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Richard Cowen - For South Jersey Times, 'Lawmakers vote to lower the boom on loud music Residents have complained of nuisance cars with soundtracks that reverberate for miles.', *South Jersey Times* (online), 9 Aug 2023001

CL/JA

P.L. 2023, CHAPTER 135, *approved August 7, 2023*
Assembly, No. 4686 (*Second Reprint*)

1 AN ACT concerning certain motor vehicles and ¹**[**amending various
2 parts of the statutory law**]**¹ supplementing Title 39 of the
3 Revised Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹**[**1. Section 1 of P.L.2019, c.505 (C.39:3C-35) is amended to
9 read as follows:

10 1. a. Except as provided in subsection e. of this section, a
11 snowmobile, all-terrain vehicle, or dirt bike operated on any public
12 street, highway, or right-of-way in violation of section 17 of
13 P.L.1973, c.307 (C.39:3C-17) or nuisance motor vehicle shall be
14 impounded by the law enforcing agency and subject to a fee and
15 costs as hereinafter provided:

16 (1) For a first offense, the snowmobile, all-terrain vehicle, **[or]**
17 dirt bike, or nuisance motor vehicle shall be impounded for not less
18 than seven days and shall be released to the registered owner upon
19 proof of registration and insurance and payment of a fee of \$500
20 payable to the municipality, plus reasonable towing and storage
21 costs.

22 (2) For a second or subsequent offense, the snowmobile, all-
23 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle shall be
24 impounded for not less than 14 days and shall be released to the
25 registered owner upon proof of registration and insurance and
26 payment of a fee of \$750 payable to the municipality, plus
27 reasonable towing and storage costs.

28 b. If the registered owner of a snowmobile, all-terrain vehicle,
29 **[or]** dirt bike, or nuisance motor vehicle impounded pursuant
30 subsection a. of this section fails to claim the impounded
31 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
32 vehicle and pay all outstanding fees and costs by midnight of the
33 30th day following the day on which the snowmobile, all-terrain
34 vehicle, **[or]** dirt bike, or nuisance motor vehicle was impounded,
35 that snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted January 23, 2023.

²Senate floor amendments adopted May 22, 2023.

1 motor vehicle may be sold at public auction. Notice of the sale
2 shall be given by the impounding entity by certified mail to the
3 owner of the snowmobile **[or]** , all-terrain vehicle, or nuisance
4 motor vehicle, if the owner's name and address are known, and to
5 the holder of any security interest filed with the Chief Administrator
6 of the New Jersey Motor Vehicle Commission, and by publication
7 in a form prescribed by the chief administrator by one insertion, at
8 least five days before the date of the sale, in one or more
9 newspapers published in this State and circulating in the
10 municipality in which the snowmobile, all-terrain vehicle, **[or]** dirt
11 bike, or nuisance motor vehicle is impounded.

12 c. At any time prior to a sale pursuant to subsection b. of this
13 section, the owner or other person entitled to the snowmobile, all-
14 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle may
15 reclaim possession upon showing proof of registration and
16 insurance and paying all outstanding fees and costs associated with
17 the impoundment, and reasonable towing and storage costs.

18 The owner-lessor of a snowmobile, all-terrain vehicle, **[or]** dirt
19 bike, or nuisance motor vehicle impounded pursuant to paragraph
20 (1) or (2) of subsection a. of this section shall be entitled to reclaim
21 possession without payment and the lessee shall be liable for all
22 outstanding fees and costs associated with the impoundment,
23 towing and storage of the snowmobile **[or]** , all-terrain vehicle, or
24 nuisance motor vehicle.

25 d. Any proceeds obtained from the sale of a snowmobile, all-
26 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle at public
27 auction pursuant to subsection b. of this section in excess of the
28 amount owed to the impounding entity for the reasonable costs of
29 towing and storage and any fees or other costs associated with the
30 impoundment of the snowmobile, all-terrain vehicle, **[or]** dirt bike,
31 or nuisance motor vehicle shall be returned to the owner of that
32 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
33 vehicle, if the owner's name and address are known. If the owner's
34 name and address are unknown or the person or entity cannot be
35 located, the net proceeds shall be administered in accordance with
36 the "Uniform Unclaimed Property Act," R.S.46:30B-1 et seq.

