

[Second Reprint]

ASSEMBLY, No. 4618

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 20, 2024

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywomen Hall, Quijano, Sumter, Reynolds-Jackson, Assemblyman Sampson, Assemblywoman Drulis, Assemblyman Freiman, Assemblywoman Bagolie, Senators Cryan, Gopal, Diegnan, McKnight and Greenstein

SYNOPSIS

Requires official inspection facility employees covered by collective bargaining agreement to be offered employment following contract renewal or award of new contract; requires collective bargaining agreement to be binding in certain cases.

CURRENT VERSION OF TEXT

As amended by the Senate on December 22, 2025.

(Sponsorship Updated As Of: 1/12/2026)

1 AN ACT concerning employment at official inspection facilities and
 2 amending ²and supplementing² P.L.1995, c.112.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. Section 4 of P.L.1995, c.112 (C.39:8-44) is amended to read as
 8 follows:

9 4. a. The State Treasurer shall ²**[either]**²:

10 (1) ²**[Assign]** assign² to the State the full responsibility for the
 11 design, construction, renovation, equipment, establishment,
 12 maintenance, and operation of official inspection facilities and other
 13 aspects of the inspection and maintenance program, including safety
 14 inspections;

15 (2) ²**[Enter]** enter² into a contract or contracts with a private
 16 contractor or contractors for the design, construction, renovation,
 17 equipment, establishment, maintenance, and operation of official
 18 inspection facilities and other aspects of the inspection and
 19 maintenance program, including safety inspections; or

20 (3) ²**[Assign]** assign² to the State partial responsibility and enter
 21 into a contract or contracts with a private contractor or contractors for
 22 the remaining responsibility for the design, construction, renovation,
 23 equipment, establishment, maintenance, and operation of official
 24 inspection facilities and other aspects of the inspection and
 25 maintenance program, including safety inspections.

26 The State Treasurer shall choose one of the options pursuant to this
 27 subsection based on a determination of the best interests of the citizens
 28 of New Jersey. At least seven business days prior to the award of a
 29 contract that includes the operation or maintenance of an official
 30 inspection facility pursuant to this section, the State Treasurer shall
 31 issue a notice of intent to award the contract and shall submit to the
 32 Legislature the notice of intent and a report describing the option
 33 chosen, which shall include an economic analysis of the three options
 34 listed in this subsection with respect to the operation or maintenance
 35 portion of the contract.

36 b. (1) A contract authorized by this section may, subject to the
 37 provisions of subsection f. of R.S.39:8-2, include the purchase, lease
 38 ^{2,2} or sale of an interest in real or personal property. The State
 39 Treasurer is authorized to exercise all authority of the Directors of the
 40 Division of Purchase and Property and of the Division of Building and
 41 Construction to award the contract or contracts authorized by this
 42 section as a single contract, multiple branch contracts ^{2,2} or multiple
 43 single contracts. Any contract awarded pursuant to this section shall
 44 be awarded in accordance with the provisions of P.L.1954, c.48

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:

¹Assembly ALA committee amendments adopted January 23, 2025.

²Senate floor amendments adopted December 22, 2025.

1 (C.52:34-6 et seq.) and any rules and regulations promulgated pursuant
2 to that act. The provisions of R.S.52:32-2 shall not apply to any
3 contract authorized by this section.

4 (2) Notwithstanding the provisions of chapter 35 of Title 52 of the
5 Revised Statutes, the State Treasurer is not required to limit bids to
6 persons who are prequalified. The State Treasurer is authorized to
7 require each person who submits a bid for a contract pursuant to this
8 section to submit statements under oath in response to a questionnaire
9 that develops fully that person's financial ability, adequacy of plant
10 and equipment, organization, prior experience ^{2,2} and any other facts
11 pertinent and material to qualification, including qualification of any
12 subcontractors, for the contract sought. Any such questionnaire
13 required shall be standardized with respect to, and shall be set forth in,
14 each invitation to bid.

15 (3) Any other provision of law to the contrary notwithstanding,
16 and subject to guidelines for conflict of interest established by the
17 Attorney General, for the purposes of this section ^{2,2} a State officer or
18 employee or a group of State officers or employees may enter into a
19 contract or contracts as a private contractor. A State officer or
20 employee having any duties or responsibilities in connection with the
21 evaluation or awarding of a contract pursuant to this section shall not
22 individually or through any person or entity acting on behalf of that
23 officer or employee bid on or enter into a contract as a private
24 contractor.

25 (4) A contractor for the operation of an official inspection facility,
26 or any of its officers or employees, may not be engaged in the business
27 of selling, maintaining, or repairing motor vehicles or selling motor
28 vehicle replacement or repair parts. A contractor's employees shall not
29 be deemed employees of the State for any purpose.

