

ASSEMBLY, No. 6202

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 8, 2025

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

Revises statutory definition of certain waterfront workers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning waterfront workers and amending P.L.2017,
2 c.324.

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

6
7 1. Section 3 of P.L.2017, c.324 (C.53:2-8) is amended to read
8 as follows:

9 3. As used in P.L.2017, c.324 (C.32:23-229 et al.):

10 "Career offender" means a person whose behavior is pursued in
11 an occupational manner or context for the purpose of economic
12 gain, utilizing methods that are deemed criminal violations against
13 the laws of this State.

14 "Career offender cartel" means a number of career offenders
15 acting in concert, and may include what is commonly referred to as
16 an organized crime group.

17 "Carrier" means a carrier as that term is defined in 49 U.S.C.
18 s.13102.

19 "Carrier of freight by water" means any person who may be
20 engaged or who may hold himself or herself out as willing to be
21 engaged, whether as a common carrier, a contract carrier, or
22 otherwise, except for carriage of liquid cargoes in bulk in tank
23 vessels designed for use exclusively in that service or carriage by
24 barge of bulk cargoes consisting of only a single commodity loaded
25 or carried without wrappers or containers and delivered by the
26 carrier without transportation mark or count, in the carriage of
27 freight by water between any point in the port of New York district,
28 as applicable only within the State of New Jersey, and a point
29 outside that district.

30 "Checker" means a longshoreman who is employed to engage in
31 direct and immediate checking of waterborne freight or of the
32 custodial accounting therefor or in the recording or tabulation of the
33 hours worked at piers or other waterfront terminals by natural
34 persons employed by carriers of freight by water or stevedores.

35 "Commission" means the waterfront commission of New York
36 harbor established by the State of New Jersey pursuant to P.L.1953,
37 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to
38 its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307,
39 s.1).

40 "Common carrier" means a common carrier as that term is
41 defined in 46 U.S.C. s.40102.

42 "Compact" means the compact entered into by the State of New
43 Jersey pursuant to its agreement thereto under P.L.1953, c.202
44 (C.32:23-1 et seq.) and by the State of New York pursuant to its
45 agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307,
46 s.1), as amended and supplemented.

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 "Consignee" means the person designated on a bill of lading as
2 the recipient of waterborne freight consigned for carriage by water.

3 "Container" means any receptacle, box, carton, or crate which is
4 specifically designed and constructed so that it may be repeatedly
5 used for the carriage of freight by a carrier of freight by water.

6 "Contract carrier" means a contract carrier as that term is defined
7 in 49 U.S.C. s.13102.

8 "Director" means, in the context of licensure as a stevedore, a
9 natural person elected or appointed to the board of directors that
10 oversees or manages a stevedoring enterprise.

11 "Division" means the Division of State Police in the Department
12 of Law and Public Safety.

13 "Freight" means freight which has been or will be, carried by, or
14 consigned for carriage by a carrier of freight by water.

15 "Hiring agent" means any natural person who, on behalf of a
16 carrier of freight by water **[or]** , a stevedore, **[shall]** or other
17 employer of longshoremen, is authorized under law to designate or
18 select any longshoreman for employment **[,** and "hiring agent"
19 includes any natural person, who on behalf of any other person shall
20 select any longshoreman for employment**].**

21 "Immunity" means that a person shall not be prosecuted or
22 subjected to any penalty or forfeiture for or on account of any
23 transaction, matter, or thing concerning which, pursuant to an order
24 of the division, the person gave answer or produced evidence, and
25 that no answer given or evidence produced shall be received against
26 the person upon any criminal proceeding.

27 "Labor organization" means and includes any organization which
28 exists and is constituted for the purpose in whole or in part of
29 collective bargaining, or of dealing with employers concerning
30 grievances, terms and conditions of employment, or other mutual
31 aid or protection, but "labor organization" shall not include a
32 federation or congress of labor organizations organized on a
33 national or international basis even though one of its constituent
34 labor organizations may represent persons so registered or licensed.

35 "Longshoreman" means a natural person, other than a hiring
36 agent, who is employed for work at a pier or other waterfront
37 terminal, either by a carrier of freight by water or by a stevedore, to:
38 a. physically move waterborne freight on vessels berthed at piers,
39 on piers or at other waterfront terminals; b. engage in direct and
40 immediate checking of any such freight or of the custodial
41 accounting therefor or in the recording or tabulation of the hours
42 worked at piers or other waterfront terminals by natural persons
43 employed by carriers of freight by water or stevedores; c. supervise
44 directly and immediately others who are employed as a
45 longshoreman; d. physically to perform labor or services incidental
46 to the movement of waterborne freight on vessels berthed at piers,
47 on piers or at other waterfront terminals; e. physically move
48 waterborne freight to or from a barge, lighter, or railroad car for
49 transfer to or from a vessel of a carrier of freight by water which is,

1 shall be, or shall have been berthed at the same pier or other
2 waterfront terminal; or f. perform labor or services involving, or
3 incidental to, the movement of freight at a pier or other waterfront
4 terminal.

