background check pursuant to this section, is  
27 arrested for a crime or offense in this State after the date the  
28 background check was performed.

29 Any request for relief under this section shall be accompanied by  
30 a nonreturnable filing fee of \$100.00 payable to the director.

31 (cf: P.L.1993, c.232, s.1)

32

33 20. R.S.33:1-31.2 is amended to read as follows:

34 33:1-31.2. Any person convicted of a crime involving moral  
35 turpitude may, after the lapse of five years from the date of conviction,  
36 apply to the commissioner for an order removing the resulting  
37 statutory disqualification from obtaining or holding any license or  
38 permit under this chapter. Whenever any such application is made and  
39 it appears to the satisfaction of the commissioner that at least five  
40 years have elapsed from the date of conviction, that the applicant has  
41 conducted himself in a law-abiding manner during that period and that  
42 his association with the alcoholic beverage industry will not be  
43 contrary to the public interest, the commissioner may, in his discretion  
44 and subject to rules and regulations, enter an order removing the  
45 applicant's disqualification from obtaining or holding a license or  
46 permit because of the conviction.

1 On and after the date of the entry of the order, the person therein  
2 named shall be qualified to obtain and hold a license or permit under  
3 this chapter, notwithstanding the conviction therein referred to,  
4 provided he is, in all other respects, qualified under this chapter.

5 Any request for relief under this section shall be accompanied by  
6 a nonreturnable filing fee of \$100.00 payable to the director. Each  
7 applicant shall submit to the director the applicant's name, address,  
8 fingerprints and written consent for a criminal history record  
9 background check to be performed. The director is authorized to  
10 receive criminal history record information from the State Bureau of  
11 Identification in the Division of State Police and the Federal Bureau  
12 of Investigation consistent with applicable State and federal laws, rules  
13 and regulations. The applicant shall bear the cost for the criminal  
14 history record background check, including all costs of administering  
15 and processing the check. The Division of State Police shall promptly  
16 notify the director in the event a current holder of a license or  
17 employee or prospective applicant, who was the subject of a criminal  
18 history record background check pursuant to this section, is arrested  
19 for a crime or offense in this State after the date the background check  
20 was performed.

21 (cf: P.L.1992, c.188, s.5)

22  
23 <sup>1</sup>[21. Section 11 of P.L.1975, c.156 (C.39:8-19) is amended to  
24 read as follows:

25 11. a. The director may deny, suspend or revoke a private  
26 inspection center license or refuse renewal thereof for cause, including  
27 but not limited to one or more of the following:

28 (1) Violation of any provision of this act or of any regulation  
29 adopted thereunder, including a finding of guilt made pursuant to  
30 section 10 of this act;

31 (2) Fraud or misrepresentation in securing the license or in the  
32 conduct of the licensed activity;

33 (3) Making initial inspection or reinspection service charges in  
34 excess of those posted on the licensed premises and filed with the  
35 director;

36 (4) Conviction of a crime involving moral turpitude;

37 (5) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
38 regulation adopted thereunder;

39 (6) Other good cause.

40 b. The director may suspend a license for such period as he deems  
41 fit, pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
42 (C.52:14B-1 et seq.). If the director determines that the public  
43 interest requires suspension of a license pursuant to this act prior to  
44 hearing, the director may do so, provided that the licensee is afforded  
45 the opportunity to request in writing a hearing within 10 days of the  
46 effective date of the suspension, and an administrative adjudication

1 shall be held as soon thereafter as possible.

2 c. The suspension or revocation of a private inspection center  
3 license shall not of itself be cause for the denial, suspension or  
4 revocation of any other business license held by the private inspection  
5 center licensee, issued by the State or any of its political subdivisions.

6 d. For the purposes of this section, each applicant for a license  
7 shall submit to the director the applicant's name, address, fingerprints  
8 and written consent for a criminal history record background check to  
9 be performed. The director is hereby authorized to exchange  
10 fingerprint data with and receive criminal history record information  
11 from the State Bureau of Identification in the Division of State Police  
12 and the Federal Bureau of Investigation consistent with applicable  
13 State and federal laws, rules and regulations, for purposes of  
14 facilitating determinations concerning licensure eligibility. The  
15 applicant shall bear the cost for the criminal history record background  
16 check, including all costs of administering and processing the check.  
17 The Division of State Police shall promptly notify the director in the  
18 event a current holder of a license or prospective applicant, who was  
19 the subject of a criminal history record background check pursuant to  
20 this section, is arrested for a crime or offense in this State after the  
21 date the background check was performed.

22 (cf: P.L.1986, c.22, s.12)]<sup>1</sup>

23

24 <sup>1</sup>21. Section 5 of P.L.1995, c.112 (C.39:8-45) is amended to read  
25 as follows:

26 5. a. (1) The [director] chief administrator, after appropriate  
27 inquiry and investigation, may license persons to operate private  
28 inspection facilities to inspect initially, reinspect and certify all motor  
29 vehicles that are subject to inspection pursuant to R.S.39:8-1. A  
30 person shall not be licensed unless qualified to conduct the inspections  
31 and reinspections, and in possession of the necessary equipment.

32 (2) The [director] chief administrator, by regulation with the  
33 concurrence of the Department of Environmental Protection, may restrict  
34 establish a limited number of distinct classes of licenses, may restrict  
35 the activities authorized by each distinct class of license, including  
36 restrictions as to the vehicles that may be inspected or reinspected, and  
37 may restrict the services that holders of each class may perform in  
38 addition to the activities authorized by the license. These regulations  
39 shall permit private inspection facilities to perform initial inspections  
40 on motor vehicles four years old or newer and, to the maximum extent  
41 feasible, permit private inspection facilities to perform initial  
42 inspections on motor vehicles that are more than four years old and to  
43 repair and reinspect all motor vehicles.

44 b. (1) The [director] chief administrator may license as a private  
45 inspection facility any person that is the owner or lessee of 10 or more  
46 motor vehicles to initially inspect, reinspect and certify vehicles that



1 the person owns or leases.

2 (2) The [director] chief administrator, by regulation with the  
3 concurrence of the Department of Environmental Protection, may  
4 restrict the activities authorized by a license issued pursuant to this  
5 subsection, including restrictions as to the vehicles that may be  
6 inspected or reinspected, and may restrict the services that holders of  
7 this license may perform in addition to the activities authorized by the  
8 license.

9 c. The [director] chief administrator shall require a private  
10 inspection facility licensee to have in effect at all times liability  
11 insurance or such other proof of financial responsibility as the  
12 [director] chief administrator may prescribe; and may require a  
13 performance bond.

14 d. The [director] chief administrator shall prescribe the form and  
15 content of the application for a private inspection facility license, and  
16 may charge a nonrefundable application fee not to exceed \$20. The  
17 [director] chief administrator may charge a license fee, not to exceed  
18 \$250, to be paid by a person for each year or part of a year in which  
19 that person holds a private inspection facility license. All fees  
20 collected pursuant to this subsection shall be paid to the State  
21 Treasurer and deposited in the "Motor Vehicle Inspection Fund"  
22 established pursuant to subsection j. of R.S.39:8-2.

23 e. For the purposes of this section, each applicant for a license  
24 shall submit to the chief administrator the applicant's name, address,  
25 fingerprints and written consent for a criminal history record  
26 background check to be performed. The chief administrator is hereby  
27 authorized to exchange fingerprint data with and receive criminal  
28 history record information from the State Bureau of Identification in  
29 the Division of State Police and the Federal Bureau of Investigation  
30 consistent with applicable State and federal laws, rules and  
31 regulations, for purposes of facilitating determinations concerning  
32 licensure eligibility. The applicant shall bear the cost for the criminal  
33 history record background check, including all costs of administering  
34 and processing the check. The Division of State Police shall promptly  
35 notify the chief administrator in the event a current holder of a license  
36 or prospective applicant, who was the subject of a criminal history  
37 record background check pursuant to this section, is arrested for a  
38 crime or offense in this State after the date the background check was  
39 performed.<sup>1</sup>

40 (cf: P.L.1995, c.112, s.5)

41

42 22. R.S.39:10-19 is amended to read as follows:

43 39:10-19. No person shall engage in the business of buying, selling  
44 or dealing in motor vehicles in this State, nor shall a person engage in  
45 activity that would qualify the person as a leasing dealer, as defined in  
46 section 2 of P.L.1994, c.190 (C.56:12-61), unless: a. he is a licensed

1 real estate broker acting as an agent or broker in the sale of mobile  
2 homes without their own motor power other than recreation vehicles  
3 as defined in section 3 of P.L.1990, c.103 (C.39:3-10.11), or  
4 manufactured homes as defined in section 3 of P.L.1983, c.400  
5 (C.54:4-1.4); or b. he is authorized to do so under the provisions of  
6 this chapter. The director may, upon application in such form as he  
7 prescribes, license any proper person as such dealer or leasing dealer.  
8 A licensed real estate broker shall be entitled to act as an agent or  
9 broker in the sale of a mobile or manufactured home as defined in  
10 subsection a. of this section without obtaining a license from the  
11 director. For the purposes of this chapter, a "licensed real estate  
12 broker" means a real estate broker licensed by the New Jersey Real  
13 Estate Commission pursuant to the provisions of chapter 15 of Title  
14 45 of the Revised Statutes. Any sale or transfer of a mobile or  
15 manufactured home, in which a licensed real estate broker acts as a  
16 broker or agent pursuant to this section, which sale or transfer is  
17 subject to any other requirements of R.S.39:10-1 et seq., shall comply  
18 with all of those requirements. No person who has been convicted of  
19 a crime, arising out of fraud or misrepresentation in the sale, leasing  
20 or financing of a motor vehicle, shall be eligible to receive a license.  
21 For the purposes of this section, each applicant for a license shall  
22 submit to the director the applicant's name, address, fingerprints and  
23 written consent for a criminal history record background check to be  
24 performed. The director is hereby authorized to exchange fingerprint  
25 data with and receive criminal history record information from the  
26 State Bureau of Identification in the Division of State Police and the  
27 Federal Bureau of Investigation consistent with applicable State and  
28 federal laws, rules and regulations, for purposes of facilitating  
29 determinations concerning licensure eligibility. The applicant shall  
30 bear the cost for the criminal history record background check,  
31 including all costs of administering and processing the check. The  
32 Division of State Police shall promptly notify the director in the event  
33 a current holder of a license or prospective applicant, who was the  
34 subject of a criminal history record background check pursuant to this  
35 section, is arrested for a crime or offense in this State after the date  
36 the background check was performed. Each applicant for a license  
37 shall at the time such license is issued have established and maintained,  
38 or by said application shall agree to establish and maintain, within 90  
39 days after the issuance thereof, a place of business consisting of a  
40 permanent building not less than 1,000 square feet in floor space  
41 located in the State of New Jersey to be used principally for the  
42 servicing and display of motor vehicles with such equipment installed  
43 therein as shall be requisite for the servicing of motor vehicles in such  
44 manner as to make them comply with the laws of this State and with  
45 any rules and regulations made by the director of motor vehicles  
46 governing the equipment, use and operation of motor vehicles within

1 the State. However, a leasing dealer, who is not engaged in the  
2 business of buying, selling or dealing in motor vehicles in the State,  
3 shall not be required to maintain a place of business with floor space  
4 available for the servicing or display of motor vehicles or to have an  
5 exterior sign at the lessor's place of business. A license fee of \$100  
6 shall be paid by an applicant upon his initial application for a license.  
7 The director may renew an applicant's license from year to year, upon  
8 application for renewal on a form prescribed by the director and  
9 accompanied each year by a renewal fee of \$100. Every license shall  
10 expire on March 31 of each year terminating the period for which it is  
11 issued. On and after February 1 of each year the director shall issue  
12 licenses for the following yearly period to expire on March 31 of the  
13 following year.

14 For the purposes of this section, a leasing dealer or an assignee of  
15 a leasing dealer whose leasing activities are limited to buying motor  
16 vehicles for the purpose of leasing them and selling motor vehicles at  
17 the termination of a lease shall not be deemed to be engaged in the  
18 business of buying, selling or dealing in motor vehicles in this State.  
19 (cf: P.L.1994, c.190, s.9)

20

21 <sup>1</sup>[23. Section 3 of P.L.1951, c.216 (C.39:12-3) is amended to  
22 read as follows:

23 3. The director may deny the application of any person for a  
24 license if, in his discretion, he determines that:

25 a. Such applicant has made a material false statement or concealed  
26 a material fact in connection with his application;

27 b. Such applicant, any officer, director, stockholder or partner, or  
28 any other person directly or indirectly interested in the business, was  
29 the former holder of a license under this act, or was an officer,  
30 director, stockholder or partner, in a corporation or partnership which  
31 held a license under this act and which license was revoked or  
32 suspended by the director;

33 c. Such applicant or any officer, director, stockholder, partner,  
34 employee, or any other person directly or indirectly interested in the  
35 business, has been convicted of a crime;

36 d. Such applicant has failed to furnish satisfactory evidence of  
37 good character, reputation and fitness;

38 e. Such applicant does not have a place of business as required by  
39 this act;

40 f. Such applicant is not the true owner of the drivers' school; or

41 g. The application is not accompanied by a copy of a standard  
42 liability insurance policy in the amount of \$10,000.00 for personal  
43 injury to, or death of, any 1 person, \$20,000.00 for personal injury to,  
44 or death of, any number of persons involved in any 1 accident, and  
45 \$5,000.00 for property damage in any 1 accident, suffered, or caused  
46 by reason of the negligence of the applicant or any agent or employee

1 of the applicant, approved as to form and coverage by the director,  
2 and issued by a company duly licensed to transact business in this  
3 State under the insurance laws of this State.

4 For the purposes of this section, each applicant for a license shall  
5 submit to the director the applicant's name, address, fingerprints and  
6 written consent for a criminal history record background check to be  
7 performed. The director is hereby authorized to exchange fingerprint  
8 data with and receive criminal history record information from the  
9 State Bureau of Identification in the Division of State Police and the  
10 Federal Bureau of Investigation consistent with applicable State and  
11 federal laws, rules and regulations, for purposes of facilitating  
12 determinations concerning licensure eligibility. The applicant shall  
13 bear the cost for the criminal history record background check,  
14 including all costs of administering and processing the check. The  
15 Division of State Police shall promptly notify the director in the event  
16 a current holder of a license or prospective applicant, who was the  
17 subject of a criminal history record background check pursuant to this  
18 section, is arrested for a crime or offense in this State after the date  
19 the background check was performed.

20 (cf: P.L.1959, c.44, s.1)]<sup>1</sup>

21  
22 <sup>1</sup>23. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read  
23 as follows:

24 2. No person shall engage in the business of conducting a drivers'  
25 school without being licensed therefor by the [Director of Motor  
26 Vehicles] Chief Administrator of the New Jersey Motor Vehicle  
27 Commission. Application therefor shall be in writing and contain such  
28 information therein as he shall require on initial and renewal  
29 applications, including the applicant's Federal Tax Identification  
30 number, State tax identification number and proof of workers'  
31 compensation insurance coverage by a mutual association or stock  
32 company authorized to write coverage on such risks in this State or  
33 written authorization by the Commissioner of Banking and Insurance  
34 to self-insure for workers' compensation pursuant to R.S.34:15-77.  
35 The applicant shall file a surety bond in the amount of \$10,000 issued  
36 by a company authorized to transact surety business in this State and  
37 payable to the division. A license shall not be issued or renewed  
38 unless the applicant or an employee is a qualified supervising  
39 instructor. For purposes of this section, a "qualified supervising  
40 instructor" shall mean a drivers' school instructor who a. is currently  
41 licensed and has been licensed by the division for at least two years  
42 prior to submission of the initial or renewal application, b. has  
43 successfully provided a minimum of 500 hours of behind-the-wheel  
44 instruction, and c. has successfully completed a three credit New  
45 Jersey driver education college course offered by a college or  
46 university licensed by the New Jersey Commission on Higher

1 Education. The applicant shall furnish, together with the application,  
2 satisfactory evidence that the applicant or an employee is a qualified  
3 supervising instructor as set forth herein, except that an applicant for  
4 license renewal shall have one year after the date this act becomes  
5 effective to furnish evidence of completion of a three credit New  
6 Jersey driver education college course to the division. If the  
7 application is approved, the applicant shall be granted a license to  
8 teach approved courses in classroom and behind-the-wheel driver  
9 education upon the payment of a fee of \$250.00; provided, however,  
10 no license fee shall be charged for the issuance of a license to any  
11 board of education, school board, public, private or parochial school,  
12 which conducts a course in driver education, approved by the State  
13 Department of Education. A license so issued shall be valid during the  
14 calendar year. The annual fee for renewal shall be \$200. The  
15 ~~[director]~~ chief administrator shall issue a license certificate or license  
16 certificates to each licensee, one of which shall be displayed in each  
17 place of business of the licensee.

18 For the purposes of this section, each applicant for a license shall  
19 submit to the chief administrator the applicant's name, address,  
20 fingerprints and written consent for a criminal history record  
21 background check to be performed. The chief administrator is hereby  
22 authorized to exchange fingerprint data with and receive criminal  
23 history record information from the State Bureau of Identification in  
24 the Division of State Police and the Federal Bureau of Investigation  
25 consistent with applicable State and federal laws, rules and  
26 regulations, for purposes of facilitating determinations concerning  
27 licensure eligibility. The applicant shall bear the cost for the criminal  
28 history record background check, including all costs of administering  
29 and processing the check. The Division of State Police shall promptly  
30 notify the chief administrator in the event a current holder of a license  
31 or prospective applicant, who was the subject of a criminal history  
32 record background check pursuant to this section, is arrested for a  
33 crime or offense in this State after the date the background check was  
34 performed.<sup>1</sup>

35 (cf: P.L.2001, c.420, s.9)

36

37 <sup>1</sup>[24. Section 6 of P.L.1951, c.216 (C.39:12-6) is amended to  
38 read as follows:

39 6. The director may deny the application of any person for an  
40 instructor's license or for a motorcycle safety education instructor  
41 endorsement to an instructor's license if, in his discretion, he  
42 determines that:

43 a. the applicant has made a material false statement or concealed  
44 a material fact in connection with his application therefore;

45 b. the applicant has failed to furnish satisfactory evidence of the  
46 facts required of him in section five of this act; or

1 c. the applicant for an instructor's license is not of good moral  
2 character; that he has not held a license to drive a motor vehicle within  
3 the State for the past three consecutive years; that he has not had a  
4 driving record satisfactory to the director; that he has been convicted  
5 of crime; that he is disqualified for a motorcycle safety education  
6 instructor endorsement for any reason set forth in section 2 of  
7 P.L.1991, c.452 (C.27:5F-37).

8 For the purposes of this section, each applicant for a license shall  
9 submit to the director the applicant's name, address, fingerprints and  
10 written consent for a criminal history record background check to be  
11 performed. The director is hereby authorized to exchange fingerprint  
12 data with and receive criminal history record information from the  
13 State Bureau of Identification in the Division of State Police and the  
14 Federal Bureau of Investigation, consistent with applicable State and  
15 federal laws, rules and regulations, for purposes of facilitating  
16 determinations concerning licensure eligibility. The applicant shall  
17 bear the cost for the criminal history record background check,  
18 including all costs of administering and processing the check. The  
19 Division of State Police shall promptly notify the director in the event  
20 a current holder of a license or prospective applicant, who was the  
21 subject of a criminal history record background check pursuant to this  
22 section, is arrested for a crime or offense in this State after the date  
23 the background check was performed.

24 (cf: P.L.1991, c.452, s.9)]<sup>1</sup>

25  
26 <sup>1</sup>24. Section 5 of P.L.1951, c.216 (C.39:12-5) is amended to read  
27 as follows:

28 5. No person shall be employed by any such licensee to give  
29 instruction in driving a motor vehicle unless he shall be licensed to act  
30 as such instructor by the [director] chief administrator. No person  
31 shall be employed by such licensee to instruct a motorcycle safety  
32 education course as established pursuant to section 1 of P.L.1991,  
33 c.452 (C.27:5F-36) unless he has received from the [director] chief  
34 administrator a motorcycle safety education instructor endorsement to  
35 his instructor's license. The [director] chief administrator shall issue  
36 a motorcycle safety education instructor endorsement to an instructor's  
37 license if the person meets the requirements set forth in section 2 of  
38 P.L.1991, c.452 (C.27:5F-37).

39 Application for an instructor's license or for a motorcycle safety  
40 education instructor endorsement to an instructor's license shall be in  
41 writing and shall contain such information as the [director] chief  
42 administrator shall require.

43 The initial fee for an instructor's license shall be \$75.00 and a fee  
44 for an annual renewal thereof shall be \$50. No additional fee shall be  
45 charged by the [director] chief administrator for a motorcycle safety  
46 education instructor endorsement. The license so issued shall be valid

1 for the calendar year within which it is issued, and renewals shall be  
2 for succeeding calendar years.

3 For the purposes of this section, each applicant for a license shall  
4 submit to the chief administrator the applicant's name, address,  
5 fingerprints and written consent for a criminal history record  
6 background check to be performed. The chief administrator is hereby  
7 authorized to exchange fingerprint data with and receive criminal  
8 history record information from the State Bureau of Identification in  
9 the Division of State Police and the Federal Bureau of Investigation  
10 consistent with applicable State and federal laws, rules and  
11 regulations, for purposes of facilitating determinations concerning  
12 licensure eligibility. The applicant shall bear the cost for the criminal  
13 history record background check, including all costs of administering  
14 and processing the check. The Division of State Police shall promptly  
15 notify the chief administrator in the event a current holder of a license  
16 or prospective applicant, who was the subject of a criminal history  
17 record background check pursuant to this section, is arrested for a  
18 crime or offense in this State after the date the background check was  
19 performed.<sup>1</sup>

20 (cf: P.L.1994, c.60, s.30)

21

22 25. N.J.S.40A:14-9 is amended to read as follows:

23 40A:14-9. Except as otherwise provided by law, no person shall  
24 be appointed as a member of the paid or as a paid member of a  
25 part-paid fire department and force, unless he:

26 (1) is a citizen of the United States;

27 (2) is sound in body and of good health sufficient to satisfy the  
28 board of trustees of the police and firemen's retirement system of New  
29 Jersey as to his eligibility for membership in the retirement system;

30 (3) has a high school diploma or an equivalency certificate and is  
31 able to read, write and speak the English language well and  
32 intelligently;

33 (4) is of good moral character; and

34 (5) has not been convicted of any criminal offense involving moral  
35 turpitude.

