

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

HEARINGS:

NEWSPAPER ARTICLES:

No

SENATE, No. 332

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes impoundment of all-terrain vehicles and dirt bikes for certain crimes and offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S332 CRUZ-PEREZ

2

1 AN ACT concerning all-terrain vehicles and dirt bikes and amending
2 P.L.2013, c.110.

3

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

6

7 1. Section 1 of P.L.2013, c.110 (C.2C:43-2.4) is amended to
8 read as follows:

9 1. a. Any law enforcement agency is authorized to impound:

10 (1) a motor vehicle in which a violation of subsection a., d., or f.
11 of N.J.S.2C:39-5 was committed;

12 (2) a motor vehicle in which possession of a handgun, rifle, or
13 shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was
14 committed;

15 (3) a motor vehicle in which a violation of subsection b. or c. of
16 N.J.S.2C:39-5 was committed in addition to the motor vehicle being
17 used to commit a separate crime of the first, second, third or fourth
18 degree under Title 2C of the New Jersey Statutes;

19 (4) a motor vehicle which was used in the commission of any
20 offense under subsection b. of N.J.S.2C:34-1; and

21 (5) a motor vehicle which was used in the commission of an
22 offense under subsection a. of N.J.S.2C:35-10 or subsection a. of
23 N.J.S.2C:35-5.

24 For the purposes of this section, a motor vehicle includes an all-
25 terrain vehicle and a dirt bike. An “all-terrain vehicle” means a
26 motor vehicle, designed to travel over any terrain, of a type
27 possessing between three and six non-highway tires, but shall not
28 include golf carts. A “dirt bike” means a motor powered vehicle
29 possessing two or more tires, designed to travel over any terrain and
30 capable of traveling off paved roads, whether or not the vehicle is
31 subject to registration with the New Jersey Motor Vehicle
32 Commission.

33 b. A law enforcement agency impounding a vehicle pursuant to
34 this section is authorized to charge a reasonable administrative fee
35 in addition to the fees charged for the towing and storage of the
36 impounded vehicle. The law enforcement agency is further
37 authorized to retain custody of the vehicle until the fees are paid.
38 All administrative fees and towing and storage fees shall be
39 imposed on the registered owner of the motor vehicle. The
40 registered owner shall be entitled to a hearing, upon request.

41 The administrative fees shall be collected by and paid to the
42 municipality imposing the fees. The towing and storage fees shall
43 be collected by and paid to the person or entity that tows and stores
44 the impounded vehicle.

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.

S332 CRUZ-PEREZ

1 c. The registered owner of the vehicle shall be provided notice
2 of the impoundment and of the right to request a hearing.

3 d. If the owner-lessor or registered owner of an impounded
4 vehicle fails to claim the impounded vehicle by midnight of the
5 90th day following the day on which the vehicle was impounded,
6 that vehicle may be sold at auction; provided however, a vehicle
7 shall not be sold until the lessee or registered owner has been
8 convicted of the offense, or offenses pursuant to paragraph (3) of
9 subsection a., for which the vehicle was impounded under
10 subsection a. of this section. Property impounded under this section
11 shall not be sold if the owner of the property establishes by a
12 preponderance of the evidence that the owner was not involved in
13 or aware of the unlawful activity and that the owner had done all
14 that could reasonably be expected to prevent the proscribed use of
15 the property by an agent. A person who uses or possesses property
16 with the consent or knowledge of the owner is deemed to be the
17 agent of the owner for purposes of this subsection.

18 Notice of the sale shall be given by the impounding entity by
19 certified mail to the owner of the vehicle, if the owner's name and
20 address are known, and to the lienholder, if the lienholder's name
21 and address are known, and by publication in a form prescribed by
22 the chief administrator by one insertion, at least five days before the
23 date of the sale, in one or more newspapers published in this State
24 and circulating in the municipality in which the vehicle is
25 impounded.

26 At any time prior to the sale of an impounded vehicle, the owner
27 or other person entitled to the vehicle may reclaim possession upon
28 showing proof of registration and insurance and paying all costs
29 associated with the impoundment, and reasonable towing and
30 storage fees and administrative fees.

31 The owner-lessor of an impounded vehicle shall be entitled to
32 reclaim possession without payment or proof of insurance and the
33 lessee shall be liable for all outstanding costs associated with the
34 impoundment, towing, and storage of the vehicle and the
35 administrative fees.

