



**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

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P.L. 2021, CHAPTER 486, *approved January 18, 2022*  
Assembly, No. 6206 (*First Reprint*)

1 AN ACT concerning real estate broker-salespersons and  
2 salespersons, and amending <sup>1</sup>the effective date of<sup>1</sup> P.L.2018,  
3 c.71.  
4

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

8 <sup>1</sup>[1. Section 3 of P.L.2018, c.71 (C.45:15-3.2) is amended to  
9 read as follows:

10 3. a. No broker-salesperson or salesperson shall commence  
11 business activity for a broker and no broker shall authorize a  
12 broker-salesperson or salesperson to act on the broker's behalf until  
13 a written agreement, as provided in this subsection, has been signed  
14 by the broker and broker-salesperson or salesperson. Prior to an  
15 individual's commencement of business activity as a broker-  
16 salesperson or salesperson under the authority of a broker, the  
17 broker and broker-salesperson or salesperson shall both sign a  
18 written agreement which recites the terms under which the services  
19 of the broker-salesperson or salesperson have been retained by the  
20 broker.

21 b. Notwithstanding any provision of R.S.45:15-1 et seq. or any  
22 other law, rule, or regulation to the contrary, a business affiliation  
23 between a broker and a broker-salesperson or salesperson may be  
24 that of an employment relationship or the provision of services by  
25 an independent contractor. The nature of the business affiliation  
26 shall be defined in the written agreement required pursuant to  
27 subsection a. of this section.

28 If a current or previously written agreement exists or existed  
29 between the broker and the broker-salesperson or salesperson that  
30 defines, sets forth, identifies, or provides that the broker-  
31 salesperson or salesperson is or at any time has been an independent  
32 contractor of the broker, the broker-salesperson or salesperson shall  
33 be deemed to be or have been an independent contractor during the  
34 period in which the agreement is or was effective and shall not be  
35 classified as an employee for any purpose under any law, rule, or  
36 regulation for that period of time, except that the broker-salesperson  
37 or salesperson shall satisfy the test set forth in R.S.43:21-  
38 19(i)(7)(K) in order to be deemed an independent contractor under  
39 R.S.43:21-1 et seq. The broker-salesperson or salesperson shall not

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 amendments adopted in accordance with Governor's  
recommendations January 10, 2022.

1 be required to satisfy any other test for any other law, rule, or  
2 regulation, including, but not limited to, the tests set forth at or  
3 applied to P.L.1965, c.173 (C.34:11-4.1 et seq.) and P.L.1966,  
4 c.113 (C.34:11-56a et seq.) to be deemed an independent contractor  
5 as provided in this section for purposes of any other law, rule or  
6 regulation.

7 (cf: P.L.2018, c.71, s.3)]<sup>1</sup>

8

9 <sup>1</sup>1. Section 29 of P.L.2018, c.71 is amended to read as follows:

10 29. Section 3 of this act shall take effect immediately and **[the]**  
11 shall apply retroactively to enforce but not change any written  
12 agreement between a broker-salesperson or salesperson and a  
13 broker where the written agreement defines, sets forth, identifies or  
14 provides that the broker-salesperson or salesperson is or was an  
15 independent contractor. The remainder of this act shall take effect  
16 on January 1, 2018, except the New Jersey Real Estate Commission  
17 may take any anticipatory administrative action in advance as shall  
18 be necessary for the implementation of this act.<sup>1</sup>

19 (cf: P.L.2018, c.71, s.29)

20

21 2. This act shall take effect immediately and shall <sup>1</sup>**[apply**  
22 retroactively to enforce but not change any written agreement  
23 between a broker-salesperson or salesperson and a broker where the  
24 written agreement defines, sets forth, identifies or provides that the  
25 broker-salesperson or salesperson is or was an independent  
26 contractor.] be retroactive to August 10, 2018.<sup>1</sup>

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31 \_\_\_\_\_  
32 Codifies right of real estate broker-salespersons and salespersons  
33 to define relationship with broker as one between broker and  
34 independent contractor or employee and enforces current and  
previous written agreements addressing relationship.