5 "Longshoremen's register" means the register of eligible
6 longshoremen compiled and maintained by the division pursuant to
7 section 8 of P.L.2017, c.324 (C.53:2-13).

8 "Marine terminal" means an area which includes piers, which is
9 used primarily for the moving, warehousing, distributing, or
10 packing of waterborne freight or freight to or from piers and which
11 is under common ownership or control with the pier.

12 "Officer" means, in the context of licensure as a stevedore, an
13 officer or managing executive of a stevedore or a corporate
14 stevedore who controls or participates in the operating management
15 of a stevedoring enterprise.

16 "Other waterfront terminal" means any warehouse, depot, or
17 other terminal, other than a pier, which is located within a marine
18 terminal in the port of New York district and which is used for
19 waterborne freight in whole or substantial part, and includes any
20 warehouse, depot, or other terminal, other than a pier, whether
21 enclosed or open, which is located in a marine terminal in the port
22 of New York district, any part of which is used by any person to
23 perform labor or services involving, or incidental to, the movement
24 of waterborne freight or freight.

25 "Owner" means, in the context of licensure as a stevedore, a
26 person, including but not limited to a partnership, joint venture,
27 association, corporation, limited liability company, or any other
28 legal entity, that beneficially owns or holds an ownership interest in
29 a stevedoring enterprise.

30 "Partner" means an owner of an interest in a partnership, in
31 whatever manner that owner and ownership interest are designated.

32 "Person" means not only a natural person but also any
33 partnership, joint venture, association, corporation, or any other
34 legal entity but shall not include the United States, any state or
35 territory thereof, or any department, division, board, authority, or
36 authority of one or more of the foregoing.

37 "Pier" means any wharf, pier, dock, or quay in regular use for the
38 movement of waterborne freight between vessel and shore.

39 "Pier superintendent" means any natural person other than a
40 longshoreman who is employed for work at a pier or other
41 waterfront terminal by a carrier of freight by water or a stevedore
42 and whose work at the pier or other waterfront terminal includes the
43 supervision, directly or indirectly, of the work of longshoremen.

44 "Port of New York district" or "district" means the district
45 created by Article II of the compact dated April 30, 1921, between
46 the states of New York and New Jersey, authorized by chapter 154
47 of the laws of New York of 1921 and chapter 151 of the laws of
48 New Jersey of 1921.

1 "Port watchman" means any watchman, gateman, roundsman,
2 detective, guard, guardian, or protector of property employed by the
3 operator of any pier or other waterfront terminal or by a carrier of
4 freight by water to perform services in that capacity on any pier or
5 other waterfront terminal.

6 "Select any longshoreman for employment" means select a
7 person for the commencement or continuation of employment as a
8 longshoreman, or the denial or termination of employment as a
9 longshoreman.

10 "Stevedore" or in the case of a corporate entity other than a
11 natural person "corporate stevedore," means a contractor, not
12 including an employee, engaged for compensation pursuant to a
13 contract or arrangement with a carrier of freight by water, in
14 moving waterborne freight carried or consigned for carriage by the
15 carrier on vessels of the carrier berthed at piers, on piers at which
16 the vessels are berthed or at other waterfront terminals.

17 **["Stevedore"]** These terms shall also include:

18 a. a contractor engaged for compensation pursuant to a contract
19 or arrangement with the United States, any state or territory thereof,
20 or any department, division, board, commission, or authority of one
21 or more of the foregoing, in moving freight carried or consigned for
22 carriage between any point in the port of New York district and a
23 point outside that district on vessels of the public agency berthed at
24 piers, on piers at which their vessels are berthed or at other
25 waterfront terminals;

26 b. a contractor, engaged for compensation pursuant to a
27 contract or arrangement with any person to perform labor or
28 services incidental to the movement of waterborne freight on
29 vessels berthed at piers, on piers or at other waterfront terminals; or

30 c. a contractor engaged for compensation pursuant to a contract
31 or arrangement with any other person to perform labor or services
32 involving, or incidental to, the movement of freight into or out of
33 containers, which have been or which will be carried by a carrier of
34 freight by water, on vessels berthed at piers, on piers or at other
35 waterfront terminals.