36 e. Any proceeds obtained from the sale of a vehicle at public
37 auction pursuant to subsection d. of this section in excess of the
38 amount owed for the administrative fees, towing and storage fees
39 and any other costs associated with the impoundment of the vehicle
40 shall be returned to the owner of that vehicle, if his name and
41 address are known.

42 f. Nothing in this section shall be construed to in any way limit
43 or abridge the authority provided by N.J.S.2C:64-1 et seq. or any
44 other law regarding forfeiture.

45 (cf: P.L.2013, c.110, s.1)

46

47 2. This act shall take effect immediately.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

STATEMENT

This bill allows law enforcement agencies to impound all-terrain vehicles and dirt bikes used in certain crimes and offenses.

The bill defines an “all-terrain vehicle” as a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, excluding golf carts. A “dirt bike” is defined as a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

Under current law, law enforcement agencies may impound motor vehicles for certain crimes and offenses, such as crimes involving firearms, or when the vehicle was used in the commission of prostitution or buying or selling a controlled dangerous substance. This bill clarifies that all-terrain vehicles and dirt bikes are considered motor vehicles under this law.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 332

STATE OF NEW JERSEY

DATED: JANUARY 25, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 332.

As reported by the committee, this bill allows law enforcement agencies to impound all-terrain vehicles and dirt bikes used in certain crimes and offenses.

The bill defines an “all-terrain vehicle” as a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, excluding golf carts. A “dirt bike” is defined as a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

Under current law, law enforcement agencies may impound motor vehicles for certain crimes and offenses, such as crimes involving firearms, or when the vehicle was used in the commission of prostitution or buying or selling a controlled dangerous substance. This bill clarifies that all-terrain vehicles and dirt bikes are considered motor vehicles under this law.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 332

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 332.

This bill allows law enforcement agencies to impound all-terrain vehicles and dirt bikes used in certain crimes and offenses.

The bill defines an “all-terrain vehicle” as a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, excluding golf carts. A “dirt bike” is defined as a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

Under current law, law enforcement agencies may impound motor vehicles for certain crimes and offenses, such as crimes involving firearms, or when the vehicle was used in the commission of prostitution or buying or selling a controlled dangerous substance. This bill clarifies that all-terrain vehicles and dirt bikes are considered motor vehicles under this law.

FISCAL IMPACT:

The Office of Legislative Services finds that to the extent that the bill will result in an increase in the number of impounded all-terrain vehicles and dirt bikes there will be indeterminate increases in the annual expenditures and revenues of the State, counties, and local governments.

Depending on operating decisions by affected law enforcement agencies and the number of additional impoundments of all-terrain vehicles and dirt bikes, State, county, and local governments may incur an increase in their annual expenditures related to the administration of impoundments.

The bill may increase annual State, county, and local government collections of impoundment-related administrative, towing, and storage fees.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 332
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: FEBRUARY 21, 2018

SUMMARY

- Synopsis:** Authorizes impoundment of all-terrain vehicles and dirt bikes for certain crimes and offenses.
- Type of Impact:** Annual State, county, and local government expenditure and revenue increases.
- Agencies Affected:** State, county, and municipal law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Expenditure Increases	Indeterminate – See comments below.		
State and Local Revenue Increases	Indeterminate – See comments below.		

- The Office of Legislative Services (OLS) finds that to the extent that the bill will result in an increase in the number of impounded all-terrain vehicles and dirt bikes there will be indeterminate increases in the annual expenditures and revenues of the State, counties, and local governments.
- Depending on operating decisions by affected law enforcement agencies and the number of additional impoundments of all-terrain vehicles and dirt bikes; State, county, and local governments may incur an increase in their annual expenditures related to the administration of impoundments.
- The bill may increase annual State, county, and local government collections of impoundment-related administrative, towing, and storage fees.

BILL DESCRIPTION

This bill explicitly permits law enforcement agencies to impound all-terrain vehicles and dirt bikes used in certain crimes and offenses.

Under current law, law enforcement agencies may impound motor vehicles used in the commission of certain crimes and offenses, such as crimes involving firearms or when the vehicle was used in the commission of prostitution or buying or selling a controlled dangerous

substance. The bill clarifies that all-terrain vehicles and dirt bikes are considered motor vehicles, and thus subject to impoundment if used in a crime.

