

## CHAPTER 60

AN ACT concerning penalties for energy “slamming” practices and amending P.L.1999, c.23.

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

1. Section 34 of P.L.1999, c.23 (C.48:3-83) is amended to read as follows:

C.48:3-83 Violations, penalties.

34. Any person who violates any provision of P.L.1999, c.23 (C.48:3-49 et al.) shall be liable for a civil penalty of not more than \$5,000 for the first offense, except for a violation of section 37 of P.L.1999, c.23 (C.48:3-86), for which a person shall be liable for a civil penalty of not more than \$20,000 for the first offense, and not more than \$50,000 for the second and each subsequent offense, for each day that the violation continues. Any civil penalty which may be imposed pursuant to this section may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the board shall consider: the nature, circumstances, and gravity of the violation; the degree of the violator's culpability; any history of prior violations; the prospective effect of the penalty on the ability of the violator to conduct business; any good faith effort on the part of the violator in attempting to achieve compliance; the violator's ability to pay the penalty; and other factors the board determines to be appropriate. The amount of the penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the State to the person charged, or may be recovered, if necessary, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in connection with P.L.1999, c.23 (C.48:3-49 et al.).

2. This act shall take effect immediately.

Approved April 17, 2019.