

**45:15-16 & 45:15-17**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2021                    **CHAPTER:** 281

**NJSA:** 45:15-16 & 45:15-17 (Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions.)

**BILL NO:** S3590                    (Substituted for A5536)

**SPONSOR(S)** Diegnan, Patrick J. and others

**DATE INTRODUCED:** 3/25/2021

**COMMITTEE:**                    **ASSEMBLY:** Regulated Professions

**SENATE:** Community & Urban Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/24/2021

**SENATE:** 6/3/2021

**DATE OF APPROVAL:** 11/8/2021

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced bill enacted) Yes

**S3590**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A5536**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

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**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

No

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

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No



P.L. 2021, CHAPTER 281, *approved November 8, 2021*  
Senate, No. 3590

1 AN ACT concerning real estate brokers, broker-salespersons and  
2 salespersons, and amending R.S.45:15-16 and R.S.45:15-17.

3

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

6

7 1. R.S.45:15-16 is amended to read as follows:

8 45:15-16. a. No real estate salesperson or broker-salesperson  
9 shall accept a commission or valuable consideration for the  
10 performance of any of the acts herein specified, from any person  
11 except his employer or contracting broker, who must be a licensed  
12 real estate broker.

13 b. A real estate salesperson or broker-salesperson may form a  
14 limited liability company pursuant to the "Revised Uniform Limited  
15 Liability Company Act," P.L.2012, c.50 (C.42:2C-1 et seq.), or any  
16 other entity permitted by law, in order to receive a commission or  
17 other valuable consideration pursuant to subsection a. of this  
18 section, and the real estate salesperson or broker-salesperson may  
19 accept payment of the commission or other valuable consideration  
20 or any part thereof from the limited liability corporation or other  
21 entity. Notwithstanding the formation of such an entity, a  
22 salesperson or broker-salesperson who satisfies the requirements of  
23 subparagraph (K) of paragraph (7) of subsection (i) of R.S.43:21-19  
24 shall not be considered an employee pursuant to that law.

25 c. The New Jersey Real Estate Commission shall create a  
26 registration process for a limited liability company and other entity  
27 to receive a commission or other valuable consideration pursuant to  
28 subsection a. of this section.

29 (cf: P.L.2018, c.71, s.12)

30

31 2. R.S.45:15-17 is amended to read as follows:

32 45:15-17. The commission may, upon its own motion, and  
33 shall, upon the verified complaint in writing of any person,  
34 investigate the actions of any real estate broker, broker-salesperson,  
35 or salesperson, or any person who assumes, advertises or represents  
36 himself as being authorized to act as a real estate broker, broker-  
37 salesperson, or salesperson or engages in any of the activities  
38 described in R.S.45:15-3 without being licensed so to do. The lapse  
39 or suspension of a license by operation of law or the voluntary  
40 surrender of a license by a licensee shall not deprive the

**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 commission of jurisdiction to proceed with any investigation as  
2 herein provided or prevent the commission from taking any  
3 regulatory action against such licensee, provided, however, that the  
4 alleged charges arose while said licensee was duly licensed. Each  
5 transaction shall be construed as a separate offense.

6 In conducting investigations, the commission may take testimony  
7 by deposition as provided in R.S.45:15-18, require or permit any  
8 person to file a statement in writing, under oath or otherwise as the  
9 commission determines, as to all the facts and circumstances  
10 concerning the matter under investigation, and, upon its own motion  
11 or upon the request of any party, subpoena witnesses, compel their  
12 attendance, take evidence, and require the production of any  
13 material which is relevant to the investigation, including any and all  
14 records of a licensee pertaining to his activities as a real estate  
15 broker, broker-salesperson, or salesperson. The commission may  
16 also require the provision of any information concerning the  
17 existence, description, nature, custody, condition and location of  
18 any books, documents, or other tangible material and the identity  
19 and location of persons having knowledge of relevant facts of any  
20 other matter reasonably calculated to lead to the discovery of  
21 material evidence. Upon failure to obey a subpoena or to answer  
22 questions posed by an investigator or legal representative of the  
23 commission and upon reasonable notice to all affected persons, the  
24 commission may commence an administrative action as provided  
25 below or apply to the Superior Court for an order compelling  
26 compliance.

27 The commission may place on probation, suspend for a period  
28 less than the unexpired portion of the license period, or may revoke  
29 any license issued under the provisions of R.S.45:15-1 et seq., or  
30 the right of licensure when such person is no longer the holder of a  
31 license at the time of hearing, or may impose, in addition or as an  
32 alternative to such probation, revocation or suspension, a penalty of  
33 not more than \$5,000 for the first violation, and a penalty of not  
34 more than \$10,000 for any subsequent violation, which penalty  
35 shall be sued for and recovered by and in the name of the  
36 commission and shall be collected and enforced by summary  
37 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
38 P.L.1999, c.274 (C.2A:58-10 et seq.), where the licensee or any  
39 person, in performing or attempting to perform any of the acts  
40 mentioned herein, is deemed to be guilty of:

- 41 a. Making any false promises or any substantial  
42 misrepresentation; or
- 43 b. Acting for more than one party in a transaction without the  
44 knowledge of all parties thereto; or
- 45 c. Pursuing a flagrant and continued course of  
46 misrepresentation or making of false promises through agents,  
47 broker-salespersons, or salespersons, advertisements or otherwise;  
48 or

- 1 d. Failure to account for or to pay over any moneys belonging  
2 to others, coming into the possession of the licensee; or
- 3 e. Any conduct which demonstrates unworthiness,  
4 incompetency, bad faith or dishonesty. The failure of any person to  
5 cooperate with the commission in the performance of its duties or to  
6 comply with a subpoena issued by the commission compelling the  
7 production of materials in the course of an investigation, or the  
8 failure to give a verbal or written statement concerning a matter  
9 under investigation may be construed as conduct demonstrating  
10 unworthiness; or
- 11 f. Failure to provide his client with a fully executed copy of  
12 any sale or exclusive sales or rental listing contract at the time of  
13 execution thereof, or failure to specify therein a definite terminal  
14 date which terminal date shall not be subject to any qualifying  
15 terms or conditions; or
- 16 g. Using any plan, scheme or method for the sale or promotion  
17 of the sale of real estate which involves a lottery, a contest, a game,  
18 a prize, a drawing, or the offering of a lot or parcel or lots or parcels  
19 for advertising purposes<sup>1</sup>, provided, however, that a promotion or  
20 offer of free, discounted or other services or products which does  
21 not require that the recipient of any free, discounted or other  
22 services or products enter into a sale, listing or other real estate  
23 contract as a condition of the promotion or offer shall not constitute  
24 a violation of this subsection if that promotion or offering does not  
25 involve a lottery, a contest, a game, a drawing or the offering of a  
26 lot or parcel or lots or parcels for advertising purposes<sup>2</sup>. If a broker  
27 participates in a promotion or offering of free, discounted, or other  
28 services or products which confers upon the recipient a monetary  
29 benefit of greater than \$1,000, the broker shall provide written  
30 disclosure of the benefit to the recipient and any information  
31 concerning the promotion or benefit as may be required by the  
32 commission. A broker shall disclose in writing any compensation  
33 received for such promotion or offer in the form and substance as  
34 required by the federal "Real Estate Settlement Procedures Act of  
35 1974," 12 U.S.C. ss.2601 et seq., except that, notwithstanding the  
36 provisions of that federal act, written disclosure shall be provided  
37 no later than when the promotion or offer is extended by the broker  
38 to the consumer; or
- 39 h. Being convicted of a crime, knowledge of which the  
40 commission did not have at the time of last issuing a real estate  
41 license to the licensee; or
- 42 i. Collecting a commission as a real estate broker in a  
43 transaction, when at the same time representing either party in a  
44 transaction in a different capacity for a consideration; or
- 45 j. Using any trade name or insignia of membership in any real  
46 estate organization of which the licensee is not a member; or
- 47 k. Paying any rebate, profit, compensation or commission to  
48 anyone not possessed of a real estate license, except that: (1) free,

1 discounted or other services or products provided for in subsection  
2 g. of this section shall not constitute a violation of this subsection;  
3 and (2) a real estate broker may provide a purchaser of residential  
4 real property, but no other third party a rebate of a portion of the  
5 commission paid to the broker in a transaction, so long as: the  
6 broker and the purchaser contract for such a rebate at the onset of  
7 the broker relationship in a written document, electronic document  
8 or a buyer agency agreement; the broker complies with any State or  
9 federal requirements with respect to the disclosure of the payment  
10 of the rebate; and the broker recommends to the purchaser that the  
11 purchaser contact a tax professional concerning the tax implications  
12 of receiving that rebate. The rebate paid to the purchaser shall be in  
13 the form of a credit, reducing the amount of the commission  
14 payable to the broker, or a check paid by the closing agent and shall  
15 be made at the time of closing; or

16 l. Any other conduct, whether of the same or a different  
17 character than specified in this section, which constitutes fraud or  
18 dishonest dealing; or

19 m. Accepting a commission or valuable consideration as a real  
20 estate broker-salesperson or salesperson for the performance of any  
21 of the acts specified in this act, from any person, except his  
22 employing or contracting broker, who must be a licensed broker; or

23 n. Procuring a real estate license, for himself or anyone else, by  
24 fraud, misrepresentation or deceit; or

25 o. Commingling the money or other property of his principals  
26 with his own or failure to maintain and deposit in a special account,  
27 separate and apart from personal or other business accounts, all  
28 moneys received by a real estate broker, acting in said capacity, or  
29 as escrow agent, or the temporary custodian of the funds of others,  
30 in a real estate transaction; or

31 p. Selling property in the ownership of which he is interested in  
32 any manner whatsoever, unless he first discloses to the purchaser in  
33 the contract of sale his interest therein and his status as a real estate  
34 broker, broker-salesperson, or salesperson; or

35 q. Purchasing any property unless he first discloses to the seller  
36 in the contract of sale his status as a real estate broker, broker-  
37 salesperson, or salesperson; or