36 For the purposes of this section, each applicant shall submit to the  
37 appointing body of the municipality, the applicant's name, address,  
38 fingerprints and written consent for a criminal history record  
39 background check to be performed. The appointing body of the  
40 municipality is authorized to exchange fingerprint data with and  
41 receive criminal history record information from the State Bureau of  
42 Identification in the Division of State Police and the Federal Bureau  
43 of Investigation consistent with applicable State and federal laws, rules  
44 and regulations. The applicant shall bear the cost for the criminal  
45 history record background check, including all costs of administering  
46 and processing the check. The Division of State Police shall promptly

1 notify the appointing body of the municipality in the event a current  
2 employee or prospective applicant, who was the subject of a criminal  
3 history record background check pursuant to this section, is arrested  
4 for a crime or offense in this State after the date the background check  
5 was performed. The appointing body, officer or officers of the  
6 municipality when authorized so to do, may employ such officers and  
7 other personnel for said paid or part-paid fire department and force as  
8 temporary employees in emergencies, or for certain specified parts of  
9 the year, as needed.

10 Except as otherwise provided by law, any permanent paid member  
11 or officer of such paid or part-paid fire department and force, who is  
12 absent from duty without just cause or leave of absence, for a  
13 continuous period of 5 days, shall cease to be a member of such paid  
14 or part-paid fire department.

15 (cf: P.L.1981, c.19, s.1)

16

17 26. R.S.45:15-9 is amended to read as follows:

18 45:15-9. All persons desiring to become real estate brokers,  
19 broker-salespersons or salespersons shall apply to the commission for  
20 a license under the provisions of this article. Every applicant for a  
21 license as a broker, broker-salesperson or salesperson shall be of the  
22 age of 18 years or over, and in the case of an association or a  
23 corporation the directors thereof shall be of the age of 18 years or  
24 over. Application for a license, whether as a real estate broker,  
25 broker-salesperson or a salesperson, shall be made to the commission  
26 upon forms prescribed by it and shall be accompanied by an  
27 application fee of \$25 which fee shall not be refundable. Every  
28 applicant for a license whether as a real estate broker,  
29 broker-salesperson or salesperson shall have the equivalent of a high  
30 school education. The issuance of a license to an applicant who is a  
31 nonresident of this State shall be deemed to be his irrevocable consent  
32 that service of process upon him as a licensee in any action or  
33 proceeding may be made upon him by service upon the secretary of the  
34 commission or the person in charge of the office of the commission.  
35 The applicant shall furnish evidence of good moral character, and in  
36 the case of an association, partnership or corporation, the members,  
37 officers or directors thereof shall furnish evidence of good moral  
38 character. The commission may make such investigation and require  
39 such proof as it deems proper and in the public interest as to the  
40 honesty, trustworthiness, character and integrity of an applicant. Any  
41 applicant for licensure pursuant to this section and any officer,  
42 director, partner or owner of a controlling interest of a corporation or  
43 partnership filing for licensure pursuant to this section shall submit to  
44 the commission the applicant's name, address, fingerprints and written  
45 consent for a criminal history record background check to be  
46 performed. The commission is hereby authorized to exchange



1 fingerprint data with and receive criminal history record information  
2 from the State Bureau of Identification in the Division of State Police  
3 and the Federal Bureau of Investigation consistent with applicable  
4 State and federal laws, rules and regulations, for the purposes of  
5 facilitating determinations concerning licensure eligibility. The  
6 applicant shall bear the cost for the criminal history record background  
7 check, including all costs of administering and processing the check.  
8 The Division of State Police shall promptly notify the commissioner in  
9 the event a current holder of a license or prospective applicant, who  
10 was the subject of a criminal history record background check  
11 pursuant to this section, is arrested for a crime or offense in this State  
12 after the date the background was performed. Every applicant for a  
13 license as a broker or broker-salesperson shall have first been the  
14 holder of a New Jersey real estate salesperson's license and have been  
15 actively engaged on a full-time basis in the real estate brokerage  
16 business in this State for three years immediately preceding the date of  
17 application, which requirement may be waived by the commission  
18 where the applicant has been the holder of a broker's license in another  
19 state and actively engaged in the real estate brokerage business for at  
20 least three years immediately preceding the date of his application,  
21 meets the educational requirements and qualifies by examination. No  
22 license as a broker shall be granted to a general partnership or  
23 corporation unless at least one of the partners or officers of said  
24 general partnership or corporation qualifies as and holds a license as  
25 a broker to transact business in the name and on behalf of said general  
26 partnership or corporation as its authorized broker and no such  
27 authorized broker shall act as a broker on his own individual account  
28 unless he is also licensed as a broker in his individual name; the license  
29 of said general partnership or corporation shall cease if at least one  
30 partner or officer does not hold a license as its authorized broker at all  
31 times. A change in the status of the license of an authorized broker to  
32 an individual capacity or vice versa shall be effected by application to  
33 the commission accompanied by a fee of \$25. No license as a broker  
34 shall be granted to a limited partnership unless its general partner  
35 qualifies as and holds a license as a broker to transact business in the  
36 name of and on behalf of the limited partnership. In the event that a  
37 corporation is a general partner of a limited partnership, no license as  
38 a broker shall be granted to the limited partnership unless the  
39 corporation is licensed as a broker and one of the officers of the  
40 corporation qualifies as and holds a license as the corporation's  
41 authorized broker.

42 In the event that any person to whom a broker's or  
43 broker-salesperson's license has been or shall have been issued shall  
44 fail to renew such license or obtain a new license for a period of more  
45 than two but less than five consecutive years after the expiration of the  
46 last license held, prior to issuing another broker or broker-salesperson

1 license to the person, the commission shall require such person to  
2 work as a licensed salesperson on a full-time basis for one full year, to  
3 pass an examination, and to successfully complete a 90-hour general  
4 broker's pre-licensure course at a licensed real estate school, as the  
5 commission shall prescribe by regulation. In the event that any person  
6 to whom a broker's or broker-salesperson's license has been or shall  
7 have been issued fails to maintain or renew the license or obtain a new  
8 license for a period of more than five consecutive years after the  
9 expiration of the last license held, prior to issuing another broker or  
10 broker-salesperson license to the person the commission shall require  
11 the person to pass the salesperson's license examination and then to  
12 work as a licensed salesperson on a full-time basis for three years, to  
13 fulfill all of the educational requirements applicable to first time  
14 applicants for a broker or broker-salesperson license and to pass the  
15 broker's license examination. The commission may, in its discretion,  
16 approve for relicensure the former holder of a broker or  
17 broker-salesperson license who has not renewed the license or  
18 obtained a new license for two or more consecutive years upon a  
19 sufficient showing that the applicant was medically unable to do so.  
20 All applicants so approved shall pass the broker's license examination  
21 prior to being relicensed. This paragraph shall not apply to a person  
22 reapplying for a broker's or broker-salesperson's license who was  
23 licensed as a broker or broker-salesperson and who allowed his license  
24 to expire due to subsequent employment in a public agency in this  
25 State with responsibility for dealing with matters relating to real estate  
26 if the person reapplying does so within one year of termination of that  
27 employment.

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

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

46

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

3       49. a. Every application for licensure as a real estate school shall  
4 be accompanied by an application fee of \$50 and a criminal history  
5 record check fee for all individual owners, members of a partnership,  
6 or officers, directors and owners of a controlling interest in a  
7 corporation, which fees shall be non-refundable. Any applicant filing  
8 for licensure pursuant to this section and any officer, director, partner  
9 or owner of a controlling interest of a corporation or partnership filing  
10 for licensure pursuant to this section shall submit to the commission,  
11 the applicant's name, address, fingerprints and written consent for a  
12 criminal history record background check to be performed. The  
13 commission is hereby authorized to exchange fingerprint data with and  
14 receive criminal history record information from the State Bureau of  
15 Identification in the Division of State Police and the Federal Bureau  
16 of Investigation consistent with applicable State and federal laws, rules  
17 and regulations, for the purposes of facilitating determinations  
18 concerning licensure eligibility. The applicant shall bear the cost for  
19 the criminal history record background check, including all costs of  
20 administering and processing the check. The Division of State Police  
21 shall promptly notify the commissioner in the event a current holder of  
22 a license or prospective applicant, who was the subject of a criminal  
23 history record background check pursuant to this section, is arrested  
24 for a crime or offense in this State after the date the background was  
25 performed.

26       b. All licenses issued to real estate schools shall expire on a date  
27 fixed by the commission which date shall not be more than two years  
28 from the date of issuance of the license. The license fee for each real  
29 estate school license issued in the first 12 months of any two-year real  
30 estate school license term established by the commission shall be \$200  
31 for the first location and \$100 for each additional location licensed.  
32 The license fee for each real estate school license issued in the second  
33 12 months of any two-year real estate school license term established  
34 by the commission shall be \$100 for the first location and \$50 for each  
35 additional location licensed. The fee for the renewal of each real  
36 estate school license for an additional two-year license term shall be  
37 \$200 for the first location and \$100 for each additional location.

38       c. Any accredited college or university located in this State or any  
39 public adult education program conducted by a board of education in  
40 this State which otherwise qualifies for licensure as a real estate school  
41 shall be issued a license without the payment of any license or license  
42 renewal fee.

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

44

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

1       50. Every application for licensure as a real estate instructor shall  
2 be accompanied by an application fee of \$25 and a criminal history  
3 record check fee, which fees shall be non-refundable. Any applicant  
4 filing for licensure pursuant to this section and any officer, director,  
5 partner or owner of a controlling interest of a corporation or  
6 partnership filing for licensure pursuant to this section shall submit to  
7 the commission the applicant's name, address, fingerprints and written  
8 consent for a criminal history record background check to be  
9 performed. The commission is hereby authorized to exchange  
10 fingerprint data with and receive criminal history record information  
11 from the State Bureau of Identification in the Division of State Police  
12 and the Federal Bureau of Investigation consistent with applicable  
13 State and federal laws, rules and regulations, for the purposes of  
14 facilitating determinations concerning licensure eligibility. The  
15 applicant shall bear the cost for the criminal history record background  
16 check, including all costs of administering and processing the check.  
17 The Division of State Police shall promptly notify the commissioner in  
18 the event a current holder of a license or prospective applicant, who  
19 was the subject of a criminal history record background check  
20 pursuant to this section, is arrested for a crime or offense in this State  
21 after the date the background was performed. All licenses issued to  
22 real estate instructors shall expire on a date fixed by the commission  
23 which shall be no more than two years from the date of issuance of the  
24 license. The license fee for each real estate instructor license issued  
25 in the first 12 months of any two-year real estate instructor license  
26 term established by the commission shall be \$100 and the fee for an  
27 instructor license issued in the second 12 months of the cycle shall be  
28 \$50. The fee for the renewal of each real estate instructor license for  
29 an additional two-year license term shall be \$50. Upon payment of the  
30 renewal fee and the submission of evidence of satisfactory completion  
31 of any continuing education requirements which the commission may  
32 by regulation prescribe, the commission shall renew the license of a  
33 real estate instructor for a two-year period.  
34 (cf: P.L.1993, c.51, s.50)

1       29. Section 4 of P.L.1939, c.369 (C.45:19-11) is amended to read  
2 as follows:

3       4. Any person, firm, association or corporation desiring to  
4 conduct a private detective business or the business of a private  
5 detective or investigator[,] shall, for each bureau or agency,  
6 subagency, office and branch office to be owned, conducted, managed  
7 or maintained by such person, firm, association or corporation for the  
8 conduct of such business, **[file in the office of the superintendent]**  
9 submit to the Superintendent of State Police the applicant's name,  
10 address, fingerprints and written consent for a criminal history record  
11 background check to be performed. The superintendent shall cause  
12 such fingerprints to be compared to fingerprints filed with the State  
13 Bureau of Identification in the Division of State Police and the Federal  
14 Bureau of Investigation consistent with applicable State and federal  
15 laws, rules and regulations. The applicant shall bear the cost for the  
16 criminal history record background check, including all costs of  
17 administering and processing the check. These fingerprints will be  
18 provided in addition to a written application duly signed and verified,  
19 accompanied, in the case of an application by a person, with the  
20 written approval of not less than five reputable citizens who shall be  
21 freeholders of the county where such applicant resides or in the county  
22 in which it is proposed to conduct such business, and in the case of a  
23 firm, the written approval of five reputable citizens for each of the  
24 members of the firm who shall be freeholders of the county where each  
25 member of the firm resides or the county in which it is proposed to  
26 conduct such business, or in the case of an association or corporation,  
27 the written approval by five reputable citizens for each officer and  
28 director of the corporation who shall be freeholders of the county  
29 where such officers and directors reside, or of the county in which it  
30 is proposed to conduct such business. Such approvals shall be signed  
31 and acknowledged by the respective citizens before an officer  
32 authorized to take acknowledgments of conveyances of real property.  
33 The application shall state the following: Name, age, residence,  
34 present and previous occupations of the applicant, or in case of a firm,  
35 of each member of the firm, or in the case of an association or  
36 corporation, of each officer and director thereof; that each of the  
37 foregoing persons are citizens of the United States; the name of the  
38 municipality and the location therein by street number or other apt  
39 description where is to be located the principal place of business and  
40 the location of each bureau, agency, subagency, office or branch office  
41 for which a license is desired, and such other facts as may be required  
42 by the superintendent as will tend to show the character, competency  
43 and integrity of each person or individual signing such application.  
44 Any person who shall knowingly state any fact falsely shall be guilty  
45 of a misdemeanor.

46 (cf: P.L.1939, c.369, s.4)

1       30. Section 9 of P.L.1934, c.369 (C.45:19-16) is amended to read  
2 as follows:

3       9. No holder of any unexpired license issued pursuant to this act  
4 shall knowingly employ in connection with his or its business in any  
5 capacity whatsoever, any person who has been convicted of a high  
6 misdemeanor or any of the following misdemeanors, or offenses, and  
7 who has not subsequent to such conviction received executive pardon  
8 therefor removing any civil disabilities incurred thereby, to wit:

9       (a) illegally using, carrying or possessing a pistol or other  
10 dangerous weapon;

11       (b) making or possessing burglar's instruments;

12       (c) buying or receiving stolen property;

13       (d) unlawful entry of a building;

14       (e) aiding escape from prison;

15       (f) unlawfully possessing or distributing habit-forming narcotic  
16 drugs;

17       (g) any person whose private detective or investigator's license  
18 was revoked or application for such license was denied by the  
19 superintendent or by the authorities of any other State or territory  
20 because of conviction of any of the crimes or offenses specified in this  
21 section. Should the holder of an unexpired license falsely state or  
22 represent that a person is or has been in his employ, such false  
23 statement or misrepresentation shall be sufficient cause for the  
24 revocation of such license.

25       No person shall be employed by any holder of a license until he  
26 shall have executed and furnished to such license holder a verified  
27 statement, to be known as "employee's statement," setting forth:

28       (a) His full name, age, residence address, and place of and date of  
29 birth.

30       (b) The country of which he is a citizen.

31       (c) The business or occupation engaged in for the five years  
32 immediately preceding the date of the filing of the statement, setting  
33 forth the place or places where such business or occupation was  
34 engaged in, and the name or names of employers, if any.

35       (d) That he has not been convicted of a high misdemeanor or of  
36 any offense involving moral turpitude or of any of the misdemeanors  
37 or offenses described in this section.

38       (e) Such further information as the superintendent may by rule  
39 require to show the good character, competency, and integrity of the  
40 person executing the statement.

41       [Immediately upon the verification of an employee's statement, the  
42 holder of a license by whom such person has been or is to be employed  
43 shall cause three sets of fingerprints of the two hands of such person  
44 to be recorded in such manner as the superintendent may by rule  
45 prescribe. The holder of a license shall immediately stamp in indelible  
46 ink the employee's statement and each set of fingerprints with the

1 name, year and license number of such holder and a number, which  
2 number shall be determined by the number of such statements  
3 furnished to such holder and shall be in numerical sequence.

4 The holder of a license shall affix one set of such fingerprints to the  
5 employee's statement in such manner that the prints can be examined  
6 without disclosing the contents of the employee's statement and shall  
7 retain such statement and prints so long as he shall be licensed under  
8 this act.

9 The holder of a license shall file the other two sets of fingerprints  
10 with the superintendent by forwarding the same by registered mail to  
11 the office of the superintendent, Trenton, New Jersey, within  
12 forty-eight hours of such employment.

13 Within five days after the filing of such fingerprints the  
14 superintendent shall cause such fingerprints to be compared with  
15 fingerprints filed with the State Bureau of Identification and, if he]  
16 The employee shall submit to the Superintendent of State Police the  
17 employee's name, address, fingerprints and written consent for a  
18 criminal history background check to be performed. The  
19 superintendent is hereby authorized to exchange fingerprint data with  
20 and receive criminal history record information from the State Bureau  
21 of Identification in the Division of State Police and the Federal Bureau  
22 of Investigation consistent with applicable State and federal laws, rules  
23 and regulations. The applicant shall bear the cost for the criminal  
24 history background check, including all costs of administering and  
25 processing the check. If the superintendent finds [any record affecting  
26 such prints] that such person has been convicted of a first, second or  
27 third degree crime, or any other offense specified in this section,  
28 shall immediately notify the holder of such license and shall also refer  
29 the matter to the prosecutor of the pleas of the county in which the  
30 employee resides. The superintendent may also from time to time  
31 cause such fingerprints to be checked against the fingerprints filed with  
32 the State bureau of identification or of other official fingerprint files  
33 within or without this State, and if he finds that such person has been  
34 convicted of a high misdemeanor or any other offense specified in this  
35 section he shall immediately notify the holder of such license and shall  
36 also refer the matter to the prosecutor of the pleas of the county in  
37 which the employee resides. The superintendent shall at all times be  
38 given access to and may from time to time examine the fingerprints  
39 retained by the holder of a license as provided in this section.

40 If any holder of a license shall file with the superintendent the  
41 fingerprints of a person other than the person so employed, he shall be  
42 guilty of a misdemeanor.

43 (cf: P.L.1948, c.152, s.3)

44

45 31. Section 8 of P.L.1978, c.73 (C. 45:1-21) is amended to read  
46 as follows:

- 1       8. A board may refuse to admit a person to an examination or may  
2 refuse to issue or may suspend or revoke any certificate, registration  
3 or license issued by the board upon proof that the applicant or holder  
4 of such certificate, registration or license:
- 5       a. Has obtained a certificate, registration, license or authorization  
6 to sit for an examination, as the case may be, through fraud, deception,  
7 or misrepresentation;
- 8       b. Has engaged in the use or employment of dishonesty, fraud,  
9 deception, misrepresentation, false promise or false pretense;
- 10      c. Has engaged in gross negligence, gross malpractice or gross  
11 incompetence which damaged or endangered the life, health, welfare,  
12 safety or property of any person;
- 13      d. Has engaged in repeated acts of negligence, malpractice or  
14 incompetence;
- 15      e. Has engaged in professional or occupational misconduct as may  
16 be determined by the board;
- 17      f. Has been convicted of, or engaged in acts constituting, any  
18 crime or offense involving moral turpitude or relating adversely to the  
19 activity regulated by the board. For the purpose of this subsection a  
20 judgment of conviction or a plea of guilty, non vult, nolo contendere  
21 or any other such disposition of alleged criminal activity shall be  
22 deemed a conviction;
- 23      g. Has had his authority to engage in the activity regulated by the  
24 board revoked or suspended by any other state, agency or authority  
25 for reasons consistent with this section;
- 26      h. Has violated or failed to comply with the provisions of any act  
27 or regulation administered by the board;
- 28      i. Is incapable, for medical or any other good cause, of discharging  
29 the functions of a licensee in a manner consistent with the public's  
30 health, safety and welfare;
- 31      j. Has repeatedly failed to submit completed applications, or parts  
32 of, or documentation submitted in conjunction with, such applications,  
33 required to be filed with the Department of Environmental Protection;
- 34      k. Has violated any provision of P.L.1983, c.320 (C.17:33A-1 et  
35 seq.) or any insurance fraud prevention law or act of another  
36 jurisdiction or has been adjudicated, in civil or administrative  
37 proceedings, of a violation of P.L.1983, c.320 (C.17:33A-1 et seq.) or  
38 has been subject to a final order, entered in civil or administrative  
39 proceedings, that imposed civil penalties under that act against the  
40 applicant or holder;
- 41      l. Is presently engaged in drug or alcohol use that is likely to  
42 impair the ability to practice the profession or occupation with  
43 reasonable skill and safety. For purposes of this subsection, the term  
44 "presently" means at this time or any time within the previous 365  
45 days;
- 46      m. Has prescribed or dispensed controlled dangerous substances



1 indiscriminately or without good cause, or where the applicant or  
2 holder knew or should have known that the substances were to be  
3 used for unauthorized consumption or distribution;

4 n. Has permitted an unlicensed person or entity to perform an act  
5 for which a license or certificate of registration or certification is  
6 required by the board, or aided and abetted an unlicensed person or  
7 entity in performing such an act;

8 o. Advertised fraudulently in any manner.

9 The division is authorized, for purposes of facilitating  
10 determinations concerning licensure eligibility, to require the  
11 fingerprinting of each applicant in accordance with applicable State  
12 and federal laws, rules and regulations. Each applicant shall submit the  
13 applicant's name, address, and written consent to the director for a  
14 criminal history record background check to be performed. The  
15 division is authorized to receive criminal history record information  
16 from the State Bureau of Identification in the Division of State Police  
17 and the Federal Bureau of Investigation. Upon receipt of such  
18 notification, the division shall forward the information to the  
19 appropriate board which shall make a determination regarding the  
20 issuance of licensure. The applicant shall bear the cost for the criminal  
21 history record background check, including all costs of administering  
22 and processing the check, unless otherwise provided for by an  
23 individual enabling act. The Division of State Police shall promptly  
24 notify the division in the event an applicant or licensee, who was the  
25 subject of a criminal history record background check pursuant to this  
26 section, is convicted of a crime or offense in this State after the date  
27 the background check was performed.

