

## CHAPTER 84

**AN ACT** concerning safety precautions in sign fabrication and manufacturing facilities, amending P.L.1991, c.413 and supplementing Title 34 of the Revised Statutes.

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

1. Section 5 of P.L.1991, c.413 (C.27:5-9) is amended to read as follows:

C.27:5-9 Requirements for a permit.

5. Signs permitted by this act shall be by permit from the commissioner pursuant to conditions consistent with the regulations of the commissioner, and the following:

a. A sign may not attempt or appear to attempt to direct the movement of traffic or interfere with, imitate, or resemble any official traffic sign, signal or device, or include or utilize flashing, intermittent or moving lights, or utilize lighting equipment or reflectorized materials which emit or reflect colors, including, but not limited to, red, amber or green, except as may be authorized by the commissioner or by agreement between the commissioner and the Secretary of Transportation of the United States.

b. A sign may not interfere or be likely to interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of the highway ahead or of official signs, signals or traffic control devices.

c. Illumination of a sign shall be effectively shielded so as to prevent light from being directed at any portion of the main-traveled way of the highway, or, if not so shielded, be of a sufficiently low intensity or brilliance as not to cause glare or impair the vision of persons operating motor vehicles on that highway, or otherwise impair the operation of a motor vehicle.

d. Signs shall be maintained in a safe condition with due regard for conditions of climate, weather and terrain, and as a condition of continued use or permit renewal, unsafe signs shall be remediated by maintenance or repair.

e. A sign may not be of a type, size, or character so as to endanger or injure public safety, health or welfare, or be injurious to property in the vicinity thereof.

f. A sign may not be painted, drawn, erected or maintained upon trees, rocks, other natural features or public utility poles.

g. Signs for which a permit has been issued shall display in a conspicuous position on the sign or its supporting structure, the name of the person holding the permit.

h. A sign or other object shall not in any way simulate any official, directional, traffic control or warning signs erected or maintained by any governmental agency.

i. A sign for which a permit is issued shall display in a conspicuous position on the sign a safety and quality assurance seal in compliance with subsection b. of section 5 of P.L.2019, c.84 (C.34:15B-44).

C.34:15B-41 Short title.

2. Sections 2 through 7 of P.L.2019, c.84 (C.34:15B-41 to C.34:15B-46) shall be known and may be cited as the "Sign Fabrication Safety Quality Assurance Act."

C.34:15B-42 Findings, declarations relative to precautions in sign fabrication.

3. The Legislature finds and declares that:

a. The general public is subject to serious safety risks when manufacturers and other facilities engaged in the fabrication of signs for governmental, commercial or other applications produce deficient, defective or otherwise unsafe signs.

b. Research from both government and industry sources reflects the widespread recognition that registered apprenticeship programs are an extremely effective mechanism for ensuring the development of a workforce that is properly trained and appropriately equipped with necessary skills and safety knowledge in their applicable craft.

c. The threat to public safety for the use of inferior or defective fabricated signs can be lessened by requiring that manufacturers of these products adhere to great safety and quality control requirements and ensure their manual workforce receives proper skill and safety training.

C.34:15B-43 Definitions relative to precautions in sign fabrication.

4. As used in sections 2 through 7 of P.L.2019, c.84 (C.34:15B-41 to C.34:15B-46):

“Approved skill training program” means a sheet metal apprenticeship training program that is registered with the federal or a state government and provides both apprenticeship training and training to upgrade skills of journey persons in the skills of the sheet metal industry, including those relating to sign fabrication.

“Fabricated sign” means a sign, including a sign for government or public use, that exceeds 50 pounds in weight or 25 square feet in area, or exceeds 50 pounds in weight and is elevated or designed to be elevated 25 feet or more.

“Sign fabricator” means a manufacturer or other entity that produces fabricated signs.

C.34:15B-44 Requirements for manufacture of fabricated signs; exceptions.

5. a. A person who manufactures any fabricated sign in New Jersey shall:

(1) provide an approved skill training program for employees who perform manual labor in connection with the production of fabricated signs; and

(2) maintain adequate quality control procedures to ensure that all fabricated signs it manufactures, distributes or sells comply with the manufacturing and engineering specifications required by, or incorporated into, any contractual agreement executed with another party.

b. A person who manufactures, distributes or sells a fabricated sign in New Jersey after the effective date of P.L.2019, c.84 (C.34:15B-41 et al.), shall affix to the sign a safety and quality assurance seal from the sign fabricator which certifies that the sign fabricator is in compliance with the requirements of subsection a. of this section.

c. The training requirements specified in paragraph (1) of subsection a. of this section shall not apply to a sign fabricator that employs five or fewer individuals who perform manual labor in sign manufacturing.

C.34:15B-45 Violations, unlawful practice; civil penalty.

6. a. It shall be unlawful for a person to manufacture, distribute, sell, or use a fabricated sign in violation of section 5 of P.L.2019, c.84 (C.34:15B-44).

b. In addition to any other penalties provided by law :

(1) a person who manufactures, distributes, sells, or uses a fabricated sign in violation of section 5 of P.L.2019, c.84 (C.34:15B-44) shall be subject to a civil penalty of 25 percent of the value of the contract for the sign, but not less than \$5,000 for a first offense and not less than \$10,000 for any subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this paragraph;

(2) a person who manufactures, distributes, sells, or uses a fabricated sign erected or maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) in violation of section 5 of P.L.2019, c.84 (C.34:15B-44) shall be subject to the penalties set forth in P.L.1991, c.413 (C.27:5-5 et seq.), including revocation of a license or permit pursuant to section 9 of P.L.1991, c.413 (C.27:5-13) and removal of a sign pursuant to section 11 of P.L.1991, c.413 (C.27:5-15).

(3) a person who manufactures a fabricated sign erected or maintained pursuant to P.L.1991, c.413 (C.27:5-5 et seq.) in violation of section 5 of P.L.2019, c.84 (C.34:15B-44) shall be liable for the cost to make all necessary adjustments or corrections to ensure the sign is not in violation of section 5 of P.L.2019, c.84 (C.34:15B-44) to any party who incurs that cost.

C.34:15B-46 Severability.

7. The provisions of P.L.2019, c.84 (C.34:15B-41 et al.) shall be severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of P.L.2019, c.84 (C.34:15B-41 et al.).

8. This act shall take effect on the 30th day after the date of enactment.

Approved May 7, 2019.