

39:3-38.1

LEGISLATIVE HISTORY CHECKLIST
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(False identification cards)

NJSA: 39:3-38.1

LAWS OF: 1997 **CHAPTER:** 385

BILL NO: S1739

SPONSOR(S): Kosco

DATE INTRODUCED: December 19 1996

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
First reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** January 27, 1997

SENATE: January 12, 1998

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

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C. 2C:21-2.1a
§3
Note To
§§1,2

P.L. 1997, CHAPTER 385, *approved January 19, 1998*
Senate, No. 1739 (*First Reprint*)

1 AN ACT concerning motor vehicles and amending P.L.1964, c.172 and
2 ¹[P.L.1972, c.197] supplementing chapter 21 of Title 2C of the
3 New Jersey Statutes¹.

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

7
8 1. Section 1 of P.L.1964, c.172 (C.39:3-38.1) is amended to read
9 as follows:

10 1. Any person who:

11 a. Keeps in his possession or conceals any falsely made, forged,
12 altered or counterfeited certificate of registration, [or] driver's license
13 or insurance identification card, knowing the same to be falsely made,
14 altered, forged or counterfeited with the intent to use the same
15 unlawfully; or

16 b. Exhibits to a police officer or judge in accordance with R.S.
17 39:3-29 any falsely made, altered, forged or counterfeited motor
18 vehicle certificate of registration, [or] driver's license or insurance
19 identification card, knowing the same to be falsely made, altered,
20 forged or counterfeited; or

21 c. Exhibits to any person, for purposes of identification, any falsely
22 made, altered, forged or counterfeited motor vehicle certificate of
23 registration or driver's license, knowing the same to be falsely made,
24 altered, forged or counterfeited, and representing the same as a
25 certificate or license lawfully issued to him by the Director of Motor
26 Vehicles, is guilty of a disorderly persons offense.

27 d. ¹[A person who knowingly produces, sells, offers or exposes for
28 sale a document, printed form or other writing which simulates an
29 insurance identification card is guilty of a disorderly persons offense.

30 e.]¹ A person convicted under this section shall be ¹[ordered by the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted November 17, 1997.

1 court to perform community service for a period of 30 days and the
2 court shall assess against the person] assessed by the court¹ two motor
3 vehicle points pursuant to P.L.1982, c.43 (C.39:5-30.6).
4 (cf: P.L.1983, c.403, s.11)
5

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

8 2. Any owner or registrant of a motor vehicle registered or
9 principally garaged in this State who operates or causes to be operated
10 a motor vehicle upon any public road or highway in this State without
11 motor vehicle liability insurance coverage required by this act, and any
12 operator who operates or causes a motor vehicle to be operated and
13 who knows or should know from the attendant circumstances that the
14 motor vehicle is without motor vehicle liability insurance coverage
15 required by this act shall be subject, for the first offense, to a fine of
16 ~~[\$300.00]~~ \$500 and a period of community service to be determined
17 by the court, and shall forthwith forfeit his right to operate a motor
18 vehicle over the highways of this State for a period of one year from
19 the date of conviction. Upon subsequent conviction, he shall be
20 subject to a fine of ~~[\$500.00]~~ \$1,000 and shall be subject to
21 imprisonment for a term of 14 days and shall be ordered by the court
22 to perform community service for a period of 30 days, which shall be
23 of such form and on such terms as the court shall deem appropriate
24 under the circumstances, and shall forfeit his right to operate a motor
25 vehicle for a period of two years from the date of his conviction, and,
26 after the expiration of said period, he may make application to the
27 Director of the Division of Motor Vehicles for a license to operate a
28 motor vehicle, which application may be granted at the discretion of
29 the director. The director's discretion shall be based upon an
30 assessment of the likelihood that the individual will operate or cause
31 a motor vehicle to be operated in the future without the insurance
32 coverage required by this act. A complaint for violation of this act
33 may be made to a municipal court at any time within six months after
34 the date of the alleged offense.