28 For purposes of this act:

29 "Completed application" means the submission of all of the  
30 information designated on the checklist, adopted pursuant to section  
31 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of  
32 permit for which application is made.

33 "Permit" has the same meaning as defined in section 1 of P.L.1991,  
34 c.421 (C.13:1D-101).

35 (cf: P.L.1999, c.403, s.2)

36

37 32. Section 9 of P.L.1967, c.93 (C.49:3-56) is amended to read  
38 as follows:

39 9. (a) It shall be unlawful for any person to act as a broker-dealer,  
40 agent, investment adviser or investment adviser representative in this  
41 State unless that person is registered or exempt from registration  
42 under this act;

43 (b) A person shall be exempt from registration as a broker-dealer  
44 if, during any period of 12 consecutive months, that person (1) does  
45 not effect more than 15 transactions with persons other than those  
46 specified in paragraph (5) of subsection (c) of section 2 of P.L.1967,

1 c.93 (C.49:3-49) located within New Jersey; (2) does not effect  
2 transactions in more than five customer accounts of New Jersey  
3 residents; or (3) effects transactions with persons who have no place  
4 of residence in New Jersey and who are temporarily located in the  
5 State; if at the time of the transactions described in paragraph (1), (2)  
6 or (3) of this subsection (b), the broker-dealer has no place of business  
7 in this State and is a member in good standing of a recognized  
8 self-regulatory organization and is registered in the state in which the  
9 broker-dealer is located;

10 (c) Agents who represent broker-dealers in transactions exempt  
11 pursuant to paragraph (1), (2) or (3) of subsection (b) of this section  
12 shall be exempt from registration for those transactions if they are  
13 members of a recognized self-regulatory organization and registered  
14 in the state in which they are located at the time of the transaction;

15 (d) The burden of proving an exemption from registration under  
16 this section shall be on the person claiming the exemption. A person  
17 claiming an exemption from registration under this section shall keep  
18 his books and records open to inspection by the bureau. If the bureau  
19 chief finds it is in the public interest and necessary for the protection  
20 of investors, the bureau chief may deny any exemption specified in  
21 paragraph (1), (2) or (3) of subsection (b) or in subsection (c) of this  
22 section as to any broker-dealer or agent. The bureau chief may  
23 proceed in summary fashion or otherwise;

24 (e) The bureau chief may identify classes of customers, securities,  
25 transactions and broker-dealers for the purpose of increasing the  
26 number of transactions or accounts available under the exemptions  
27 specified in paragraph (1), (2) or (3) of subsection (b) or subsection  
28 (c) of this section;

29 (f) The bureau chief may by order identify the self-regulatory  
30 organizations recognized under subsections (b) and (c) of this section  
31 and may by rule or order define the conditions under which  
32 non-resident persons are temporarily in New Jersey under paragraph  
33 (3) of subsection (b) of this section;

34 (g) A person shall be exempt from registration as an investment  
35 adviser or from making a notice filing required by section 10 of  
36 P.L.1967, c.93 (C.49:3-57), if:

37 (1) The person has a place of business in this State and during any  
38 period of 12 consecutive months that person does not have more than  
39 five clients, who are residents of this State, other than those specified  
40 in subparagraph (vi) of paragraph (2) of subsection (g) of section 2 of  
41 P.L.1967, c.93 (C.49:3-49); or

42 (2) The person has no place of business in this State, and during  
43 any period of 12 consecutive months that person does not have more  
44 than five clients, who are residents of this State, other than those  
45 specified in subparagraph (vi) of paragraph (2) of subsection (g) of  
46 section 2 of P.L.1967, c.93 (C.49:3-49).

1       The bureau chief may by rule or order determine the availability of  
2 the exemptions provided by this subsection (g), including the waiver  
3 of the conditions in paragraphs (1) and (2) of this subsection;

4       (h) It shall be unlawful for any broker-dealer or issuer to employ  
5 an agent in this State unless the agent is registered. The registration  
6 of an agent is not effective during any period when he is not associated  
7 with a particular broker-dealer registered under this act or a particular  
8 issuer. When an agent begins or terminates a connection with a  
9 broker-dealer or issuer, or begins or terminates those activities which  
10 make him an agent, the agent as well as the broker-dealer or issuer  
11 shall promptly notify the bureau. When an agent terminates his  
12 connection with a particular broker-dealer or issuer, his authorization  
13 to engage in those activities which make him an agent is terminated;

14       (i) It shall be unlawful for any person to transact business in this  
15 State as an investment adviser unless (1) he is so registered under  
16 this act, is exempt from registration under this act, or is excluded from  
17 the definition of investment adviser under this act, or (2) he is  
18 registered as a broker-dealer without the imposition of a condition  
19 under paragraph (5) of subsection (b) of section 11 of P.L.1967, c.93  
20 (C.49:3-58);

21       (j) It shall be unlawful for any investment adviser required to be  
22 registered pursuant to this section to employ an investment adviser  
23 representative, unless the investment adviser representative is also  
24 registered pursuant to this section. It is unlawful for any person  
25 registered or required to be registered as an investment adviser under  
26 section 203 of the "Investment Advisers Act of 1940," 15 U.S.C.  
27 s.80b-3, to employ, supervise, or associate with an investment adviser  
28 representative having a place of business located in this State, unless  
29 that investment adviser representative is registered under this act, or  
30 is exempt from registration. The registration of an investment adviser  
31 representative is not effective during any period when the investment  
32 adviser representative is not employed by an investment adviser  
33 registered pursuant to this section or registered under section 203 of  
34 the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3. When an  
35 investment adviser representative described in this subsection begins  
36 or terminates employment with an investment adviser, the investment  
37 adviser and the investment adviser representative shall promptly notify  
38 the bureau chief. When an investment adviser representative  
39 terminates his connection with a particular investment adviser, his  
40 authorization to engage in those activities which make him an  
41 investment adviser representative is terminated;

42       (k) The bureau chief may summarily bar, pending final  
43 determination of any proceeding under this subsection, any person,  
44 who has been convicted of any crime of embezzlement under state,  
45 federal or foreign law or any crime involving any theft, forgery or  
46 fraudulent practices in regard to any state, federal or foreign securities,

1 banking, insurance, or commodities trading laws or anti-fraud laws,  
2 from being a partner, officer or director of an issuer, broker-dealer or  
3 investment adviser, or from occupying a similar status or performing  
4 a similar function or from directly or indirectly controlling or being  
5 under common control or being controlled by an issuer, broker-dealer  
6 or investment adviser, or from acting as a broker-dealer, agent or  
7 investment adviser in this State. Any person barred by this subsection  
8 shall be entitled to request a hearing by the same procedures as set  
9 forth in subsection (c) of section 3 of P.L.1967, c.93 (C.49:3-50);

10 (l) Notwithstanding any other provision of this act, the bureau  
11 chief may bring an administrative or court action pursuant to section  
12 29 of this act (C.49:3-70.1), to seek and obtain civil penalties for  
13 violations of this section;

14 (m) Every registration shall expire one year from its effective date  
15 unless renewed, except that the bureau chief may by rule provide that  
16 registrations shall all expire on the same date;

17 (n) Except with respect to advisers whose only clients are those  
18 described in subparagraph (vi) of paragraph (2) of subsection (g) of  
19 section 2 of P.L.1967, c.93 (C.49:3-49), it is unlawful for any person  
20 who is registered or required to be registered under section 203 of the  
21 "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, as an  
22 investment adviser to conduct advisory business in this State, unless  
23 that person files those documents filed with the Securities and  
24 Exchange Commission with the bureau chief, as the bureau chief may  
25 by rule or otherwise require, and a fee and consent to service of  
26 process, as the bureau chief, by rule or otherwise, may require;

27 (o) Notwithstanding anything to the contrary in this act, until  
28 October 11, 1999, the bureau chief may require the registration of any  
29 person who is registered or required to be registered as an investment  
30 adviser under section 203 of the "Investment Advisers Act of 1940,"  
31 15 U.S.C. s.80b-3, and who has failed to promptly pay the fees  
32 required by subsection (n) of this section after being notified in writing  
33 by the bureau chief of the non-payment or underpayment of those fees.  
34 A person shall be considered to have promptly paid those fees if they  
35 are remitted to the bureau chief within 15 days following that person's  
36 receipt of the written notification from the bureau chief.

37 (p) For the purposes of this section, each applicant for registration  
38 shall submit to the bureau chief, the applicant's name, address,  
39 fingerprints and written consent for a criminal history record  
40 background check to be performed. The bureau chief is hereby  
41 authorized to exchange fingerprint data with and receive criminal  
42 history record information from the State Bureau of Identification in  
43 the Division of State Police and the Federal Bureau of Investigation  
44 consistent with applicable State and federal laws, rules and  
45 regulations. The applicant shall bear the cost for the criminal history  
46 record background check, including all costs of administering and

1 processing the check. The Division of State Police shall promptly  
2 notify the bureau chief in the event a current holder of a license or  
3 prospective applicant, who was the subject of a criminal history record  
4 background check pursuant to this section, is arrested for a crime or  
5 offense in this State after the date the background check was  
6 performed.

7 (cf: P.L.1997, c.276, s.9)

8

9 33. (New section) a. A county may enact an ordinance or  
10 resolution, as appropriate, providing that an authorized county official  
11 or officer may request a criminal history record background check of  
12 any person for an official governmental purpose, including, but not  
13 limited to, employment, licensing and the procurement of services.  
14 The ordinance or resolution shall provide that the person shall submit  
15 to being fingerprinted in accordance with applicable State and federal  
16 laws, rules and regulations. The ordinance or resolution shall further  
17 provide that the official or officer is authorized to exchange fingerprint  
18 data with and receive criminal history record information from the  
19 State Bureau of Identification in the Division of State Police and the  
20 Federal Bureau of Investigation.

21 b. In order to obtain criminal history record information pursuant  
22 to the provisions of an ordinance or resolution, the official or officer  
23 shall submit fingerprint data to the State Bureau of Identification. The  
24 bureau shall receive all criminal history record information from the  
25 Federal Bureau of Investigation and shall disseminate that information  
26 to the officer or official.

27 c. The county shall transmit the fees for the criminal history record  
28 background check to the State Bureau of Identification.

29 d. Pursuant to the "Administrative Procedure Act," P.L.1968,  
30 c.410 (C.52:14B-1 et seq.), the Attorney General may promulgate  
31 regulations to effectuate the provisions of this section.

32

33 34. (New section) a. A municipality may enact an ordinance  
34 providing that an authorized municipal official or officer may request  
35 a criminal history record background check of any person for an  
36 official governmental purpose, including, but not limited to,  
37 employment, licensing and the procurement of services. The ordinance  
38 shall provide that the person shall submit to being fingerprinted in  
39 accordance with applicable State and federal laws, rules and  
40 regulations. The ordinance shall further provide that the official or  
41 officer is authorized to exchange fingerprint data with and receive  
42 criminal history record information from the State Bureau of  
43 Identification in the Division of State Police and the Federal Bureau  
44 of Investigation.

45 b. In order to obtain criminal history record information pursuant  
46 to the provisions of an ordinance, the official or officer shall submit

1 fingerprint data to the State Bureau of Identification. The bureau shall  
2 receive all criminal history record information from the Federal Bureau  
3 of Investigation and shall disseminate that information to the officer or  
4 official.

5 c. The municipality shall transmit the fees for the criminal history  
6 record background check to the State Bureau of Identification.

7 d. Pursuant to the "Administrative Procedure Act," P.L.1968,  
8 c.410 (C.52:14B-1 et seq.), the Attorney General may promulgate  
9 regulations to effectuate the provisions of this section.

10

11 35. This act shall take effect immediately.

12

13

14

15

16 Revises statutes concerning criminal history background checks;  
17 permits counties and municipalities to enact ordinance or resolution  
18 requesting background check for official governmental purpose.

**SENATE, No. 2367**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED MARCH 10, 2003

**Sponsored by:**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Senator HENRY P. MCNAMARA**

**District 40 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Senators Palaia and Sacco**

**SYNOPSIS**

Permits counties and municipalities to enact ordinance or resolution requesting background check for official governmental purpose.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/20/2003)**

1 AN ACT concerning criminal history record background checks and  
2 supplementing Title 53 of the Revised Statutes.

3

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

6

7 1. a. A municipality or county may enact an ordinance or  
8 resolution, as appropriate, providing that an authorized county or  
9 municipal official or officer may request a criminal history record  
10 background check of any person for an official governmental purpose,  
11 including, but not limited to, employment, licensing and the  
12 procurement of services. The ordinance or resolution shall provide  
13 that the person shall submit to being fingerprinted in accordance with  
14 applicable State and federal law, rules and regulations. The ordinance  
15 or resolution shall further provide that the official or officer is  
16 authorized to request and receive criminal history record information  
17 from the Federal Bureau of Investigation, Identification Section and,  
18 if appropriate, the Division of State Police, Bureau of Identification.

19 b. In order to obtain criminal history record information pursuant  
20 to the provisions of an ordinance or resolution, the official or officer  
21 shall submit fingerprint data to the State Bureau of Identification. The  
22 bureau shall receive all criminal history record information from the  
23 Federal Bureau of Investigation and shall disseminate that information  
24 to the officer or official.

25 c. The municipality or county shall transmit the fees for the  
26 criminal history record background check to the State Bureau of  
27 Identification.

28 d. Pursuant to the "Administrative Procedure Act," P.L.1968,  
29 c.410 (C.52:14B-1 et seq.), the Attorney General may promulgate  
30 regulations to effectuate the provisions of this act.

31

32 2. This act shall take effect on the first day of the third month after  
33 enactment.

34

35

36

STATEMENT

37

38 This bill permits a municipality or county to enact an ordinance or  
39 resolution, as appropriate, providing that an authorized county or  
40 municipal official or officer may request a criminal history record  
41 background check of any person for an official governmental purpose,  
42 including, but not limited to, employment, licensing and the  
43 procurement of services.

44 Currently, N.J.A.C.13:59-1.1 permits counties and municipalities  
45 to obtain New Jersey criminal history record information from the



**S2367 GIRGENTI, MCNAMARA**

3

1 State Bureau of Identification in the Division of State Police. Under  
2 the provisions of this bill, counties and municipalities also would be  
3 permitted to receive criminal history record information from the  
4 Federal Bureau of Investigation.

5 In order to obtain criminal history record information pursuant to  
6 the provisions of an ordinance or resolution, the official or officer is  
7 required to submit fingerprint data to the State Bureau of  
8 Identification. The bureau would receive all criminal history record  
9 information from the Federal Bureau of Investigation and disseminate  
10 that information to the officer or official.

11 The municipality or county would transmit the fees for the criminal  
12 history record background check to the State Bureau of Identification.

13 This bill is based on draft legislation proposed by the United States  
14 Department of Justice.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2367**

**STATE OF NEW JERSEY**

DATED: MAY 19, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2367.

This committee substitute brings various statutes authorizing criminal history record background checks into compliance with federal law. The substitute permits the appropriate agencies to continue to receive Federal Bureau of Investigation criminal history information for purposes unrelated to law enforcement, specifically the employment and licensure qualification process.

In the 1970's, federal law imposed certain conditions on agencies seeking to access federal criminal history information for purposes that are not strictly law enforcement related. These conditions require that the background check be authorized by a state statute that expressly permits a governmental entity to receive and exchange fingerprint data and criminal history information. This committee substitute amends current law to precisely meet these requirements.

A number of State statutes require background checks as a condition of employment or licensure. Completion of a comprehensive background check requires a search of Federal Bureau of Investigation (FBI) and State criminal records in order to access pertinent out-of-state and federal criminal histories. The substitute updates background check statutes for the applicants and licensees in the following professions, occupations and pursuits:

- C Candidates for bar admission;
- C Racing Commission licensees and applicants;
- C Games of Chance (bingo and raffles) business owners;
- C Casino Control Commission, including casino employees;
- C Regulated nursing homes and hospital employees;
- C Alcoholic beverage sales;
- C Motor vehicle and motorcycle dealers and driving instructors;
- C Paid fire department employees;
- C Private detectives;
- C Security brokers and dealers; and

C Employees regulated by the Waterfront Commission.

The committee substitute also permits a municipality or county to enact an ordinance or resolution, as appropriate, providing that an authorized county or municipal official or officer may request a criminal history record background check of any person for an official governmental purpose, including, but not limited to, employment, licensing and the procurement of services.

Currently, N.J.A.C.13:59-1.1 permits counties and municipalities to obtain New Jersey criminal history record information from the State Bureau of Identification in the Division of State Police. Under the provisions of the substitute, counties and municipalities also would be permitted to receive criminal history record information from the Federal Bureau of Investigation.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2367**

with Assembly Floor Amendments  
(Proposed By Assemblywoman POU and Assemblyman BARNES)

ADOPTED: JUNE 23, 2003

The Senate Committee Substitute for Senate Bill No. 2367 brings various statutes authorizing criminal history record background checks into compliance with federal law. The substitute permits the appropriate agencies to continue to receive Federal Bureau of Investigation criminal history information for purposes unrelated to law enforcement, specifically the employment and licensure qualification process.

These Assembly amendments revise language in section 17 of the substitute concerning employees regulated by the Waterfront Commission. A bi-state agency, the commission is governed by a compact between New York and New Jersey. These amendments conform New Jersey's law to the current law of New York.

The amendments also revise sections 21, 23 and 24 of the substitute so that more appropriate provisions of Title 39 contain the necessary language authorizing the New Jersey Motor Vehicle Commission to receive federal criminal history record background information. Technical corrections also are made to these provisions.

These Assembly amendments make this substitute identical to Assembly Bill No. 3678 (1R).

# ASSEMBLY, No. 3678

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 5, 2003

**Sponsored by:**

**Assemblywoman NELLIE POU**

**District 35 (Bergen and Passaic)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

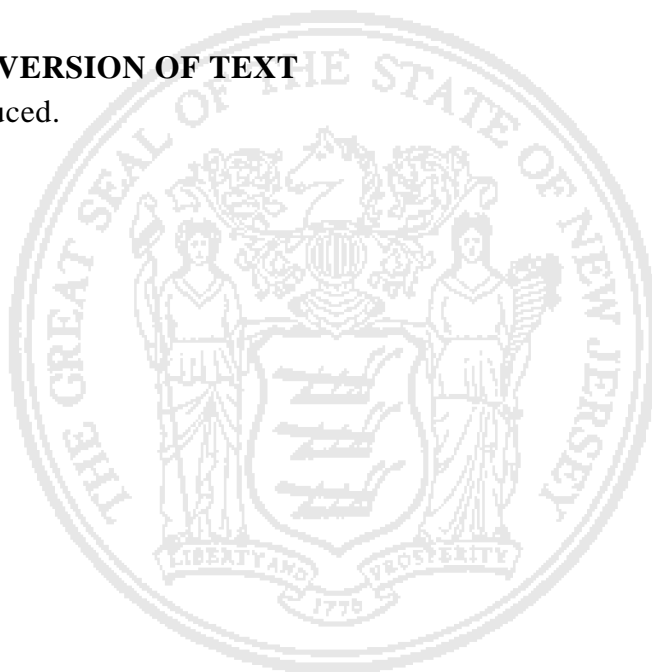
**Assemblyman Green**

**SYNOPSIS**

Revises statutes concerning criminal history background checks; permits counties and municipalities to enact ordinance or resolution requesting background check for official governmental purpose.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning criminal history background checks, amending  
2 various parts of the statutory law and supplementing Title 40 of the  
3 Revised Statutes.

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

7  
8 1. N.J.S.2B:1-3 is amended to read as follows:

9 2B:1-3. Criminal History Record Information. The Supreme Court  
10 is authorized to receive criminal history record information from the  
11 Federal Bureau of Investigation for use in licensing and disciplining  
12 attorneys-at-law of this State. Each applicant for licensure shall  
13 submit to the Board of Bar Examiners the applicant's name, address,  
14 fingerprints and written consent for a criminal history record  
15 background check to be performed. The Board of Bar Examiners is  
16 authorized to receive criminal history record information from the  
17 State Bureau of Identification in the Division of State Police and the  
18 Federal Bureau of Investigation consistent with applicable State and  
19 federal laws, rules and regulations. The applicant shall bear the cost  
20 for the criminal history record background check, including all costs  
21 of administering and processing the check.

22 (cf: N.J.S. 2B:1-3)

23

24 2. Section 14 of P.L.1940, c.17 (C.5:5-34) is amended to read as  
25 follows:

26 14. No person shall be licensed in any capacity whatsoever by the  
27 Racing Commission or employed in any capacity whatsoever at any  
28 place, track or enclosure where a horse race meeting is permitted who  
29 has been convicted of a crime involving moral turpitude. Each person  
30 seeking licensure or employment shall submit to the executive director  
31 the person's name, address and written consent for a criminal history  
32 record background check to be performed. The applicant shall submit  
33 to being fingerprinted in accordance with applicable State and federal  
34 laws, rules and regulations. The executive director is authorized to  
35 receive criminal history record information from the State Bureau of  
36 Identification in the Division of State Police and the Federal Bureau  
37 of Investigation consistent with applicable State and federal laws, rules  
38 and regulations. Upon receipt of such notification, the executive  
39 director shall make a determination regarding the person's eligibility  
40 for licensure or employment. The applicant shall bear the cost for the  
41 criminal history record background check, including all costs of  
42 administering and processing the check. The Division of State Police  
43 shall promptly notify the executive director in the event a current or

**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 prospective licensee or employee, who was the subject of a criminal  
2 history record background check pursuant to this section, is convicted  
3 of a crime or offense in this State after the date the background check  
4 was performed.