37 e. A municipality may by ordinance declare that an all-terrain
38 vehicle or dirt bike operated on any public street, highway, or right-
39 of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
40 or a nuisance motor vehicle poses an immediate threat to the public
41 health, safety, or welfare and designate such all-terrain vehicles or
42 dirt bikes so operated or nuisance motor vehicles as contraband
43 subject to forfeiture in accordance with the provisions of
44 N.J.S.2C:64-1 et seq. An all-terrain vehicle **[or]** , dirt bike, or
45 nuisance motor vehicle forfeited pursuant to the provisions of
46 N.J.S.2C:64-1 et seq. as authorized by this subsection shall be
47 disposed of in accordance with the provisions of N.J.S.2C:64-6 or,

1 at the discretion of the entity funding the prosecuting agency
2 involved, may be destroyed.

3 f. As used in this section, “nuisance motor vehicle” means a
4 motor vehicle in which a person operates or amplifies the sound
5 produced from a sound system within the motor vehicle so that the
6 sound is plainly audible at a distance of 50 feet or more from the
7 motor vehicle.

8 (cf: P.L.2021, c.353, s.1)]¹

9

10 ¹[2. N.J.S.2C:64-1 is amended to read as follows:

11 2C:64-1. a. Any interest in the following shall be subject
12 to forfeiture and no property right shall exist in them:

13 (1) Controlled dangerous substances; firearms which are
14 unlawfully possessed, carried, acquired or used; illegally possessed
15 gambling devices; untaxed or otherwise contraband cigarettes or
16 tobacco products; unlawfully possessed container e-liquid; untaxed
17 special fuel; unlawful sound recordings and audiovisual works; and
18 items bearing a counterfeit mark. These shall be designated prima
19 facie contraband.

20 (2) All property which has been, or is intended to be, utilized in
21 furtherance of an unlawful activity, including, but not limited to,
22 conveyances intended to facilitate the perpetration of illegal acts, or
23 buildings or premises maintained for the purpose of committing
24 offenses against the State.

25 (3) Property which has become or is intended to become an
26 integral part of illegal activity, including, but not limited to, money
27 which is earmarked for use as financing for an illegal gambling
28 enterprise.

29 (4) Proceeds of illegal activities, including, but not limited to,
30 property or money obtained as a result of the sale of prima facie
31 contraband as defined by subsection a. (1), proceeds of illegal
32 gambling, prostitution, bribery and extortion.

33 (5) An all-terrain vehicle or dirt bike which has been operated
34 on a public street, highway, or right-of-way in violation of section
35 17 of P.L.1973, c.307 (C.39:3C-17) or a nuisance motor vehicle as
36 defined in section 1 of P.L.2019, c.505 (C.39:3C-35) in a
37 municipality that has passed an ordinance declaring that such all-
38 terrain vehicles or dirt bikes so operated or nuisance motor vehicles
39 as defined in section 1 of P.L.2019, c.505 (C.39:3C-35) pose an
40 immediate threat to the public health, safety, or welfare and
41 designating such vehicles as contraband as authorized by subsection
42 e. of section 1 of P.L.2019, c.505 (C.39:3C-35).

43 b. Any article subject to forfeiture under this chapter may be
44 seized by the State or any law enforcement officer as evidence
45 pending a criminal prosecution pursuant to N.J.S.2C:64-4 or, when
46 no criminal proceeding is instituted, upon process issued by any
47 court of competent jurisdiction over the property, except that

1 seizure without such process may be made when not inconsistent
2 with the Constitution of this State or the United States, and when

3 (1) The article is prima facie contraband; or

4 (2) The property subject to seizure poses an immediate threat to
5 the public health, safety or welfare.

6 c. For the purposes of this section:

7 "Items bearing a counterfeit mark" means items bearing a
8 counterfeit mark as defined in section 1 of P.L.1997, c.57 (C.2C:21-
9 32).