# ASSEMBLY, No. 6206

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senators Pou and O'Scanlon**

**SYNOPSIS**

Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/20/2021)**

A6206 WIMBERLY

2

1 AN ACT concerning real estate broker-salespersons and  
2 salespersons, and amending P.L.2018, c.71.

3

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

6

7 1. Section 3 of P.L.2018, c.71 (C.45:15-3.2) is amended to read  
8 as follows:

9 3. a. No broker-salesperson or salesperson shall commence  
10 business activity for a broker and no broker shall authorize a  
11 broker-salesperson or salesperson to act on the broker's behalf until  
12 a written agreement, as provided in this subsection, has been signed  
13 by the broker and broker-salesperson or salesperson. Prior to an  
14 individual's commencement of business activity as a broker-  
15 salesperson or salesperson under the authority of a broker, the  
16 broker and broker-salesperson or salesperson shall both sign a  
17 written agreement which recites the terms under which the services  
18 of the broker-salesperson or salesperson have been retained by the  
19 broker.

20 b. Notwithstanding any provision of R.S.45:15-1 et seq. or any  
21 other law, rule, or regulation to the contrary, a business affiliation  
22 between a broker and a broker-salesperson or salesperson may be  
23 that of an employment relationship or the provision of services by  
24 an independent contractor. The nature of the business affiliation  
25 shall be defined in the written agreement required pursuant to  
26 subsection a. of this section.

27 If a current or previously written agreement exists or existed  
28 between the broker and the broker-salesperson or salesperson that  
29 defines, sets forth, identifies, or provides that the broker-  
30 salesperson or salesperson is or at any time has been an independent  
31 contractor of the broker, the broker-salesperson or salesperson shall  
32 be deemed to be or have been an independent contractor during the  
33 period in which the agreement is or was effective and shall not be  
34 classified as an employee for any purpose under any law, rule, or  
35 regulation for that period of time, except that the broker-salesperson  
36 or salesperson shall satisfy the test set forth in R.S.43:21-  
37 19(i)(7)(K) in order to be deemed an independent contractor under  
38 R.S.43:21-1 et seq. The broker-salesperson or salesperson shall not  
39 be required to satisfy any other test for any other law, rule, or  
40 regulation, including, but not limited to, the tests set forth at or  
41 applied to P.L.1965, c.173 (C.34:11-4.1 et seq.) and P.L.1966,  
42 c.113 (C.34:11-56a et seq.) to be deemed an independent contractor  
43 as provided in this section for purposes of any other law, rule or  
44 regulation.

45 (cf: P.L.2018, c.71, s.3)

**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       2. This act shall take effect immediately and shall apply  
2 retroactively to enforce but not change any written agreement  
3 between a broker-salesperson or salesperson and a broker where the  
4 written agreement defines, sets forth, identifies or provides that the  
5 broker-salesperson or salesperson is or was an independent  
6 contractor.

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STATEMENT

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11       This bill provides that, in the case of a written agreement  
12 defining a broker-salesperson or salesperson of a broker as an  
13 independent contractor, the broker-salesperson or salesperson is  
14 deemed to be an independent contractor during the period that the  
15 written agreement is or was effective. The broker-salesperson or  
16 salesperson is not to be considered an employee for any purpose  
17 under any law, rule or regulation during that period, except that the  
18 broker-salesperson or salesperson must satisfy the test set forth in  
19 R.S.43:21-19(i)(7)(K) in order to be deemed an independent  
20 contractor under the unemployment compensation law, but does not  
21 have to satisfy that test or any other test for any other law, rule or  
22 regulation, including, but not limited to, the State's wage payment  
23 law, P.L.1965, c.173 (C.34:11-4.1 et seq.) and the State's wage and  
24 hour law, P.L.1966, c.113 (C.34:11-56A et seq.) to be deemed an  
25 independent contractor, for the purposes of any other law, rule or  
26 regulation.

27       The bill reaffirms the intent of the Legislature, as stated in the  
28 existing law (P.L.2018, c.71) regarding the licensing of real estate  
29 brokers, that broker-salespersons and salespersons who agree with a  
30 broker to be independent contractors are not to be and historically  
31 have not been deemed employees of the broker under any law, rule  
32 or regulation, and retroactively enforces any past written  
33 agreements regarding same, but the bill makes the clarification that,  
34 in the sole case of the unemployment compensation law, the  
35 agreement to regard them as independent contractors must also be  
36 in compliance with the specific requirement of that law for them to  
37 be regarded as independent contractors, which is that they must be  
38 compensated wholly on a commission basis.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 6206

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Housing Committee reports favorably Assembly Bill No. 6206.