5 (cf: P.L.1940, c.17, s.14)

6  
7 3. Section 1 of P.L.1946, c.167 (C.5:5-34.1) is amended to read as  
8 follows:

9 1. Whenever any association or corporation has been or shall be  
10 granted a permit to hold or conduct a horse race meeting, no person  
11 shall in any manner become the owner or holder, directly or indirectly,  
12 of any shares of stock or certificates or other evidence of ownership  
13 comprising a five percent or greater interest in such association or  
14 corporation without first having obtained the approval of the  
15 commission therefor; and the commission may, after hearing, revoke  
16 such permit granted to any corporation or association which shall  
17 register on its books in the name of any person its shares of stock or  
18 certificates or other evidence of ownership of any such interest in such  
19 association or corporation without the approval of the commission  
20 having first been obtained, or which shall knowingly permit a person  
21 to be directly or indirectly interested in these shares of stock or  
22 certificates or other evidence of ownership of any interest in such  
23 association or corporation without reporting the same to the  
24 commission. Whenever the commission shall give to any person its  
25 approval to own or hold these shares of stock or certificates or other  
26 evidence of ownership of any such interest in any such association or  
27 corporation, it shall by registered mail notify the secretary of such  
28 association or corporation of such approval; provided, however, that  
29 under no circumstances shall the commission give such approval to any  
30 person who has been convicted of a crime involving moral turpitude,  
31 or has violated any of the provisions of the racing laws of the State of  
32 New Jersey or any rule or regulation of the commission, or has at any  
33 time been denied a license or permit of any kind by the commission.

34 A person seeking approval of the commission to become the owner  
35 or holder, directly or indirectly, of any shares of stock or certificates  
36 or other evidence of ownership comprising a five percent or greater  
37 interest in such association or corporation shall submit the applicant's  
38 name, address, and written consent to the executive director for a  
39 criminal history record background check to be performed. The  
40 executive director is authorized to receive criminal history record  
41 information from the State Bureau of Identification in the Division of  
42 State Police and the Federal Bureau of Investigation consistent with  
43 applicable State and federal laws, rules and regulations. Upon receipt  
44 of such notification, the executive director shall make a determination  
45 regarding the eligibility of the current or prospective owner. The  
46 person seeking approval shall bear the cost for the criminal history

1 record background check, including all costs of administering and  
2 processing the check. The Division of State Police shall promptly  
3 notify the executive director in the event the person seeking approval,  
4 who was the subject of a criminal history record background check  
5 pursuant to this section, is convicted of a crime or offense in this State  
6 after the date the background check was performed.

7 (cf: P.L.1983, c.254, s.1).

8  
9 4. Section 6 of P.L.1954, c.7 (C.5:8-6) is amended to read as  
10 follows:

11 6. It shall be the duty of the commission to supervise the  
12 administration of the Bingo Licensing Law and the Raffles Licensing  
13 Law and to adopt, amend and repeal rules and regulations governing  
14 the issuance and amendment of licenses thereunder and the holding,  
15 operating and conducting of games of chance under such licenses,  
16 establishing schedules of rentals or charges which may be paid for the  
17 leasing, sale or providing of equipment for use in or in connection with  
18 the holding, operating or conducting of any game or games of chance  
19 authorized to be held, operated or conducted under the Bingo  
20 Licensing Law or the Raffles Licensing Law, and prescribing fees for  
21 registrations, licenses and other services provided pursuant to  
22 P.L.1954, c.7 (C.5:8-1 et seq.), as amended and supplemented, which  
23 shall have the force of law and shall be binding upon all municipalities  
24 issuing licenses under either or both of said laws and upon all licensees  
25 thereunder and lessors, sellers or providers of equipment to licensees,  
26 to the end that such licenses shall be issued to qualified licensees only  
27 and that said games of chance shall be fairly and properly conducted  
28 for the purposes and in the manner in said laws prescribed and to  
29 prevent the games of chance authorized to be conducted by said laws  
30 from being conducted for commercial purposes instead of for the  
31 purposes authorized in said laws, and in order to provide uniformity  
32 in the administration of said laws throughout the State, the  
33 commission shall prescribe forms of applications for licenses, licenses,  
34 amendment of licenses, reports of the conduct of games and other  
35 matters incident to the administration of said laws. The commission  
36 shall receive and investigate applications from organizations wishing  
37 to hold, operate or conduct any game or games of chance pursuant to  
38 the Bingo Licensing Law or the Raffles Licensing Law, as amended  
39 and supplemented. If the commission determines that the applicant is  
40 a bona fide organization or association of veterans of any war in which  
41 the United States has been engaged or a church or a religious  
42 congregation or a religious organization or a charitable, educational  
43 or fraternal organization, or a civic or service club, or a senior citizen  
44 association or club, or an officially recognized volunteer fire company  
45 or an officially recognized volunteer first aid or rescue squad, the  
46 commission shall issue to it a registration certificate as proof of such



1 a determination. The certificate shall be sufficient proof to a municipal  
2 governing body that the organization holding it is eligible to apply for  
3 a license to hold, operate and conduct games of chance in accordance  
4 with the provisions of the Bingo Licensing Law or the Raffles  
5 Licensing Law, as the case may be. The commission shall have power  
6 also to approve any person, persons or corporation, applying to it for  
7 approval, to lease, sell or provide any equipment for use in or in  
8 connection with the holding, operating or conducting of any game or  
9 games of chance authorized to be held, operated or conducted under  
10 the Bingo Licensing Law or the Raffles Licensing Law as to such  
11 person's or persons' good moral character and freedom from  
12 conviction of crime or, if a corporation, as to the good moral character  
13 and freedom from conviction of crime of all of its officers and each of  
14 its stockholders who hold 10% or more of its stock issued and  
15 outstanding, and any such application may be disapproved by the  
16 commission after hearing and due notice thereof if it shall find that the  
17 applicant is not of good moral character and free from conviction of  
18 crime as hereinbefore prescribed. For the purposes of this section,  
19 upon the request of the commissioner, each applicant for approval to  
20 lease, sell or provide any equipment for use in or in connection with  
21 the holding, operating or conducting of any game or games of chance  
22 authorized to be held, operated or conducted under the Bingo  
23 Licensing Law or the Raffles Licensing Law, shall submit to the  
24 commission the applicant's name, address, fingerprints and written  
25 consent for a criminal history record background check to be  
26 performed. The commission is hereby authorized to exchange  
27 fingerprint data with and receive criminal history record information  
28 from the State Bureau of Identification in the Division of State Police  
29 and the Federal Bureau of Investigation consistent with applicable  
30 State and federal laws, rules and regulations. The applicant shall bear  
31 the cost for the criminal history record background check, including  
32 all costs of administering and processing the check. The Division of  
33 State Police shall promptly notify the commission in the event an  
34 applicant or prospective applicant, who was the subject of a criminal  
35 history record background check pursuant to this section, is arrested  
36 for a crime or offense in this State after the date the background check  
37 was performed.

38 (cf: P.L.1994, c.63, s.1)

39

40 5. Section 84 of P.L.1977, c.110 (C.5:12-84) is amended to read  
41 as follows:

42 84. Casino License--Applicant Requirements. Any applicant for a  
43 casino license must produce information, documentation and  
44 assurances concerning the following qualification criteria:

45 a. Each applicant shall produce such information, documentation  
46 and assurances concerning financial background and resources as may

1 be required to establish by clear and convincing evidence the financial  
2 stability, integrity and responsibility of the applicant, including but not  
3 limited to bank references, business and personal income and  
4 disbursement schedules, tax returns and other reports filed with  
5 governmental agencies, and business and personal accounting and  
6 check records and ledgers. In addition, each applicant shall, in  
7 writing, authorize the examination of all bank accounts and records as  
8 may be deemed necessary by the commission or the division.

9 b. Each applicant shall produce such information, documentation  
10 and assurances as may be necessary to establish by clear and  
11 convincing evidence the integrity of all financial backers, investors,  
12 mortgagees, bondholders, and holders of indentures, notes or other  
13 evidences of indebtedness, either in effect or proposed, which bears  
14 any relation to the casino proposal submitted by the applicant or  
15 applicants; provided, however, that this section shall not apply to  
16 banking or other licensed lending institutions exempted from the  
17 qualification requirements of subsections c. and d. of section 85 of  
18 P.L.1977, c.110 (C.5:12-85) and institutional investors waived from  
19 the qualification requirements of those subsections pursuant to the  
20 provisions of subsection f. of section 85 of P.L.1977, c.110  
21 (C.5:12-85). Any such banking or licensed lending institution or  
22 institutional investor shall, however, produce for the commission or  
23 the division upon request any document or information which bears  
24 any relation to the casino proposal submitted by the applicant or  
25 applicants. The integrity of financial sources shall be judged upon the  
26 same standards as the applicant. In addition, the applicant shall  
27 produce whatever information, documentation or assurances as may  
28 be required to establish by clear and convincing evidence the adequacy  
29 of financial resources both as to the completion of the casino proposal  
30 and the operation of the casino.

31 c. Each applicant shall produce such information, documentation  
32 and assurances as may be required to establish by clear and convincing  
33 evidence the applicant's good character, honesty and integrity. Such  
34 information shall include, without limitation, information pertaining to  
35 family, habits, character, reputation, criminal and arrest record,  
36 business activities, financial affairs, and business, professional and  
37 personal associates, covering at least the 10-year period immediately  
38 preceding the filing of the application. Each applicant shall notify the  
39 commission of any civil judgments obtained against any such applicant  
40 pertaining to antitrust or security regulation laws of the federal  
41 government, of this State or of any other state, jurisdiction, province  
42 or country. In addition, each applicant shall produce letters of  
43 reference from law enforcement agencies having jurisdiction in the  
44 applicant's place of residence and principal place of business, which  
45 letters of reference shall indicate that such law enforcement agencies  
46 do not have any pertinent information concerning the applicant, or if

1 such law enforcement agency does have information pertaining to the  
2 applicant, shall specify what the information is. If the applicant has  
3 conducted gaming operations in a jurisdiction which permits such  
4 activity, the applicant shall produce letters of reference from the  
5 gaming or casino enforcement or control agency which shall specify  
6 the experiences of such agency with the applicant, his associates, and  
7 his gaming operation; provided, however, that if no such letters are  
8 received within 60 days of request therefor, the applicant may submit  
9 a statement under oath that he is or was during the period such  
10 activities were conducted in good standing with such gaming or casino  
11 enforcement or control agency.

12 d. Each applicant shall produce such information, documentation  
13 and assurances as may be required to establish by clear and convincing  
14 evidence that the applicant has sufficient business ability and casino  
15 experience as to establish the likelihood of creation and maintenance  
16 of a successful, efficient casino operation. The applicant shall produce  
17 the names of all proposed casino key employees as they become  
18 known and a description of their respective or proposed  
19 responsibilities, and a full description of security systems and  
20 management controls proposed for the casino and related facilities.

21 e. Each applicant shall produce such information, documentation  
22 and assurances to establish to the satisfaction of the commission the  
23 suitability of the casino and related facilities subject to subsection i. of  
24 section 83 of P.L.1977, c.110 (C.5:12-83) and its proposed location  
25 will not adversely affect casino operations. Each applicant shall  
26 submit an impact statement which shall include, without limitation,  
27 architectural and site plans which establish that the proposed facilities  
28 comply in all respects with the requirements of this act and the  
29 requirements of the master plan and zoning and planning ordinances  
30 of Atlantic City, without any use variance from the provisions thereof;  
31 a market impact study which analyzes the adequacy of the patron  
32 market and the effect of the proposal on such market and on the  
33 existing casino facilities licensed under this act; and an analysis of the  
34 effect of the proposal on the overall economic and competitive  
35 conditions of Atlantic City and the State of New Jersey.

36 f. For the purposes of this section, each applicant shall submit to  
37 the commission the applicant's name, address, fingerprints and written  
38 consent for a criminal history record background check to be  
39 performed. The commission is hereby authorized to exchange  
40 fingerprint data with and receive criminal history record information  
41 from the State Bureau of Identification in the Division of State Police  
42 and the Federal Bureau of Investigation consistent with applicable  
43 State and federal laws, rules and regulations. The applicant shall bear  
44 the cost for the criminal history record background check, including  
45 all costs of administering and processing the check. The Division of  
46 State Police shall promptly notify the commission in the event a

1 current or prospective licensee, who was the subject of a criminal  
2 history record background check pursuant to this section, is arrested  
3 for a crime or offense in this State after the date the background check  
4 was performed.

5 (cf: P.L.1995, c.18, s.25)

6  
7 6. Section 89 of P.L.1977 c.110 (C.5:12-89) is amended to read as  
8 follows:

9 89. Licensing of Casino Key Employees.

10 a. No person may be employed as a casino key employee unless he  
11 is the holder of a valid casino key employee license issued by the  
12 commission.

13 b. Each applicant must, prior to the issuance of any casino key  
14 employee license, produce information, documentation and assurances  
15 concerning the following qualification criteria:

16 (1) Each applicant for a casino key employee license shall produce  
17 such information, documentation and assurances as may be required  
18 to establish by clear and convincing evidence the financial stability,  
19 integrity and responsibility of the applicant, including but not limited  
20 to bank references, business and personal income and disbursements  
21 schedules, tax returns and other reports filed with governmental  
22 agencies, and business and personal accounting and check records and  
23 ledgers. In addition, each applicant shall, in writing, authorize the  
24 examination of all bank accounts and records as may be deemed  
25 necessary by the commission or the division.

26 (2) Each applicant for a casino key employee license shall produce  
27 such information, documentation and assurances as may be required  
28 to establish by clear and convincing evidence the applicant's good  
29 character, honesty and integrity. Such information shall include,  
30 without limitation, data pertaining to family, habits, character,  
31 reputation, criminal and arrest record, business activities, financial  
32 affairs, and business, professional and personal associates, covering at  
33 least the 10-year period immediately preceding the filing of the  
34 application. Each applicant shall notify the commission of any civil  
35 judgments obtained against such applicant pertaining to antitrust or  
36 security regulation laws of the federal government, of this State or of  
37 any other state, jurisdiction, province or country. In addition, each  
38 applicant shall, upon request of the commission or the division,  
39 produce letters of reference from law enforcement agencies having  
40 jurisdiction in the applicant's place of residence and principal place of  
41 business, which letters of reference shall indicate that such law  
42 enforcement agencies do not have any pertinent information  
43 concerning the applicant, or if such law enforcement agency does have  
44 information pertaining to the applicant, shall specify what that  
45 information is. If the applicant has been associated with gaming or  
46 casino operations in any capacity, position or employment in a

1 jurisdiction which permits such activity, the applicant shall, upon  
2 request of the commission or division, produce letters of reference  
3 from the gaming or casino enforcement or control agency, which shall  
4 specify the experience of such agency with the applicant, his associates  
5 and his participation in the gaming operations of that jurisdiction;  
6 provided, however, that if no such letters are received from the  
7 appropriate law enforcement agencies within 60 days of the applicant's  
8 request therefor, the applicant may submit a statement under oath that  
9 he is or was during the period such activities were conducted in good  
10 standing with such gaming or casino enforcement or control agency.

11 (3) (Deleted by amendment, P.L.1995, c.18.)

12 (4) Each applicant shall be a resident of the State of New Jersey  
13 prior to the issuance of a casino key employee license; provided,  
14 however, that upon petition by the holder of a casino license, the  
15 commission may waive this residency requirement for any applicant  
16 whose particular position will require him to be employed outside the  
17 State.

18 The commission may also, by regulation, require that all applicants  
19 for casino key employee licenses be residents of this State for a period  
20 not to exceed six months immediately prior to the issuance of such  
21 license, but application may be made prior to the expiration of the  
22 required period of residency. The commission shall, by resolution,  
23 waive the required residency period for an applicant upon a showing  
24 that the residency period would cause undue hardship upon the casino  
25 licensee which intends to employ said applicant, or upon a showing of  
26 other good cause.

27 (5) For the purposes of this section, each applicant shall submit to  
28 the commission the applicant's name, address, fingerprints and written  
29 consent for a criminal history record background check to be  
30 performed. The commission is hereby authorized to exchange  
31 fingerprint data with and receive criminal history record information  
32 from the State Bureau of Identification in the Division of State Police  
33 and the Federal Bureau of Investigation consistent with applicable  
34 State and federal laws, rules and regulations. The applicant shall bear  
35 the cost for the criminal history record background check, including  
36 all costs of administering and processing the check. The Division of  
37 State Police shall promptly notify the commission in the event a  
38 current or prospective licensee, who was the subject of a criminal  
39 history record background check pursuant to this section, is arrested  
40 for a crime or offense in this State after the date the background check  
41 was performed.

42 c. (Deleted by amendment, P.L.1995, c.18.)

43 d. The commission shall deny a casino key employee license to any  
44 applicant who is disqualified on the basis of the criteria contained in  
45 section 86 of this act.

46 e. Upon petition by the holder of a casino license, the commission

1 may issue a temporary license to an applicant for a casino key  
2 employee license, provided that:

3 (1) The applicant for the casino key employee license has filed a  
4 complete application as required by the commission;

5 (2) The division either certifies to the commission that the  
6 completed casino key employee license application as specified in  
7 paragraph (1) of this subsection has been in the possession of the  
8 division for at least 15 days or agrees to allow the commission to  
9 consider the application in some lesser time;

10 (3) (Deleted by amendment, P.L.1995, c.18.)

11 (4) The petition for a temporary casino key employee license  
12 certifies, and the commission finds, that an existing casino key  
13 employee position of the petitioner is vacant or will become vacant  
14 within 60 days of the date of the petition and that the issuance of a  
15 temporary key employee license is necessary to fill the said vacancy on  
16 an emergency basis to continue the efficient operation of the casino,  
17 and that such circumstances are extraordinary and not designed to  
18 circumvent the normal licensing procedures of this act;

19 (5) The division does not object to the issuance of the temporary  
20 casino key employee license.

21 In the event that an applicant for a casino key employee license is  
22 the holder of a valid casino employee license issued pursuant to  
23 section 90 of this act, and if the provisions of paragraphs (1), (2), and  
24 (5) of this subsection are satisfied, the commission may issue a  
25 temporary casino key employee license upon petition by the holder of  
26 a casino license, if the commission finds the issuance of a casino key  
27 employee license will be delayed by necessary investigations and the  
28 said temporary casino key employee license is necessary for the  
29 operation of the casino.

30 Unless otherwise terminated pursuant to this act, any temporary  
31 casino key employee license issued pursuant to this subsection shall  
32 expire nine months from the date of its issuance.

33 (cf: P.L.1995, c.18, s.27)

34

35 7. Section 90 of P.L.1977, c.110 (C.5:12-90) is amended to read  
36 as follows:

37 90. Licensing of Casino Employees.

38 a. No person may commence employment as a casino employee  
39 unless he is the holder of a valid casino employee license.

40 b. Any applicant for a casino employee license must, prior to the  
41 issuance of any such license, produce sufficient information,  
42 documentation and assurances to meet the qualification criteria,  
43 including New Jersey residency, contained in subsection b. of section  
44 89 of this act and any additional residency requirement imposed under  
45 subsection c. of this section.

46 c. The commission may, by regulation, require that all applicants

1 for casino employee licenses be residents of this State for a period not  
2 to exceed six months immediately prior to the issuance of such license,  
3 but application may be made prior to the expiration of the required  
4 period of residency. The commission shall, by resolution, waive the  
5 required residency period for an applicant upon a showing that the  
6 residency period would cause undue hardship upon the casino licensee  
7 which intends to employ said applicant, or upon a showing of other  
8 good cause.

9 d. (Deleted by amendment, P.L.1995, c.18.)

10 e. The commission shall deny a casino employee license to any  
11 applicant who is disqualified on the basis of the criteria contained in  
12 section 86 of this act.

13 f. For the purposes of this section, casino security employees shall  
14 be considered casino employees and must, in addition to any  
15 requirements under other laws, be licensed in accordance with the  
16 provisions of this act.

17 g. Upon petition by the holder of a casino license, a temporary  
18 license may be issued by the commission to an applicant for a casino  
19 employee license provided that:

20 (1) the applicant for the casino employee license has filed a  
21 complete application as required by the commission;

22 (2) the division either certifies to the commission that the  
23 completed casino employee license application as specified in  
24 paragraph (1) of this subsection has been in the possession of the  
25 division for at least 15 days or agrees to allow the commission to  
26 consider the application in some lesser time;

27 (3) the petition for a temporary casino employee license certifies,  
28 and the commission finds, that the issuance of a plenary license will be  
29 restricted by necessary investigations, and the temporary licensing of  
30 the applicant is necessary for the operation of the casino and is not  
31 designed to circumvent the normal licensing procedures of the "Casino  
32 Control Act"; and

33 (4) the division does not object to the issuance of the temporary  
34 casino employee license.

35 Unless otherwise terminated pursuant to this act, a temporary  
36 license issued pursuant to this subsection shall expire six months from  
37 the date of its issuance and be renewable, at the discretion of the  
38 commission, for one additional six-month period.

39 h. Notwithstanding the provisions of subsection e. of this section,  
40 no applicant shall be denied a casino employee license on the basis of  
41 a conviction of any of the offenses enumerated in this act as  
42 disqualification criteria or the commission of any act or acts which  
43 would constitute any offense under subsection c. of section 86 of  
44 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that  
45 section; provided that the applicant has affirmatively demonstrated his  
46 rehabilitation. In determining whether the applicant has affirmatively

1 demonstrated his rehabilitation the commission shall consider the  
2 following factors:

- 3 (1) The nature and duties of the position applied for;
- 4 (2) The nature and seriousness of the offense or conduct;
- 5 (3) The circumstances under which the offense or conduct  
6 occurred;
- 7 (4) The date of the offense or conduct;
- 8 (5) The age of the applicant when the offense or conduct was  
9 committed;
- 10 (6) Whether the offense or conduct was an isolated or repeated  
11 incident;
- 12 (7) Any social conditions which may have contributed to the  
13 offense or conduct;
- 14 (8) Any evidence of rehabilitation, including good conduct in  
15 prison or in the community, counseling or psychiatric treatment  
16 received, acquisition of additional academic or vocational schooling,  
17 successful participation in correctional work-release programs, or the  
18 recommendation of persons who have or have had the applicant under  
19 their supervision.