10 "Unlawful sound recordings and audiovisual works" means
11 sound recordings and audiovisual works as those terms are defined
12 in section 1 of P.L.1991, c.125 (C.2C:21-21) which were produced
13 in violation of section 1 of P.L.1991, c.125 (C.2C:21-21).

14 "Unlawfully possessed container e-liquid" means container e-
15 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is
16 possessed for retail sale by a person that is not licensed as a vapor
17 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

18 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
19 kerosene on which the motor fuel tax imposed pursuant to
20 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
21 transferred in this State in a manner not authorized pursuant to
22 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).

23 (cf: P.L.2021, c.353, s.2)]¹

24

25 ¹[3. N.J.S.2C:64-6 is amended to read as follows:

26 2C:64-6 a. Property which has been forfeited shall be
27 destroyed if it can serve no lawful purpose or it presents a danger to
28 the public health, safety or welfare. An all-terrain vehicle or dirt
29 bike operated in violation of section 17 of P.L.1973, c.307
30 (C.39:3C-17) or a nuisance motor vehicle as defined in section 1 of
31 P.L.2019, c.505 (C.39:3C-35) which has been forfeited may be
32 destroyed, at the discretion of the entity funding the prosecuting
33 agency involved. All other forfeited property or any proceeds
34 resulting from the forfeiture and all money seized pursuant to this
35 chapter shall become the property of the entity funding the
36 prosecuting agency involved and shall be disposed of, distributed,
37 appropriated and used in accordance with the provisions of this
38 chapter.

39 The prosecutor or the Attorney General, whichever is
40 prosecuting the case, shall divide the forfeited property, any
41 proceeds resulting from the forfeiture or any money seized pursuant
42 to this chapter with any other entity where the other entity's law
43 enforcement agency participated in the surveillance, investigation,
44 arrest or prosecution resulting in the forfeiture, in proportion to the
45 other entity's contribution to the surveillance, investigation, arrest
46 or prosecution resulting in the forfeiture, as determined in the
47 discretion of the prosecutor or the Attorney General, whichever is
48 prosecuting the case. Notwithstanding any other provision of law,

1 such forfeited property and proceeds shall be used solely for law
2 enforcement purposes, and shall be designated for the exclusive use
3 of the law enforcement agency which contributed to the
4 surveillance, investigation, arrest or prosecution resulting in the
5 forfeiture.

6 The Attorney General is authorized to promulgate rules and
7 regulations to implement and enforce the provisions of this act.

8 b. For a period of two years from the date of enactment of
9 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds
10 obtained by the Attorney General under the provisions of subsection
11 a. of this section shall be deposited into the Hepatitis Inoculation
12 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
13 100.13).

14 c. Beginning two years from the date of enactment of
15 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
16 of the proceeds obtained by the Attorney General under the
17 provisions of subsection a. of this section shall be deposited into the
18 Hepatitis Inoculation Fund established pursuant to section 2 of
19 P.L.1993, c.227 (C.26:4-100.13).

20 (cf: P.L.2021, c.353, s.3)]¹

21

22 ¹1. a. A person commits a motor vehicle violation pursuant to
23 this section if the person operates or amplifies a sound system,
24 connected to or located within a motor vehicle, that violates the
25 noise standards and any rules and regulations adopted pursuant to
26 the "Noise Control Act," P.L.1971, c.418 (C.13:1G-1 et seq.).

27 b. A person convicted of a first motor vehicle violation
28 pursuant to subsection a. of this section shall be subject to a fine of
29 ²not less than \$250 ²or more than \$500² and shall not be assessed
30 any motor vehicle penalty points pursuant to section 1 of P.L.1982,
31 c.43 (C.39:5-30.5).

32 c. A person convicted of a second motor vehicle violation
33 pursuant to subsection a. of this section shall be subject to a fine of
34 ²not less than \$500 ²or more than \$750² and shall not be assessed
35 any motor vehicle penalty points pursuant to section 1 of P.L.1982,
36 c.43 (C.39:5-30.5).

37 d. A person convicted of a third or subsequent motor vehicle
38 violation pursuant to subsection a. of this section shall be subject to
39 a fine of ²not less than \$750 ²or more than \$1,000² and shall be
40 assessed two motor vehicle penalty points pursuant to section 1 of
41 P.L.1982, c.43 (C.39:5-30.5).¹

42

43 ¹[4.] ²1.¹ This act shall take effect immediately.