38 r. Charging or accepting any fee, commission or compensation  
39 in exchange for providing information on purportedly available  
40 rental housing, including lists of such units supplied verbally or in  
41 written form, before a lease has been executed or, where no lease is  
42 drawn, before the tenant has taken possession of the premises  
43 without complying with all applicable rules promulgated by the  
44 commission regulating these practices; or

45 s. Failing to notify the commission within 30 days of having  
46 been convicted of any crime, including any sex offense that would  
47 qualify the licensee for registration pursuant to section 2 of  
48 P.L.1994, c.133 (C.2C:7-2) or under an equivalent statute of

1 another state or jurisdiction, misdemeanor or disorderly persons  
2 offense, or of having been indicted, or of the filing of any formal  
3 criminal charges, or of the suspension or revocation of any real  
4 estate license issued by another state, or of the initiation of formal  
5 disciplinary proceedings in another state affecting any real estate  
6 license held, or failing to supply any documentation available to the  
7 licensee that the commission may request in connection with such  
8 matter; or

9 t. The violation of any of the provisions of R.S.45:15-1 et seq.  
10 or of the administrative rules adopted by the commission pursuant  
11 to the provisions of R.S.45:15-1 et seq. The commission is  
12 expressly vested with the power and authority to make, prescribe  
13 and enforce any and all rules and regulations for the conduct of the  
14 real estate brokerage business consistent with the provisions of  
15 chapter 15 of Title 45 of the Revised Statutes.

16 If a licensee is deemed to be guilty of a third violation of any of  
17 the provisions of this section, whether of the same provision or of  
18 separate provisions, the commission may deem that person a repeat  
19 offender, in which event the commission may direct that no license  
20 as a real estate broker, broker-salesperson, or salesperson shall  
21 henceforth be issued to that person.

22 (cf: P.L.2018, c.71, s.16)

23

24 3. This act shall take effect on the first day of the sixth month  
25 next following the promulgation of regulations by the New Jersey  
26 Real Estate Commission to effectuate the purposes of this act.

27

28

29

#### STATEMENT

30

31 This bill allows real estate salespersons or broker-salespersons,  
32 to form a limited liability company, or any other entity permitted by  
33 law, to receive commission income from the licensed real estate  
34 broker with whom the salesperson is contracted or employed to  
35 provide his or her services. The specific permission for a  
36 salesperson or broker-salesperson to operate through a limited  
37 liability company or other entity is intended to eliminate any  
38 confusion as to whether they may take advantage of the pass-  
39 through business income deduction made available under section  
40 199A of the Federal Internal Revenue Code as part of the federal  
41 tax reforms of the 2017 "Tax Cut and Jobs Act."

42 The bill provides that, notwithstanding the formation of limited  
43 liability company or other entity, a salesperson or broker-  
44 salesperson who is compensated wholly on a commission basis will  
45 not be considered an employee pursuant to the State unemployment  
46 compensation law, and certain other labor laws that determine  
47 eligibility based on that law.



**S3590**

6

1       The bill requires the New Jersey Real Estate Commission to  
2 create a registration process for limited liability companies and  
3 other entities to receive a commission or other valuable  
4 consideration.

5       The bill also provides that, if a broker participates in a promotion  
6 or offering of free, discounted or other services or products which  
7 confers upon the recipient a monetary benefit of greater than  
8 \$1,000, the broker is required to provide written disclosure of the  
9 benefit to the recipient and any information concerning the  
10 promotion or benefit as may be required by the commission.

11

12

13

14

15       Allows formation of limited liability companies by real estate  
16 salespersons and broker-salespersons to receive commission income  
17 and requires certain disclosures on promotions.

# SENATE, No. 3590

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 25, 2021

**Sponsored by:**

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

**District 18 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

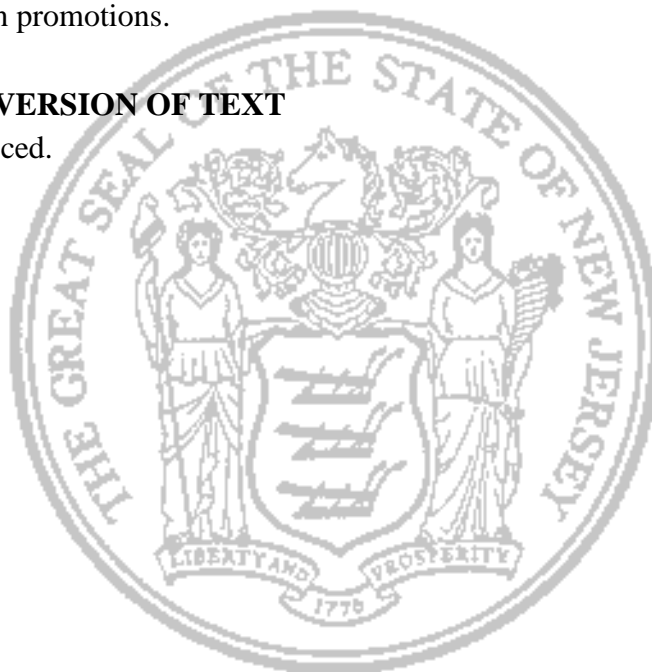
**Assemblywoman Jimenez**

**SYNOPSIS**

Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/24/2021)**

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2 salespersons, and amending R.S.45:15-16 and R.S.45:15-17.

