

11/30/87

48:13A-12

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:13A-12

(Solid waste utilities-- violations-- increase penalties)

CHAPTER 149

Laws Of: 1987

Bill No: A1965

Sponsor(s): Randall and others

Date Introduced: February 10, 1986

Committee: Assembly: Independent Regional Authorities

Senate: Energy and Environment

Amended during passage: Yes

Date of Passage: Assembly: June 16, 1986

Senate: May 11, 1987

Date of Approval: June 24, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

**ASSEMBLY, No. 1965**  
**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 10, 1986

By Assemblywoman RANDALL, Assemblymen ROONEY, DiGAETANO, LITTELL and ARANGO

AN ACT concerning the collection and disposal of solid waste and amending the "Solid Waste Utility Control Act of 1970," approved May 6, 1970 (P. L. 1970, c. 40; C. 48:13A-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 13 of P. L. 1970, c. 40 (C. 48:13A-12) is amended to  
2 read as follows:

3 13. a. Any person or any officer or agent thereof who shall  
4 knowingly violate any of the provisions of this act or aid or advise  
5 in such violation, or who, as principal, manager, director, agent,  
6 servant or employee knowingly does any act comprising a part  
7 of such violation, is guilty of a misdemeanor and shall be punished  
8 by imprisonment for not more than three years or by a fine of not  
9 more than \$50,000.00, or both; and if a corporation by a fine of not  
10 more than \$100,000.00.

11 b. Any person who shall violate any provision of this act or any  
12 rule, regulation or administrative order promulgated hereunder,  
13 *or under any applicable provision of Title 48 of the Revised*  
14 *Statutes*, or who shall engage in the solid waste collection business  
15 or solid waste disposal business without having been issued a  
16 certificate of public convenience and necessity, shall be liable to a  
17 penalty of not more than **[\$500.00]** *\$1,000.00* for a first offense,  
18 **[not less than \$100.00 or]** *not* more than **[\$1,000.00]** *\$5,000.00* for  
19 a second offense and **[not less than \$500.00 or]** *not* more than  
20 **[\$1,000.00]** *\$10,000.00* for a third and every subsequent 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 printed in italics thus is new matter.**

21 The penalties herein provided shall be enforced by summary  
 22 proceedings instituted by the board [in the name of the State in  
 23 accordance with “The Penalty Enforcement Law”] *under “the*  
 24 *penalty enforcement law”* (N. J. S. 2A:58-1 et seq.). The Superior  
 25 Court[, County Court, county district court] and the municipal  
 26 courts shall all have jurisdiction to enforce [said Penalty Enforce-  
 27 ment Law] *“the penalty enforcement law”* in connection with this  
 28 act.

29 c. Whenever it shall appear to the board that any person has  
 30 violated, intends to violate, or will violate any provision of this  
 31 act or any rule, regulation or administrative order duly promul-  
 32 gated hereunder, *or under any applicable provision of Title 48 of*  
 33 *the Revised Statutes*, the board may institute a civil action in the  
 34 Superior Court for injunctive relief and for such other relief as  
 35 may be appropriate in the circumstances, and the said court may  
 36 proceed in any such action in a summary manner.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill would increase the penalties the Board of Public Utilities may seek to collect against persons who violate any provision of the “Solid Waste Utility Control Act of 1970,” P. L. 1970, c. 40 (C. 48:13A-1 et seq.), or any rule, regulation or administrative order adopted by the BPU pursuant thereto.

Specifically, the penalties for a first offense would be increased from \$500.00 to \$1,000.00, from \$1,000.00 to \$5,000.00 for a second offense, and from \$1,000.00 to not more than \$10,000.00 for a third and every subsequent offense.

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#### SOLID WASTE

Increases penalties BPU may seek to collect against persons who violate the provisions of P. L. 1970, c. 40, or any rule, regulation or administrative order adopted pursuant thereto.

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ASSEMBLY INDEPENDENT AND REGIONAL  
AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1965**

**STATE OF NEW JERSEY**

DATED: JUNE 9, 1986

The Assembly Independent and Regional Authorities Committee reports favorably Assembly Bill No. 1965.

As reported, this bill is intended to increase the penalties which the Board of Public Utilities may seek to impose on persons who violate provisions of the "Solid Waste Utility Control Act of 1970," P. L. 1970, c. 40 (C. 43:13A-1 et seq.), or who violate any rule, regulation or administrative order adopted by the board pursuant to the act, or who engage in the solid waste collection or solid waste disposal business without a properly issued certificate of public convenience and necessity.

The bill provides that penalties shall be increased to a maximum of \$1,000.00 for a first offense, a maximum of \$5,000.00 for a second offense and a maximum of \$10,000.00 for a third and subsequent offense.

At present, the penalty for a violation of the act for a first offense is a maximum of \$500.00, \$1,000.00 for a second offense and \$1,000.00 for a third and every subsequent offense.

SENATE ENERGY AND ENVIRONMENT COMMITTEE  
STATEMENT TO  
**ASSEMBLY, No. 1965**  
**STATE OF NEW JERSEY**

DATED: SEPTEMBER 8, 1986

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 1965.

Assembly Bill No. 1965 would increase the penalties for violations of the "Solid Waste Utility Control Act of 1970" (P. L. 1970, c. 40), under which the Board of Public Utilities regulates the rates of the solid waste collection and disposal industry. Currently, the penalty for a violation of the act (or any rule, regulation, or administrative order adopted pursuant to the act) is up to \$500.00 for a first offense and up to \$1,000.00 for a second, third, or subsequent offense. This bill would increase these penalties to up to \$1,000.00 for a first offense, up to \$5,000.00 for a second offense, and up to \$10,000.00 for a third and subsequent offense. Violations of the "Solid Waste Utility Control Act of 1970" could include: (1) operating a solid waste collection or disposal business without the approval of the Board of Public Utilities; (2) charging rates for solid waste collection and disposal which have not been filed with by the board; (3) failure to provide solid waste collection or disposal if ordered by the board; or (4) forming or conspiring to form a monopoly in the solid waste collection or disposal business in any area. The penalties for a violatoin of the "Solid Waste Utility Control Act of 1970" have not been increased since the act was enacted is 1970.