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

40 [Notwithstanding any provision of P.L.1972, c.197 (C.39:6B-1 et
41 seq.), any person who violates the provisions of that act, from
42 October 1, 1990 through January 31, 1991, shall not be subject to any
43 of the penalties or sanctions provided for a first violation of that act
44 if that person produces at the time of trial an insurance identification
45 card or a motor vehicle liability insurance policy which is in force at
46 the time of the trial and the conviction for that person's offense would

1 be the person's first conviction for an offense under that act. The
2 Commissioner of Insurance shall appropriately promote and advertise
3 this limited time amnesty program for first-time offenses under that act
4 throughout the State.]

5 (cf: P.L.1990, c.8, s.49)]¹

6

7 ¹2. (New section) A person who knowingly produces, sells, offers
8 or exposes for sale a document, printed form or other writing which
9 simulates a motor vehicle insurance identification card is guilty of a
10 crime of the fourth degree. In addition to any other penalty imposed,
11 a person convicted under this section shall be ordered by the court to
12 perform community service for a period of 30 days.¹

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14 3. This act shall take effect on the first day of the third month
15 following enactment.

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20 Criminalizes possession, sale of phony auto insurance identification
21 cards.

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STATEMENT

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7 This bill addresses the growing use of phony insurance
8 identification cards by persons without the required motor vehicle
9 liability insurance coverage. The cards are sold on the street for
10 between \$50 and \$600. They are used to obtain other required motor
11 vehicle documents and presented to police officers during routine
12 traffic stops. This practice undermines the State's insurance laws and
13 permits uninsured motorists to drive with impunity.

14 The bill would make it a disorderly persons offense to knowingly
15 possess an insurance identification card that is false, forged, altered or
16 counterfeited with the intent to use it unlawfully or to exhibit one of
17 these cards to a police officer or judge. The bill would also make it a
18 disorderly persons offense to produce, sell, offer or expose for sale a
19 document, printed form or other writing which simulates an insurance
20 identification card. A disorderly persons offense is punishable by a
21 fine of up to \$1,000, a term of imprisonment of up to six months, or
22 both. In addition, a person convicted of an offense involving a phony
23 driver's license, certificate of registration or insurance identification
24 card would be required to perform 30 days community service and
25 assessed two motor vehicle points.

26 The bill also increases the fines imposed for the offense of operating
27 a motor vehicle without the mandatory liability insurance coverage.
28 The fine for a first offense would increase from the current \$300 to
29 \$500. The fine for a subsequent offense would increase from the
30 current \$500 to \$1,000.

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35 Criminalizes possession, sale of phony auto insurance identification
36 cards.

[First Reprint]
SENATE, No. 1739

STATE OF NEW JERSEY

INTRODUCED DECEMBER 19, 1996

By Senators KOSCO, GIRGENTI, Cafiero,
Bubba, Sinagra and Matheussen

1 AN ACT concerning motor vehicles and amending P.L.1964, c.172 and
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15 unlawfully; or

16 b. Exhibits to a police officer or judge in accordance with R.S.
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18 vehicle certificate of registration, **[or]** driver's license or insurance
19 identification card, knowing the same to be falsely made, altered,
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21 c. Exhibits to any person, for purposes of identification, any falsely
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23 registration or driver's license, knowing the same to be falsely made,
24 altered, forged or counterfeited, and representing the same as a
25 certificate or license lawfully issued to him by the Director of Motor
26 Vehicles, is guilty of a disorderly persons offense.

27 d. ¹[A person who knowingly produces, sells, offers or exposes for
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13 who knows or should know from the attendant circumstances that the
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32 coverage required by this act. A complaint for violation of this act
33 may be made to a municipal court at any time within six months after
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11 a person convicted under this section shall be ordered by the court to
12 perform community service for a period of 30 days.¹

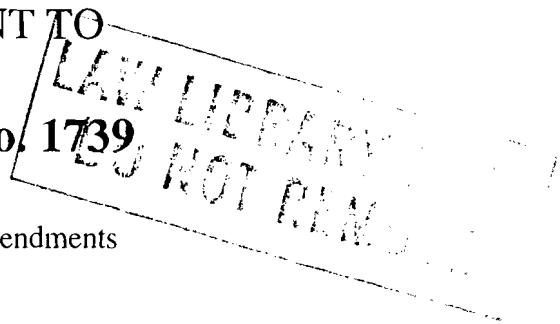
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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO
SENATE, No. 1739

with committee amendments



STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1997

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1739.