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19 accept payment of the commission or other valuable consideration  
20 or any part thereof from the limited liability corporation or other  
21 entity. Notwithstanding the formation of such an entity, a  
22 salesperson or broker-salesperson who satisfies the requirements of  
23 subparagraph (K) of paragraph (7) of subsection (i) of R.S.43:21-19  
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42 herein provided or prevent the commission from taking any  
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44 alleged charges arose while said licensee was duly licensed. Each  
45 transaction shall be construed as a separate offense.

**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.**

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22 The commission may place on probation, suspend for a period  
23 less than the unexpired portion of the license period, or may revoke  
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26 license at the time of hearing, or may impose, in addition or as an  
27 alternative to such probation, revocation or suspension, a penalty of  
28 not more than \$5,000 for the first violation, and a penalty of not  
29 more than \$10,000 for any subsequent violation, which penalty  
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37 misrepresentation; or

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39 knowledge of all parties thereto; or

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2 production of materials in the course of an investigation, or the  
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5 unworthiness; or

6 f. Failure to provide his client with a fully executed copy of  
7 any sale or exclusive sales or rental listing contract at the time of  
8 execution thereof, or failure to specify therein a definite terminal  
9 date which terminal date shall not be subject to any qualifying  
10 terms or conditions; or

11 g. Using any plan, scheme or method for the sale or promotion  
12 of the sale of real estate which involves a lottery, a contest, a game,  
13 a prize, a drawing, or the offering of a lot or parcel or lots or parcels  
14 for advertising purposes], provided, however, that a promotion or  
15 offer of free, discounted or other services or products which does  
16 not require that the recipient of any free, discounted or other  
17 services or products enter into a sale, listing or other real estate  
18 contract as a condition of the promotion or offer shall not constitute  
19 a violation of this subsection if that promotion or offering does not  
20 involve a lottery, a contest, a game, a drawing or the offering of a  
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34 h. Being convicted of a crime, knowledge of which the  
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8 the form of a credit, reducing the amount of the commission  
9 payable to the broker, or a check paid by the closing agent and shall  
10 be made at the time of closing; or

11 l. Any other conduct, whether of the same or a different  
12 character than specified in this section, which constitutes fraud or  
13 dishonest dealing; or

14 m. Accepting a commission or valuable consideration as a real  
15 estate broker-salesperson or salesperson for the performance of any  
16 of the acts specified in this act, from any person, except his  
17 employing or contracting broker, who must be a licensed broker; or

18 n. Procuring a real estate license, for himself or anyone else, by  
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23 moneys received by a real estate broker, acting in said capacity, or  
24 as escrow agent, or the temporary custodian of the funds of others,  
25 in a real estate transaction; or

26 p. Selling property in the ownership of which he is interested in  
27 any manner whatsoever, unless he first discloses to the purchaser in  
28 the contract of sale his interest therein and his status as a real estate  
29 broker, broker-salesperson, or salesperson; or

30 q. Purchasing any property unless he first discloses to the seller  
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33 r. Charging or accepting any fee, commission or compensation  
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46 criminal charges, or of the suspension or revocation of any real  
47 estate license issued by another state, or of the initiation of formal  
48 disciplinary proceedings in another state affecting any real estate

1 license held, or failing to supply any documentation available to the  
2 licensee that the commission may request in connection with such  
3 matter; or

4 t. The violation of any of the provisions of R.S.45:15-1 et seq.  
5 or of the administrative rules adopted by the commission pursuant  
6 to the provisions of R.S.45:15-1 et seq. The commission is  
7 expressly vested with the power and authority to make, prescribe  
8 and enforce any and all rules and regulations for the conduct of the  
9 real estate brokerage business consistent with the provisions of  
10 chapter 15 of Title 45 of the Revised Statutes.

11 If a licensee is deemed to be guilty of a third violation of any of  
12 the provisions of this section, whether of the same provision or of  
13 separate provisions, the commission may deem that person a repeat  
14 offender, in which event the commission may direct that no license  
15 as a real estate broker, broker-salesperson, or salesperson shall  
16 henceforth be issued to that person.

17 (cf: P.L.2018, c.71, s.16)

18

19 3. This act shall take effect on the first day of the sixth month  
20 next following the promulgation of regulations by the New Jersey  
21 Real Estate Commission to effectuate the purposes of this act.

22

23

24

#### STATEMENT

25

26 This bill allows real estate salespersons or broker-salespersons,  
27 to form a limited liability company, or any other entity permitted by  
28 law, to receive commission income from the licensed real estate  
29 broker with whom the salesperson is contracted or employed to  
30 provide his or her services. The specific permission for a  
31 salesperson or broker-salesperson to operate through a limited  
32 liability company or other entity is intended to eliminate any  
33 confusion as to whether they may take advantage of the pass-  
34 through business income deduction made available under section  
35 199A of the Federal Internal Revenue Code as part of the federal  
36 tax reforms of the 2017 "Tax Cut and Jobs Act."

