

39:10A-8 to 39:10A-20

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:10A-8 to 39:10A-20

(Abandoned vehicles--  
left at repair facilities--  
provides for removal, sale, junking)

LAWS OF: 1983

CHAPTER: 455

Bill No.: S3057

Sponsor(s): McManimon

Date Introduced: January 24, 1984

Committee: Assembly: Commerce and Industry

Senate: Labor, Industry and Professions

Amended during passage: Yes

Amendments during passage denoted  
by Asterisks

Date of Passage:

Assembly: January 5, 1984

Senate: June 20, 1983

Date of Approval: January 12, 1984

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 *Yes*

Following were printed:

Reports: NO

Hearings: NO

*Vertical stamp or text on the right side of the page, possibly a date or reference number.*

1-12-84

[SECOND OFFICIAL COPY REPRINT]

**SENATE, No. 3057****STATE OF NEW JERSEY**

INTRODUCED JANUARY 24, 1983

By Senator McMANIMON

Referred to Committee on Labor, Industry and Professions

AN ACT providing for the removal, storage, sale and junking of abandoned motor vehicles left at motor vehicle repair facilities\*\*, establishing a penalty for certain violations\*\* and supplementing P. L. 1964, c. 81 (C. 39:10A-1 et seq.).

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

1 1. For purposes of this act a motor vehicle shall be deemed to  
2 be abandoned if it is left at a motor vehicle repair facility without  
3 an attempt by the owner, a person on the owner's behalf or any  
4 other person having a legal right thereto to regain possession  
5 thereof:

6 a. For a period in excess of 60 days without the consent of an  
7 authorized representative of the motor vehicle repair facility;

8 b. For a period of 60 days in excess of the period for which  
9 consent has been given by an authorized representative of the  
10 motor vehicle repair facility; or

11 c. For a period in excess of 60 days after being notified by an  
12 authorized representative of the motor vehicle repair facility that  
13 service or repairs to the motor vehicle have been completed.

1 2. a. An authorized representative of a motor vehicle repair  
2 facility may take one or more of the following actions with respect  
3 to an abandoned motor vehicle:

4 (1) Remove and store\*,\* or hire another person to remove and  
5 store the motor vehicle *\*pursuant to section 3 of this act\**;

6 (2) Sell or cause the motor vehicle to be sold, at public or pri-  
7 vate sale, pursuant to section \***[3]**\* \*4\* of this act; or

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

\*—Senate committee amendments adopted April 25, 1983.

\*\*—Senate amendments adopted June 16, 1983.

8 (3) Cause a junk title certificate to be issued for the motor  
9 vehicle pursuant to section **\*[4]\* \*5\*** of this act.

10 b. No motor vehicle shall be sold and no junk title certificate  
11 shall be issued pursuant to this act where the cause for a motor  
12 vehicle being left in the possession of a motor vehicle repair facility  
13 for a period in excess of that set forth in section 1 of this act is a  
14 dispute between the motor vehicle repair facility and the owner  
15 of the motor vehicle or other person having a legal right thereto  
16 regarding the amount to be paid in order to regain possession of  
17 the motor vehicle.

1 *\*3. Prior to the removal and storage of a motor vehicle pursuant  
2 to section 2. a. (1) of this act, an authorized representative of a  
3 motor vehicle repair facility shall give the owner of the motor  
4 vehicle or other person having a legal right thereto 30 days' notice  
5 of the intent to remove and store the motor vehicle.\**

1 **\*[3.]\* \*4.\*** Prior to the sale of a motor vehicle pursuant to  
2 section 2. a. (2) of this act, an authorized representative of a motor  
3 vehicle repair facility shall :

4 a. Give the owner of the motor vehicle or other person having  
5 a legal right thereto\*, *the holder of any security interest in the  
6 motor vehicle filed with the Director of the Division of Motor  
7 Vehicles\** and the Director of the Division of Motor Vehicles 30  
7A days notice of the intent to sell the motor vehicle or cause it to be  
7B sold; and

8 b. Give the owner of the motor vehicle or other person having  
9 a legal right thereto and the holder of any security interest in the  
10 motor vehicle filed with the Director of the Division of Motor  
11 Vehicles at least five days notice of the date, time, place and man-  
12 ner of the proposed sale.