Under current law, the impounding law enforcement agency retains custody of an impounded motor vehicle until the vehicle's registered owner pays impoundment-related administrative fees and fees charged for the towing and storage of the impounded vehicle. The vehicle's owner may request a hearing to challenge the impoundment. Subject to certain conditions, the impounding jurisdiction may sell the impounded vehicle at public auction when the registered owner fails to claim the vehicle and pay the required fees within 90 days of the impoundment. Any auction proceeds in excess of the amount owed for the cost of impoundment are to be disbursed to the vehicle's owner. Current law governing the impoundment of motor vehicles does not limit the ability of law enforcement agencies to seize motor vehicles under the State's forfeiture laws.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that to the extent that the bill will result in an increase in the number of impounded all-terrain vehicles and dirt bikes there will be indeterminate increases in the annual expenditures and revenues of the State, counties, and local governments.

State, county, and local governments may administer additional impoundments of all-terrain vehicles and dirt bikes. The magnitude of any related increase in annual administrative expenditures will depend on operating decisions by affected law enforcement agencies and the number of impoundments.

The bill may also increase annual State, county, and local government revenue collections. Under current law, any law enforcement agency which impounds a vehicle may charge administrative fees and towing and storage fees for the impounded vehicle. The impounding jurisdiction may sell at public auction a vehicle that has not been reclaimed by its registered owner and may retain auction proceeds equal to the cost of impoundment with amounts in excess of the cost of impoundment to be disbursed to the vehicle's owner. Consequently, the impounding jurisdiction cannot collect revenues that exceed the fees the jurisdiction assesses for the impoundment, towing, and storage of concerned vehicles.

The OLS cannot quantify annual State, county, and municipal revenue collections, as the amounts will depend on the number of additional vehicles that may be impounded, the circumstances of impoundment, and the ability of respective jurisdictions to collect the outstanding liabilities.

The OLS notes that this bill does not affect the ability of law enforcement agencies to seize motor vehicles used in certain crimes under the State's forfeiture laws.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 332

STATE OF NEW JERSEY

DATED: JUNE 4, 2018

The Assembly Appropriations Committee reports favorably Senate Bill No. 332.

This bill allows law enforcement agencies to impound all-terrain vehicles and dirt bikes used in certain crimes and offenses.

The bill defines an “all-terrain vehicle” as a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, excluding golf carts. A “dirt bike” is defined as a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

Under current law, law enforcement agencies may impound motor vehicles for certain crimes and offenses, such as crimes involving firearms, or when the vehicle was used in the commission of prostitution or buying or selling a controlled dangerous substance. This bill clarifies that all-terrain vehicles and dirt bikes are considered motor vehicles under this law.

As reported, this bill is identical to Assembly Bill No. 3251, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services finds that to the extent that the bill will result in an increase in the number of impounded all-terrain vehicles and dirt bikes there will be indeterminate increases in the annual expenditures and revenues of the State, counties, and local governments.

Depending on operating decisions by affected law enforcement agencies and the number of additional impoundments of all-terrain vehicles and dirt bikes, State, county, and local governments may incur an increase in their annual expenditures related to the administration of impoundments.

The bill may increase annual State, county, and local government collections of impoundment-related administrative, towing, and storage fees.

SENATE, No. 332

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Co-Sponsored by:

**Senator Stack, Assemblyman Eustace, Assemblywoman Mosquera and
Assemblyman Mukherji**

SYNOPSIS

Authorizes impoundment of all-terrain vehicles and dirt bikes for certain crimes and offenses.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 6/8/2018)

S332 CRUZ-PEREZ

2

1 AN ACT concerning all-terrain vehicles and dirt bikes and amending
2 P.L.2013, c.110.

3

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

6

7 1. Section 1 of P.L.2013, c.110 (C.2C:43-2.4) is amended to
8 read as follows:

9 1. a. Any law enforcement agency is authorized to impound:

10 (1) a motor vehicle in which a violation of subsection a., d., or f.
11 of N.J.S.2C:39-5 was committed;

12 (2) a motor vehicle in which possession of a handgun, rifle, or
13 shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was
14 committed;

15 (3) a motor vehicle in which a violation of subsection b. or c. of
16 N.J.S.2C:39-5 was committed in addition to the motor vehicle being
17 used to commit a separate crime of the first, second, third, or fourth
18 degree under Title 2C of the New Jersey Statutes;

19 (4) a motor vehicle which was used in the commission of any
20 offense under subsection b. of N.J.S.2C:34-1; and

21 (5) a motor vehicle which was used in the commission of an
22 offense under subsection a. of N.J.S.2C:35-10 or subsection a. of
23 N.J.S.2C:35-5.