37 The bill provides that, notwithstanding the formation of limited  
38 liability company or other entity, a salesperson or broker-  
39 salesperson who is compensated wholly on a commission basis will  
40 not be considered an employee pursuant to the State unemployment  
41 compensation law, and certain other labor laws that determine  
42 eligibility based on that law.

43 The bill requires the New Jersey Real Estate Commission to  
44 create a registration process for limited liability companies and  
45 other entities to receive a commission or other valuable  
46 consideration.

**S3590 DIEGNAN, TURNER**

7

1       The bill also provides that, if a broker participates in a promotion  
2 or offering of free, discounted or other services or products which  
3 confers upon the recipient a monetary benefit of greater than  
4 \$1,000, the broker is required to provide written disclosure of the  
5 benefit to the recipient and any information concerning the  
6 promotion or benefit as may be required by the commission.



# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3590

# STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Regulated Professions Committee reports favorably Senate Bill No. 3590.

This bill allows real estate salespersons or broker-salespersons, to form a limited liability company, or any other entity permitted by law, to receive commission income from the licensed real estate broker with whom the salesperson is contracted or employed to provide his or her services. The specific permission for a salesperson or broker-salesperson to operate through a limited liability company or other entity is intended to eliminate any confusion as to whether they may take advantage of the pass-through business income deduction made available under section 199A of the Federal Internal Revenue Code as part of the federal tax reforms of the 2017 “Tax Cut and Jobs Act.”

The bill provides that, notwithstanding the formation of a limited liability company or other entity, a salesperson or broker-salesperson who is compensated wholly on a commission basis will not be considered an employee pursuant to the State unemployment compensation law, and certain other labor laws that determine eligibility based on that law.

The bill requires the New Jersey Real Estate Commission to create a registration process for limited liability companies and other entities to receive a commission or other valuable consideration. The bill also provides that, if a broker participates in a promotion or offering of free, discounted or other services or products which confers upon the recipient a monetary benefit of greater than \$1,000, the broker is required to provide written disclosure of the benefit to the recipient and any information concerning the promotion or benefit as may be required by the commission.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### SENATE, No. 3590

# STATE OF NEW JERSEY

DATED: MAY 6, 2021

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 3590.

This bill allows real estate salespersons or broker-salespersons, to form a limited liability company, or any other entity permitted by law, to receive commission income from the licensed real estate broker with whom the salesperson is contracted or employed to provide his or her services. The specific permission for a salesperson or broker-salesperson to operate through a limited liability company or other entity is intended to eliminate any confusion as to whether they may take advantage of the pass-through business income deduction made available under section 199A of the Federal Internal Revenue Code as part of the federal tax reforms of the 2017 “Tax Cut and Jobs Act.”

The bill provides that, notwithstanding the formation of limited liability company or other entity, a salesperson or broker-salesperson who is compensated wholly on a commission basis will not be considered an employee pursuant to the State unemployment compensation law, and certain other labor laws that determine eligibility based on that law.

The bill requires the New Jersey Real Estate Commission to create a registration process for limited liability companies and other entities to receive a commission or other valuable consideration. The bill also provides that, if a broker participates in a promotion or offering of free, discounted or other services or products which confers upon the recipient a monetary benefit of greater than \$1,000, the broker is required to provide written disclosure of the benefit to the recipient and any information concerning the promotion or benefit as may be required by the commission.

# ASSEMBLY, No. 5536

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblyman THOMAS P. GIBLIN**  
**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Jimenez**

**SYNOPSIS**

Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/14/2021)

1 AN ACT concerning real estate brokers, broker-salespersons and  
2 salespersons, and amending R.S.45:15-16 and R.S.45:15-17.

3

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

6

7 1. R.S.45:15-16 is amended to read as follows:

8 45:15-16. a. No real estate salesperson or broker-salesperson  
9 shall accept a commission or valuable consideration for the  
10 performance of any of the acts herein specified, from any person  
11 except his employer or contracting broker, who must be a licensed  
12 real estate broker.

13 b. A real estate salesperson or broker-salesperson may form a  
14 limited liability company pursuant to the "Revised Uniform Limited  
15 Liability Company Act," P.L.2012, c.50 (C.42:2C-1 et seq.), or any  
16 other entity permitted by law, in order to receive a commission or  
17 other valuable consideration pursuant to subsection a. of this  
18 section, and the real estate salesperson or broker-salesperson may  
19 accept payment of the commission or other valuable consideration  
20 or any part thereof from the limited liability corporation or other  
21 entity. Notwithstanding the formation of such an entity, a  
22 salesperson or broker-salesperson who satisfies the requirements of  
23 subparagraph (K) of paragraph (7) of subsection (i) of R.S.43:21-19  
24 shall not be considered an employee pursuant to that law.

25 c. The New Jersey Real Estate Commission shall create a  
26 registration process for a limited liability company and other entity  
27 to receive a commission or other valuable consideration pursuant to  
28 subsection a. of this section.

