

56:8-113

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2002 **CHAPTER:** 50

NJSA: 56:8-113 (Prohibits persons from advertising themselves as safety professionals)

BILL NO: S894 (Substituted for A2042)

SPONSOR(S): Bennett and others

DATE INTRODUCED: February 11, 2002

COMMITTEE: **ASSEMBLY:** Consumer Affairs

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 27, 2002

SENATE: June 30, 2002

DATE OF APPROVAL: August 3, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint)

S894

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

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

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A2042

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S894

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)
Identical to Assembly Statement to S894

[SENATE:](#) No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2002, CHAPTER 50, *approved August 3, 2002*
Senate, No. 894 (*First Reprint*)

1 **AN ACT** concerning safety professionals and supplementing P.L.1960,
2 c.39 (C.56:8-1 et seq.).
3

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

7 1. This act shall be known and may be cited as the "Safety
8 Professional Truth in Advertising Act."
9

10 2. The Legislature finds and declares that it is necessary to provide
11 assurance to the public that individuals holding any safety certification
12 have met certain qualifications.
13

14 3. As used in this act:

15 "Safety profession" means the science and art concerned with the
16 preservation of human and material resources through the systematic
17 application of principles drawn from such disciplines as engineering,
18 education, psychology, physiology, enforcement and management for
19 anticipating, identifying and evaluating hazardous conditions and
20 practices; developing hazard control designs, methods, procedures and
21 programs; implementing, administering and advising others on hazard
22 controls and hazard control programs; and measuring, auditing and
23 evaluating the effectiveness of hazard controls and hazard control
24 programs.

25 "Safety professional certification organization" means a professional
26 organization of safety professionals which has been in existence for at
27 least five years and which has been established to improve the practice
28 and educational standards of the safety profession by certifying
29 individuals who meet its education, experience and examination
30 requirements. The organization shall be accredited by the National
31 Commission of Certifying Agencies (NCCA) or the Council of
32 Engineering and Scientific Specialty Boards (CESB), or a nationally
33 recognized accrediting body which uses certification criteria equal to
34 or greater than that of the NCCA or CESB.
35

36 4. It shall be an unlawful practice for any person to advertise or
37 hold himself out as possessing a professional safety certification from

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted May 9, 2002.

1 a safety professional certification organization unless that person is
2 certified by the applicable safety professional certification
3 organization.

4

5 5. This act shall take effect on the ¹[720th day next] first day of
6 the 25th month¹ following enactment.

7

8

9

10

11 Prohibits certain persons from advertising themselves as possessing
12 safety professional certification.

SENATE, No. 894

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Mercer and Monmouth)

SYNOPSIS

Prohibits certain persons from advertising themselves as possessing safety professional certification.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning safety professionals and supplementing P.L.1960,
2 c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Safety
8 Professional Truth in Advertising Act."

9
10 2. The Legislature finds and declares that it is necessary to provide
11 assurance to the public that individuals holding any safety certification
12 have met certain qualifications.

13
14 3. As used in this act:

15 "Safety profession" means the science and art concerned with the
16 preservation of human and material resources through the systematic
17 application of principles drawn from such disciplines as engineering,
18 education, psychology, physiology, enforcement and management for
19 anticipating, identifying and evaluating hazardous conditions and
20 practices; developing hazard control designs, methods, procedures and
21 programs; implementing, administering and advising others on hazard
22 controls and hazard control programs; and measuring, auditing and
23 evaluating the effectiveness of hazard controls and hazard control
24 programs.

25 "Safety professional certification organization" means a professional
26 organization of safety professionals which has been in existence for at
27 least five years and which has been established to improve the practice
28 and educational standards of the safety profession by certifying
29 individuals who meet its education, experience and examination
30 requirements. The organization shall be accredited by the National
31 Commission of Certifying Agencies (NCCA) or the Council of
32 Engineering and Scientific Specialty Boards (CESB), or a nationally
33 recognized accrediting body which uses certification criteria equal to
34 or greater than that of the NCCA or CESB.

35
36 4. It shall be an unlawful practice for any person to advertise or
37 hold himself out as possessing a professional safety certification from
38 a safety professional certification organization unless that person is
39 certified by the applicable safety professional certification
40 organization.

41
42 5. This act shall take effect on the 720th day next following
43 enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

This bill makes it an unlawful practice under the "consumer fraud act" for any person to advertise or hold himself out as possessing a professional safety certification from a safety professional certification organization unless that person is certified by the applicable safety professional certification organization.