This bill provides that, in the case of a written agreement defining a broker-salesperson or salesperson of a broker as an independent contractor, the broker-salesperson or salesperson is deemed to be an independent contractor during the period that the written agreement is or was effective. The broker-salesperson or salesperson is not to be considered an employee for any purpose during that period, except that the broker-salesperson or salesperson must satisfy the test set forth in R.S.43:21-19(i)(7)(K) in order to be deemed an independent contractor under the unemployment compensation law. However, the broker-salesperson or salesperson does not have to satisfy that test, or any other test, to be deemed an independent contractor for the purposes of any other law, rule, or regulation.

The bill reaffirms the intent of the Legislature, as stated in the existing law, P.L.2018, c.71 (C.45:15-3.2 et al), regarding the licensing of real estate brokers, that broker-salespersons and salespersons who agree with a broker to be independent contractors are not to be and historically have not been deemed employees of the broker, and retroactively enforces past written agreements regarding same. However, the bill makes the clarification that, in the sole case of the unemployment compensation law, the agreement to regard broker-salespersons and salespersons as independent contractors must also comply with the statutory requirement that those persons must be compensated wholly on a commission basis to be regarded as independent contractors.

# SENATE, No. 4260

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senators Pou and O'Scanlon**

**SYNOPSIS**

Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/20/2021)**

S4260 DIEGNAN, OROHO

2

1 AN ACT concerning real estate broker-salespersons and  
2 salespersons, and amending P.L.2018, c.71.

3

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

6

7 1. Section 3 of P.L.2018, c.71 (C.45:15-3.2) is amended to read  
8 as follows:

9 3. a. No broker-salesperson or salesperson shall commence  
10 business activity for a broker and no broker shall authorize a  
11 broker-salesperson or salesperson to act on the broker's behalf until  
12 a written agreement, as provided in this subsection, has been signed  
13 by the broker and broker-salesperson or salesperson. Prior to an  
14 individual's commencement of business activity as a broker-  
15 salesperson or salesperson under the authority of a broker, the  
16 broker and broker-salesperson or salesperson shall both sign a  
17 written agreement which recites the terms under which the services  
18 of the broker-salesperson or salesperson have been retained by the  
19 broker.

20 b. Notwithstanding any provision of R.S.45:15-1 et seq. or any  
21 other law, rule, or regulation to the contrary, a business affiliation  
22 between a broker and a broker-salesperson or salesperson may be  
23 that of an employment relationship or the provision of services by  
24 an independent contractor. The nature of the business affiliation  
25 shall be defined in the written agreement required pursuant to  
26 subsection a. of this section.

27 If a current or previously written agreement exists or existed  
28 between the broker and the broker-salesperson or salesperson that  
29 defines, sets forth, identifies, or provides that the broker-  
30 salesperson or salesperson is or at any time has been an independent  
31 contractor of the broker, the broker-salesperson or salesperson shall  
32 be deemed to be or have been an independent contractor during the  
33 period in which the agreement is or was effective and shall not be  
34 classified as an employee for any purpose under any law, rule, or  
35 regulation for that period of time, except that the broker-salesperson  
36 or salesperson shall satisfy the test set forth in R.S.43:21-  
37 19(i)(7)(K) in order to be deemed an independent contractor under  
38 R.S.43:21-1 et seq. The broker-salesperson or salesperson shall not  
39 be required to satisfy any other test for any other law, rule, or  
40 regulation, including, but not limited to, the tests set forth at or  
41 applied to P.L.1965, c.173 (C.34:11-4.1 et seq.) and P.L.1966,  
42 c.113 (C.34:11-56a et seq.) to be deemed an independent contractor  
43 as provided in this section for purposes of any other law, rule or  
44 regulation.

45 (cf: P.L.2018, c.71, s.3)

**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       2. This act shall take effect immediately and shall apply  
2 retroactively to enforce but not change any written agreement  
3 between a broker-salesperson or salesperson and a broker where the  
4 written agreement defines, sets forth, identifies or provides that the  
5 broker-salesperson or salesperson is or was an independent  
6 contractor.

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STATEMENT

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11       This bill provides that, in the case of a written agreement  
12 defining a broker-salesperson or salesperson of a broker as an  
13 independent contractor, the broker-salesperson or salesperson is  
14 deemed to be an independent contractor during the period that the  
15 written agreement is or was effective. The broker-salesperson or  
16 salesperson is not to be considered an employee for any purpose  
17 under any law, rule or regulation during that period, except that the  
18 broker-salesperson or salesperson must satisfy the test set forth in  
19 R.S.43:21-19(i)(7)(K) in order to be deemed an independent  
20 contractor under the unemployment compensation law, but does not  
21 have to satisfy that test or any other test for any other law, rule or  
22 regulation, including, but not limited to, the State's wage payment  
23 law, P.L.1965, c.173 (C.34:11-4.1 et seq.) and the State's wage and  
24 hour law, P.L.1966, c.113 (C.34:11-56A et seq.) to be deemed an  
25 independent contractor, for the purposes of any other law, rule or  
26 regulation.