1 **\*[4.]\* \*5.\*** If a motor vehicle repair facility determines that a  
2 motor vehicle subject to the provisions of this act is incapable of  
3 being operated safely or of being put in safe operational condition  
4 except at a cost in excess of the value thereof, an authorized repre-  
5 sentative of the motor repair facility shall so certify to the Director  
6 of the Division of Motor Vehicles, on an application prescribed by  
7 him, and the Division of Motor Vehicles shall thereupon, without  
8 further certification or verification, issue to the motor vehicle  
9 repair facility, for a fee of \$10.00, a junk title certificate for the  
10 vehicle; but no title certificate shall be issued unless the motor  
11 vehicle repair facility first gives 30 days notice of its intention to  
12 obtain a junk title certificate to the owner of the motor vehicle or  
13 other person having a legal right thereto and to the holder of any  
14 security interest in the motor vehicle filed with the Director of  
15 the Division of Motor Vehicles.

1    \***[5.]**\* \*6.\* Any notice required to be given by this act shall be in  
2 writing *and* sent by certified or registered mail, return receipt  
3 requested, to the last known address of the person to whom the  
4 notice is to be given. In the event that the notice is unclaimed by  
5 the addressee, or if the address of the person to whom the notice is  
6 to be given is unknown to the person giving the notice and cannot  
7 be ascertained from the records on file with the Division of Motor  
8 Vehicles, the notice **[may]** *shall* be given by publishing it twice  
9 in at least one newspaper published in this State and circulating in  
10 the municipality in which the motor vehicle is left.

1    \***[6.]**\* \*7.\* At any time prior to the sale of the motor vehicle or  
2 the issuance of a junk title certificate **[therefore]** *therefor*, the  
3 owner of the motor vehicle **[or other person having a legal right**  
4 **thereto or the holder of any security interest]** may reclaim pos-  
5 session of the motor vehicle from the motor vehicle repair facility  
6 or other person with whom the motor vehicle is stored pursuant to  
7 this act, upon payment of the reasonable costs of removal and  
8 storage of the motor vehicle, the expenses incurred pursuant to the  
9 provisions of this act, and the charges for the servicing or repair  
10 of the motor vehicle.

1    \***[7.]**\* \*8.\* Upon the sale of a motor vehicle for which no junk  
2 title certificate has been issued, an application for a certificate of  
3 ownership on a form prescribed by the Director of the Division of  
4 Motor Vehicles shall be submitted to the director. The application,  
5 in addition to containing any information required by the director,  
6 shall set forth the name and address, if known, of the former owner  
7 and shall contain a certification from the motor vehicle repair  
8 facility selling the motor vehicle that the sale was in conformity  
9 with the provisions of this act. The application shall be accepted  
10 by the director for issuance of a certificate of ownership for a fee  
11 of \$10.00.

1    \***[8.]**\* \*9.\* Upon the sale of a motor vehicle, or the issuance of a  
2 junk title certificate pursuant to the provisions of this act, all claims  
3 of interest in the motor vehicle of the former owner, any other  
4 person formerly having legal right thereto and any holder of a  
5 security interest shall be forever barred, except as provided for  
6 in section **[9]** \*10\* of this act.

1    \***[9.]**\* \*10.\* No claim of any kind may be asserted against a  
2 motor vehicle repair facility that complies with the provisions of  
3 this act by the owner of a motor vehicle**[, any other person having**  
4 **a legal right thereto or the holder of a security interest therein]**  
5 for damages arising out of the storage, removal, sale or issuance of  
6 a junk title certificate for a motor vehicle except for the balance of

7 the proceeds of the sale of the motor vehicle, if any, after deduction  
 8 of the expenses of the sale, the costs and expenses incurred in the  
 9 removal and storage of the motor vehicle and the charges of the  
 10 motor vehicle repair facility for the servicing and repair of the  
 11 motor vehicle.