44

45

46

47 Establishes penalties for person who commits motor vehicle
48 noise violation.

ASSEMBLY, No. 4686

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN
District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Provides for impoundment of nuisance motor vehicles and allows municipalities to seize and, in certain circumstances, destroy vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/29/2022)

1 AN ACT concerning certain motor vehicles and amending various
2 parts of the statutory law.

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.2019, c.505 (C.39:3C-35) is amended to
8 read as follows:

9 1. a. Except as provided in subsection e. of this section, a
10 snowmobile, all-terrain vehicle, or dirt bike operated on any public
11 street, highway, or right-of-way in violation of section 17 of
12 P.L.1973, c.307 (C.39:3C-17) or nuisance motor vehicle shall be
13 impounded by the law enforcing agency and subject to a fee and
14 costs as hereinafter provided:

15 (1) For a first offense, the snowmobile, all-terrain vehicle, **[or]**
16 dirt bike, or nuisance motor vehicle shall be impounded for not less
17 than seven days and shall be released to the registered owner upon
18 proof of registration and insurance and payment of a fee of \$500
19 payable to the municipality, plus reasonable towing and storage
20 costs.

21 (2) For a second or subsequent offense, the snowmobile, all-
22 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle shall be
23 impounded for not less than 14 days and shall be released to the
24 registered owner upon proof of registration and insurance and
25 payment of a fee of \$750 payable to the municipality, plus
26 reasonable towing and storage costs.

27 b. If the registered owner of a snowmobile, all-terrain vehicle,
28 **[or]** dirt bike, or nuisance motor vehicle impounded pursuant
29 subsection a. of this section fails to claim the impounded
30 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
31 vehicle and pay all outstanding fees and costs by midnight of the
32 30th day following the day on which the snowmobile, all-terrain
33 vehicle, **[or]** dirt bike, or nuisance motor vehicle was impounded,
34 that snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance
35 motor vehicle may be sold at public auction. Notice of the sale
36 shall be given by the impounding entity by certified mail to the
37 owner of the snowmobile **[or]** , all-terrain vehicle, or nuisance
38 motor vehicle, if the owner's name and address are known, and to
39 the holder of any security interest filed with the Chief Administrator
40 of the New Jersey Motor Vehicle Commission, and by publication
41 in a form prescribed by the chief administrator by one insertion, at
42 least five days before the date of the sale, in one or more
43 newspapers published in this State and circulating in the
44 municipality in which the snowmobile, all-terrain vehicle, **[or]** dirt
45 bike, or nuisance motor vehicle is impounded.

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. At any time prior to a sale pursuant to subsection b. of this
2 section, the owner or other person entitled to the snowmobile, all-
3 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle may
4 reclaim possession upon showing proof of registration and
5 insurance and paying all outstanding fees and costs associated with
6 the impoundment, and reasonable towing and storage costs.

7 The owner-lessor of a snowmobile, all-terrain vehicle, **[or]** dirt
8 bike, or nuisance motor vehicle impounded pursuant to paragraph
9 (1) or (2) of subsection a. of this section shall be entitled to reclaim
10 possession without payment and the lessee shall be liable for all
11 outstanding fees and costs associated with the impoundment,
12 towing and storage of the snowmobile **[or]** , all-terrain vehicle, or
13 nuisance motor vehicle.

14 d. Any proceeds obtained from the sale of a snowmobile, all-
15 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle at public
16 auction pursuant to subsection b. of this section in excess of the
17 amount owed to the impounding entity for the reasonable costs of
18 towing and storage and any fees or other costs associated with the
19 impoundment of the snowmobile, all-terrain vehicle, **[or]** dirt bike,
20 or nuisance motor vehicle shall be returned to the owner of that
21 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
22 vehicle, if the owner's name and address are known. If the owner's
23 name and address are unknown or the person or entity cannot be
24 located, the net proceeds shall be administered in accordance with
25 the "Uniform Unclaimed Property Act," R.S.46:30B-1 et seq.