29 (cf: P.L.2018, c.71, s.12)

30

31 2. R.S.45:15-17 is amended to read as follows:

32 45:15-17. The commission may, upon its own motion, and  
33 shall, upon the verified complaint in writing of any person,  
34 investigate the actions of any real estate broker, broker-salesperson,  
35 or salesperson, or any person who assumes, advertises or represents  
36 himself as being authorized to act as a real estate broker, broker-  
37 salesperson, or salesperson or engages in any of the activities  
38 described in R.S.45:15-3 without being licensed so to do. The lapse  
39 or suspension of a license by operation of law or the voluntary  
40 surrender of a license by a licensee shall not deprive the  
41 commission of jurisdiction to proceed with any investigation as  
42 herein provided or prevent the commission from taking any  
43 regulatory action against such licensee, provided, however, that the  
44 alleged charges arose while said licensee was duly licensed. Each  
45 transaction shall be construed as a separate offense.

**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 In conducting investigations, the commission may take testimony  
2 by deposition as provided in R.S.45:15-18, require or permit any  
3 person to file a statement in writing, under oath or otherwise as the  
4 commission determines, as to all the facts and circumstances  
5 concerning the matter under investigation, and, upon its own motion  
6 or upon the request of any party, subpoena witnesses, compel their  
7 attendance, take evidence, and require the production of any  
8 material which is relevant to the investigation, including any and all  
9 records of a licensee pertaining to his activities as a real estate  
10 broker, broker-salesperson, or salesperson. The commission may  
11 also require the provision of any information concerning the  
12 existence, description, nature, custody, condition and location of  
13 any books, documents, or other tangible material and the identity  
14 and location of persons having knowledge of relevant facts of any  
15 other matter reasonably calculated to lead to the discovery of  
16 material evidence. Upon failure to obey a subpoena or to answer  
17 questions posed by an investigator or legal representative of the  
18 commission and upon reasonable notice to all affected persons, the  
19 commission may commence an administrative action as provided  
20 below or apply to the Superior Court for an order compelling  
21 compliance.

22 The commission may place on probation, suspend for a period  
23 less than the unexpired portion of the license period, or may revoke  
24 any license issued under the provisions of R.S.45:15-1 et seq., or  
25 the right of licensure when such person is no longer the holder of a  
26 license at the time of hearing, or may impose, in addition or as an  
27 alternative to such probation, revocation or suspension, a penalty of  
28 not more than \$5,000 for the first violation, and a penalty of not  
29 more than \$10,000 for any subsequent violation, which penalty  
30 shall be sued for and recovered by and in the name of the  
31 commission and shall be collected and enforced by summary  
32 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
33 P.L.1999, c.274 (C.2A:58-10 et seq.), where the licensee or any  
34 person, in performing or attempting to perform any of the acts  
35 mentioned herein, is deemed to be guilty of:

36 a. Making any false promises or any substantial  
37 misrepresentation; or

38 b. Acting for more than one party in a transaction without the  
39 knowledge of all parties thereto; or

40 c. Pursuing a flagrant and continued course of  
41 misrepresentation or making of false promises through agents,  
42 broker-salespersons, or salespersons, advertisements or otherwise;  
43 or

44 d. Failure to account for or to pay over any moneys belonging  
45 to others, coming into the possession of the licensee; or

46 e. Any conduct which demonstrates unworthiness,  
47 incompetency, bad faith or dishonesty. The failure of any person to  
48 cooperate with the commission in the performance of its duties or to

1 comply with a subpoena issued by the commission compelling the  
2 production of materials in the course of an investigation, or the  
3 failure to give a verbal or written statement concerning a matter  
4 under investigation may be construed as conduct demonstrating  
5 unworthiness; or

6 f. Failure to provide his client with a fully executed copy of  
7 any sale or exclusive sales or rental listing contract at the time of  
8 execution thereof, or failure to specify therein a definite terminal  
9 date which terminal date shall not be subject to any qualifying  
10 terms or conditions; or

11 g. Using any plan, scheme or method for the sale or promotion  
12 of the sale of real estate which involves a lottery, a contest, a game,  
13 a prize, a drawing, or the offering of a lot or parcel or lots or parcels  
14 for advertising purposes<sup>1</sup>, provided, however, that a promotion or  
15 offer of free, discounted or other services or products which does  
16 not require that the recipient of any free, discounted or other  
17 services or products enter into a sale, listing or other real estate  
18 contract as a condition of the promotion or offer shall not constitute  
19 a violation of this subsection if that promotion or offering does not  
20 involve a lottery, a contest, a game, a drawing or the offering of a  
21 lot or parcel or lots or parcels for advertising purposes<sup>2</sup>. If a broker  
22 participates in a promotion or offering of free, discounted, or other  
23 services or products which confers upon the recipient a monetary  
24 benefit of greater than \$1,000, the broker shall provide written  
25 disclosure of the benefit to the recipient and any information  
26 concerning the promotion or benefit as may be required by the  
27 commission. A broker shall disclose in writing any compensation  
28 received for such promotion or offer in the form and substance as  
29 required by the federal "Real Estate Settlement Procedures Act of  
30 1974," 12 U.S.C. ss.2601 et seq., except that, notwithstanding the  
31 provisions of that federal act, written disclosure shall be provided  
32 no later than when the promotion or offer is extended by the broker  
33 to the consumer; or

34 h. Being convicted of a crime, knowledge of which the  
35 commission did not have at the time of last issuing a real estate  
36 license to the licensee; or