20 i. For the purposes of this section, each applicant shall submit to  
21 the commission the applicant's name, address, fingerprints and written  
22 consent for a criminal history record background check to be  
23 performed. The commission is hereby authorized to exchange  
24 fingerprint data with and receive criminal history record information  
25 from the State Bureau of Identification in the Division of State Police  
26 and the Federal Bureau of Investigation consistent with applicable  
27 State and federal laws, rules and regulations. The applicant shall bear  
28 the cost for the criminal history record background check, including  
29 all costs of administering and processing the check. The Division of  
30 State Police shall promptly notify the commission in the event a  
31 current or prospective licensee, who was the subject of a criminal  
32 history record background check pursuant to this section, is arrested  
33 for a crime or offense in this State after the date the background check  
34 was performed.

35 (cf: P.L.1995, c.18, s.28)

36

37 8. Section 91 of P.L.1977, c.110 (C.5:12-91) is amended to read  
38 as follows:

39 91. Registration of Casino Service Employees.

40 a. No person may commence employment as a casino service  
41 employee unless the person has been registered with the commission,  
42 which registration shall be in accordance with subsection f. of this  
43 section.

44 b. Any applicant for casino service employee registration shall  
45 produce such information as the commission may require. Subsequent  
46 to the registration of a casino service employee, the commission may



1 revoke, suspend, limit, or otherwise restrict the registration upon a  
2 finding that the registrant is disqualified on the basis of the criteria  
3 contained in section 86 of P.L.1977, c.110 (C.5:12-86).

4 c. The commission may, by regulation, require that all applicants  
5 for casino service employee registration be residents of this State for  
6 a period not to exceed three months immediately prior to such  
7 registration, but application may be made prior to the expiration of the  
8 required period of residency. The commission shall waive the required  
9 residency period for an applicant upon a showing that the residency  
10 period would cause undue hardship upon the casino licensee which  
11 intends to employ said applicant, or upon a showing of other good  
12 cause.

13 d. Notwithstanding the provisions of subsection b. of this section,  
14 no casino service employee registration shall be revoked on the basis  
15 of a conviction of any of the offenses enumerated in this act as  
16 disqualification criteria or the commission of any act or acts which  
17 would constitute any offense under subsection c. of section 86 of  
18 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that  
19 section, provided that the registrant has affirmatively demonstrated the  
20 registrant's rehabilitation. In determining whether the registrant has  
21 affirmatively demonstrated the registrant's rehabilitation the  
22 commission shall consider the following factors:

23 (1) The nature and duties of the registrant's position;

24 (2) The nature and seriousness of the offense or conduct;

25 (3) The circumstances under which the offense or conduct  
26 occurred;

27 (4) The date of the offense or conduct;

28 (5) The age of the registrant when the offense or conduct was  
29 committed;

30 (6) Whether the offense or conduct was an isolated or repeated  
31 incident;

32 (7) Any social conditions which may have contributed to the  
33 offense or conduct;

34 (8) Any evidence of rehabilitation, including good conduct in  
35 prison or in the community, counseling or psychiatric treatment  
36 received, acquisition of additional academic or vocational schooling,  
37 successful participation in correctional work-release programs, or the  
38 recommendation of persons who have or have had the registrant under  
39 their supervision.

40 e. The commission may waive any disqualification criterion for a  
41 casino service employee consistent with the public policy of this act  
42 and upon a finding that the interests of justice so require.

43 f. Upon petition by the holder of a casino license, casino service  
44 employee registration shall be granted to each applicant for such  
45 registration named therein, provided that the petition certifies that  
46 each such applicant has filed a completed application for casino service

1 employee registration as required by the commission.

2 All casino hotel employee registrations shall expire 120 days after  
3 the effective date of this amendatory and supplementary act, P.L.2002,  
4 c.65. Any holder of a casino hotel employee registration may until  
5 that date convert that registration to a casino service employee  
6 registration without fee.

7 g. For the purposes of this section, each applicant shall submit to  
8 the commission the applicant's name, address, fingerprints and written  
9 consent for a criminal history record background check to be  
10 performed. The commission is hereby authorized to exchange  
11 fingerprint data with and receive criminal history record information  
12 from the State Bureau of Identification in the Division of State Police  
13 and the Federal Bureau of Investigation consistent with applicable  
14 State and federal laws, rules and regulations. The applicant shall bear  
15 the cost for the criminal history record background check, including  
16 all costs of administering and processing the check. The Division of  
17 State Police shall promptly notify the commission in the event a  
18 current or prospective licensee, who was the subject of a criminal  
19 history record background check pursuant to this section, is arrested  
20 for a crime or offense in this State after the date the background check  
21 was performed.

22 (cf: P.L.2002, c.65, s.16)

23

24 9. Section 1 of P.L.1966, c.79 (C.17:9A-18.1) is amended to read  
25 as follows:

26 1. Except with the written consent of the commissioner, no person  
27 shall serve as an officer, director or employee of a bank, savings bank  
28 or bank holding company if (a) that person is convicted of any crime  
29 involving dishonesty or breach of trust, or (b) that person is  
30 prohibited from serving or continuing to serve in such capacity  
31 pursuant to 12 U.S.C. s.1829.

32 Any person seeking employment as an officer, director, or employee  
33 of a bank, savings bank or bank holding company shall submit to the  
34 commissioner the person's name, address, fingerprints and written  
35 consent for a criminal history record background check to be  
36 performed; provided, however, that this requirement may be waived  
37 by the commissioner if the person provides satisfactory proof that such  
38 a criminal history record background check has been performed by a  
39 federal regulator. The commissioner is hereby authorized to exchange  
40 fingerprint data with and receive criminal history record information  
41 from the State Bureau of Identification in the Division of State Police  
42 and the Federal Bureau of Investigation consistent with applicable  
43 State and federal laws, rules and regulations, for the purposes of  
44 facilitating determinations concerning licensure eligibility. The  
45 applicant shall bear the cost for the criminal history record background  
46 check, including all costs of administering and processing the check.

1 The Division of State Police shall promptly notify the commissioner in  
2 the event a current holder of a license or prospective applicant, who  
3 was the subject of a criminal history record background check  
4 pursuant to this section, is arrested for a crime or offense in this State  
5 after the date the background check was performed.

6 (cf: P.L.1997, c.33, s.9)

7  
8 10. Section 7 of P.L.1996, c.157 (C.17:11C-7) is amended to read  
9 as follows:

10 7. The commissioner shall issue a license under this act if the  
11 following conditions are met:

12 a. A written application for a new license or for a renewal of a  
13 license shall be submitted to the commissioner on the forms and in the  
14 manner, and accompanied by such evidence in support of the  
15 application, as required by this act and as may be prescribed by the  
16 commissioner, and shall be accompanied by the required fees.

17 b. An individual applicant for a new license shall qualify by  
18 examination, the content and form of which shall be approved by the  
19 commissioner. The commissioner may designate an independent  
20 testing service to prepare and administer the examinations. In  
21 addition, the commissioner by regulation may establish additional  
22 requirements for licensure as an individual, including education and  
23 experience.

24 c. If the commissioner finds that the financial responsibility,  
25 experience, character, and general fitness of the applicant for a new  
26 license or for a renewal of a license demonstrate that the business will  
27 be operated honestly, fairly, and efficiently within the purposes of this  
28 act, and if all other licensing requirements of this act and regulations  
29 promulgated by the commissioner are met, the commissioner shall  
30 issue the license of the type sought by the applicant.

31 d. A person holding a license under this act or as a sales finance  
32 company pursuant to the "Retail Installment Sales Act of 1960,"  
33 P.L.1960, c.40 (C.17:16C-1 et seq.), who is in full compliance with  
34 this act, the "Retail Installment Sales Act of 1960," and the regulations  
35 promulgated thereunder, as applicable, may apply to the commissioner  
36 for a license to act as a mortgage banker or mortgage broker, a  
37 secondary lender, a consumer lender or a sales finance company, or  
38 any combination of these capacities for which the person is not already  
39 licensed, by filing with the commissioner an abbreviated application  
40 containing the information which the commissioner deems necessary  
41 when considering whether to license that person for that specific  
42 activity, an application fee, and the necessary additional license fee.

43 e. Any applicant for a license pursuant to this section and any  
44 officer, director, partner or owner of a controlling interest of a  
45 corporation or partnership filing for licensure shall submit to the  
46 commissioner the applicant's name, address, fingerprints and written  
47 consent for a criminal history record background check to be

1 performed. The commissioner is authorized to exchange fingerprint  
2 data with and receive criminal history record information from the  
3 State Bureau of Identification in the Division of State Police and the  
4 Federal Bureau of Investigation consistent with applicable State and  
5 federal laws, rules and regulations, for the purposes of facilitating  
6 determinations concerning licensure eligibility. The applicant shall  
7 bear the cost for the criminal history record background check,  
8 including all costs of administering and processing the check. The  
9 Division of State Police shall promptly notify the commissioner in the  
10 event a current holder of a license or prospective applicant, who was  
11 the subject of a criminal history record background check pursuant to  
12 this section, is arrested for a crime or offense in this State after the  
13 date the background check was performed.

14 (cf: P.L.1996, c.157, s.7)

15 11. R.S.17:17-10 is amended to read as follows:

16 17:17-10. a. When satisfied that a company has complied with all  
17 the requirements of this subtitle to entitle it to engage in business and  
18 that the proposed methods of operation of the company are not such  
19 as would render its operation hazardous to the public or its  
20 policyholders, the commissioner shall issue to the company a  
21 certificate authorizing it to commence business, specifying in the  
22 certificate the particular kind or kinds of insurance it is authorized to  
23 transact. The commissioner may refuse to issue a certificate of  
24 authority if he finds that any of the company's directors or officers has  
25 been convicted of a crime involving fraud, dishonesty, or like moral  
26 turpitude or that said persons are not persons of good character and  
27 integrity. Any applicant for a license pursuant to this section and any  
28 officer, director, partner or owner of a controlling interest of a  
29 corporation or partnership for licensure shall submit to the  
30 commissioner the applicant's name, address, fingerprints and written  
31 consent for a criminal history record background check to be  
32 performed. The commissioner is authorized to exchange fingerprint  
33 data with and receive criminal history record information from the  
34 State Bureau of Identification in the Division of State Police and the  
35 Federal Bureau of Investigation consistent with applicable State and  
36 federal laws, rules and regulations, for the purposes of facilitating  
37 determinations concerning licensure eligibility. The applicant shall  
38 bear the cost for the criminal history record background check,  
39 including all costs of administering and processing the check. The  
40 Division of State Police shall promptly notify the commissioner in the  
41 event a current holder of a license or prospective applicant, who was  
42 the subject of a criminal history record background check pursuant to  
43 this section, is arrested for a crime or offense in this State after the  
44 date the background check was performed. No company shall transact  
45 the business for which it is incorporated until it has received the  
46 certificate from the commissioner. If any company fails to obtain the

1 certificate of authority within one year from the date of the certificate  
2 of the Attorney General to its certificate of incorporation, as provided  
3 in R.S.17:17-5, the company shall, ipso facto, be dissolved and its  
4 certificate of incorporation be null and void.

5 b. No company licensed to transact insurance business in this State  
6 pursuant to chapter 17 of Title 17 of the Revised Statutes may  
7 surrender its certificate of authority or discontinue writing or renewing  
8 any kind or kinds of insurance specified in the certificate, except in  
9 accordance with a plan to be submitted by the company and approved  
10 by the commissioner, which plan shall provide for an orderly  
11 withdrawal from the market and for the minimization of the impact of  
12 the surrender of the certificate or the discontinuance of the writing or  
13 renewing of any kind or kinds of insurance upon the public generally  
14 and upon the company's policyholders in this State. No surrender or  
15 discontinuance shall become effective until the approved plan has been  
16 complied with. In reviewing a plan for withdrawal submitted by the  
17 company, the commissioner shall consider, and may require as a  
18 condition of approval, whether some or all other certificates of  
19 authority issued pursuant to chapter 17 or 32 of Title 17 of the  
20 Revised Statutes held by the company or by other companies within  
21 the same holding company system as the company submitting the plan  
22 shall be required to be surrendered. The provisions of this subsection  
23 shall apply to any request for withdrawal, surrender or discontinuance  
24 filed on or after January 25, 1990.

25 (cf: P.L.1990, c.8, s.71)

26  
27 12. Section 7 of P.L.2001, c.210 (C.17:22A-32) is amended to  
28 read as follows:

29 7. a. An individual applying for a resident insurance producer  
30 license shall make application to the commissioner on the uniform  
31 application and declare under penalty of refusal, suspension or  
32 revocation of the license that the statements made in the application  
33 are true, correct and complete to the best of the individual's  
34 knowledge and belief. Before approving the application, the  
35 commissioner shall find that the individual:

36 (1) Is at least 18 years of age;

37 (2) Has not committed any act that is a ground for denial,  
38 suspension or revocation set forth in section 15 of this act;

39 (3) Has completed a prelicensing course of study for the lines of  
40 authority for which the individual has applied as prescribed by the  
41 commissioner by regulation;

42 (4) Has paid the fees set forth in section 19 of this act; and

43 (5) Has successfully passed the examinations for the lines of  
44 authority for which the individual has applied.

45 b. A business entity acting as an insurance producer shall obtain an  
46 insurance producer license. Application shall be made using the

1 uniform business entity application. Before approving the application,  
2 the commissioner shall find that:

3 (1) The business entity has paid the fees set forth in section 19 of  
4 this act; and

5 (2) The business entity has designated a licensed insurance  
6 producer or producers responsible for the business entity's compliance  
7 with the insurance laws, rules and regulations of this State.

8 c. The commissioner may require any documents reasonably  
9 necessary to verify the information contained in an application.

10 d. Each insurer that sells, solicits or negotiates any form of limited  
11 line credit insurance shall provide to each individual whose duties will  
12 include selling, soliciting or negotiating limited line credit insurance a  
13 program of instruction that is approved by the commissioner.

14 e. Any applicant for a license pursuant to this section and any  
15 officer, director, partner or owner of a controlling interest of a  
16 corporation or partnership filing for licensure pursuant to this section  
17 shall submit to the commissioner the applicant's name, address,  
18 fingerprints and written consent for a criminal history record  
19 background check to be performed. The commissioner is hereby  
20 authorized to exchange fingerprint data with and receive criminal  
21 history record information from the State Bureau of Identification in  
22 the Division of State Police and the Federal Bureau of Investigation  
23 consistent with applicable State and federal laws, rules and  
24 regulations, for the purposes of facilitating determinations concerning  
25 licensure eligibility. The applicant shall bear the cost for the criminal  
26 history record background check, including all costs of administering  
27 and processing the check. The Division of State Police shall promptly  
28 notify the commissioner in the event a current holder of a license or  
29 prospective applicant, who was the subject of a criminal history record  
30 background check pursuant to this section, is arrested for a crime or  
31 offense in this State after the date the background check was  
32 performed.

33 (cf: P.L.2001, c.210, s.7)

34

35 13. Section 2 of P.L.1999, c.211 (C.17B:30A-2) is amended to  
36 read as follows:

37 2. a. A person shall not operate as a viatical settlement provider,  
38 viatical settlement representative or viatical settlement broker without  
39 first having obtained a license from the commissioner.

40 b Application for a viatical settlement provider, viatical settlement  
41 representative or viatical settlement broker license shall be made to the  
42 commissioner by the applicant on a form prescribed by the  
43 commissioner, and the application shall be accompanied by a fee, the  
44 amount of which shall be set by the commissioner by regulation.

45 c. Licenses may be renewed from year to year on the anniversary  
46 date upon payment of the annual renewal fee in an amount set by the

1 commissioner by regulation. Failure to pay the fee by the renewal date  
2 shall result in expiration of the license.

3 d. The applicant shall provide information on forms required by the  
4 commissioner. The commissioner shall have authority, at any time, to  
5 require the applicant to fully disclose the identity of all stockholders,  
6 partners, officers, members and employees, and the commissioner may  
7 refuse to issue a license in the name of a legal entity if not satisfied  
8 that any officer, employee, stockholder, partner or member thereof  
9 who may materially influence the applicant's conduct meets the  
10 standards of this act.

11 e. A license issued to a legal entity authorizes all members, officers  
12 and designated employees to act as viatical settlement providers,  
13 viatical settlement brokers or viatical settlement representatives, as  
14 applicable, under the license, and all those persons shall be named in  
15 the application and any supplements to the application.

16 f. Upon the filing of an application and the payment of the license  
17 fee, the commissioner shall make an investigation of each applicant  
18 and issue a license if the commissioner finds that the applicant:

19 (1) Has provided a detailed plan of operation;

20 (2) Is competent and trustworthy and intends to act in good faith  
21 in the capacity of the license applied for;

22 (3) Has a good business reputation and has had experience,  
23 training or education so as to be qualified in the business for which the  
24 license is applied for; and

25 (4) If a legal entity, provides a certificate of good standing from  
26 the state of its domicile.

27 g. The commissioner shall not issue a license to a nonresident  
28 applicant unless a written designation of an agent for service of  
29 process is filed and maintained with the commissioner, or the applicant  
30 has filed with the commissioner the applicant's written irrevocable  
31 consent that any action against the applicant may be commenced  
32 against the applicant by service of process on the commissioner.

33 h. A viatical settlement provider, viatical settlement representative  
34 or viatical settlement broker transacting business in this State prior to  
35 the effective date of this act may continue to do so pending approval  
36 or disapproval of the provider, representative or broker's application  
37 for a license as long as the application is filed with the commissioner  
38 on or before the 180th day after the effective date of this act.

39 i. Any applicant for a license pursuant to this section and any  
40 officer, director, partner or owner of a controlling interest of a  
41 corporation or partnership filing for licensure shall submit to the  
42 commissioner the applicant's name, address, fingerprints and written  
43 consent for a criminal history record background check to be  
44 performed. The commissioner is authorized to exchange fingerprint  
45 data with and receive criminal history record information from the  
46 State Bureau of Identification in the Division of State Police and the

1 Federal Bureau of Investigation consistent with applicable State and  
2 federal laws, rules and regulations, for the purposes of facilitating  
3 determinations concerning licensure eligibility. The applicant shall  
4 bear the cost for the criminal history record background check,  
5 including all costs of administering and processing the check. The  
6 Division of State Police shall promptly notify the commissioner in the  
7 event a current holder of a license or prospective applicant, who was  
8 the subject of a criminal history record background check pursuant to  
9 this section, is arrested for a crime or offense in this State after the  
10 date the background check was performed.

11 (cf: P.L.1999, c.211, s.2)

12

13 14. N.J.S.17B:18-42 is amended to read as follows:

14 17B:18-42. When satisfied that a domestic insurer has complied  
15 with all the requirements of this code to entitle it to engage in business  
16 and that the proposed methods of operation of the insurer are not such  
17 as would render its operation hazardous to the public or its  
18 policyholders, the commissioner shall issue to the insurer a certificate  
19 authorizing it to commence business, specifying in the certificate the  
20 particular kind or kinds of insurance it is authorized to transact. The  
21 commissioner may refuse to issue a certificate of authority if he finds  
22 that any of the insurer's directors or officers has been convicted of a  
23 crime involving fraud, dishonesty, or like moral turpitude or that said  
24 persons are not persons of good character and integrity. Any applicant  
25 for a license pursuant to this section and any officer, director, partner  
26 or owner of a controlling interest of a corporation or partnership for  
27 licensure shall submit to the commissioner the applicant's name,  
28 address, fingerprints and written consent for a criminal history record  
29 background check to be performed. The commissioner is authorized  
30 to exchange fingerprint data with and receive criminal history record  
31 information from the State Bureau of Identification in the Division of  
32 State Police and the Federal Bureau of Investigation consistent with  
33 applicable State and federal laws, rules and regulations, for the  
34 purposes of facilitating determinations concerning licensure eligibility.  
35 The applicant shall bear the cost for the criminal history record  
36 background check, including all costs of administering and processing  
37 the check. The Division of State Police shall promptly notify the  
38 commissioner in the event a current holder of a license or prospective  
39 applicant, who was the subject of a criminal history record background  
40 check pursuant to this section, is arrested for a crime or offense in this  
41 State after the date the background check was performed. No insurer  
42 shall transact the business for which it is incorporated until it has  
43 received the certificate from the commissioner. If any insurer fails to  
44 obtain the certificate of authority within 1 year from the date of the  
45 certificate of the commissioner to its certificate of incorporation, as  
46 provided in section 17B:18-5, and such failure is the result of its lack



1 of due diligence in meeting the requirements therefor, the insurer shall,  
2 ipso facto, be dissolved and its certificate of incorporation be null and  
3 void.

4 (cf: N.J.S.17B:18-42)

5  
6 15. R.S.45:22-3 is amended to read as follows:

7 Application for such license shall be in writing and shall state the  
8 full name and place of residence of the applicant, or, if the applicant  
9 be a partnership, of each member thereof, or, if the applicant be a  
10 corporation or association, of each officer and stockholder thereof,  
11 together with the place or places where the business is to be  
12 conducted.

13 Any applicant for a license pursuant to this section and any officer,  
14 director, partner or owner of a controlling interest of a corporation or  
15 partnership filing for licensure shall submit to the commissioner the  
16 applicant's name, address, fingerprints and written consent for a  
17 criminal history record background check to be performed. The  
18 commissioner is authorized to exchange fingerprint data with and  
19 receive criminal history record information from the State Bureau of  
20 Identification in the Division of State Police and the Federal Bureau  
21 of Investigation consistent with applicable State and federal laws, rules  
22 and regulations, for the purposes of facilitating determinations  
23 concerning licensure eligibility. The applicant shall bear the cost for  
24 the criminal history record background check, including all costs of  
25 administering and processing the check. The Division of State Police  
26 shall promptly notify the commissioner in the event a current holder of  
27 a license or prospective applicant, who was the subject of a criminal  
28 history record background check pursuant to this section, is arrested  
29 for a crime or offense in this State after the date the background check  
30 was performed.

31 (cf: R.S.45:22-3)

32  
33 16. Section 13 of P.L.1968, c.356 (C.30:11-23) is amended to read  
34 as follows:

35 13. Except as to persons who shall qualify for a conditional license  
36 pursuant to the provisions of this act, no license shall be issued to a  
37 person unless he is a citizen of the United States at the time of the  
38 submission of the application, or has declared his intention of  
39 becoming a citizen of the United States in the form and manner  
40 prescribed by the Commissioner of Health. No license granted to a  
41 noncitizen shall be valid or be renewed after 6 years from the date of  
42 his declaration of intention unless he shall furnish evidence of his  
43 actually having become a citizen. No license shall be issued to any  
44 person under the age of 18 years; to any person who has ever been  
45 convicted of a crime involving moral turpitude; or to any person who  
46 has been found guilty of violating the provisions of this act by a court

1 of competent jurisdiction or who has admitted such guilt.