26 e. A municipality may by ordinance declare that an all-terrain
27 vehicle or dirt bike operated on any public street, highway, or right-
28 of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
29 or a nuisance motor vehicle poses an immediate threat to the public
30 health, safety, or welfare and designate such all-terrain vehicles or
31 dirt bikes so operated or nuisance motor vehicles as contraband
32 subject to forfeiture in accordance with the provisions of
33 N.J.S.2C:64-1 et seq. An all-terrain vehicle **[or]** , dirt bike, or
34 nuisance motor vehicle forfeited pursuant to the provisions of
35 N.J.S.2C:64-1 et seq. as authorized by this subsection shall be
36 disposed of in accordance with the provisions of N.J.S.2C:64-6 or,
37 at the discretion of the entity funding the prosecuting agency
38 involved, may be destroyed.

39 f. As used in this section, "nuisance motor vehicle" means a
40 motor vehicle in which a person operates or amplifies the sound
41 produced from a sound system within the motor vehicle so that the
42 sound is plainly audible at a distance of 50 feet or more from the
43 motor vehicle.

44 (cf: P.L.2021, c.353, s.1)

45
46 2. N.J.S.2C:64-1 is amended to read as follows:

1 2C:64-1. a. Any interest in the following shall be subject
2 to forfeiture and no property right shall exist in them:

3 (1) Controlled dangerous substances; firearms which are
4 unlawfully possessed, carried, acquired or used; illegally possessed
5 gambling devices; untaxed or otherwise contraband cigarettes or
6 tobacco products; unlawfully possessed container e-liquid; untaxed
7 special fuel; unlawful sound recordings and audiovisual works; and
8 items bearing a counterfeit mark. These shall be designated prima
9 facie contraband.

10 (2) All property which has been, or is intended to be, utilized in
11 furtherance of an unlawful activity, including, but not limited to,
12 conveyances intended to facilitate the perpetration of illegal acts, or
13 buildings or premises maintained for the purpose of committing
14 offenses against the State.

15 (3) Property which has become or is intended to become an
16 integral part of illegal activity, including, but not limited to, money
17 which is earmarked for use as financing for an illegal gambling
18 enterprise.

19 (4) Proceeds of illegal activities, including, but not limited to,
20 property or money obtained as a result of the sale of prima facie
21 contraband as defined by subsection a. (1), proceeds of illegal
22 gambling, prostitution, bribery and extortion.

23 (5) An all-terrain vehicle or dirt bike which has been operated
24 on a public street, highway, or right-of-way in violation of section
25 17 of P.L.1973, c.307 (C.39:3C-17) or a nuisance motor vehicle as
26 defined in section 1 of P.L.2019, c.505 (C.39:3C-35) in a
27 municipality that has passed an ordinance declaring that such all-
28 terrain vehicles or dirt bikes so operated or nuisance motor vehicles
29 as defined in section 1 of P.L.2019, c.505 (C.39:3C-35) pose an
30 immediate threat to the public health, safety, or welfare and
31 designating such vehicles as contraband as authorized by subsection
32 e. of section 1 of P.L.2019, c.505 (C.39:3C-35).

33 b. Any article subject to forfeiture under this chapter may be
34 seized by the State or any law enforcement officer as evidence
35 pending a criminal prosecution pursuant to N.J.S.2C:64-4 or, when
36 no criminal proceeding is instituted, upon process issued by any
37 court of competent jurisdiction over the property, except that
38 seizure without such process may be made when not inconsistent
39 with the Constitution of this State or the United States, and when

40 (1) The article is prima facie contraband; or

41 (2) The property subject to seizure poses an immediate threat to
42 the public health, safety or welfare.

43 c. For the purposes of this section:

44 "Items bearing a counterfeit mark" means items bearing a
45 counterfeit mark as defined in section 1 of P.L.1997, c.57 (C.2C:21-
46 32).

47 "Unlawful sound recordings and audiovisual works" means
48 sound recordings and audiovisual works as those terms are defined

1 in section 1 of P.L.1991, c.125 (C.2C:21-21) which were produced
2 in violation of section 1 of P.L.1991, c.125 (C.2C:21-21).