The bill defines "safety profession" as the science and art concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, psychology, physiology, enforcement and management for anticipating, identifying and evaluating hazardous conditions and practices; developing hazard control designs, methods, procedures and programs; implementing, administering and advising others on hazard controls and hazard control programs; and measuring, auditing and evaluating the effectiveness of hazard controls and hazard control programs. "Safety professional certification organization" is defined as a professional organization of safety professionals that has been in existence for at least five years and that has been established to improve the practice and educational standards of the safety profession by certifying individuals who meet its educational, experience and examination requirements and that is accredited by the National Commission of Certifying Agencies (NCCA) or the Council of Engineering and Scientific Specialty Boards (CESB), or a nationally recognized accrediting body which uses certification criteria equal to or greater than that of the NCCA or CESB.

The provisions of the bill will take effect two years after its enactment.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 894

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2002

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Senate Bill No. 894.

Senate Bill No.894 supplements the New Jersey Consumer Fraud Act (P.L.1960, c.39; C.56:8-1 et seq.) to make it an unlawful practice for any person to advertise or hold himself out as possessing a professional safety certification from a safety professional certification organization unless that person is certified by the applicable safety professional certification organization.

An unlawful practice is punishable under the Consumer Fraud Act and subject to the monetary penalties set forth in section 1 of P.L.1966, c.39 (C.56:8-13). For a first offense, the monetary penalty is a fine of not more than \$10,000; for a second offense, and each subsequent offense thereafter, the monetary penalty is a fine of not more than \$20,000. It is the committee's understanding that these monetary penalties represent only one of a variety of penalties that may be imposed on persons who commit unlawful practices under the Consumer Fraud Act.

The bill defines "safety profession" as the science and art concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, psychology, physiology, enforcement and management for anticipating, identifying and evaluating hazardous conditions and practices; developing hazard control designs, methods, procedures and programs; implementing, administering and advising others on hazard controls and hazard control programs; and measuring, auditing and evaluating the effectiveness of hazard controls and hazard control programs.

"Safety professional certification organization" is defined as a professional organization of safety professionals that has been in existence for at least five years and that has been established to improve the practice and educational standards of the safety profession by certifying individuals who meet its educational, experience and examination requirements and that is accredited by the National Commission of Certifying Agencies (NCCA) or the Council of Engineering and Scientific Specialty Boards (CESB), or a nationally

recognized accrediting body which uses certification criteria equal to or greater than that of the NCCA or CESB.

As amended and released by the committee, this bill is identical to Assembly Bill No. 2042, which also was amended and released by the committee on this same date.

COMMITTEE AMENDMENT:

The committee, at the sponsor's request, amended the bill to change the effect date from "the 720th day" to the "first day of the 25th month" following enactment for the purposes of administrative efficiency.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 894

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2002

The Senate Commerce Committee reports favorably Senate Bill No. 894.

This bill makes it an unlawful practice under the "consumer fraud act" for any person to advertise or hold himself out as possessing a professional safety certification from a safety professional certification organization unless that person is certified by the applicable safety professional certification organization.

The bill defines "safety profession" as the science and art concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, psychology, physiology, enforcement and management for anticipating, identifying and evaluating hazardous conditions and practices; developing hazard control designs, methods, procedures and programs; implementing, administering and advising others on hazard controls and hazard control programs; and measuring, auditing and evaluating the effectiveness of hazard controls and hazard control programs. "Safety professional certification organization" is defined as a professional organization of safety professionals which has been in existence for at least five years and which has been established to improve the practice and educational standards of the safety profession by certifying individuals who meet its education, experience and examination requirements and which is accredited by the National Commission of Certifying Agencies (NCCA) or the Council of Engineering and Scientific Specialty Boards (CESB), or a nationally recognized accrediting body which uses certification criteria equal to or greater than that of the NCCA or CESB.

The provisions of the bill will take effect two years after its enactment.

ASSEMBLY, No. 2042

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 11, 2002

Sponsored by:

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

SYNOPSIS

Prohibits certain persons from advertising themselves as possessing safety professional certification.

CURRENT VERSION OF TEXT

As introduced.



A2042 DORIA, IMPREVEDUTO

2

1 AN ACT concerning safety professionals and supplementing P.L.1960,
2 c.39 (C.56:8-1 et seq.).

3

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

6

7 1. This act shall be known and may be cited as the "Safety
8 Professional Truth in Advertising Act."

9

10 2. The Legislature finds and declares that it is necessary to provide
11 assurance to the public that individuals holding any safety certification
12 have met certain qualifications.