30 c. A contract for the operation of an official inspection facility
31 shall provide for motor vehicle inspection services that are consumer-
32 friendly to the maximum extent feasible. A contract shall at a
33 minimum specify that:

34 (1) ²**[New]** new² or relocated inspection facilities shall be sited
35 close to population centers, but in locations that remain convenient for
36 suburban and rural residents;

37 (2) ²**[An]** an² inspection facility shall be open for inspections,
38 exclusive of holidays, at least 55 hours each week, including hours
39 prior to 9:00 ²**[am]** a.m.² or after 5:00 ²**[pm]** p.m.² on weekdays and
40 hours on the weekend, except that the facility may lessen or expand
41 these hours based on the results of a survey of persons who use the
42 facility for motor vehicle inspections;

43 (3) ²**[An]** an² inspection facility shall maintain a climate-
44 controlled waiting area for persons whose motor vehicles are being
45 inspected;

46 (4) ²**[At]** at² least one lane at each inspection facility shall be
47 reserved to the extent practicable for reinspections, although this lane

1 may be opened to initial inspections whenever there are no
2 reinspections being performed;

3 (5) ²~~【The】~~ the² number of inspection lanes provided for in the
4 contract to be constructed may be increased to meet the standards set
5 by the ~~【director】~~ Chief Administrator of the New Jersey Motor
6 Vehicle Commission pursuant to subsection d. of this section only if
7 the contractor can show that this increase is more cost-effective than
8 extending the hours of operation;

9 (6) ²~~【A】~~ a² toll-free telephone number and a network of
10 computerized signs shall be established, and public service
11 announcements shall be aired to advise motorists of the length of lines
12 at inspection facilities. Periodic surveys concerning hours and
13 methods of operation shall be conducted. Each motor vehicle operator
14 who arrives at a facility for an inspection shall be provided with a
15 written document containing the following statement:

16 "The motor vehicle emission test being conducted at this facility
17 has been imposed on the residents of this State by an act of the
18 Congress of the United States and the regulations of the United States
19 Environmental Protection Agency."

20 In addition, the written document shall include the name and
21 address of the Administrator of the ²~~【federal】~~ United States²
22 Environmental Protection Agency and of each member of Congress
23 elected from this State.

24 A contractor shall spend not less than one percent of its operating
25 budget to provide an ongoing public information program; ¹~~【and】~~¹
26 ²and²

27 (7) ²~~【All】~~ all² qualified full-time employees whose employment
28 with the ~~【division】~~ New Jersey Motor Vehicle Commission is
29 terminated as a result of P.L.1995, c.112 (C.39:8-41 et al.) shall be
30 offered full-time employment. If more than one contract for the
31 operation of official inspection facilities is awarded, each contractor
32 shall offer full-time employment to a percentage of the number of such
33 employees that is equal to the percentage of the total number of
34 inspection lanes that will be operated by that contractor ²~~【~~¹; and

35 (8) During any contract renewal or subsequent procurement for the
36 operation of an official inspection facility, any employee covered by a
37 collective bargaining agreement shall be offered employment to meet
38 the staffing needs of the new contract. The terms of the existing
39 collective bargaining agreement, including compensation and benefits,
40 shall be the existing or current wage for any new contract established
41 by renewal or subsequent procurement. Offers of employment to any
42 existing or new employee shall not be less than the existing or current
43 wage for a particular position, as applicable¹².

44 d. The ~~【director】~~ chief administrator shall adopt, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
46 regulations to establish the conduct of inspections by any person who
47 has entered into a contract with the State pursuant to subsection a. of
48 this section, and may issue directives or guidelines or enter into

1 contracts or agreements for the oversight and regulation of any person
2 who has entered into a contract with the State pursuant to subsection a.
3 of this section. The **【director】** chief administrator shall establish
4 standards that are designed to achieve average wait times of 30
5 minutes or less and to keep the overall operating cost of the facilities
6 to a minimum. The **【director】** chief administrator shall develop a
7 system of incentives that are designed to achieve average wait times of
8 15 minutes or less. Data generated at any official inspection facility
9 shall be the property of the State and shall be fully accessible to the
10 **【division】** New Jersey Motor Vehicle Commission at any time.