3 "Unlawfully possessed container e-liquid" means container e-
4 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is
5 possessed for retail sale by a person that is not licensed as a vapor
6 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

7 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
8 kerosene on which the motor fuel tax imposed pursuant to
9 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
10 transferred in this State in a manner not authorized pursuant to
11 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
12 (cf: P.L.2021, c.353, s.2)

13

14 3. N.J.S.2C:64-6 is amended to read as follows:

15 2C:64-6 a. Property which has been forfeited shall be
16 destroyed if it can serve no lawful purpose or it presents a danger to
17 the public health, safety or welfare. An all-terrain vehicle or dirt
18 bike operated in violation of section 17 of P.L.1973, c.307
19 (C.39:3C-17) or a nuisance motor vehicle as defined in section 1 of
20 P.L.2019, c.505 (C.39:3C-35) which has been forfeited may be
21 destroyed, at the discretion of the entity funding the prosecuting
22 agency involved. All other forfeited property or any proceeds
23 resulting from the forfeiture and all money seized pursuant to this
24 chapter shall become the property of the entity funding the
25 prosecuting agency involved and shall be disposed of, distributed,
26 appropriated and used in accordance with the provisions of this
27 chapter.

28 The prosecutor or the Attorney General, whichever is
29 prosecuting the case, shall divide the forfeited property, any
30 proceeds resulting from the forfeiture or any money seized pursuant
31 to this chapter with any other entity where the other entity's law
32 enforcement agency participated in the surveillance, investigation,
33 arrest or prosecution resulting in the forfeiture, in proportion to the
34 other entity's contribution to the surveillance, investigation, arrest
35 or prosecution resulting in the forfeiture, as determined in the
36 discretion of the prosecutor or the Attorney General, whichever is
37 prosecuting the case. Notwithstanding any other provision of law,
38 such forfeited property and proceeds shall be used solely for law
39 enforcement purposes, and shall be designated for the exclusive use
40 of the law enforcement agency which contributed to the
41 surveillance, investigation, arrest or prosecution resulting in the
42 forfeiture.

43 The Attorney General is authorized to promulgate rules and
44 regulations to implement and enforce the provisions of this act.

45 b. For a period of two years from the date of enactment of
46 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds
47 obtained by the Attorney General under the provisions of subsection
48 a. of this section shall be deposited into the Hepatitis Inoculation

1 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
2 100.13).

3 c. Beginning two years from the date of enactment of
4 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
5 of the proceeds obtained by the Attorney General under the
6 provisions of subsection a. of this section shall be deposited into the
7 Hepatitis Inoculation Fund established pursuant to section 2 of
8 P.L.1993, c.227 (C.26:4-100.13).

9 (cf: P.L.2021, c.353, s.3)

10

11 4. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill provides for the impoundment of nuisance motor
17 vehicles, commonly referred to as boom cars, and allows
18 municipalities to seize and, in certain circumstances, destroy the
19 vehicles.

20 Under current law, snowmobiles, all-terrain vehicles, and dirt
21 bikes operated in violation of current law may be impounded. For a
22 first offense, the vehicle is required to be impounded for at least
23 seven days, and the owner may reclaim the vehicle by showing
24 proof of registration and insurance and paying a fee of \$500, plus
25 reasonable towing and storage costs. For a second or subsequent
26 offense, the vehicle is to be impounded for not less than 14 days,
27 and the owner may reclaim the vehicle by showing proof of
28 registration and insurance and paying a fee of \$750, plus reasonable
29 towing and storage costs. If the owner fails to reclaim the vehicle
30 within 30 days, it may be sold at public auction. The net proceeds
31 of the auction are to be returned to the owner or administered in
32 accordance with the “Uniform Unclaimed Property Act.” Under the
33 provisions of this bill, nuisance motor vehicles may also be
34 impounded as set forth above.