27       The bill reaffirms the intent of the Legislature, as stated in the  
28 existing law (P.L.2018, c.71) regarding the licensing of real estate  
29 brokers, that broker-salespersons and salespersons who agree with a  
30 broker to be independent contractors are not to be and historically  
31 have not been deemed employees of the broker under any law, rule  
32 or regulation, and retroactively enforces any past written  
33 agreements regarding same, but the bill makes the clarification that,  
34 in the sole case of the unemployment compensation law, the  
35 agreement to regard them as independent contractors must also be  
36 in compliance with the specific requirement of that law for them to  
37 be regarded as independent contractors, which is that they must be  
38 compensated wholly on a commission basis.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 4260

# STATE OF NEW JERSEY

DATED: DECEMBER 16, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 4260.

This bill provides that, in the case of a written agreement defining a broker-salesperson or salesperson of a broker as an independent contractor, the broker-salesperson or salesperson is deemed to be an independent contractor during the period that the written agreement is or was effective. The broker-salesperson or salesperson is not to be considered an employee for any purpose under any law, rule or regulation during that period, except that the broker-salesperson or salesperson must satisfy the test set forth in R.S.43:21-19(i)(7)(K) in order to be deemed an independent contractor under the unemployment compensation law, but does not have to satisfy that test or any other test for any other law, rule or regulation, including, but not limited to, the State's wage payment law, P.L.1965, c.173 (C.34:11-4.1 et seq.) and the State's wage and hour law, P.L.1966, c.113 (C.34:11-56A et seq.) to be deemed an independent contractor, for the purposes of any other law, rule or regulation.

The bill reaffirms the intent of the Legislature, as stated in the existing law (P.L.2018, c.71) regarding the licensing of real estate brokers, that broker-salespersons and salespersons who agree with a broker to be independent contractors are not to be and historically have not been deemed employees of the broker under any law, rule or regulation, and retroactively enforces any past written agreements regarding same, but the bill makes the clarification that, in the sole case of the unemployment compensation law, the agreement to regard them as independent contractors must also be in compliance with the specific requirement of that law for them to be regarded as independent contractors, which is that they must be compensated wholly on a commission basis.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

**ASSEMBLY BILL NO. 6206**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am herewith returning Assembly Bill No. 6206 with my recommendations for reconsideration.

This bill provides that, in the case of a written agreement defining a broker-salesperson or salesperson of a broker as an independent contractor, the broker-salesperson or salesperson is deemed to be an independent contractor during the period that the written agreement is or was effective. Under the bill, a broker-salesperson or salesperson of a broker is not to be considered an employee for any purpose during that period if the broker-salesperson or salesperson is exempt from the coverage under the unemployment compensation law ("UCL").

In 2018, I signed P.L.2018, c.71 ("the Brokers Act"), providing that the business affiliation between a broker and a broker-salesperson or salesperson may be that of an employment relationship or independent contractor relationship. Courts have interpreted the Brokers Act as prospective in effect, applying to contracts for the period beginning August 10, 2018, the date of enactment of the Broker's Act. The intent of Assembly Bill No. 6206, according to the sponsors' statement accompanying the bill, is to reaffirm the intent of the Legislature as stated in the Brokers Act, regarding the employment relationship or independent contractor relationship of real estate brokers, and to retroactively enforce past written agreements regarding same.

While I do not object to the general intent of Assembly Bill No. 6206 to give certain provisions of the Brokers Act retroactive effect, I am concerned that several of the bill's provisions, as drafted, could be used as a basis for other employers in the State to misclassify workers. One provision of the bill would impose

independent contractor-status upon an individual on the basis that the individual is exempt from coverage under the UCL. The UCL excludes from its coverage 25 categories of services under N.J.S.A. 43:21-19(i)(7)(A)-(Z), including certain types of agricultural work, brokerage services, domestic work, sales work, theatrical work, and transportation services, among several other categories. The categorical exemptions within the UCL are not indicative of an individual's status as an employee or independent contractor, as my Administration has argued in court filings that the UCL's categorical exemptions are specifically tailored to the context of unemployment benefits.