2 For the purposes of this section, each applicant for a license shall  
3 submit to the commissioner the applicant's name, address, fingerprints  
4 and written consent for a criminal history record background check to  
5 be performed. The commissioner is hereby authorized to exchange  
6 fingerprint data with and receive criminal history record information  
7 from the State Bureau of Identification in the Division of State Police  
8 and the Federal Bureau of Investigation consistent with applicable  
9 State and federal laws, rules and regulations, for purposes of  
10 facilitating determinations concerning licensure eligibility. The  
11 applicant shall bear the cost for the criminal history record background  
12 check, including all costs of administering and processing the check.  
13 The Division of State Police shall promptly notify the commissioner in  
14 the event a current holder of a license or prospective applicant, who  
15 was the subject of a criminal history record background check  
16 pursuant to this section, is arrested for a crime or offense in this State  
17 after the date the background check was performed.

18 (cf: P.L.1973, c.178, s.1)

19

20 17. Section 2 of P.L.1954, c.14 (C.32:23-86) is amended to read  
21 as follows:

22 2. In addition to the powers and duties elsewhere described in this  
23 act, the commission shall have the following powers:

24 (1) To issue temporary permits and permit temporary registrations  
25 under such terms and conditions as the commission may prescribe  
26 which shall be valid for a period to be fixed by the commission not in  
27 excess of 6 months.

28 (2) To require any applicant for a license or registration or any  
29 prospective licensee to furnish such facts and evidence as the  
30 commission may deem appropriate to enable it to ascertain whether the  
31 license or registration should be granted.

32 (3) In any case in which the commission has the power to revoke,  
33 cancel or suspend any stevedore license the commission shall also have  
34 the power to impose as an alternative to such revocation, cancellation  
35 or suspension, a penalty, which the licensee may elect to pay the  
36 commission in lieu of the revocation, cancellation or suspension. The  
37 maximum penalty shall be \$5,000.00 for each separate offense. The  
38 commission may, for good cause shown, abate all or part of such  
39 penalty.

40 (4) To designate any officer, agent or employee of the commission  
41 to be an investigator who shall be vested with all the powers of a  
42 peace or police officer of the State of New York in that State, and of  
43 the State of New Jersey in that State.

44 (5) To confer immunity, in the following manner: In any  
45 investigation, interview or other proceeding conducted under oath by  
46 the commission or any duly authorized officer, employee or agent

1 thereof, if a person refuses to answer a question or produce evidence  
2 of any other kind on the ground that he may be incriminated thereby,  
3 and notwithstanding such refusal, an order is made upon 24 hours'  
4 prior written notice to the appropriate Attorney General of the State  
5 of New York or the State of New Jersey, and to the appropriate  
6 district attorney or prosecutor having an official interest therein, by the  
7 unanimous vote of both members of the commission or their designees  
8 appointed pursuant to the provisions of section 3 of Article III of this  
9 act, that such person answer the question or produce the evidence,  
10 such person shall comply with the order. If such person complies with  
11 the order, and if, but for this subdivision, he would have been  
12 privileged to withhold the answer given or the evidence produced by  
13 him, then immunity shall be conferred upon him, as provided for  
14 herein.

15 "Immunity" as used in this subdivision means that such person shall  
16 not be prosecuted or subjected to any penalty or forfeiture for or on  
17 account of any transaction, matter or thing concerning which, in  
18 accordance with the order by the unanimous vote of both members of  
19 the commission or their designees appointed p he gave answer or  
20 produced evidence, and that no such answer given or evidence  
21 produced shall be received against him upon any criminal proceeding.  
22 But he may nevertheless be prosecuted or subjected to penalty or  
23 forfeiture for any perjury or contempt committed in answering, or  
24 failing to answer, or in producing or failing to produce evidence, in  
25 accordance with the order, and any such answer given or evidence  
26 produced shall be admissible against him upon any criminal proceeding  
27 concerning such perjury or contempt.

28 Immunity shall not be conferred upon any person except in  
29 accordance with the provisions of this subdivision. If, after  
30 compliance with the provisions of this subdivision, a person is ordered  
31 to answer a question or produce evidence of any other kind and  
32 complies with such order, and it is thereafter determined that the  
33 appropriate Attorney General or district attorney or prosecutor having  
34 an official interest therein was not notified, such failure or neglect shall  
35 not deprive such person of any immunity otherwise properly conferred  
36 upon him.

37 (6) To exchange fingerprint data with and receive criminal history  
38 record background information from the State Bureau of Identification  
39 in the Division of State Police and the Federal Bureau of Investigation  
40 consistent with applicable State and federal laws, rules and  
41 regulations.

42 (7) To require the fingerprinting of the following persons in  
43 accordance with applicable State and federal laws, rules and  
44 regulations:

45 (a) any employee, officer or agent of the commission, including any  
46 applicant for employment, appointment or promotion;

1     (b) any applicant or renewal applicant for registration as a  
2 longshoreman pursuant to section 1 of P.L.1953, c.202 (C.32:23-27  
3 et seq.);

4     (c) any applicant or renewal applicant for registration as a checker  
5 pursuant to section 6 of P.L.1956, c.194 (C.32:23-105);

6     (d) any applicant or renewal applicant for registration as a  
7 telecommunications system controller pursuant to section 1 of  
8 P.L.1990, c.59 (C.32:23-105.1);

9     (e) any applicant or renewal applicant for licensure as a pier  
10 superintendent or hiring agent pursuant to section 1 of P.L.1953,  
11 c.202 (C.32:23-12 et seq.);

12     (f) any applicant or renewal applicant for licensure as a stevedore  
13 pursuant to section 1 of P.L.1953, c.202 (C.32:23-19 et seq.),  
14 including any persons comprising or intending to comprise a  
15 partnership stevedore and any officer, director or stockholder owning  
16 five percent or more of the stock of a corporate stevedore;

17     (g) any applicant or renewal applicant for licensure as a port  
18 watchman pursuant to section 1 of P.L.1953, c.202 (C.32:23-39 et  
19 seq.); and

20     (h) any other applicant or renewal applicant for registration or  
21 licensure in a category currently existing or hereafter established.

22     A person subject to the provisions of this section shall submit to  
23 being fingerprinted in accordance with applicable State and federal  
24 laws, rules and regulations and shall bear the cost for the criminal  
25 history record background check, including all costs of administering  
26 and processing the check. No criminal history record background  
27 check shall be performed pursuant to this section unless the person has  
28 provided his written consent to such check. A person who refuses to  
29 consent to, or cooperate in, the securing of a criminal history record  
30 background check shall not be considered for registration, renewal  
31 registration, licensure, renewal licensure, employment, appointment or  
32 promotion.

33 (cf: P.L.1969, c.129, s.1)

34  
35     18. R.S.33:1-25 is amended to read as follows:

36     33:1-25. No license of any class shall be issued to any person under  
37 the age of 21 years or to any person who has been convicted of a  
38 crime involving moral turpitude. Each applicant shall submit to the  
39 director the applicant's name, address, fingerprints and written consent  
40 for a criminal history record background check to be performed. The  
41 director is authorized to receive criminal history record information  
42 from the State Bureau of Identification in the Division of State Police  
43 and the Federal Bureau of Investigation consistent with applicable  
44 State and federal laws, rules and regulations. The applicant shall bear  
45 the cost for the criminal history record background check, including  
46 all costs of administering and processing the check. The Division of

1 State Police shall promptly notify the director in the event a current  
2 holder of a license or prospective applicant, who was the subject of a  
3 criminal history record background check pursuant to this section, is  
4 arrested for a crime or offense in this State after the date the  
5 background check was performed.

6 In applications by corporations, except for club licenses, the names  
7 and addresses of, and the amount of stock held by, all stockholders  
8 holding 1% or more of any of the stock thereof, and the names and  
9 addresses of all officers and of all members of the board of directors  
10 must be stated in the application, and if one or more of the officers or  
11 members of the board of directors or one or more of the owners,  
12 directly or indirectly, of more than 10% of the stock would fail to  
13 qualify as an individual applicant in all respects, no license of any class  
14 shall be granted.

15 In applications for club licenses, the names and addresses of all  
16 officers, trustees, directors, or other governing official, together with  
17 the names and addresses of all members of the corporation, association  
18 or organization, must be stated in the application.

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

22 A photostatic copy of all federal permits necessary to the lawful  
23 conduct of the business for which a State license is sought and which  
24 relate to alcoholic beverages, or other evidence in lieu thereof  
25 satisfactory to the director, must accompany the license application,  
26 together with a deposit of the full amount of the required license fee,  
27 which deposit to the extent of 90% thereof shall be returned to the  
28 applicant by the director or other issuing authority if the application is  
29 denied, and the remaining 10% shall constitute an investigation fee and  
30 be accounted for as other license fees.

31 Every applicant for a license that is not a renewal of an annual  
32 license shall cause a notice of the making of the application to be  
33 published in a form prescribed by rules and regulations, once per week  
34 for two weeks successively in a newspaper printed in the English  
35 language, published and circulated in the municipality in which the  
36 licensed premises are located; but if there shall be no such newspaper,  
37 then the notice shall be published in a newspaper, printed in the  
38 English language, published and circulated in the county in which the  
39 licensed premises are located. No publication shall be required with  
40 respect to applications for transportation or public warehouse licenses  
41 or with respect to applications for renewal of licenses.

42 The Division of Alcoholic Beverage Control shall cause a general  
43 notice of the making of annual renewal applications and the manner in  
44 which members of the public may object to the approving of the  
45 applications to be published in a form prescribed by rules and  
46 regulations, once per week from the week of April 1 through the week  
47 of June 1 in a newspaper printed in the English language published and

1 circulated in the counties in which the premises of applicants for  
2 renewals of annual licenses are located. Any application for the  
3 renewal of an annual license shall be made by May 1, and none shall be  
4 approved before May 1.

5 Every person filing an application for license, renewal of license or  
6 transfer of license with a municipal issuing authority shall, within 10  
7 days of such filing, file with the director a copy of the application  
8 together with a nonreturnable filing fee of \$100.00.

9 Applicants for licenses shall answer questions as may be asked and  
10 make declarations as shall be required by the form of application for  
11 license as may be promulgated by the director from time to time. All  
12 applications shall be duly sworn to by each of the applicants, except in  
13 the case of applicants in the military service of the United States  
14 whose applications may be signed in their behalf by an attorney-in-fact  
15 holding a power of attorney in form approved by the director, and  
16 except in cases of applications by corporations which shall be duly  
17 sworn to by the president or vice-president. All statements in the  
18 applications required to be made by law or by rules and regulations  
19 shall be deemed material, and any person who shall knowingly misstate  
20 any material fact, under oath, in the application shall be guilty of a  
21 misdemeanor. Fraud, misrepresentation, false statements, misleading  
22 statements, evasions or suppression of material facts in the securing of  
23 a license are grounds for suspension or revocation of the license.  
24 (cf: P.L.1992, c.188, s.3)

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

26 33:1-26. All licenses shall be for a term of one year from July 1 in  
27 each year. The respective fees for any such license shall be prorated  
28 according to the effective date of the license and based on the  
29 respective annual fee as in this chapter provided. Where the license  
30 fee deposited with the application exceeds the prorated fee, a refund  
31 of the excess shall be made to the licensee. Licenses are not  
32 transferable except as hereinafter provided. A separate license is  
33 required for each specific place of business and the operation and  
34 effect of every license is confined to the licensed premises. No retail  
35 license of any class shall be issued to any holder of a manufacturer's or  
36 wholesaler's license, and no manufacturer's or wholesaler's license shall  
37 be issued to the holder of a retail license of any class. Any person who  
38 shall exercise or attempt to exercise, or hold himself out as authorized  
39 to exercise, the rights and privileges of a licensee except the licensee  
40 and then only with respect to the licensed premises, shall be guilty of  
41 a misdemeanor.

42 In case of death, bankruptcy, receivership or incompetency of the  
43 licensee, or if for any other reason whatsoever the operation of the  
44 business covered by the license shall devolve by operation of law upon  
45 a person other than the licensee, the director or the issuing authority  
46 may, in his or its discretion, extend the license for a limited time, not

1 exceeding its term, to the executor, administrator, trustee, receiver or  
2 other person upon whom the same has devolved by operation of law  
3 as aforesaid. Under no circumstances, however, shall a license, or  
4 rights thereunder, be deemed property, subject to inheritance, sale,  
5 pledge, lien, levy, attachment, execution, seizure for debts, or any  
6 other transfer or disposition whatsoever, except for payment of taxes,  
7 fees, interest and penalties imposed by any State tax law for which a  
8 lien may attach pursuant to R.S.54:49-1 or pursuant to the State Tax  
9 Uniform Procedure Law, R.S.54:48-1 et seq., or any similar State lien  
10 of tax, except to the extent expressly provided by this chapter.

11 On application made therefor setting forth the same matters and  
12 things with reference to the premises to which a transfer of license is  
13 sought as are required to be set forth in connection with an original  
14 application for license, as to the premises, and after publication of  
15 notice of intention to apply for transfer, in the same manner as is  
16 required in case of an application for license as to the premises, the  
17 director or other issuing authority may transfer, upon payment of a fee  
18 of 10% of the annual license fee for the license sought to be  
19 transferred, any license issued by him or it respectively to a different  
20 place of business than that specified therein, by endorsing permission  
21 upon the license.

22 On application made therefor setting forth the same matters and  
23 things with reference to the person to whom a transfer of license is  
24 sought as are required to be set forth in connection with an original  
25 application for license, which application for transfer shall be signed  
26 and sworn to by the person to whom the transfer of license is sought  
27 and shall bear the consent in writing of the licensee to the transfer, and  
28 after publication of notice of intention by the person to whom the  
29 transfer of license is sought, to apply for transfer in the same manner  
30 as is required in the case of an original application for license, the  
31 director or other issuing authority, as the case may be, may transfer  
32 any license issued by him or it respectively to the applicant for transfer  
33 by endorsing the license. The application and the applicant shall  
34 comply with all requirements of this chapter pertaining to an original  
35 application for license and shall be accompanied, in lieu of the license  
36 fee required on the original application, by a fee of 10% of the annual  
37 license fee for the license sought to be transferred, which 10% shall be  
38 retained by the director or other issuing authority, as the case may be,  
39 whether the transfer be granted or not, and accounted for as other  
40 license fees.

41 If the other issuing authority shall refuse to grant a transfer the  
42 applicant shall be notified forthwith of the refusal by a notice served  
43 personally upon the applicant, or sent to him by registered mail  
44 addressed to him at the address stated in the application, and the  
45 applicant may, within 30 days after the date of service or mailing of  
46 the notice, appeal to the director from the action of the issuing

1 authority. If the other issuing authority shall grant a transfer, any  
2 taxpayer or other aggrieved person opposing the grant of the transfer  
3 may, within 30 days after the grant of the transfer, appeal to the  
4 director from the action of the issuing authority.

5 No person who would fail to qualify as a licensee under this chapter  
6 shall be knowingly employed by or connected in any business capacity  
7 whatsoever with a licensee. A person failing to qualify as to age or by  
8 reason of conviction of a crime involving moral turpitude may, with  
9 the approval of the director, and subject to rules and regulations, be  
10 employed by any licensee, but the employee if disqualified by age shall  
11 not, in any manner whatsoever serve, sell or solicit the sale or  
12 participate in the manufacture, rectification, blending, treating,  
13 fortification, mixing, processing or bottling of any alcoholic beverage;  
14 and further provided, that no permit shall be necessary for the  
15 employment in a bona fide hotel or restaurant of any person failing to  
16 qualify as to age so long as the person shall not in any manner  
17 whatsoever serve, sell or solicit the sale of any alcoholic beverage, or  
18 participate in the mixing, processing or preparation thereof. Each  
19 person seeking to be employed or connected in any business capacity  
20 whatsoever with a licensee shall submit to the director the applicant's  
21 name, address, fingerprints and written consent for a criminal history  
22 record background check to be performed. The director is authorized  
23 to receive criminal history record information from the State Bureau  
24 of Identification in the Division of State Police and the Federal Bureau  
25 of Investigation consistent with applicable State and federal laws, rules  
26 and regulations. The applicant shall bear the cost for the criminal  
27 history record background check, including all costs of administering  
28 and processing the check. The Division of State Police shall promptly  
29 notify the director in the event a current holder of a license or  
30 prospective applicant, who was the subject of a criminal history record  
31 background check pursuant to this section, is arrested for a crime or  
32 offense in this State after the date the background check was  
33 performed.

34 Any request for relief under this section shall be accompanied by a  
35 nonreturnable filing fee of \$100.00 payable to the director.

36 (cf: P.L.1993, c.232, s.1)

37  
38 20. R.S.33:1-31.2 is amended to read as follows:

39 33:1-31.2. Any person convicted of a crime involving moral  
40 turpitude may, after the lapse of five years from the date of conviction,  
41 apply to the commissioner for an order removing the resulting  
42 statutory disqualification from obtaining or holding any license or  
43 permit under this chapter. Whenever any such application is made and  
44 it appears to the satisfaction of the commissioner that at least five  
45 years have elapsed from the date of conviction, that the applicant has  
46 conducted himself in a law-abiding manner during that period and that



1 his association with the alcoholic beverage industry will not be  
2 contrary to the public interest, the commissioner may, in his discretion  
3 and subject to rules and regulations, enter an order removing the  
4 applicant's disqualification from obtaining or holding a license or  
5 permit because of the conviction.

6 On and after the date of the entry of the order, the person therein  
7 named shall be qualified to obtain and hold a license or permit under  
8 this chapter, notwithstanding the conviction therein referred to,  
9 provided he is, in all other respects, qualified under this chapter.

10 Any request for relief under this section shall be accompanied by a  
11 nonreturnable filing fee of \$100.00 payable to the director. Each  
12 applicant shall submit to the director the applicant's name, address,  
13 fingerprints and written consent for a criminal history record  
14 background check to be performed. The director is authorized to  
15 receive criminal history record information from the State Bureau of  
16 Identification in the Division of State Police and the Federal Bureau  
17 of Investigation consistent with applicable State and federal laws, rules  
18 and regulations. The applicant shall bear the cost for the criminal  
19 history record background check, including all costs of administering  
20 and processing the check. The Division of State Police shall promptly  
21 notify the director in the event a current holder of a license or  
22 employee or prospective applicant, who was the subject of a criminal  
23 history record background check pursuant to this section, is arrested  
24 for a crime or offense in this State after the date the background check  
25 was performed.

26 (cf: P.L.1992, c.188, s.5)

1 21. Section 11 of P.L.1975, c.156 (C.39:8-19) is amended to read  
2 as follows:

3 11. a. The director may deny, suspend or revoke a private  
4 inspection center license or refuse renewal thereof for cause, including  
5 but not limited to one or more of the following:

6 (1) Violation of any provision of this act or of any regulation  
7 adopted thereunder, including a finding of guilt made pursuant to  
8 section 10 of this act;

9 (2) Fraud or misrepresentation in securing the license or in the  
10 conduct of the licensed activity;

11 (3) Making initial inspection or reinspection service charges in  
12 excess of those posted on the licensed premises and filed with the  
13 director;

14 (4) Conviction of a crime involving moral turpitude;

15 (5) Violation of P.L.1960, c.39 (C. 56:8-1 et seq.) or of any  
16 regulation adopted thereunder;

17 (6) Other good cause.

18 b. The director may suspend a license for such period as he deems  
19 fit, pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
20 (C. 52:14B-1 et seq.). If the director determines that the public  
21 interest requires suspension of a license pursuant to this act prior to  
22 hearing, the director may do so, provided that the licensee is afforded  
23 the opportunity to request in writing a hearing within 10 days of the  
24 effective date of the suspension, and an administrative adjudication  
25 shall be held as soon thereafter as possible.

26 c. The suspension or revocation of a private inspection center  
27 license shall not of itself be cause for the denial, suspension or  
28 revocation of any other business license held by the private inspection  
29 center licensee, issued by the State or any of its political subdivisions.

30 d. For the purposes of this section, each applicant for a license  
31 shall submit to the director the applicant's name, address, fingerprints  
32 and written consent for a criminal history record background check to  
33 be performed. The director is hereby authorized to exchange  
34 fingerprint data with and receive criminal history record information  
35 from the State Bureau of Identification in the Division of State Police  
36 and the Federal Bureau of Investigation consistent with applicable  
37 State and federal laws, rules and regulations, for purposes of  
38 facilitating determinations concerning licensure eligibility. The  
39 applicant shall bear the cost for the criminal history record background  
40 check, including all costs of administering and processing the check.  
41 The Division of State Police shall promptly notify the director in the  
42 event a current holder of a license or prospective applicant, who was  
43 the subject of a criminal history record background check pursuant to  
44 this section, is arrested for a crime or offense in this State after the  
45 date the background check was performed.