13

14 3. As used in this act:

15 "Safety profession" means the science and art concerned with the
16 preservation of human and material resources through the systematic
17 application of principles drawn from such disciplines as engineering,
18 education, psychology, physiology, enforcement and management for
19 anticipating, identifying and evaluating hazardous conditions and
20 practices; developing hazard control designs, methods, procedures and
21 programs; implementing, administering and advising others on hazard
22 controls and hazard control programs; and measuring, auditing and
23 evaluating the effectiveness of hazard controls and hazard control
24 programs.

25 "Safety professional certification organization" means a professional
26 organization of safety professionals which has been in existence for at
27 least five years and which has been established to improve the practice
28 and educational standards of the safety profession by certifying
29 individuals who meet its education, experience and examination
30 requirements. The organization shall be accredited by the National
31 Commission of Certifying Agencies (NCCA) or the Council of
32 Engineering and Scientific Specialty Boards (CESB), or a nationally
33 recognized accrediting body which uses certification criteria equal to
34 or greater than that of the NCCA or CESB.

35

36 4. It shall be an unlawful practice for any person to advertise or
37 hold himself out as possessing a professional safety certification from
38 a safety professional certification organization unless that person is
39 certified by the applicable safety professional certification
40 organization.

41

42 5. This act shall take effect on the 720th day next following
43 enactment.

1 STATEMENT

2

3 This bill makes it an unlawful practice under the "consumer fraud
4 act" for any person to advertise or hold himself out as possessing a
5 professional safety certification from a safety professional certification
6 organization unless that person is certified by the applicable safety
7 professional certification organization.

8 The bill defines "safety profession" as the science and art concerned
9 with the preservation of human and material resources through the
10 systematic application of principles drawn from such disciplines as
11 engineering, education, psychology, physiology, enforcement and
12 management for anticipating, identifying and evaluating hazardous
13 conditions and practices; developing hazard control designs, methods,
14 procedures and programs; implementing, administering and advising
15 others on hazard controls and hazard control programs; and
16 measuring, auditing and evaluating the effectiveness of hazard controls
17 and hazard control programs. "Safety professional certification
18 organization" is defined as a professional organization of safety
19 professionals that has been in existence for at least five years and that
20 has been established to improve the practice and educational standards
21 of the safety profession by certifying individuals who meet its
22 educational, experience and examination requirements and that is
23 accredited by the National Commission of Certifying Agencies
24 (NCCA) or the Council of Engineering and Scientific Specialty Boards
25 (CESB), or a nationally recognized accrediting body which uses
26 certification criteria equal to or greater than that of the NCCA or
27 CESB.

28 The provisions of the bill will take effect two years after its
29 enactment.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2042

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2002

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2042.

Assembly Bill No.2042 supplements the New Jersey Consumer Fraud Act (P.L.1960, c.39; C.56:8-1 et seq.) to make it an unlawful practice for any person to advertise or hold himself out as possessing a professional safety certification from a safety professional certification organization unless that person is certified by the applicable safety professional certification organization.

An unlawful practice is punishable under the Consumer Fraud Act and subject to the monetary penalties set forth in section 1 of P.L.1966, c.39 (C.56:8-13). For a first offense, the monetary penalty is a fine of not more than \$10,000; for a second offense, and each subsequent offense thereafter, the monetary penalty is a fine of not more than \$20,000. It is the committee's understanding that these monetary penalties represent only one of a variety of penalties that may be imposed on persons who commit unlawful practices under the Consumer Fraud Act.

The bill defines "safety profession" as the science and art concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, psychology, physiology, enforcement and management for anticipating, identifying and evaluating hazardous conditions and practices; developing hazard control designs, methods, procedures and programs; implementing, administering and advising others on hazard controls and hazard control programs; and measuring, auditing and evaluating the effectiveness of hazard controls and hazard control programs.

"Safety professional certification organization" is defined as a professional organization of safety professionals that has been in existence for at least five years and that has been established to improve the practice and educational standards of the safety profession by certifying individuals who meet its educational, experience and examination requirements and that is accredited by the National Commission of Certifying Agencies (NCCA) or the Council of

Engineering and Scientific Specialty Boards (CESB), or a nationally recognized accrediting body which uses certification criteria equal to or greater than that of the NCCA or CESB.

As amended and released by the committee, this bill is identical to Senate Bill No. 894, which also was amended and released by the committee on this date.

COMMITTEE AMENDMENT:

The committee, at the sponsor's request, amended the bill to change the effect date from "the 720th day" to the "first day of the 25th month" following enactment for the purposes of administrative efficiency.