1 **\*\*11.** *A motor vehicle repair facility, or any employee, officer or*  
 2 *agent thereof, which or who engages in a pattern or practice of*  
 3 *knowingly violating any of the provisions of this act or aids or*  
 4 *advises in such a pattern or practice is guilty of a crime of the third*  
 5 *degree.\*\**

1 **\*[10.]\* \*\*[\*11.\*]\*\* \*\*12.\*\* The Director of the Division of Motor  
 2 Vehicles shall promulgate rules and regulations pursuant to the  
 3 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1  
 4 et seq.), to implement the provisions of this act.**

1 **\*[11.]\* \*\*[\*12.\*]\*\* \*\*13.\*\* This act provides an additional  
 2 remedy and shall not be construed to supersede procedures provided  
 3 under any other act\*, *and shall not be deemed to supersede or alter*  
 4 *the priority of any perfected lien or security interest on an aban-*  
 5 *doned motor vehicle, which lien or security interest shall have*  
 6 *priority over the amounts due to the motor vehicle repair facility\*.***

1 **\*[12.]\* \*\*[\*13.\*]\*\* \*\*14.\*\* This act shall take effect on the  
 2 thirtieth day after enactment.**

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SENATE, No. 3057

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1983

By Senator McMANIMON

Referred to Committee on Labor, Industry and Professions

AN ACT providing for the removal, storage, sale and junking of abandoned motor vehicles left at motor vehicle repair facilities and supplementing P. L. 1964, c. 81 (C. 39:10A-1 et seq.).

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

1 1. For purposes of this act a motor vehicle shall be deemed to  
2 be abandoned if it is left at a motor vehicle repair facility without  
3 an attempt by the owner, a person on the owner's behalf or any  
4 other person having a legal right thereto to regain possession  
5 thereof:

6 a. For a period in excess of 60 days without the consent of an  
7 authorized representative of the motor vehicle repair facility;

8 b. For a period of 60 days in excess of the period for which  
9 consent has been given by an authorized representative of the  
10 motor vehicle repair facility; or

11 c. For a period in excess of 60 days after being notified by an  
12 authorized representative of the motor vehicle repair facility that  
13 service or repairs to the motor vehicle have been completed.

1 2. a. An authorized representative of a motor vehicle repair  
2 facility may take one or more of the following actions with respect  
3 to an abandoned motor vehicle:

4 (1) Remove and store or hire another person to remove and  
5 store the motor vehicle;

6 (2) Sell or cause the motor vehicle to be sold, at public or pri-  
7 vate sale, pursuant to section 3 of this act; or

8 (3) Cause a junk title certificate to be issued for the motor  
9 vehicle pursuant to section 4 of this act.

10 b. No motor vehicle shall be sold and no junk title certificate  
11 shall be issued pursuant to this act where the cause for a motor  
12 vehicle being left in the possession of a motor vehicle repair facility  
13 for a period in excess of that set forth in section 1 of this act is a  
14 dispute between the motor vehicle repair facility and the owner  
15 of the motor vehicle or other person having a legal right thereto  
16 regarding the amount to be paid in order to regain possession of  
17 the motor vehicle.

1 3. Prior to the sale of a motor vehicle pursuant to section 2. a. (2)  
2 of this act, an authorized representative of a motor vehicle repair  
3 facility shall:

4 a. Give the owner of the motor vehicle or other person having  
5 a legal right thereto and the Director of the Division of Motor  
6 Vehicles 30 days notice of the intent to sell the motor vehicle or  
7 cause it to be sold; and

8 b. Give the owner of the motor vehicle or other person having  
9 a legal right thereto and the holder of any security interest in the  
10 motor vehicle filed with the Director of the Division of Motor  
11 Vehicles at least five days notice of the date, time, place and man-  
12 ner of the proposed sale.

1 4. If a motor vehicle repair facility determines that a motor  
2 vehicle subject to the provisions of this act is incapable of being  
3 operated safely or of being put in safe operational condition except  
4 at a cost in excess of the value thereof, an authorized representa-  
5 tive of the motor repair facility shall so certify to the Director of  
6 the Division of Motor Vehicles, on an application prescribed by  
7 him, and the Division of Motor Vehicles shall thereupon, without  
8 further certification or verification, issue to the motor vehicle  
9 repair facility, for a fee of \$10.00, a junk title certificate for the  
10 vehicle; but no title certificate shall be issued unless the motor  
11 vehicle repair facility first gives 30 days notice of its intention to  
12 obtain a junk title certificate to the owner of the motor vehicle or  
13 other person having a legal right thereto and to the holder of any  
14 security interest in the motor vehicle filed with the Director of  
15 the Division of Motor Vehicles.