37 i. Collecting a commission as a real estate broker in a  
38 transaction, when at the same time representing either party in a  
39 transaction in a different capacity for a consideration; or

40 j. Using any trade name or insignia of membership in any real  
41 estate organization of which the licensee is not a member; or

42 k. Paying any rebate, profit, compensation or commission to  
43 anyone not possessed of a real estate license, except that: (1) free,  
44 discounted or other services or products provided for in subsection  
45 g. of this section shall not constitute a violation of this subsection;  
46 and (2) a real estate broker may provide a purchaser of residential  
47 real property, but no other third party a rebate of a portion of the  
48 commission paid to the broker in a transaction, so long as: the

1 broker and the purchaser contract for such a rebate at the onset of  
2 the broker relationship in a written document, electronic document  
3 or a buyer agency agreement; the broker complies with any State or  
4 federal requirements with respect to the disclosure of the payment  
5 of the rebate; and the broker recommends to the purchaser that the  
6 purchaser contact a tax professional concerning the tax implications  
7 of receiving that rebate. The rebate paid to the purchaser shall be in  
8 the form of a credit, reducing the amount of the commission  
9 payable to the broker, or a check paid by the closing agent and shall  
10 be made at the time of closing; or

11 l. Any other conduct, whether of the same or a different  
12 character than specified in this section, which constitutes fraud or  
13 dishonest dealing; or

14 m. Accepting a commission or valuable consideration as a real  
15 estate broker-salesperson or salesperson for the performance of any  
16 of the acts specified in this act, from any person, except his  
17 employing or contracting broker, who must be a licensed broker; or

18 n. Procuring a real estate license, for himself or anyone else, by  
19 fraud, misrepresentation or deceit; or

20 o. Commingling the money or other property of his principals  
21 with his own or failure to maintain and deposit in a special account,  
22 separate and apart from personal or other business accounts, all  
23 moneys received by a real estate broker, acting in said capacity, or  
24 as escrow agent, or the temporary custodian of the funds of others,  
25 in a real estate transaction; or

26 p. Selling property in the ownership of which he is interested in  
27 any manner whatsoever, unless he first discloses to the purchaser in  
28 the contract of sale his interest therein and his status as a real estate  
29 broker, broker-salesperson, or salesperson; or

30 q. Purchasing any property unless he first discloses to the seller  
31 in the contract of sale his status as a real estate broker, broker-  
32 salesperson, or salesperson; or

33 r. Charging or accepting any fee, commission or compensation  
34 in exchange for providing information on purportedly available  
35 rental housing, including lists of such units supplied verbally or in  
36 written form, before a lease has been executed or, where no lease is  
37 drawn, before the tenant has taken possession of the premises  
38 without complying with all applicable rules promulgated by the  
39 commission regulating these practices; or

40 s. Failing to notify the commission within 30 days of having  
41 been convicted of any crime, including any sex offense that would  
42 qualify the licensee for registration pursuant to section 2 of  
43 P.L.1994, c.133 (C.2C:7-2) or under an equivalent statute of  
44 another state or jurisdiction, misdemeanor or disorderly persons  
45 offense, or of having been indicted, or of the filing of any formal  
46 criminal charges, or of the suspension or revocation of any real  
47 estate license issued by another state, or of the initiation of formal  
48 disciplinary proceedings in another state affecting any real estate

1 license held, or failing to supply any documentation available to the  
2 licensee that the commission may request in connection with such  
3 matter; or

4 t. The violation of any of the provisions of R.S.45:15-1 et seq.  
5 or of the administrative rules adopted by the commission pursuant  
6 to the provisions of R.S.45:15-1 et seq. The commission is  
7 expressly vested with the power and authority to make, prescribe  
8 and enforce any and all rules and regulations for the conduct of the  
9 real estate brokerage business consistent with the provisions of  
10 chapter 15 of Title 45 of the Revised Statutes.

11 If a licensee is deemed to be guilty of a third violation of any of  
12 the provisions of this section, whether of the same provision or of  
13 separate provisions, the commission may deem that person a repeat  
14 offender, in which event the commission may direct that no license  
15 as a real estate broker, broker-salesperson, or salesperson shall  
16 henceforth be issued to that person.

17 (cf: P.L.2018, c.71, s.16)

18

19 3. This act shall take effect on the first day of the sixth month  
20 next following the promulgation of regulations by the New Jersey  
21 Real Estate Commission to effectuate the purposes of this act.

22

23

24

#### STATEMENT

25

26 This bill allows real estate salespersons or broker-salespersons,  
27 to form a limited liability company, or any other entity permitted by  
28 law, to receive commission income from the licensed real estate  
29 broker with whom the salesperson is contracted or employed to  
30 provide his or her services. The specific permission for a  
31 salesperson or broker-salesperson to operate through a limited  
32 liability company or other entity is intended to eliminate any  
33 confusion as to whether they may take advantage of the pass-  
34 through business income deduction made available under section  
35 199A of the Federal Internal Revenue Code as part of the federal  
36 tax reforms of the 2017 "Tax Cut and Jobs Act."