The effect of imparting independent contractor status upon employees in the way contemplated by this legislation could seriously erode the basic protections afforded to employees by allowing employers to use a categorical UCL exemption as a basis to deem an employee an independent contractor notwithstanding the particulars of that employee's relationship with his or her employer. Although this bill is limited in scope to the treatment of broker-salespersons or salespersons of a broker, the legal theories upon which the bill relies could be used by other employers across the State to misclassify their employees as independent contractors. The actual relationship and circumstances surrounding an individual's employment should govern, not the existence of an unrelated exemption contained in the UCL law.

In order to ensure that this bill does not inadvertently undermine the well-established legal standards that clearly differentiate between an employee and an independent contractor, I am recommending changes to the legislation that will more directly satisfy its intent. My recommendations would amend the effective date of the Brokers Act to clarify that the Brokers Act should be given retroactive effect.

Therefore, I herewith return Assembly Bill No. 6206 and recommend that it be amended as follows:

Page 2, Title, Line 2: After "amending" insert "the effective date of"

Page 2, Section 1, Lines 7-45: Delete in their entirety and insert "1. Section 29 of P.L.2018, c.71 is amended to read as follows:

29. Section 3 of this act shall take effect immediately and [the] shall apply retroactively to enforce but not change any written agreement between a broker-salesperson or salesperson and a broker where the written agreement defines, sets forth, identifies or provides that the broker-salesperson or salesperson is or was an independent contractor. The remainder of this act shall take effect on January 1, 2018, except the New Jersey Real Estate Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act."

Page 3, Section 2, Line 1: Delete "apply" and insert "be retroactive to August 10, 2018."

Page 3, Section 2, Lines 2-6: Delete in their entirety

[seal]

Respectfully,  
/s/ Philip D. Murphy  
Governor

Attest:  
/s/ Parimal Garg  
Chief Counsel to the Governor

# Governor Murphy Takes Action on Legislation

01/18/2022

**TRENTON** – Governor Murphy today signed the following bills:

**S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttle, Wimberly, Mosquera, Downey, Chiaravalloti)** – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

**S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttle, Downey, Mosquera, Lampitt, Benson)** - Establishes mandatory domestic violence training for municipal prosecutors

**S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji)** – Adjusts statute of limitations on damage claim for construction defect in common interest communities

**S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttle, Downey)** – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

**SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez)** – Revises reporting requirements for charitable organizations and non-profit corporations

**S-867/A-2316 (Pou/Jimenez, Giblin, Johnson)** – Permits physical therapists to perform dry needling under certain circumstances

**S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy)** – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

**S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen)** – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

**S-994/A-6248 (Sweeney, Singleton/Lopez)** – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

**SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson)** – Restricts use of neonicotinoid pesticides

**S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo)** – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

**S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer)** – “New Jersey Insurance Fair Conduct Act”

**S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttle)** – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

**S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey)** – Creates special education unit within the Office of Administrative Law; requires annual report

**SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon)** – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

**S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake)** – “21st Century Integrated Digital Experience Act”

**S-2830/A-5291 (Ruiz, Singleton/Quijano)** – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

**S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey)** – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

**S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji)** – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

**S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli)** – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

**S-3081/A-5219 (Singleton/McKeon, Dunn)** – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

**S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin)** – Creates NJ Legislative Youth Council

**S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji)** – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

**S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake)** – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

**S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space)** – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

**S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman)** – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

**S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight)** – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

**S-3539/A5409 (T. Kean, Gopal/Houghtaling)** – Directs DEP to establish grant program for local governments to support development of community gardens

**S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli)** – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

**S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight)** – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

**S-3673/A-6219 (Gopal, Greenstein/Burzichelli)** – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

**S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji)** – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

**S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker)** – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

**S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak)** – Establishes Commission on Asian American Heritage in DOE

**S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano)** – "Responsible Collective Negotiations Act"

**S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak)** – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

**S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo)** – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

**S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson)** – Establishes database of certain appointed positions and elected offices

**S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter)** – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

**S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley)** – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

**S-4043/A-6005 (Cunningham/Jasey, Greenwald)** – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

**S-4063/A-6220 (Sweeney/Giblin, Egan)** – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

**S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick)** – Revises elective pass-through entity business alternative income tax

**S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter)** – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

**SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker)** – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

**S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer)** – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

**S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin)** – Concerns apprenticeship programs of public works contractors

**S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji)** – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

**S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker)** – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

**S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji)** – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

**S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez)** – Limits fees charged to patients and authorized third parties for copies of medical and billing records