24 For the purposes of this section, a motor vehicle includes an all-
25 terrain vehicle and a dirt bike. An “all-terrain vehicle” means a
26 motor vehicle, designed to travel over any terrain, of a type
27 possessing between three and six non-highway tires, but shall not
28 include golf carts. A “dirt bike” means a motor powered vehicle
29 possessing two or more tires, designed to travel over any terrain and
30 capable of traveling off paved roads, whether or not the vehicle is
31 subject to registration with the New Jersey Motor Vehicle
32 Commission.

33 b. A law enforcement agency impounding a vehicle pursuant to
34 this section is authorized to charge a reasonable administrative fee
35 in addition to the fees charged for the towing and storage of the
36 impounded vehicle. The law enforcement agency is further
37 authorized to retain custody of the vehicle until the fees are paid.
38 All administrative fees and towing and storage fees shall be
39 imposed on the registered owner of the motor vehicle. The
40 registered owner shall be entitled to a hearing, upon request.

41 The administrative fees shall be collected by and paid to the
42 municipality imposing the fees. The towing and storage fees shall
43 be collected by and paid to the person or entity that tows and stores
44 the impounded vehicle.

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 c. The registered owner of the vehicle shall be provided notice
2 of the impoundment and the right to request a hearing.

3 d. If the owner-lessor or registered owner of an impounded
4 vehicle fails to claim the impounded vehicle by midnight of the
5 90th day following the day on which the vehicle was impounded,
6 that vehicle may be sold at auction; provided however, a vehicle
7 shall not be sold until the lessee or registered owner has been
8 convicted of the offense, or offenses pursuant to paragraph (3) of
9 subsection a., for which the vehicle was impounded under
10 subsection a. of this section. Property impounded under this section
11 shall not be sold if the owner of the property establishes by a
12 preponderance of the evidence that the owner was not involved in
13 or aware of the unlawful activity and that the owner had done all
14 that could reasonably be expected to prevent the proscribed use of
15 the property by an agent. A person who uses or possesses property
16 with the consent or knowledge of the owner is deemed to be the
17 agent of the owner for purposes of this subsection.

18 Notice of the sale shall be given by the impounding entity by
19 certified mail to the owner of the vehicle, if the owner's name and
20 address are known, and to the lienholder, if the lienholder's name
21 and address are known, and by publication in a form prescribed by
22 the chief administrator by one insertion, at least five days before the
23 date of the sale, in one or more newspapers published in this State
24 and circulating in the municipality in which the vehicle is
25 impounded.

26 At any time prior to the sale of an impounded vehicle, the owner
27 or other person entitled to the vehicle may reclaim possession upon
28 showing proof of registration and insurance and paying all costs
29 associated with the impoundment, and reasonable towing and
30 storage fees and administrative fees.

31 The owner-lessor of an impounded vehicle shall be entitled to
32 reclaim possession without payment or proof of insurance and the
33 lessee shall be liable for all outstanding costs associated with the
34 impoundment, towing, and storage of the vehicle and the
35 administrative fees.

36 e. Any proceeds obtained from the sale of a vehicle at public
37 auction pursuant to subsection d. of this section in excess of the
38 amount owed for the administrative fees, towing, and storage fees
39 and any other costs associated with the impoundment of the vehicle
40 shall be returned to the owner of that vehicle, if the owner's name
41 and address are known.

42 f. Nothing in this section shall be construed to in any way limit
43 or abridge the authority provided by N.J.S.2C:64-1 et seq. or any
44 other law regarding forfeiture.

45 (cf: P.L.2013, c.110, s.1)

46

47 2. This act shall take effect immediately.