The bill makes it a disorderly persons offense to knowingly possess an insurance identification card that is false, forged, altered or counterfeited with the intent to use it unlawfully or to exhibit one of these cards to a police officer or judge. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both. In addition, a person convicted of an offense under the provisions of N.J.S.A.39: 3-38.1 involving a phony driver's license, certificate of registration or insurance identification card would be assessed two motor vehicle points.

The bill would have made it a disorderly persons offense to produce, sell, offer or expose for sale a document, printed form or other writing which simulates a motor vehicle insurance identification card. The committee amended the bill to upgrade this offense from a disorderly persons offense to a crime of the fourth degree to distinguish the forging or production of the phony cards from the mere possession or display, believing the actual forging of the document to be more serious. The requirement of community service would apply to this crime. The assessment of the motor vehicle points would apply to the disorderly persons offense.

The bill in section 2 would have increased the fines imposed for the offense of operating a motor vehicle without the mandatory liability insurance coverage. Those fines were recently increased by the provisions of section 12 of P.L.1997, c.151. Therefore, the committee amended the bill to omit section 2 in its entirety since higher fines may be imposed at this time.

This bill is identical to Assembly Bill No. 2708 (1R).

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1739

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1739.

This bill addresses the growing use of phony insurance identification cards by persons without the required motor vehicle liability insurance coverage. The cards are sold on the street for between \$50 and \$600. They are used to obtain other required motor vehicle documents and presented to police officers during routine traffic stops. This practice undermines the State's insurance laws and permits uninsured motorists to drive with impunity.

The bill would make it a disorderly persons offense to knowingly possess an insurance identification card that is false, forged, altered or counterfeited with the intent to use it unlawfully or to exhibit one of these cards to a police officer or judge. The bill would also make it a disorderly persons offense to produce, sell, offer or expose for sale a document, printed form or other writing which simulates an insurance identification card. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both. In addition, a person convicted of an offense involving a phony driver's license, certificate of registration or insurance identification card would be required to perform 30 days community service and assessed two motor vehicle points.

The bill also increases the fines imposed for the offense of operating a motor vehicle without the mandatory liability insurance coverage. The fine for a first offense would increase from the current \$300 to \$500. The fine for a subsequent offense would increase from the current \$500 to \$1,000.

LEGISLATIVE FISCAL ESTIMATE TO
SENATE, No. 1739
STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1997

Senate Bill No. 1739 of 1996 would make it a disorderly persons offense to knowingly possess an insurance identification card that is false, forged, altered or counterfeited with the intent to use it unlawfully or to exhibit one of these cards to a police officer or judge. The bill would also make it a disorderly persons offense to produce, sell, offer or expose for sale a document, printed form or other writing which simulates an insurance identification card. A disorderly persons offense is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both. In addition, a person convicted of an offense involving a phony driver's license, certificate of registration or insurance identification card would be required to perform 30 days community service and assessed two motor vehicle points. The bill also increases the fines imposed for the offense of operating a motor vehicle without the mandatory liability insurance coverage from \$300 to \$500. The fine for a subsequent offense would increase from \$500 to \$1,000.

The Office of Legislative Services (OLS) notes that while the proposed disorderly persons sanction for this bill would impose a term of incarceration for six months, disorderly persons offenses generally carry a presumption of non-incarceration. Therefore, it is likely that the passage of this bill would have minimal impact on local jail populations.

With regard to revenue generated by this bill, the OLS notes that there are no data available concerning the number of individuals who would be affected by the bill's provisions. However, the increased fines should result in an undetermined amount of increased revenue for the jurisdictions within which the offenses occurred.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.