36 "State Treasurer" means the Treasurer of the State of New
37 Jersey.

38 "Telecommunications system controller" means a natural person
39 employed by the New York Shipping Association, Inc. and the
40 International Longshoremen's Association, or by a joint board of
41 those two entities, who participates in the operation of the Shipping
42 Association of New York and New Jersey's Enterprise Management
43 System (EMS).

44 "Terrorist group" means a group associated, affiliated, or funded
45 in whole or in part by a terrorist organization designated by the
46 United States Secretary of State in accordance with section 219 of
47 the federal Immigration and Nationality Act, as amended from time
48 to time, or any other organization which assists, funds, or engages

1 in crimes or acts of terrorism as defined in the laws of the United
2 States, or of this State.

3 "Transfer date" means the 90th day following the notification by
4 the Governor pursuant to section 2 of P.L.2017, c.324 (C.32:23-
5 230).

6 "Waterborne freight" means freight carried by or consigned for
7 carriage by carriers of freight by water, and shall also include
8 freight described in the definition of "stevedore" and in the
9 definition of "other waterfront terminal." Provided, however, that
10 at the point at which the freight is released from a pier or marine
11 terminal to the possession of the consignee or the person designated
12 by the consignee, the freight shall no longer be considered
13 waterborne freight if:

- 14 a. the freight is not further transported by water; and
15 b. services involving or incidental to the unloading, storage,
16 inspection, grading, repackaging, or processing of freight occur at a
17 location outside a pier or marine terminal.

18 "Witness" means any person whose testimony is desired in any
19 investigation, interview, or other proceeding conducted by the
20 division under the authority granted pursuant to P.L.2017, c.324
21 (C.32:23-229 et al.).

22 (cf: P.L.2017, c.324, s.3)

23

24 2. Section 5 of P.L.2017, c.324 (C.53:2-10) is amended to read
25 as follows:

26 5. In addition to the powers and duties elsewhere prescribed in
27 law, the division shall have the power:

28 a. To determine the location, size, and suitability of
29 accommodations necessary and desirable for the establishment and
30 maintenance of the employment information centers provided in
31 section 16 of P.L.2017, c.324 (C.53:2-21) and for administrative
32 offices for the division;

33 b. To administer and enforce the provisions of P.L.2017, c.324
34 (C.32:23-229 et al.);

35 c. Consistent with the provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt and
37 enforce rules and regulations as the division may deem necessary to
38 effectuate the purposes of P.L.2017, c.324 (C.32:23-229 et al.) or to
39 prevent the circumvention or evasion thereof;

40 d. By its members and its properly designated officers, agents,
41 and employees, with respect to the implementation and enforcement
42 of P.L.2017, c.324 (C.32:23-229 et al.), to administer oaths and
43 issue subpoenas to compel the attendance of witnesses and the
44 giving of testimony and the production of other evidence;

45 e. To have for its properly designated officers, agents and
46 employees, full and free access, ingress, and egress to and from all
47 vessels, piers, and other waterfront terminals or other places in the
48 port of New York district within this State, for the purposes of
49 making inspection or enforcing the provisions of P.L.2017, c.324
50 (C.32:23-229 et al.); and no person shall obstruct or in any way

1 interfere with any officer, employee, or agent of the division in the
2 making of an inspection, or in the enforcement of the provisions of
3 P.L.2017, c.324 (C.32:23-229 et al.) or in the performance of any
4 other power or duty under P.L.2017, c.324 (C.32:23-229 et al.);

5 f. To recover possession of any suspended or revoked license
6 issued pursuant to sections 6, 7, and 13 of P.L.2017, c.324 (C.53:2-
7 11, C.53:2-12, and C.53:2-18) within the port of New York district
8 in this State;

9 g. To make investigations and collect and compile information
10 concerning waterfront practices generally within the port of New
11 York district in this State and upon all matters relating to the
12 accomplishment of the objectives of P.L.2017, c.324 (C.32:23-229
13 et al.);

14 h. To advise and consult with representatives of labor and
15 industry and with public officials and agencies concerned with the
16 effectuation of the purposes of P.L.2017, c.324 (C.32:23-229 et al.),
17 upon all matters which the division may desire, including but not
18 limited to, the form and substance of rules and regulations, the
19 administration of the provisions of P.L.2017, c.324 (C.32:23-229 et
20 al.), maintenance of the longshoremen's register, and issuance and
21 revocation of licenses;