P.L. 2018, CHAPTER 65, *approved July 20, 2018*

Senate, No. 332

1 AN ACT concerning all-terrain vehicles and dirt bikes and amending
2 P.L.2013, c.110.

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

6
7 1. Section 1 of P.L.2013, c.110 (C.2C:43-2.4) is amended to
8 read as follows:

9 1. a. Any law enforcement agency is authorized to impound:

10 (1) a motor vehicle in which a violation of subsection a., d., or f.
11 of N.J.S.2C:39-5 was committed;

12 (2) a motor vehicle in which possession of a handgun, rifle, or
13 shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was
14 committed;

15 (3) a motor vehicle in which a violation of subsection b. or c. of
16 N.J.S.2C:39-5 was committed in addition to the motor vehicle being
17 used to commit a separate crime of the first, second, third, or fourth
18 degree under Title 2C of the New Jersey Statutes;

19 (4) a motor vehicle which was used in the commission of any
20 offense under subsection b. of N.J.S.2C:34-1; and

21 (5) a motor vehicle which was used in the commission of an
22 offense under subsection a. of N.J.S.2C:35-10 or subsection a. of
23 N.J.S.2C:35-5.

24 For the purposes of this section, a motor vehicle includes an all-
25 terrain vehicle and a dirt bike. An “all-terrain vehicle” means a
26 motor vehicle, designed to travel over any terrain, of a type
27 possessing between three and six non-highway tires, but shall not
28 include golf carts. A “dirt bike” means a motor powered vehicle
29 possessing two or more tires, designed to travel over any terrain and
30 capable of traveling off paved roads, whether or not the vehicle is
31 subject to registration with the New Jersey Motor Vehicle
32 Commission.

33 b. A law enforcement agency impounding a vehicle pursuant to
34 this section is authorized to charge a reasonable administrative fee
35 in addition to the fees charged for the towing and storage of the
36 impounded vehicle. The law enforcement agency is further
37 authorized to retain custody of the vehicle until the fees are paid.
38 All administrative fees and towing and storage fees shall be
39 imposed on the registered owner of the motor vehicle. The
40 registered owner shall be entitled to a hearing, upon request.

41 The administrative fees shall be collected by and paid to the
42 municipality imposing the fees. The towing and storage fees shall

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 be collected by and paid to the person or entity that tows and stores
2 the impounded vehicle.

3 c. The registered owner of the vehicle shall be provided notice
4 of the impoundment and the right to request a hearing.

5 d. If the owner-lessor or registered owner of an impounded
6 vehicle fails to claim the impounded vehicle by midnight of the
7 90th day following the day on which the vehicle was impounded,
8 that vehicle may be sold at auction; provided however, a vehicle
9 shall not be sold until the lessee or registered owner has been
10 convicted of the offense, or offenses pursuant to paragraph (3) of
11 subsection a., for which the vehicle was impounded under
12 subsection a. of this section. Property impounded under this section
13 shall not be sold if the owner of the property establishes by a
14 preponderance of the evidence that the owner was not involved in
15 or aware of the unlawful activity and that the owner had done all
16 that could reasonably be expected to prevent the proscribed use of
17 the property by an agent. A person who uses or possesses property
18 with the consent or knowledge of the owner is deemed to be the
19 agent of the owner for purposes of this subsection.

20 Notice of the sale shall be given by the impounding entity by
21 certified mail to the owner of the vehicle, if the owner's name and
22 address are known, and to the lienholder, if the lienholder's name
23 and address are known, and by publication in a form prescribed by
24 the chief administrator by one insertion, at least five days before the
25 date of the sale, in one or more newspapers published in this State
26 and circulating in the municipality in which the vehicle is
27 impounded.

28 At any time prior to the sale of an impounded vehicle, the owner
29 or other person entitled to the vehicle may reclaim possession upon
30 showing proof of registration and insurance and paying all costs
31 associated with the impoundment, and reasonable towing and
32 storage fees and administrative fees.

33 The owner-lessor of an impounded vehicle shall be entitled to
34 reclaim possession without payment or proof of insurance and the
35 lessee shall be liable for all outstanding costs associated with the
36 impoundment, towing, and storage of the vehicle and the
37 administrative fees.