37 The bill provides that, notwithstanding the formation of limited  
38 liability company or other entity, a salesperson or broker-  
39 salesperson who is compensated wholly on a commission basis will  
40 not be considered an employee pursuant to the State unemployment  
41 compensation law, and certain other labor laws that determine  
42 eligibility based on that law.

43 The bill requires the New Jersey Real Estate Commission to  
44 create a registration process for limited liability companies and  
45 other entities to receive a commission or other valuable  
46 consideration.

47 The bill also provides that, if a broker participates in a promotion  
48 or offering of free, discounted or other services or products which



**A5536 BURZICHELLI, GIBLIN**

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1 confers upon the recipient a monetary benefit of greater than  
2 \$1,000, the broker is required to provide written disclosure of the  
3 benefit to the recipient and any information concerning the  
4 promotion or benefit as may be required by the commission.

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5536

# STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 5536.

This bill allows real estate salespersons or broker-salespersons, to form a limited liability company, or any other entity permitted by law, to receive commission income from the licensed real estate broker with whom the salesperson is contracted or employed to provide his or her services. The specific permission for a salesperson or broker-salesperson to operate through a limited liability company or other entity is intended to eliminate any confusion as to whether they may take advantage of the pass-through business income deduction made available under section 199A of the Federal Internal Revenue Code as part of the federal tax reforms of the 2017 “Tax Cut and Jobs Act.”

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The bill requires the New Jersey Real Estate Commission to create a registration process for limited liability companies and other entities to receive a commission or other valuable consideration.

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# Governor Murphy Takes Action on Legislation

11/8/2021

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle)** – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

**S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce)** – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

**SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley)** – Requires residential landlords to install covers on steam radiators upon request of tenant

**S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle)** – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

**S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle)** – Requires certain student identification cards to contain telephone number for suicide prevention hotline

**SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley)** – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

**S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli)** – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

**S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy)** – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

**S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway)** – Requires public water systems to offer drinking water tests to customers in certain circumstances

**S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle)** – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

**S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson)** – Permits counties and municipalities to bond for alternative fuel vehicles

**S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin)** – Concerns disclosure of certain information prior to sale of real estate

**S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly)** – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

**S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey)** – Authorizes imposition of fee for connection to municipal electric distribution system

**S-1259/A-2628 (Singleton/Murphy)** – Concerns labor contractors

**S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker)** – Prohibits sale of cosmetic products that have been tested on animals

- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttle, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission’s senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttle)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttle, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttle, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as “Gun Violence Awareness Day”
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttle)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

**A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal)** – Increases fee for New Jersey Waterfowl Stamps

**A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey)** – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

**A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari)** – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

**A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale)** – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

**A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco)** – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

**A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey)** – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

**A-4633/S-2856 (Giblin, DeCroce/Pou)** – Permits certain nonresident Certified Public Accountants to provide attest services

**A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari)** – Clarifies classification in this State of criminal offenses committed in other states or under federal law

**A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner)** – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

**A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal)** – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

**A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden)** – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

**A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale)** – Requires DOH to establish certain nursing education and professional advancement programs

**A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan)** – Permits dentists to administer vaccines under certain circumstances

**A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal)** – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

**A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan)** – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

**A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan)** – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

**AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean)** – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

**AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton)** – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

**S-108/A-169 (Gill, Turner/Caputo, Wirths)** – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

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**S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttle) – CONDITIONAL** - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

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

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**S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL** - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

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**S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL** - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

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**S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL** - Mandates training on culturally responsive teaching for all candidates for teaching certification

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**S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL** - Expands scope of inmate reentry assistance and benefits

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**S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL** - Establishes New Jersey Easy Enrollment Health Insurance Program

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**S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL** - 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

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**S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttle) – CONDITIONAL** - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

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**S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL** - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

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**A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL** - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

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**A-2455/S-2204 (Benson, Vainieri Huttie, DeAngelo/Greenstein, Oroho) – CONDITIONAL** - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

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**A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL** - Establishes three year Financial Empowerment Pilot Program

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

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**A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL** - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

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**A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL** - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

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**A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL** - Concerns labor harmony agreements in retail and distribution center projects

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**A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL** - Requires that certain provider subsidy payments for child care services be based on enrollment

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**A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL** - Requires disclosure letter be included with mail falsely implying State government connection

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**A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL** - Establishes expedited construction inspection program

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

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**A-5353/S-3421 (Conaway, Vainieri Huttie, Benson/Madden, Turner) – CONDITIONAL** - Provides for certification of temporary nurse aides

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**A-5599/S-3916 (Chiaravalloti, Vainieri Huttie, McKnight/Scutari, Gill) – CONDITIONAL** - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

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

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Governor Murphy absolute vetoed the following bills:

**S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE** - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

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**S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL** - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

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**S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE** - Revises law relating to common interest communities

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**S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE** - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

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**S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsen) – ABSOLUTE** - Establishes county-based mitigation plan to allow businesses to operate during pandemic

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**S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE** - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

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**S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE** - Concerns construction code enforcing agency fee revenue

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**A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE** - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

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**A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE** - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

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**A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE** - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

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