11 e. If a dispute over contract compliance, performance ^{2,2} or
12 termination cannot be resolved by the State Treasurer and the private
13 contractor pursuant to the procedures set forth in a contract entered
14 into pursuant to the provisions of this section, either party to the
15 contract may file with the Superior Court a request either for an order
16 either to terminate the contract or for an order for other appropriate
17 relief to the dispute. Any provision of N.J.S.59:13-5 to the contrary
18 notwithstanding, the State Treasurer may consent to the filing of such
19 a request prior to the expiration of 90 days from the date that the notice
20 of claim is received. The court may take such action as it may deem
21 necessary to facilitate the expeditious resolution of the dispute and an
22 expeditious response to the request, including ordering the parties to
23 undertake dispute resolution, mediation, or arbitration as provided in
24 N.J.S.59:13-7. Within 90 days after the filing of a request, the court
25 shall either grant the request or deny the request. If the request is
26 granted, the court shall order such appropriate relief measures or
27 remedies as it deems appropriate and necessary.

28 f. (1) A person whose employment with the **【Division of Motor**
29 **Vehicles】** New Jersey Motor Vehicle Commission is terminated as a
30 result of a contract entered into pursuant to subsection a. of this
31 section, who does not accept an offer of employment with a contractor
32 pursuant to paragraph (7) ²**【¹or paragraph (8)¹】**² of subsection c. of
33 this section, and who undergoes counseling pursuant to section 7 of
34 P.L.1992, c.43 (C.34:15D-7), ¹**【may apply】** shall be eligible¹ for a
35 training grant pursuant to section 6 of P.L.1992, c.43 (C.34:15D-6).

36 (2) Any provision of P.L.1992, c.43 (C.34:15D-1 et al.) to the
37 contrary notwithstanding, the Workforce Development Program in the
38 Department of Labor and Workforce Development may provide a
39 training grant to each person who applies pursuant to paragraph (1) of
40 this subsection for a training grant to pay for employment and training
41 services as provided pursuant to section 6 of P.L.1992, c.43
42 (C.34:15D-6).

43 g. Notwithstanding any law, rule, or regulation to the contrary,
44 ¹**【during】** for¹ any contract renewal ¹or award of a new contract¹
45 involving the operation of an official inspection facility within this
46 State, existing ²qualified² employees covered by a collective
47 bargaining agreement shall be the first to be offered employment to
48 meet the staffing requirements ², as determined by the employer, to

1 meet the requirements² of the ¹[new]¹ contract. Offers of
2 employment to both existing and new ²qualified² employees shall
3 include compensation and ²economic² benefits ²[packages that meet
4 the requirements of] , including health benefits and paid time off,
5 which benefits may be specified by the commission in its solicitation,
6 that are the same as or comparable to the benefits contained in² any
7 collective bargaining agreement ²[that may be in place for the] then in
8 effect under an² existing contract.

9 In the event of a sale, transfer of assets including contracts, or ²[in
10 the event of]² a merger with another company, the ²compensation and
11 economic benefits delineated in this subsection that exist in a²
12 collective bargaining agreement in effect at the time shall be binding
13 on ²[any] the² successors and assigns, including all purchasers of any
14 assets, contracts, or the business. ²[The collective bargaining
15 agreement shall be binding on any and all corporations, partnerships,
16 organizations, and sole proprietorships affiliated with or related to
17 doing business under the terms of the collective bargaining agreement
18 in effect] Notwithstanding the foregoing, the vendor shall be
19 considered to be a contractor and the inspection employees hired by
20 the vendor shall at all times remain the employees of the vendor and
21 not the commission² .

22 (cf: P.L.1995, c.112, s.4)

23
24 ²2. (New section) Notwithstanding the provisions of any law, rule,
25 or regulation to the contrary, for any solicitation issued on or before
26 the effective date of P.L. , c. (C.) (pending before the
27 Legislature as this bill), or within six months thereafter, involving the
28 operation of an official inspection facility within this State, if the
29 commission, or a designee of the commission, determines that it is
30 necessary to alter any of the terms, conditions, or requirements of the
31 solicitation to conform to the requirements of P.L. , c. (C.)
32 (pending before the Legislature as this bill), such alterations may be
33 set forth in addenda to the solicitation or made pursuant to any other
34 applicable method not otherwise inconsistent with State law or
35 regulation. The commission, or the commission's designee, shall not
36 be required to reissue the solicitation. For the purpose of expediting
37 the procurement, the period of time for the State Comptroller to
38 review, if applicable, any subsequent addendum or clarification for
39 compliance with applicable contracting laws, rules, and regulations,
40 pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10
41 business days or less, if practicable, as determined by the State
42 Comptroller. An existing bidder shall be afforded the opportunity to
43 amend the bidder's bid to conform to such requirements or to
44 withdraw the bidder's proposal from consideration for an award.²

45
46 ²[2.] ³.² This act shall take effect immediately.