**S-4252/A-6182 (Madden/Murphy, Chaparro)** – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

**A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio)** – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

**A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein)** – Establishes local drug overdose fatality review teams

**A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou)** – Requires certain retailers to train employees on gift card fraud

**A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou)** – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

**A-953/S-4031 (Karabinchak, Houghtaling/Pou)** – Requires architects disclose insurance coverage

**ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton)** – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

**A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio)** – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

**A-1219wGR/S-1054 (Chaparro, McKnight/Stack)** – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

**A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton)** – Requires DCA to make information on homeless prevention programs and services available on its Internet website

**A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal)** – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

**A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari)** – Establishes “New Jersey Nonprofit Security Grant Program”

**A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou)** – Establishes Statewide database of beds in shelters for the homeless

**A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack)** – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

**A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack)** – Concerns information on property condition disclosure statement

**A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal)** – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

**A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz)** – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

**A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal)** – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

**A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach)** – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

**A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco)** – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

**A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou)** – “Defense Against Porch Pirates Act”; amends theft statute

**A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner)** – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

**A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo)** – Allows deduction of promotional gaming credit from gross revenue on sports wagering

**A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith)** – Creates program in Department of Agriculture for deer fencing on certain farmland

**A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer)** – Establishes minimum Medicaid reimbursement rate for adult medical day care services

**A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou)** – Requires DHS to conduct biennial survey of SNAP experience

**ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan)** – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

**A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein)** – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

**A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz)** – Establishes Student Wellness Grant Program in DOE

**A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden)** – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

**A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner)** – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

**ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner)** – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

**A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton)** – Expands offenses eligible for expungement upon successful discharge from drug court

**A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach)** – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

**A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal)** – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

**ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco)** – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

**A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman)** – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

**A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden)** – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

**A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi)** – Provides for employment by State of certain persons with disabilities

**A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean)** – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

**A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden)** – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

**A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach)** – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

**A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden)** – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

**A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan)** – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

**A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan)** – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

**A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon)** – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

**A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal)** – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

**A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey)** – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

**A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham)** – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

**A-6073/S-4140 (Verrelli/Vitale)** – Temporarily waives certain basic life support services crewmember requirements

**A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal)** – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

**A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden)** – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

**A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal)** – Permits volunteer paramedics to operate within mobile intensive care units

**A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari)** – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

**A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou)** – Revises penalties for transfer of certain professional and occupational licenses

**A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz)** – Revises and renames Office of Food Insecurity Advocate

**A-6162/S-4246 (Benson, Stanley/Gopal)** – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

**A-6205/S-4270 (Coughlin, McKeon/Pou)** – Amends certain requirements concerning insurance holding companies

**A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho)** – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

**A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney)** – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

**A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez)** – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

**A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho)** – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

**A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein)** – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

**A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein)** – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

**A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado)** – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith)** – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith)** – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

**A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein)** – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

**A-6246/S-4295 (Karabinchak/Sweeney)** – Concerns changes in control of hotels and disruptions of hotel services

**A-6257/S-4311 (McKnight/Sweeney, Singleton)** – Imposes surcharge on casino hotel occupancies to fund public safety services

**A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

**A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Appropriates \$2 million to Legislative Services Commission

**Governor Murphy pocket vetoed the following bills:**

**S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight)** – Establishes requirements for sale of cottage food products

**S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight)** – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

**S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy)** – Authorizes use of disability benefits for transportation provided by transportation network companies

**S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy)** – Requires paint producers to implement or participate in paint stewardship program

**S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter)** – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

**S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji)** – Revises out-of-network arbitration process

**S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn)** – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

**S-3715/A-5804 (Cryan/Quijano, Mukherji)** – Modifies certain definitions related to transient accommodation taxes and fees

**S-4189/A-6112 (Vitale, Cruz-Perez/Lopez)** – Permits PERS retiree to return to elective public office after retirement under certain circumstances

**A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon)** – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

**A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach)** – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

**A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho)** – Provides temporary exemption under sales and use tax for winterizing certain small business operations

**A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean)** – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

**A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana)** – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

**A-6033/S-4194 (Bramnick/Sweeney, T. Kean)** – Classifies golf caddies as independent contractors for purposes of State employment laws

**A-6157/S-4202 (Speight, Moen/Ruiz, Beach)** – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