46 (cf: P.L.1986, c.22, s.12)

1       22. R.S.39:10-19 is amended to read as follows:  
2       39:10-19. No person shall engage in the business of buying, selling  
3 or dealing in motor vehicles in this State, nor shall a person engage in  
4 activity that would qualify the person as a leasing dealer, as defined in  
5 section 2 of P.L.1994, c.190 (C.56:12-61), unless : a. he is a licensed  
6 real estate broker acting as an agent or broker in the sale of mobile  
7 homes without their own motor power other than recreation vehicles  
8 as defined in section 3 of P.L.1990, c.103 (C.39:3-10.11), or  
9 manufactured homes as defined in section 3 of P.L.1983, c.400  
10 (C.54:4-1.4); or b. he is authorized to do so under the provisions of  
11 this chapter. The director may, upon application in such form as he  
12 prescribes, license any proper person as such dealer or leasing dealer.  
13 A licensed real estate broker shall be entitled to act as an agent or  
14 broker in the sale of a mobile or manufactured home as defined in  
15 subsection a. of this section without obtaining a license from the  
16 director. For the purposes of this chapter, a "licensed real estate  
17 broker" means a real estate broker licensed by the New Jersey Real  
18 Estate Commission pursuant to the provisions of chapter 15 of Title  
19 45 of the Revised Statutes. Any sale or transfer of a mobile or  
20 manufactured home, in which a licensed real estate broker acts as a  
21 broker or agent pursuant to this section, which sale or transfer is  
22 subject to any other requirements of R.S.39:10-1 et seq., shall comply  
23 with all of those requirements. No person who has been convicted of  
24 a crime, arising out of fraud or misrepresentation in the sale, leasing  
25 or financing of a motor vehicle, shall be eligible to receive a license.  
26 For the purposes of this section, each applicant for a license shall  
27 submit to the director the applicant's name, address, fingerprints and  
28 written consent for a criminal history record background check to be  
29 performed. The director is hereby authorized to exchange fingerprint  
30 data with and receive criminal history record information from the  
31 State Bureau of Identification in the Division of State Police and the  
32 Federal Bureau of Investigation consistent with applicable State and  
33 federal laws, rules and regulations, for purposes of facilitating  
34 determinations concerning licensure eligibility. The applicant shall  
35 bear the cost for the criminal history record background check,  
36 including all costs of administering and processing the check. The  
37 Division of State Police shall promptly notify the director in the event  
38 a current holder of a license or prospective applicant, who was the  
39 subject of a criminal history record background check pursuant to this  
40 section, is arrested for a crime or offense in this State after the date  
41 the background check was performed. Each applicant for a license  
42 shall at the time such license is issued have established and maintained,  
43 or by said application shall agree to establish and maintain, within 90  
44 days after the issuance thereof, a place of business consisting of a  
45 permanent building not less than 1,000 square feet in floor space  
46 located in the State of New Jersey to be used principally for the

1 servicing and display of motor vehicles with such equipment installed  
2 therein as shall be requisite for the servicing of motor vehicles in such  
3 manner as to make them comply with the laws of this State and with  
4 any rules and regulations made by the director of motor vehicles  
5 governing the equipment, use and operation of motor vehicles within  
6 the State. However, a leasing dealer, who is not engaged in the  
7 business of buying, selling or dealing in motor vehicles in the State,  
8 shall not be required to maintain a place of business with floor space  
9 available for the servicing or display of motor vehicles or to have an  
10 exterior sign at the lessor's place of business. A license fee of \$100  
11 shall be paid by an applicant upon his initial application for a license.  
12 The director may renew an applicant's license from year to year, upon  
13 application for renewal on a form prescribed by the director and  
14 accompanied each year by a renewal fee of \$100. Every license shall  
15 expire on March 31 of each year terminating the period for which it is  
16 issued. On and after February 1 of each year the director shall issue  
17 licenses for the following yearly period to expire on March 31 of the  
18 following year.

19 For the purposes of this section, a leasing dealer or an assignee of  
20 a leasing dealer whose leasing activities are limited to buying motor  
21 vehicles for the purpose of leasing them and selling motor vehicles at  
22 the termination of a lease shall not be deemed to be engaged in the  
23 business of buying, selling or dealing in motor vehicles in this State.  
24 (cf: P.L.1994, c.190, s.9)

25

26 23. Section 3 of P.L.1951, c.216 (C.39:12-3) is amended to read  
27 as follows:

28 3. The director may deny the application of any person for a license  
29 if, in his discretion, he determines that:

30 a. Such applicant has made a material false statement or concealed  
31 a material fact in connection with his application;

32 b. Such applicant, any officer, director, stockholder or partner, or  
33 any other person directly or indirectly interested in the business, was  
34 the former holder of a license under this act, or was an officer,  
35 director, stockholder or partner, in a corporation or partnership which  
36 held a license under this act and which license was revoked or  
37 suspended by the director;

38 c. Such applicant or any officer, director, stockholder, partner,  
39 employee, or any other person directly or indirectly interested in the  
40 business, has been convicted of a crime;

41 d. Such applicant has failed to furnish satisfactory evidence of  
42 good character, reputation and fitness;

43 e. Such applicant does not have a place of business as required by  
44 this act;

45 f. Such applicant is not the true owner of the drivers' school; or

46 g. The application is not accompanied by a copy of a standard

1 liability insurance policy in the amount of \$10,000.00 for personal  
2 injury to, or death of, any 1 person, \$20,000.00 for personal injury to,  
3 or death of, any number of persons involved in any 1 accident, and  
4 \$5,000.00 for property damage in any 1 accident, suffered, or caused  
5 by reason of the negligence of the applicant or any agent or employee  
6 of the applicant, approved as to form and coverage by the director,  
7 and issued by a company duly licensed to transact business in this  
8 State under the insurance laws of this State.

9 For the purposes of this section, each applicant for a license shall  
10 submit to the director the applicant's name, address, fingerprints and  
11 written consent for a criminal history record background check to be  
12 performed. The director is hereby authorized to exchange fingerprint  
13 data with and receive criminal history record information from the  
14 State Bureau of Identification in the Division of State Police and the  
15 Federal Bureau of Investigation consistent with applicable State and  
16 federal laws, rules and regulations, for purposes of facilitating  
17 determinations concerning licensure eligibility. The applicant shall  
18 bear the cost for the criminal history record background check,  
19 including all costs of administering and processing the check. The  
20 Division of State Police shall promptly notify the director in the event  
21 a current holder of a license or prospective applicant, who was the  
22 subject of a criminal history record background check pursuant to this  
23 section, is arrested for a crime or offense in this State after the date  
24 the background check was performed.

25 (cf: P.L.1959, c.44, s.1)

26

27 24. Section 6 of P.L.1951, c.216 (C.39:12-6) is amended to read  
28 as follows:

29 6. The director may deny the application of any person for an  
30 instructor's license or for a motorcycle safety education instructor  
31 endorsement to an instructor's license if, in his discretion, he  
32 determines that:

33 a. the applicant has made a material false statement or concealed  
34 a material fact in connection with his application therefore;

35 b. the applicant has failed to furnish satisfactory evidence of the  
36 facts required of him in section five of this act; or

37 c. the applicant for an instructor's license is not of good moral  
38 character; that he has not held a license to drive a motor vehicle within  
39 the State for the past three consecutive years; that he has not had a  
40 driving record satisfactory to the director; that he has been convicted  
41 of crime; that he is disqualified for a motorcycle safety education  
42 instructor endorsement for any reason set forth in section 2 of  
43 P.L.1991, c.452 (C.27:5F-37).

44 For the purposes of this section, each applicant for a license shall  
45 submit to the director the applicant's name, address, fingerprints and  
46 written consent for a criminal history record background check to be

1 performed. The director is hereby authorized to exchange fingerprint  
2 data with and receive criminal history record information from the  
3 State Bureau of Identification in the Division of State Police and the  
4 Federal Bureau of Investigation, consistent with applicable State and  
5 federal laws, rules and regulations, for purposes of facilitating  
6 determinations concerning licensure eligibility. The applicant shall bear  
7 the cost for the criminal history record background check, including  
8 all costs of administering and processing the check. The Division of  
9 State Police shall promptly notify the director in the event a current  
10 holder of a license or prospective applicant, who was the subject of a  
11 criminal history record background check pursuant to this section, is  
12 arrested for a crime or offense in this State after the date the  
13 background check was performed.

14 (cf: P.L.1991, c.452, s.9)

15

16 25. N.J.S.40A:14-9 is amended to read as follows:

17 40A:14-9. Except as otherwise provided by law, no person shall be  
18 appointed as a member of the paid or as a paid member of a part-paid  
19 fire department and force, unless he:

20 (1) is a citizen of the United States;

21 (2) is sound in body and of good health sufficient to satisfy the  
22 board of trustees of the police and firemen's retirement system of New  
23 Jersey as to his eligibility for membership in the retirement system;

24 (3) has a high school diploma or an equivalency certificate and is  
25 able to read, write and speak the English language well and  
26 intelligently;

27 (4) is of good moral character; and

28 (5) has not been convicted of any criminal offense involving moral  
29 turpitude.

30 For the purposes of this section, each applicant shall submit to the  
31 appointing body of the municipality, the applicant's name, address,  
32 fingerprints and written consent for a criminal history record  
33 background check to be performed. The appointing body of the  
34 municipality is authorized to exchange fingerprint data with and  
35 receive criminal history record information from the State Bureau of  
36 Identification in the Division of State Police and the Federal Bureau  
37 of Investigation consistent with applicable State and federal laws, rules  
38 and regulations. The applicant shall bear the cost for the criminal  
39 history record background check, including all costs of administering  
40 and processing the check. The Division of State Police shall promptly  
41 notify the appointing body of the municipality in the event a current  
42 employee or prospective applicant, who was the subject of a criminal  
43 history record background check pursuant to this section, is arrested  
44 for a crime or offense in this State after the date the background check  
45 was performed. The appointing body, officer or officers of the  
46 municipality when authorized so to do, may employ such officers and

1 other personnel for said paid or part-paid fire department and force as  
2 temporary employees in emergencies, or for certain specified parts of  
3 the year, as needed.

4 Except as otherwise provided by law, any permanent paid member  
5 or officer of such paid or part-paid fire department and force, who is  
6 absent from duty without just cause or leave of absence, for a  
7 continuous period of 5 days, shall cease to be a member of such paid  
8 or part-paid fire department.

9 (cf: P.L.1981, c.19, s.1)

10

11 26. R.S.45:15-9 is amended to read as follows:

12 45:15-9. All persons desiring to become real estate brokers,  
13 broker-salespersons or salespersons shall apply to the commission for  
14 a license under the provisions of this article. Every applicant for a  
15 license as a broker, broker-salesperson or salesperson shall be of the  
16 age of 18 years or over, and in the case of an association or a  
17 corporation the directors thereof shall be of the age of 18 years or  
18 over. Application for a license, whether as a real estate broker,  
19 broker-salesperson or a salesperson, shall be made to the commission  
20 upon forms prescribed by it and shall be accompanied by an  
21 application fee of \$25 which fee shall not be refundable. Every  
22 applicant for a license whether as a real estate broker,  
23 broker-salesperson or salesperson shall have the equivalent of a high  
24 school education. The issuance of a license to an applicant who is a  
25 nonresident of this State shall be deemed to be his irrevocable consent  
26 that service of process upon him as a licensee in any action or  
27 proceeding may be made upon him by service upon the secretary of the  
28 commission or the person in charge of the office of the commission.  
29 The applicant shall furnish evidence of good moral character, and in  
30 the case of an association, partnership or corporation, the members,  
31 officers or directors thereof shall furnish evidence of good moral  
32 character. The commission may make such investigation and require  
33 such proof as it deems proper and in the public interest as to the  
34 honesty, trustworthiness, character and integrity of an applicant. Any  
35 applicant for licensure pursuant to this section and any officer,  
36 director, partner or owner of a controlling interest of a corporation or  
37 partnership filing for licensure pursuant to this section shall submit to  
38 the commission the applicant's name, address, fingerprints and written  
39 consent for a criminal history record background check to be  
40 performed. The commission is hereby authorized to exchange  
41 fingerprint data with and receive criminal history record information  
42 from the State Bureau of Identification in the Division of State Police  
43 and the Federal Bureau of Investigation consistent with applicable  
44 State and federal laws, rules and regulations, for the purposes of  
45 facilitating determinations concerning licensure eligibility. The  
46 applicant shall bear the cost for the criminal history record background

1 check, including all costs of administering and processing the check.  
2 The Division of State Police shall promptly notify the commissioner in  
3 the event a current holder of a license or prospective applicant, who  
4 was the subject of a criminal history record background check  
5 pursuant to this section, is arrested for a crime or offense in this State  
6 after the date the background was performed. Every applicant for a  
7 license as a broker or broker-salesperson shall have first been the  
8 holder of a New Jersey real estate salesperson's license and have been  
9 actively engaged on a full-time basis in the real estate brokerage  
10 business in this State for three years immediately preceding the date of  
11 application, which requirement may be waived by the commission  
12 where the applicant has been the holder of a broker's license in another  
13 state and actively engaged in the real estate brokerage business for at  
14 least three years immediately preceding the date of his application,  
15 meets the educational requirements and qualifies by examination. No  
16 license as a broker shall be granted to a general partnership or  
17 corporation unless at least one of the partners or officers of said  
18 general partnership or corporation qualifies as and holds a license as  
19 a broker to transact business in the name and on behalf of said general  
20 partnership or corporation as its authorized broker and no such  
21 authorized broker shall act as a broker on his own individual account  
22 unless he is also licensed as a broker in his individual name; the license  
23 of said general partnership or corporation shall cease if at least one  
24 partner or officer does not hold a license as its authorized broker at all  
25 times. A change in the status of the license of an authorized broker to  
26 an individual capacity or vice versa shall be effected by application to  
27 the commission accompanied by a fee of \$25. No license as a broker  
28 shall be granted to a limited partnership unless its general partner  
29 qualifies as and holds a license as a broker to transact business in the  
30 name of and on behalf of the limited partnership. In the event that a  
31 corporation is a general partner of a limited partnership, no license as  
32 a broker shall be granted to the limited partnership unless the  
33 corporation is licensed as a broker and one of the officers of the  
34 corporation qualifies as and holds a license as the corporation's  
35 authorized broker.

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



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

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

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

40

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

43 49. a. Every application for licensure as a real estate school shall  
44 be accompanied by an application fee of \$50 and a criminal history  
45 record check fee for all individual owners, members of a partnership,  
46 or officers, directors and owners of a controlling interest in a

1 corporation, which fees shall be non-refundable. Any applicant filing  
2 for licensure pursuant to this section and any officer, director, partner  
3 or owner of a controlling interest of a corporation or partnership filing  
4 for licensure pursuant to this section shall submit to the commission,  
5 the applicant's name, address, fingerprints and written consent for a  
6 criminal history record background check to be performed. The  
7 commission is hereby authorized to exchange fingerprint data with and  
8 receive criminal history record information from the State Bureau of  
9 Identification in the Division of State Police and the Federal Bureau  
10 of Investigation consistent with applicable State and federal laws, rules  
11 and regulations, for the purposes of facilitating determinations  
12 concerning licensure eligibility. The applicant shall bear the cost for  
13 the criminal history record background check, including all costs of  
14 administering and processing the check. The Division of State Police  
15 shall promptly notify the commissioner in the event a current holder of  
16 a license or prospective applicant, who was the subject of a criminal  
17 history record background check pursuant to this section, is arrested  
18 for a crime or offense in this State after the date the background was  
19 performed.

20 b. All licenses issued to real estate schools shall expire on a date  
21 fixed by the commission which date shall not be more than two years  
22 from the date of issuance of the license. The license fee for each real  
23 estate school license issued in the first 12 months of any two-year real  
24 estate school license term established by the commission shall be \$200  
25 for the first location and \$100 for each additional location licensed.  
26 The license fee for each real estate school license issued in the second  
27 12 months of any two-year real estate school license term established  
28 by the commission shall be \$100 for the first location and \$50 for each  
29 additional location licensed. The fee for the renewal of each real  
30 estate school license for an additional two-year license term shall be  
31 \$200 for the first location and \$100 for each additional location.

32 c. Any accredited college or university located in this State or any  
33 public adult education program conducted by a board of education in  
34 this State which otherwise qualifies for licensure as a real estate school  
35 shall be issued a license without the payment of any license or license  
36 renewal fee.

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

38

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

41 50. Every application for licensure as a real estate instructor shall  
42 be accompanied by an application fee of \$25 and a criminal history  
43 record check fee, which fees shall be non-refundable. Any applicant  
44 filing for licensure pursuant to this section and any officer, director,  
45 partner or owner of a controlling interest of a corporation or  
46 partnership filing for licensure pursuant to this section shall submit to

1 the commission the applicant's name, address, fingerprints and written  
2 consent for a criminal history record background check to be  
3 performed. The commission is hereby authorized to exchange  
4 fingerprint data with and receive criminal history record information  
5 from the State Bureau of Identification in the Division of State Police  
6 and the Federal Bureau of Investigation consistent with applicable  
7 State and federal laws, rules and regulations, for the purposes of  
8 facilitating determinations concerning licensure eligibility. The  
9 applicant shall bear the cost for the criminal history record background  
10 check, including all costs of administering and processing the check.  
11 The Division of State Police shall promptly notify the commissioner in  
12 the event a current holder of a license or prospective applicant, who  
13 was the subject of a criminal history record background check  
14 pursuant to this section, is arrested for a crime or offense in this State  
15 after the date the background was performed. All licenses issued to  
16 real estate instructors shall expire on a date fixed by the commission  
17 which shall be no more than two years from the date of issuance of the  
18 license. The license fee for each real estate instructor license issued  
19 in the first 12 months of any two-year real estate instructor license  
20 term established by the commission shall be \$100 and the fee for an  
21 instructor license issued in the second 12 months of the cycle shall be  
22 \$50. The fee for the renewal of each real estate instructor license for  
23 an additional two-year license term shall be \$50. Upon payment of the  
24 renewal fee and the submission of evidence of satisfactory completion  
25 of any continuing education requirements which the commission may  
26 by regulation prescribe, the commission shall renew the license of a  
27 real estate instructor for a two-year period.

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

29

30 29. Section 4 of P.L.1939, c.369 (C.45:19-11) is amended to read  
31 as follows:

32 4. Any person, firm, association or corporation desiring to conduct  
33 a private detective business or the business of a private detective or  
34 investigator[,] shall, for each bureau or agency, subagency, office and  
35 branch office to be owned, conducted, managed or maintained by such  
36 person, firm, association or corporation for the conduct of such  
37 business, [file in the office of the superintendent] submit to the  
38 Superintendent of State Police the applicant's name, address,  
39 fingerprints and written consent for a criminal history record  
40 background check to be performed. The superintendent shall cause  
41 such fingerprints to be compared to fingerprints filed with the State  
42 Bureau of Identification in the Division of State Police and the Federal  
43 Bureau of Investigation consistent with applicable State and federal  
44 laws, rules and regulations. The applicant shall bear the cost for the  
45 criminal history record background check, including all costs of  
46 administering and processing the check. These fingerprints will be

1 provided in addition to a written application duly signed and verified,  
2 accompanied, in the case of an application by a person, with the  
3 written approval of not less than five reputable citizens who shall be  
4 freeholders of the county where such applicant resides or in the county  
5 in which it is proposed to conduct such business, and in the case of a  
6 firm, the written approval of five reputable citizens for each of the  
7 members of the firm who shall be freeholders of the county where each  
8 member of the firm resides or the county in which it is proposed to  
9 conduct such business, or in the case of an association or corporation,  
10 the written approval by five reputable citizens for each officer and  
11 director of the corporation who shall be freeholders of the county  
12 where such officers and directors reside, or of the county in which it  
13 is proposed to conduct such business. Such approvals shall be signed  
14 and acknowledged by the respective citizens before an officer  
15 authorized to take acknowledgments of conveyances of real property.  
16 The application shall state the following: Name, age, residence,  
17 present and previous occupations of the applicant, or in case of a firm,  
18 of each member of the firm, or in the case of an association or  
19 corporation, of each officer and director thereof; that each of the  
20 foregoing persons are citizens of the United States; the name of the  
21 municipality and the location therein by street number or other apt  
22 description where is to be located the principal place of business and  
23 the location of each bureau, agency, subagency, office or branch office  
24 for which a license is desired, and such other facts as may be required  
25 by the superintendent as will tend to show the character, competency  
26 and integrity of each person or individual signing such application.  
27 Any person who shall knowingly state any fact falsely shall be guilty  
28 of a misdemeanor.

29 (cf: P.L.1939, c.369, s.4)

30

31 30. Section 9 of P.L.1934, c.369 (C.45:19-16) is amended to read  
32 as follows:

33 9. No holder of any unexpired license issued pursuant to this act  
34 shall knowingly employ in connection with his or its business in any  
35 capacity whatsoever, any person who has been convicted of a high  
36 misdemeanor or any of the following misdemeanors, or offenses, and  
37 who has not subsequent to such conviction received executive pardon  
38 therefor removing any civil disabilities incurred thereby, to wit:

39 (a) illegally using, carrying or possessing a pistol or other  
40 dangerous weapon;

41 (b) making or possessing burglar's instruments;

42 (c) buying or receiving stolen property;

43 (d) unlawful entry of a building;

44 (e) aiding escape from prison;

45 (f) unlawfully possessing or distributing habit-forming narcotic  
46 drugs;

1 (g) any person whose private detective or investigator's license was  
2 revoked or application for such license was denied by the  
3 superintendent or by the authorities of any other State or territory  
4 because of conviction of any of the crimes or offenses specified in this  
5 section. Should the holder of an unexpired license falsely state or  
6 represent that a person is or has been in his employ, such false  
7 statement or misrepresentation shall be sufficient cause for the  
8 revocation of such license.

9 No person shall be employed by any holder of a license until he  
10 shall have executed and furnished to such license holder a verified  
11 statement, to be known as "employee's statement," setting forth:

12 (a) His full name, age, residence address, and place of and date of  
13 birth.

14 (b) The country of which he is a citizen.

15 (c) The business or occupation engaged in for the five years  
16 immediately preceding the date of the filing of the statement, setting  
17 forth the place or places where such business or occupation was  
18 engaged in, and the name or names of employers, if any.

19 (d) That he has not been convicted of a high misdemeanor or of  
20 any offense involving moral turpitude or of any of the misdemeanors  
21 or offenses described in this section.

22 (e) Such further information as the superintendent may by rule  
23 require to show the good character, competency, and integrity of the  
24 person executing the statement.

25 [Immediately upon the verification of an employee's statement, the  
26 holder of a license by whom such person has been or is to be employed  
27 shall cause three sets of fingerprints of the two hands of such person  
28 to be recorded in such manner as the superintendent may by rule  
29 prescribe. The holder of a license shall immediately stamp in indelible  
30 ink the employee's statement and each set of fingerprints with the  
31 name, year and license number of such holder and a number, which  
32 number shall be determined by the number of such statements  
33 furnished to such holder and shall be in numerical sequence.