22 i. To make annual and other reports to the Governor and,
23 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
24 Legislature containing recommendations for the improvement of the
25 conditions of waterfront labor within the port of New York district
26 in this State and for the effectuation of the purposes of P.L.2017,
27 c.324 (C.32:23-229 et al.). The annual reports shall state the
28 division's findings and determinations as to whether the public
29 necessity still exists for: (1) the continued registration of
30 longshoremen; (2) the continued licensing of any occupation or
31 employment required to be licensed hereunder; and (3) the
32 continued public operation of the employment information centers
33 provided for in section 16 of P.L.2017, c.324 (C.53:2-21);

34 j. To co-operate with and receive from any department,
35 division, bureau, board, commission, authority, or agency of this
36 State, or of any county or municipality thereof, any assistance and
37 data as will enable the division to properly to carry out its powers
38 and duties hereunder; and to request a department, division, bureau,
39 board, commission, authority, or agency, with the consent thereof,
40 to execute the division's functions and powers, as the public interest
41 may require; **[and]**

42 k. To exercise the powers and duties of the division as
43 provided in P.L.2017, c.324 (C.32:23-229 et al.) to its officers,
44 employees, and agents designated by the division;

45 l. To issue temporary permits and permit temporary
46 registrations under such terms and conditions as the division may
47 prescribe which shall be valid for a period to be fixed by the
48 division not in excess of six months;

1 m. To require any applicant for a license or registration or any
2 prospective licensee to furnish facts and evidence as the division
3 may deem appropriate to enable it to ascertain whether the license
4 or registration should be granted;

5 n. In any case in which the division has the power to revoke,
6 cancel or suspend any license, the division shall also have the
7 power to impose as an alternative to that revocation, cancellation, or
8 suspension, a penalty, which the licensee may elect to pay the
9 division in lieu of the revocation, cancellation, or suspension. The
10 maximum penalty shall be \$5,000 for each separate offense. The
11 division may, for good cause shown, abate all or part of the penalty;

12 o. To designate any officer, agent, or employee of the division
13 to be an investigator who shall be vested with all the powers of a
14 peace or police officer of the State of New Jersey;

15 p. To confer immunity, in the following manner prescribed by
16 section 20 of P.L.2017, c.324 (C.53:2-25);

17 q. To require any applicant or renewal applicant for registration
18 as a longshoreman, any applicant or renewal applicant for
19 registration as a checker, or any applicant or renewal applicant for
20 registration as a telecommunications system controller and any
21 person who is sponsored for a license as a pier superintendent or
22 hiring agent, any person who is an individual owner of an applicant
23 or renewal applicant stevedore, or any persons who are individual
24 partners of an applicant or renewal applicant stevedore, or any
25 officers, directors, or stockholders owning five percent or more of
26 any of the stock of an applicant or renewal applicant corporate
27 stevedore or any applicant or renewal applicant for a license as a
28 port watchman [or any other category of applicant or renewal
29 applicant for registration or licensing within the division's
30 jurisdiction] to be fingerprinted by the division at the cost and
31 expense of the applicant or renewal applicant;

32 r. To exchange fingerprint data with and receive criminal
33 history record information from the Federal Bureau of Investigation
34 and the State Bureau of Identification for use in making the
35 determinations required by this section; and

36 s. Notwithstanding any other provision of law, rule, or
37 regulation to the contrary, to require any applicant for employment
38 or employee of the division engaged in the implementation or
39 enforcement of P.L.2017, c.324 (C.32:23-229 et al.) to be
40 fingerprinted at the cost and expense of the applicant or employee
41 and to exchange fingerprint data with and receive criminal history
42 record information from the Federal Bureau of Investigation and the
43 State Bureau of Identification for use in the hiring or retention of
44 those persons.

45 (cf: P.L.2017, c.324, s.5)

46
47 3. This act shall take effect immediately.

STATEMENT

This bill revises the statutory definition of certain waterfront workers consistent with the requirements of federal P.L.92-544.

Under federal P.L.92-544, the Federal Bureau of Investigation (FBI) is authorized to exchange criminal history record information with officials of State and local governments only if authorized by state statute and approved by the Attorney General of the United States. The FBI, with the assistance of the United States Department of Justice, has determined that federal P.L.92-544 requires that state statutes meet certain criteria, which include, among other things, that the statute specifically identify the category of persons required to be fingerprinted for purposes of obtaining criminal history record information.

Accordingly, to retain access to the FBI Criminal Justice Information Service, the bill revises certain statutory definitions to more specifically identify the category of persons required to be fingerprinted.