

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:6B-2

(Motor vehicle-- operating without insurance-- failure to produce ID card)

CHAPTER 46

Laws Of: 1987

Bill No: S1148

Sponsor(s): Lesniak

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: January 12, 1987

Senate: October 9, 1986

Date of Approval: February 19, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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2-19-87

SENATE, No. 1148

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator LESNIAK

AN ACT concerning proof of compulsory motor vehicle insurance
coverage and amending P. L. 1972, c. 197.

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

1 1. Section 2 of P. L. 1972, c. 197 (C. 39:6B-2) is amended to
2 read as follows:

3 2. Any owner, or registrant of a motor vehicle registered or
4 principally garaged in this State who operates or causes to be
5 operated a motor vehicle upon any public road or highway in this
6 State without motor vehicle liability insurance coverage required
7 by this act, and any operator who operates or causes a motor vehicle
8 to be operated and who knows or should know from the attendant
9 circumstances that the motor vehicle is without motor vehicle
10 liability insurance coverage required by this act shall be subject,
11 for the first offense, to a fine of not less than \$100.00 nor more than
12 \$300.00 or imprisonment for a term of not less than 30 days nor
13 more than three months or both, in the discretion of the municipal
14 judge, and shall forthwith forfeit his right to operate a motor
15 vehicle over the highways of this State for a period of six months
16 from the date of conviction. Upon subsequent conviction, he shall
17 be subject to a fine of not less than \$250.00 nor more than \$500.00
18 and may be subject to imprisonment for a term of not less than
19 three months nor more than six months in the discretion of the
20 municipal judge and shall be ordered by the court to perform com-
21 munity service for a period of 30 days, which shall be of such form
22 and on such terms as the court shall deem appropriate under the

Matter printed in italics thus is new matter.

23 circumstances, and shall forfeit his right to operate a motor vehicle
24 for a period of two years from the date of his conviction, and, after
25 the expiration of said period, he may make application to the Di-
26 rector of the Division of Motor Vehicles for a license to operate a
27 motor vehicle, which application may be granted at the discretion
28 of the director. The director's discretion shall be based upon an
29 assessment of the likelihood that the individual will operate or
30 cause a motor vehicle to be operated in the future without the in-
31 surance coverage required by this act. A complaint for violation
32 of this act may be made to a municipal court at any time within
33 six months after the date of the alleged offense.

34 *Failure to produce at the time of trial an insurance identification*
35 *card or an insurance policy which was in force for the time of opera-*
36 *tion for which the offense is charged, creates a rebuttable presump-*
37 *tion that the person was uninsured when charged with a violation*
38 *of this section.*

1 2. This act shall take effect immediately and shall apply to
2 offenses occurring on or after the effective date.

MOTOR VEHICLE—OFFENSES

Creates rebuttable presumption that person charged with operating
motor vehicle without insurance was uninsured if valid identification
card or policy not produced at trial.

23 circumstances, and shall forfeit his right to operate a motor vehicle
24 for a period of two years from the date of his conviction, and, after
25 the expiration of said period, he may make application to the Di-
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35 *card or an insurance policy which was in force for the time of opera-*
36 *tion for which the offense is charged, creates a rebuttable presump-*
37 *tion that the person was uninsured when charged with a violation*
38 *of this section.*

1 2. This act shall take effect immediately and shall apply to
2 offenses occurring on or after the effective date.

STATEMENT

This bill provides that failure to produce an insurance identifica-
tion card or insurance policy in force at the time the violation of
N. J. S. A. 39:6B-2 was charged at the time of trial on the issue
of operating a motor vehicle without insurance creates a rebuttable
presumption that the person charged was uninsured.

Requiring the State to prove beyond a reasonable doubt that a
motor vehicle was uninsured at the time of operation places a great
burden on the State.

Therefore, if a person fails to produce proof at trial in the form
of proper insurance identification, there is a rebuttable presumption
that he was uninsured when stopped and charged. Thereafter, the
defendant would bear the burden of introducing proof of his
insurance coverage to refute the charge against him.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1148

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 1148.

This bill creates a rebuttable presumption that a person charged with operating a motor vehicle without insurance in violation of section 2 of P. L. 1972, c. 197 (C. 39:6B-2) was uninsured if a valid insurance identification card or an insurance policy which was in force at the time of the offense is not produced at trial. Under the rebuttable presumption, the defendant would bear the burden of introducing proof of his insurance coverage to refute the charge against him.

This bill is needed because some courts are dismissing charges against persons accused of driving without insurance, even when the defendant produces no evidence that he is insured, if the prosecution is unable to produce evidence that the defendant is not insured.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.