38 e. Any proceeds obtained from the sale of a vehicle at public
39 auction pursuant to subsection d. of this section in excess of the
40 amount owed for the administrative fees, towing, and storage fees
41 and any other costs associated with the impoundment of the vehicle
42 shall be returned to the owner of that vehicle, if the owner's name
43 and address are known.

44 f. Nothing in this section shall be construed to in any way limit
45 or abridge the authority provided by N.J.S.2C:64-1 et seq. or any
46 other law regarding forfeiture.

47 (cf: P.L.2013, c.110, s.1)

1 2. This act shall take effect immediately.

2

3

4

5

6 Authorizes impoundment of all-terrain vehicles and dirt bikes for
7 certain crimes and offenses.

CHAPTER 65

AN ACT concerning all-terrain vehicles and dirt bikes and amending P.L.2013, c.110.

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

1. Section 1 of P.L.2013, c.110 (C.2C:43-2.4) is amended to read as follows:

C.2C:43-2.4 Authority to impound motor vehicles.

1. a. Any law enforcement agency is authorized to impound:

(1) a motor vehicle in which a violation of subsection a., d., or f. of N.J.S.2C:39-5 was committed;

(2) a motor vehicle in which possession of a handgun, rifle, or shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was committed;

(3) a motor vehicle in which a violation of subsection b. or c. of N.J.S.2C:39-5 was committed in addition to the motor vehicle being used to commit a separate crime of the first, second, third, or fourth degree under Title 2C of the New Jersey Statutes;

(4) a motor vehicle which was used in the commission of any offense under subsection b. of N.J.S.2C:34-1; and

(5) a motor vehicle which was used in the commission of an offense under subsection a. of N.J.S.2C:35-10 or subsection a. of N.J.S.2C:35-5.

For the purposes of this section, a motor vehicle includes an all-terrain vehicle and a dirt bike. An "all-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, but shall not include golf carts. A "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

b. A law enforcement agency impounding a vehicle pursuant to this section is authorized to charge a reasonable administrative fee in addition to the fees charged for the towing and storage of the impounded vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until the fees are paid. All administrative fees and towing and storage fees shall be imposed on the registered owner of the motor vehicle. The registered owner shall be entitled to a hearing, upon request.

The administrative fees shall be collected by and paid to the municipality imposing the fees. The towing and storage fees shall be collected by and paid to the person or entity that tows and stores the impounded vehicle.

c. The registered owner of the vehicle shall be provided notice of the impoundment and the right to request a hearing.

d. If the owner-lessor or registered owner of an impounded vehicle fails to claim the impounded vehicle by midnight of the 90th day following the day on which the vehicle was impounded, that vehicle may be sold at auction; provided however, a vehicle shall not be sold until the lessee or registered owner has been convicted of the offense, or offenses pursuant to paragraph (3) of subsection a., for which the vehicle was impounded under subsection a. of this section. Property impounded under this section shall not be sold if the owner of the property establishes by a preponderance of the evidence that the owner was not involved in or aware of the unlawful activity and that the owner had done all that could reasonably be expected to prevent the proscribed use of the property by an agent. A person who uses or possesses property with the consent or knowledge of the owner is deemed to be the agent of the owner for purposes of this subsection.

Notice of the sale shall be given by the impounding entity by certified mail to the owner of the vehicle, if the owner's name and address are known, and to the lienholder, if the

lienholder's name and address are known, and by publication in a form prescribed by the chief administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the vehicle is impounded.

At any time prior to the sale of an impounded vehicle, the owner or other person entitled to the vehicle may reclaim possession upon showing proof of registration and insurance and paying all costs associated with the impoundment, and reasonable towing and storage fees and administrative fees.

The owner-lessor of an impounded vehicle shall be entitled to reclaim possession without payment or proof of insurance and the lessee shall be liable for all outstanding costs associated with the impoundment, towing, and storage of the vehicle and the administrative fees.

e. Any proceeds obtained from the sale of a vehicle at public auction pursuant to subsection d. of this section in excess of the amount owed for the administrative fees, towing, and storage fees and any other costs associated with the impoundment of the vehicle shall be returned to the owner of that vehicle, if the owner's name and address are known.

f. Nothing in this section shall be construed to in any way limit or abridge the authority provided by N.J.S.2C:64-1 et seq. or any other law regarding forfeiture.

2. This act shall take effect immediately.

Approved July 20, 2018.