1 5. Any notice required to be given by this act shall be in writing  
2 sent by certified or registered mail, return receipt requested, to  
3 the last known address of the person to whom the notice is to be  
4 given. In the event that the notice is unclaimed by the addressee,  
5 or if the address of the person to whom the notice is to be given  
6 is unknown to the person giving the notice and cannot be ascer-  
7 tained from the records on file with the Division of Motor Vehicles,  
8 the notice may be given by publishing it twice in at least one news-

9 paper published in this State and circulating in the municipality  
10 in which the motor vehicle is left.

1 6. At any time prior to the sale of the motor vehicle or the is-  
2 suance of a junk title certificate therefore, the owner of the motor  
3 vehicle or other person having a legal right thereto or the holder  
4 of any security interest may reclaim possession of the motor ve-  
5 hicle from the motor vehicle repair facility or other person with  
6 whom the motor vehicle is stored pursuant to this act, upon pay-  
7 ment of the reasonable costs of removal and storage of the motor  
8 vehicle, the expenses incurred pursuant to the provisions of this  
9 act, and the charges for the servicing or repair of the motor ve-  
10 hicle.

1 7. Upon the sale of a motor vehicle for which no junk title cer-  
2 tificate has been issued, an application for a certificate of owner-  
3 ship on a form prescribed by the Director of the Division of Motor  
4 Vehicles shall be submitted to the director. The application, in  
5 addition to containing any information required by the director,  
6 shall set forth the name and address, if known, of the former owner  
7 and shall contain a certification from the motor vehicle repair  
8 facility selling the motor vehicle that the sale was in conformity  
9 with the provisions of this act. The application shall be accepted  
10 by the director for issuance of a certificate of ownership for a fee  
11 of \$10.00.

1 8. Upon the sale of a motor vehicle, or the issuance of a junk  
2 title certificate pursuant to the provisions of this act, all claims  
3 of interest in the motor vehicle of the former owner, any other  
4 person formerly having legal right thereto and any holder of a  
5 security interest shall be forever barred, except as provided for  
6 in section 9 of this act.

1 9. No claim of any kind may be asserted against a motor vehicle  
2 repair facility that complies with the provisions of this act by the  
3 owner of a motor vehicle, any other person having a legal right  
4 thereto or the holder of a security interest therein for damages  
5 arising out of the storage, removal, sale or issuance of a junk title  
6 certificate for a motor vehicle except for the balance of the pro-  
7 ceeds of the sale of the motor vehicle, if any, after deduction of  
8 the expenses of the sale, the costs and expenses incurred in the  
9 removal and storage of the motor vehicle and the charges of the  
10 motor vehicle repair facility for the servicing and repair of the  
11 motor vehicle.

1 10. The Director of the Division of Motor Vehicles shall promul-  
2 gate rules and regulations pursuant to the "Administrative Pro-



3 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to implement  
4 the provisions of this act.

1 11. This act provides an additional remedy and shall not be  
2 construed to supersede procedures provided under any other act.

1 12. This act shall take effect on the thirtieth day after enactment.

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#### STATEMENT

One of the most vexing problems confronting automobile dealers, garages and similar motor vehicle repair facilities is the disposal of motor vehicles which have been brought to their establishments and left unclaimed, often for many months, if not years. Current law is ambiguous as to how a repair establishment can dispose of these vehicles. By contrast, there is clear authority for governmental agencies to dispose of abandoned vehicles in P. L. 1964, c. 81 (C. 39:10A-1 et seq.).

This bill provides clear statutory authority for an unclaimed car either to be sold or junked.

The bill makes specific provision for notice to the last recorded owner of the motor vehicle, a lending institution which may hold a lien on it and the Division of Motor Vehicles. It further provides that a vehicle cannot be sold or junked if it is being held by an establishment because of a dispute with the owner over the amount owed for the repair work.