35 In addition, under current law, municipalities may adopt an
36 ordinance declaring that an all-terrain vehicle or dirt bike operated
37 in violation of current law is an immediate threat to the public
38 health, safety, and welfare and designating the all-terrain vehicles
39 or dirt bikes as contraband subject to forfeiture. Also, current law
40 provides that an all-terrain vehicle or dirt bike that is forfeited is to
41 be disposed of in accordance with State law on disposal of forfeited
42 property or, at the discretion of the entity funding the prosecuting
43 agency, destroyed. Under the provisions of this bill, these
44 provisions would also apply to a nuisance motor vehicle.

45 The bill defines a nuisance motor vehicle as a motor vehicle in
46 which a person operates or amplifies the sound produced from a
47 sound system within the motor vehicle so that the sound is plainly
48 audible at a distance of 50 feet or more from the motor vehicle.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4686

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 2023

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4686 with committee amendments.

As amended and reported by the committee, Assembly Bill No. 4686 establishes penalties for a person who commits a motor vehicle noise violation.

Under the amended bill, a person commits a motor vehicle violation pursuant to Title 39 (the motor vehicle code) if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.).

As introduced, the bill provided for the impoundment of nuisance motor vehicles, commonly referred to as boom cars, and allowed municipalities to seize and, in certain circumstances, destroy the vehicles. These penalties established under the bill, as introduced, were consistent with the penalties for snowmobiles, all-terrain vehicles, and dirt bikes operated in violation of current law.

A person convicted of a first motor vehicle violation under the bill is subject to a fine of \$250. A person convicted of a second violation is subject to a fine of \$500. A person convicted of a third or subsequent violation under the bill is subject to a fine of \$750 and is to be assessed two motor vehicle penalty points.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) provide that a person commits a motor vehicle violation if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.);

(2) provide that, for a first violation, a person is subject to a fine of \$250; for a second violation, a person is subject to a fine of \$500; and for a third or subsequent violation, a person is subject to a fine of \$750 and will be assessed two motor vehicle penalty points; and

(3) as introduced, the bill provided for the impoundment of nuisance motor vehicles, and allowed municipalities to seize and, in

certain circumstances, destroy the vehicles. The committee amendments eliminate these penalties.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4686

with Senate Floor Amendments
(Proposed by Senator CRUZ-PEREZ)

ADOPTED: MAY 22, 2023

Assembly Bill No. 4686 (1R) establishes penalties for a person who commits a motor vehicle noise violation.

Under the bill, a person commits a motor vehicle noise violation if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the “Noise Control Act.”

The bill provides that a person convicted of a first motor vehicle noise violation is subject to a fine of \$250. A person convicted of a second violation is subject to a fine of \$500. A person convicted of a third or subsequent violation is subject to a fine of \$750 and is also to be assessed two motor vehicle penalty points.

These Senate amendments provide that a person who commits a motor vehicle noise violation is subject to a fine of not less than \$250 or more than \$500 for a first violation; a fine of not less than \$500 or more than \$750 for a second violation; and a fine of not less than \$750 or more than \$1,000 is to be assessed in addition to two motor vehicle penalty points for a third violation.

SENATE, No. 3131

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Corrado and Sacco

SYNOPSIS

Provides for impoundment of nuisance motor vehicles and allows municipalities to seize and, in certain circumstances, destroy vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/2/2023)

1 AN ACT concerning certain motor vehicles and amending various
2 parts of the statutory law.

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.2019, c.505 (C.39:3C-35) is amended to
8 read as follows:

9 1. a. Except as provided in subsection e. of this section, a
10 snowmobile, all-terrain vehicle, or dirt bike operated on any public
11 street, highway, or right-of-way in violation of section 17 of
12 P.L.1973, c.307 (C.39:3C-17) or nuisance motor vehicle shall be
13 impounded by the law enforcing agency and subject to a fee and
14 costs as hereinafter provided:

15 (1) For a first offense, the snowmobile, all-terrain vehicle, **[or]**
16 dirt bike, or nuisance motor vehicle shall be impounded for not less
17 than seven days and shall be released to the registered owner upon
18 proof of registration and insurance and payment of a fee of \$500
19 payable to the municipality, plus reasonable towing and storage
20 costs.

21 (2) For a second or subsequent offense, the snowmobile, all-
22 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle shall be
23 impounded for not less than 14 days and shall be released to the
24 registered owner upon proof of registration and insurance and
25 payment of a fee of \$750 payable to the municipality, plus
26 reasonable towing and storage costs.