34 The holder of a license shall affix one set of such fingerprints to the  
35 employee's statement in such manner that the prints can be examined  
36 without disclosing the contents of the employee's statement and shall  
37 retain such statement and prints so long as he shall be licensed under  
38 this act.

39 The holder of a license shall file the other two sets of fingerprints  
40 with the superintendent by forwarding the same by registered mail to  
41 the office of the superintendent, Trenton, New Jersey, within  
42 forty-eight hours of such employment.

43 Within five days after the filing of such fingerprints the  
44 superintendent shall cause such fingerprints to be compared with  
45 fingerprints filed with the State Bureau of Identification and, if he]

46 The employee shall submit to the Superintendent of State Police the

1 employee's name, address, fingerprints and written consent for a  
2 criminal history background check to be performed. The  
3 superintendent is hereby authorized to exchange fingerprint data with  
4 and receive criminal history record information from the State Bureau  
5 of Identification in the Division of State Police and the Federal Bureau  
6 of Investigation consistent with applicable State and federal laws, rules  
7 and regulations. The applicant shall bear the cost for the criminal  
8 history background check, including all costs of administering and  
9 processing the check. If the superintendent finds [any record affecting  
10 such prints] that such person has been convicted of a first, second or  
11 third degree crime, or any other offense specified in this section, he  
12 shall immediately notify the holder of such license and shall also refer  
13 the matter to the prosecutor of the pleas of the county in which the  
14 employee resides. The superintendent may also from time to time  
15 cause such fingerprints to be checked against the fingerprints filed with  
16 the State bureau of identification or of other official fingerprint files  
17 within or without this State, and if he finds that such person has been  
18 convicted of a high misdemeanor or any other offense specified in this  
19 section he shall immediately notify the holder of such license and shall  
20 also refer the matter to the prosecutor of the pleas of the county in  
21 which the employee resides. The superintendent shall at all times be  
22 given access to and may from time to time examine the fingerprints  
23 retained by the holder of a license as provided in this section.

24 If any holder of a license shall file with the superintendent the  
25 fingerprints of a person other than the person so employed, he shall be  
26 guilty of a misdemeanor.

27 (cf: P.L.1948, c.152, s.3)

28

29 31. Section 8 of P.L.1978, c.73 (C. 45:1-21) is amended to read as  
30 follows:

31 8. A board may refuse to admit a person to an examination or may  
32 refuse to issue or may suspend or revoke any certificate, registration  
33 or license issued by the board upon proof that the applicant or holder  
34 of such certificate, registration or license:

35 a. Has obtained a certificate, registration, license or authorization  
36 to sit for an examination, as the case may be, through fraud, deception,  
37 or misrepresentation;

38 b. Has engaged in the use or employment of dishonesty, fraud,  
39 deception, misrepresentation, false promise or false pretense;

40 c. Has engaged in gross negligence, gross malpractice or gross  
41 incompetence which damaged or endangered the life, health, welfare,  
42 safety or property of any person;

43 d. Has engaged in repeated acts of negligence, malpractice or  
44 incompetence;

45 e. Has engaged in professional or occupational misconduct as may  
46 be determined by the board;

1 f. Has been convicted of, or engaged in acts constituting, any crime  
2 or offense involving moral turpitude or relating adversely to the  
3 activity regulated by the board. For the purpose of this subsection a  
4 judgment of conviction or a plea of guilty, non vult, nolo contendere  
5 or any other such disposition of alleged criminal activity shall be  
6 deemed a conviction;

7 g. Has had his authority to engage in the activity regulated by the  
8 board revoked or suspended by any other state, agency or authority  
9 for reasons consistent with this section;

10 h. Has violated or failed to comply with the provisions of any act  
11 or regulation administered by the board;

12 i. Is incapable, for medical or any other good cause, of discharging  
13 the functions of a licensee in a manner consistent with the public's  
14 health, safety and welfare;

15 j. Has repeatedly failed to submit completed applications, or parts  
16 of, or documentation submitted in conjunction with, such applications,  
17 required to be filed with the Department of Environmental Protection;

18 k. Has violated any provision of P.L.1983, c.320 (C.17:33A-1 et  
19 seq.) or any insurance fraud prevention law or act of another  
20 jurisdiction or has been adjudicated, in civil or administrative  
21 proceedings, of a violation of P.L.1983, c.320 (C.17:33A-1 et seq.) or  
22 has been subject to a final order, entered in civil or administrative  
23 proceedings, that imposed civil penalties under that act against the  
24 applicant or holder;

25 l. Is presently engaged in drug or alcohol use that is likely to impair  
26 the ability to practice the profession or occupation with reasonable  
27 skill and safety. For purposes of this subsection, the term "presently"  
28 means at this time or any time within the previous 365 days;

29 m. Has prescribed or dispensed controlled dangerous substances  
30 indiscriminately or without good cause, or where the applicant or  
31 holder knew or should have known that the substances were to be  
32 used for unauthorized consumption or distribution;

33 n. Has permitted an unlicensed person or entity to perform an act  
34 for which a license or certificate of registration or certification is  
35 required by the board, or aided and abetted an unlicensed person or  
36 entity in performing such an act;

37 o. Advertised fraudulently in any manner.

38 The division is authorized, for purposes of facilitating  
39 determinations concerning licensure eligibility, to require the  
40 fingerprinting of each applicant in accordance with applicable State  
41 and federal laws, rules and regulations. Each applicant shall submit  
42 the applicant's name, address, and written consent to the director for  
43 a criminal history record background check to be performed. The  
44 division is authorized to receive criminal history record information  
45 from the State Bureau of Identification in the Division of State Police  
46 and the Federal Bureau of Investigation. Upon receipt of such

1 notification, the division shall forward the information to the  
2 appropriate board which shall make a determination regarding the  
3 issuance of licensure. The applicant shall bear the cost for the criminal  
4 history record background check, including all costs of administering  
5 and processing the check, unless otherwise provided for by an  
6 individual enabling act. The Division of State Police shall promptly  
7 notify the division in the event an applicant or licensee, who was the  
8 subject of a criminal history record background check pursuant to this  
9 section, is convicted of a crime or offense in this State after the date  
10 the background check was performed.

11 For purposes of this act:

12 "Completed application" means the submission of all of the  
13 information designated on the checklist, adopted pursuant to section  
14 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of  
15 permit for which application is made.

16 "Permit" has the same meaning as defined in section 1 of P.L.1991,  
17 c.421 (C.13:1D-101).

18 (cf: P.L.1999, c.403, s.2)

19

20 32. Section 9 of P.L.1967, c.93 (C.49:3-56) is amended to read as  
21 follows:

22 9. (a) It shall be unlawful for any person to act as a broker-dealer,  
23 agent, investment adviser or investment adviser representative in this  
24 State unless that person is registered or exempt from registration  
25 under this act;

26 (b) A person shall be exempt from registration as a broker-dealer  
27 if, during any period of 12 consecutive months, that person (1) does  
28 not effect more than 15 transactions with persons other than those  
29 specified in paragraph (5) of subsection (c) of section 2 of P.L.1967,  
30 c.93 (C.49:3-49) located within New Jersey; (2) does not effect  
31 transactions in more than five customer accounts of New Jersey  
32 residents; or (3) effects transactions with persons who have no place  
33 of residence in New Jersey and who are temporarily located in the  
34 State; if at the time of the transactions described in paragraph (1), (2)  
35 or (3) of this subsection (b), the broker-dealer has no place of business  
36 in this State and is a member in good standing of a recognized  
37 self-regulatory organization and is registered in the state in which the  
38 broker-dealer is located;

39 (c) Agents who represent broker-dealers in transactions exempt  
40 pursuant to paragraph (1), (2) or (3) of subsection (b) of this section  
41 shall be exempt from registration for those transactions if they are  
42 members of a recognized self-regulatory organization and registered  
43 in the state in which they are located at the time of the transaction;

44 (d) The burden of proving an exemption from registration under  
45 this section shall be on the person claiming the exemption. A person  
46 claiming an exemption from registration under this section shall keep



1 his books and records open to inspection by the bureau. If the bureau  
2 chief finds it is in the public interest and necessary for the protection  
3 of investors, the bureau chief may deny any exemption specified in  
4 paragraph (1), (2) or (3) of subsection (b) or in subsection (c) of this  
5 section as to any broker-dealer or agent. The bureau chief may  
6 proceed in summary fashion or otherwise;

7 (e) The bureau chief may identify classes of customers, securities,  
8 transactions and broker-dealers for the purpose of increasing the  
9 number of transactions or accounts available under the exemptions  
10 specified in paragraph (1), (2) or (3) of subsection (b) or subsection  
11 (c) of this section;

12 (f) The bureau chief may by order identify the self-regulatory  
13 organizations recognized under subsections (b) and (c) of this section  
14 and may by rule or order define the conditions under which  
15 non-resident persons are temporarily in New Jersey under paragraph  
16 (3) of subsection (b) of this section;

17 (g) A person shall be exempt from registration as an investment  
18 adviser or from making a notice filing required by section 10 of  
19 P.L.1967, c.93 (C.49:3-57), if:

20 (1) The person has a place of business in this State and during any  
21 period of 12 consecutive months that person does not have more than  
22 five clients, who are residents of this State, other than those specified  
23 in subparagraph (vi) of paragraph (2) of subsection (g) of section 2 of  
24 P.L.1967, c.93 (C.49:3-49); or

25 (2) The person has no place of business in this State, and during  
26 any period of 12 consecutive months that person does not have more  
27 than five clients, who are residents of this State, other than those  
28 specified in subparagraph (vi) of paragraph (2) of subsection (g) of  
29 section 2 of P.L.1967, c.93 (C.49:3-49).

30 The bureau chief may by rule or order determine the availability of  
31 the exemptions provided by this subsection (g), including the waiver  
32 of the conditions in paragraphs (1) and (2) of this subsection;

33 (h) It shall be unlawful for any broker-dealer or issuer to employ  
34 an agent in this State unless the agent is registered. The registration  
35 of an agent is not effective during any period when he is not associated  
36 with a particular broker-dealer registered under this act or a particular  
37 issuer. When an agent begins or terminates a connection with a  
38 broker-dealer or issuer, or begins or terminates those activities which  
39 make him an agent, the agent as well as the broker-dealer or issuer  
40 shall promptly notify the bureau. When an agent terminates his  
41 connection with a particular broker-dealer or issuer, his authorization  
42 to engage in those activities which make him an agent is terminated;

43 (i) It shall be unlawful for any person to transact business in this  
44 State as an investment adviser unless (1) he is so registered under  
45 this act, is exempt from registration under this act, or is excluded from  
46 the definition of investment adviser under this act, or (2) he is

1 registered as a broker-dealer without the imposition of a condition  
2 under paragraph (5) of subsection (b) of section 11 of P.L.1967, c.93  
3 (C.49:3-58);

4 (j) It shall be unlawful for any investment adviser required to be  
5 registered pursuant to this section to employ an investment adviser  
6 representative, unless the investment adviser representative is also  
7 registered pursuant to this section. It is unlawful for any person  
8 registered or required to be registered as an investment adviser under  
9 section 203 of the "Investment Advisers Act of 1940," 15 U.S.C.  
10 s.80b-3, to employ, supervise, or associate with an investment adviser  
11 representative having a place of business located in this State, unless  
12 that investment adviser representative is registered under this act, or  
13 is exempt from registration. The registration of an investment adviser  
14 representative is not effective during any period when the investment  
15 adviser representative is not employed by an investment adviser  
16 registered pursuant to this section or registered under section 203 of  
17 the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3. When an  
18 investment adviser representative described in this subsection begins  
19 or terminates employment with an investment adviser, the investment  
20 adviser and the investment adviser representative shall promptly notify  
21 the bureau chief. When an investment adviser representative  
22 terminates his connection with a particular investment adviser, his  
23 authorization to engage in those activities which make him an  
24 investment adviser representative is terminated;

25 (k) The bureau chief may summarily bar, pending final  
26 determination of any proceeding under this subsection, any person,  
27 who has been convicted of any crime of embezzlement under state,  
28 federal or foreign law or any crime involving any theft, forgery or  
29 fraudulent practices in regard to any state, federal or foreign securities,  
30 banking, insurance, or commodities trading laws or anti-fraud laws,  
31 from being a partner, officer or director of an issuer, broker-dealer or  
32 investment adviser, or from occupying a similar status or performing  
33 a similar function or from directly or indirectly controlling or being  
34 under common control or being controlled by an issuer, broker-dealer  
35 or investment adviser, or from acting as a broker-dealer, agent or  
36 investment adviser in this State. Any person barred by this subsection  
37 shall be entitled to request a hearing by the same procedures as set  
38 forth in subsection (c) of section 3 of P.L.1967, c.93 (C.49:3-50);

39 (l) Notwithstanding any other provision of this act, the bureau  
40 chief may bring an administrative or court action pursuant to section  
41 29 of this act (C.49:3-70.1), to seek and obtain civil penalties for  
42 violations of this section;

43 (m) Every registration shall expire one year from its effective date  
44 unless renewed, except that the bureau chief may by rule provide that  
45 registrations shall all expire on the same date;

46 (n) Except with respect to advisers whose only clients are those

1 described in subparagraph (vi) of paragraph (2) of subsection (g) of  
2 section 2 of P.L.1967, c.93 (C.49:3-49), it is unlawful for any person  
3 who is registered or required to be registered under section 203 of the  
4 "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, as an  
5 investment adviser to conduct advisory business in this State, unless  
6 that person files those documents filed with the Securities and  
7 Exchange Commission with the bureau chief, as the bureau chief may  
8 by rule or otherwise require, and a fee and consent to service of  
9 process, as the bureau chief, by rule or otherwise, may require;

10 (o) Notwithstanding anything to the contrary in this act, until  
11 October 11, 1999, the bureau chief may require the registration of any  
12 person who is registered or required to be registered as an investment  
13 adviser under section 203 of the "Investment Advisers Act of 1940,"  
14 15 U.S.C. s.80b-3, and who has failed to promptly pay the fees  
15 required by subsection (n) of this section after being notified in writing  
16 by the bureau chief of the non-payment or underpayment of those fees.  
17 A person shall be considered to have promptly paid those fees if they  
18 are remitted to the bureau chief within 15 days following that person's  
19 receipt of the written notification from the bureau chief.

20 (p) For the purposes of this section, each applicant for registration  
21 shall submit to the bureau chief, the applicant's name, address,  
22 fingerprints and written consent for a criminal history record  
23 background check to be performed. The bureau chief is hereby  
24 authorized to exchange fingerprint data with and receive criminal  
25 history record information from the State Bureau of Identification in  
26 the Division of State Police and the Federal Bureau of Investigation  
27 consistent with applicable State and federal laws, rules and  
28 regulations. The applicant shall bear the cost for the criminal history  
29 record background check, including all costs of administering and  
30 processing the check. The Division of State Police shall promptly  
31 notify the bureau chief in the event a current holder of a license or  
32 prospective applicant, who was the subject of a criminal history record  
33 background check pursuant to this section, is arrested for a crime or  
34 offense in this State after the date the background check was  
35 performed.

36 (cf: P.L.1997, c.276, s.9)

37  
38 33. (New section) a. A county may enact an ordinance or  
39 resolution, as appropriate, providing that an authorized county official  
40 or officer may request a criminal history record background check of  
41 any person for an official governmental purpose, including, but not  
42 limited to, employment, licensing and the procurement of services.  
43 The ordinance or resolution shall provide that the person shall submit  
44 to being fingerprinted in accordance with applicable State and federal  
45 laws, rules and regulations. The ordinance or resolution shall further  
46 provide that the official or officer is authorized to exchange fingerprint

1 data with and receive criminal history record information from the  
2 State Bureau of Identification in the Division of State Police and the  
3 Federal Bureau of Investigation.

4 b. In order to obtain criminal history record information pursuant  
5 to the provisions of an ordinance or resolution, the official or officer  
6 shall submit fingerprint data to the State Bureau of Identification. The  
7 bureau shall receive all criminal history record information from the  
8 Federal Bureau of Investigation and shall disseminate that information  
9 to the officer or official.

10 c. The county shall transmit the fees for the criminal history record  
11 background check to the State Bureau of Identification.

12 d. Pursuant to the "Administrative Procedure Act," P.L.1968,  
13 c.410 (C.52:14B-1 et seq.), the Attorney General may promulgate  
14 regulations to effectuate the provisions of this section.

15  
16 34. (New section) a. A municipality may enact an ordinance  
17 providing that an authorized municipal official or officer may request  
18 a criminal history record background check of any person for an  
19 official governmental purpose, including, but not limited to,  
20 employment, licensing and the procurement of services. The ordinance  
21 shall provide that the person shall submit to being fingerprinted in  
22 accordance with applicable State and federal laws, rules and  
23 regulations. The ordinance shall further provide that the official or  
24 officer is authorized to exchange fingerprint data with and receive  
25 criminal history record information from the State Bureau of  
26 Identification in the Division of State Police and the Federal Bureau  
27 of Investigation.

28 b. In order to obtain criminal history record information pursuant  
29 to the provisions of an ordinance, the official or officer shall submit  
30 fingerprint data to the State Bureau of Identification. The bureau shall  
31 receive all criminal history record information from the Federal Bureau  
32 of Investigation and shall disseminate that information to the officer or  
33 official.

34 c. The municipality shall transmit the fees for the criminal history  
35 record background check to the State Bureau of Identification.

36 d. Pursuant to the "Administrative Procedure Act," P.L.1968,  
37 c.410 (C.52:14B-1 et seq.), the Attorney General may promulgate  
38 regulations to effectuate the provisions of this section.

39  
40 35. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill brings various statutes authorizing criminal history record  
46 background checks into compliance with federal law. The bill permits

1 the appropriate agencies to continue to receive Federal Bureau of  
2 Investigation criminal history information for purposes unrelated to  
3 law enforcement, specifically the employment and licensure  
4 qualification process.

5 In the 1970's, federal law imposed certain conditions on agencies  
6 seeking to access federal criminal history information for purposes that  
7 are not strictly law enforcement related. These conditions require that  
8 the background check be authorized by a state statute that expressly  
9 permits a governmental entity to receive and exchange fingerprint data  
10 and criminal history information. This committee substitute amends  
11 current law to precisely meet these requirements.

12 A number of State statutes require background checks as a  
13 condition of employment or licensure. Completion of a comprehensive  
14 background check requires a search of Federal Bureau of Investigation  
15 (FBI) and State criminal records in order to access pertinent out-of-  
16 state and federal criminal histories. The substitute updates  
17 background check statutes for the applicants and licensees in the  
18 following professions, occupations and pursuits:

- 19 C Candidates for bar admission;
- 20 C Racing Commission licensees and applicants;
- 21 C Games of Chance (bingo and raffles) business owners;
- 22 C Casino Control Commission, including casino employees;
- 23 C Regulated nursing homes and hospital employees;
- 24 C Alcoholic beverage sales;
- 25 C Motor vehicle and motorcycle dealers and driving instructors;
- 26 C Paid fire department employees;
- 27 C Private detectives;
- 28 C Security brokers and dealers; and
- 29 C Employees regulated by the Waterfront Commission.

30 The bill also permits a municipality or county to enact an ordinance  
31 or resolution, as appropriate, providing that an authorized county or  
32 municipal official or officer may request a criminal history record  
33 background check of any person for an official governmental purpose,  
34 including, but not limited to, employment, licensing and the  
35 procurement of services.

36 Currently, N.J.A.C.13:59-1.1 permits counties and municipalities  
37 to obtain New Jersey criminal history record information from the  
38 State Bureau of Identification in the Division of State Police. Under  
39 the provisions of the bill, counties and municipalities also would be  
40 permitted to receive criminal history record information from the  
41 Federal Bureau of Investigation.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3678**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2003

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3678.

As amended and released by the committee, Assembly Bill No. 3678 brings various statutes authorizing criminal history record background checks into compliance with federal law. The bill permits the appropriate agencies to continue to receive Federal Bureau of Investigation criminal history information for purposes unrelated to law enforcement, specifically the employment and licensure qualification process.

In the 1970's, federal law imposed certain conditions on agencies seeking to access federal criminal history information for purposes that are not strictly law enforcement related. These conditions require that the background check be authorized by a state statute that expressly permits a governmental entity to receive and exchange fingerprint data and criminal history information. The bill amends current law to precisely meet these requirements.

A number of State statutes require background checks as a condition of employment or licensure. Completion of a comprehensive background check requires a search of Federal Bureau of Investigation (FBI) and State criminal records in order to access pertinent out-of-state and federal criminal histories. The amended bill updates background check statutes for the applicants and licensees in the following professions, occupations and pursuits:

- C Candidates for bar admission;
- C Racing Commission licensees and applicants;
- C Games of Chance (bingo and raffles) business owners;
- C Casino Control Commission, including casino employees;
- C Regulated nursing homes and hospital employees;
- C Alcoholic beverage sales;
- C Motor vehicle and motorcycle dealers and driving instructors;
- C Paid fire department employees;
- C Private detectives;
- C Security brokers and dealers; and
- C Employees regulated by the Waterfront Commission.

The amended bill also permits a municipality or county to enact an ordinance or resolution, as appropriate, providing that an authorized county or municipal official or officer may request a criminal history record background check of any person for an official governmental purpose, including, but not limited to, employment, licensing and the procurement of services.

Currently, N.J.A.C.13:59-1.1 permits counties and municipalities to obtain New Jersey criminal history record information from the State Bureau of Identification in the Division of State Police. Under the provisions of the bill, counties and municipalities also would be permitted to receive criminal history record information from the Federal Bureau of Investigation.

COMMITTEE AMENDMENTS:

The committee amended section 17 of the bill concerning employees regulated by the Waterfront Commission. A bi-state agency, the commission is governed by a compact between New York and New Jersey. These amendments conform New Jersey's law to the current law of New York.

At the request of the Department of Transportation, the committee also amended sections 21, 23 and 24 of the bill so that more appropriate provisions of Title 39 contain the necessary language authorizing the New Jersey Motor Vehicle Commission to receive federal criminal history record background information concerning private inspection station operators, drivers' school operators and drivers' school instructors. Technical corrections also were made to these provisions.