S 3057 (1983)

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 3057**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 25, 1983

Under the provisions of this bill, a motor vehicle would be considered abandoned if it is left at a motor vehicle repair facility without an attempt by the owner to regain possession of it for:

- (1) More than 60 days without the consent of the motor vehicle repair facility; or
- (2) More than 60 days beyond the period for which consent was given by the motor vehicle repair facility; or
- (3) More than 60 days after being notified by the motor vehicle repair facility that the service or repairs to the motor vehicle have been completed.

If a motor vehicle is abandoned, the motor vehicle repair facility may:

- (1) Remove and store, or have someone else remove or store, the motor vehicle;
- (2) Sell the motor vehicle at a public or private sale;
- (3) Obtain a junk title.

However, no motor vehicle may be sold or no junk title may be issued if there is a dispute between the motor vehicle repair facility and the owner of the motor vehicle as to the amount to be paid in order to regain possession of the motor vehicle.

If an abandoned motor vehicle is to be removed and stored, the motor vehicle repair facility must give the owner thereof 30 days' notice of intent to remove and store the motor vehicle.

If an abandoned motor vehicle is to be sold, the motor vehicle repair facility must give the owner thereof, any person having a lien on the motor vehicle which is filed with the director, and the Director of the Division of Motor Vehicles 30 days' notice of the intent to sell the motor vehicle and must also give the owner and any lien holder at least 5 days' notice of the date, time, place and manner of the proposed sale.

If an abandoned motor vehicle is junked, the motor vehicle repair facility must determine that the motor vehicle is incapable of being operated safely or of being put in safe operating condition except at a

cost in excess of the value thereof and give the owner of the motor vehicle and any lien holder thereto 30-day notice of its intention to obtain a junk title. If this is done and the facility certifies the condition of the motor vehicle to the Director of Motor Vehicles, the director must issue a junk title to the facility.

All notices given under this bill must be in writing and sent by certified or registered mail, return receipt requested. If the notice is unclaimed by the addressee or the address of the person to whom a notice must be sent is unknown, the notice must be given by publishing it twice in at least one newspaper published in this state and circulating in the municipality in which the motor vehicle is left.

An owner of an abandoned motor vehicle may reclaim the motor vehicle at any time prior to the sale of the motor vehicle or the issuance of a junk title by paying the reasonable costs of removal and storage of the motor vehicle, the expenses incurred under the provisions of this bill, and the charges for the servicing or repair of the motor vehicle. After the sale of the motor vehicle or the issuance of the junk title, the owner or a lien holder has no further claim of interest in the motor vehicle, except in the balance of the proceeds of the sale of the motor vehicle, if any.

The committee amended the bill to provide that a financial institution's security interest has priority over the amounts due to a motor vehicle repair facility for service and repairs.

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RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

TUESDAY, JANUARY 17, 1984

Governor Thomas H. Kean today signed legislation to provide a one-year drivers' license suspension or a one-year delay in obtaining a drivers' license for anyone convicted of purchasing alcoholic beverages while under the legal age.

The bill, A-3873, was sponsored by Assemblyman Joseph Patero, D-Somerset. An identical bill, S-1546, was sponsored by Senator C. Louis Bassano, R-Union, and merged with the Assembly bill.

"The growing incidence of teenagers purchasing alcohol illegally must be stopped," Kean said. "For many, a loss of driving privileges or a delay in obtaining a drivers' license is a punishment more severe than a fine."

The Governor said the legislation, effective immediately, "will provide law enforcement agencies with still another weapon in our continuing war to combat drunk driving in New Jersey."

Kean also signed the following bills:

S-1028, sponsored by Senator James Bornheimer, D-Middlesex, to require a mortgage loan banker to present a certified check for the proceeds of a loan to the purchaser or his attorney at the time of the mortgage closing.

S-3057, sponsored by Senator Francis McManimon, D-Mercer, to provide for the removal, storage, sale and junking of abandoned motor vehicles left at auto repair facilities.

S-3401, also sponsored by Senator Bornheimer, to upgrade the licensing requirements for prospective real estate brokers and sales personnel.