27 b. If the registered owner of a snowmobile, all-terrain vehicle,
28 **[or]** dirt bike, or nuisance motor vehicle impounded pursuant
29 subsection a. of this section fails to claim the impounded
30 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
31 vehicle and pay all outstanding fees and costs by midnight of the
32 30th day following the day on which the snowmobile, all-terrain
33 vehicle, **[or]** dirt bike, or nuisance motor vehicle was impounded,
34 that snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance
35 motor vehicle may be sold at public auction. Notice of the sale
36 shall be given by the impounding entity by certified mail to the
37 owner of the snowmobile **[or]** , all-terrain vehicle, or nuisance
38 motor vehicle, if the owner's name and address are known, and to
39 the holder of any security interest filed with the Chief Administrator
40 of the New Jersey Motor Vehicle Commission, and by publication
41 in a form prescribed by the chief administrator by one insertion, at
42 least five days before the date of the sale, in one or more
43 newspapers published in this State and circulating in the
44 municipality in which the snowmobile, all-terrain vehicle, **[or]** dirt
45 bike, or nuisance motor vehicle is impounded.

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. At any time prior to a sale pursuant to subsection b. of this
2 section, the owner or other person entitled to the snowmobile, all-
3 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle may
4 reclaim possession upon showing proof of registration and
5 insurance and paying all outstanding fees and costs associated with
6 the impoundment, and reasonable towing and storage costs.

7 The owner-lessor of a snowmobile, all-terrain vehicle, **[or]** dirt
8 bike, or nuisance motor vehicle impounded pursuant to paragraph
9 (1) or (2) of subsection a. of this section shall be entitled to reclaim
10 possession without payment and the lessee shall be liable for all
11 outstanding fees and costs associated with the impoundment,
12 towing and storage of the snowmobile **[or]** , all-terrain vehicle, or
13 nuisance motor vehicle.

14 d. Any proceeds obtained from the sale of a snowmobile, all-
15 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle at public
16 auction pursuant to subsection b. of this section in excess of the
17 amount owed to the impounding entity for the reasonable costs of
18 towing and storage and any fees or other costs associated with the
19 impoundment of the snowmobile, all-terrain vehicle, **[or]** dirt bike,
20 or nuisance motor vehicle shall be returned to the owner of that
21 snowmobile, all-terrain vehicle, **[or]** dirt bike, or nuisance motor
22 vehicle, if the owner's name and address are known. If the owner's
23 name and address are unknown or the person or entity cannot be
24 located, the net proceeds shall be administered in accordance with
25 the "Uniform Unclaimed Property Act," R.S.46:30B-1 et seq.

26 e. A municipality may by ordinance declare that an all-terrain
27 vehicle or dirt bike operated on any public street, highway, or right-
28 of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
29 or a nuisance motor vehicle poses an immediate threat to the public
30 health, safety, or welfare and designate such all-terrain vehicles or
31 dirt bikes so operated or nuisance motor vehicles as contraband
32 subject to forfeiture in accordance with the provisions of
33 N.J.S.2C:64-1 et seq. An all-terrain vehicle **[or]** , dirt bike, or
34 nuisance motor vehicle forfeited pursuant to the provisions of
35 N.J.S.2C:64-1 et seq. as authorized by this subsection shall be
36 disposed of in accordance with the provisions of N.J.S.2C:64-6 or,
37 at the discretion of the entity funding the prosecuting agency
38 involved, may be destroyed.

39 f. As used in this section, "nuisance motor vehicle" means a
40 motor vehicle in which a person operates or amplifies the sound
41 produced from a sound system within the motor vehicle so that the
42 sound is plainly audible at a distance of 50 feet or more from the
43 motor vehicle.

44 (cf: P.L.2021, c.353, s.1)

45
46 2. N.J.S.2C:64-1 is amended to read as follows:

1 2C:64-1 a. Any interest in the following shall be subject to
2 forfeiture and no property right shall exist in them:

3 (1) Controlled dangerous substances; firearms which are
4 unlawfully possessed, carried, acquired or used; illegally possessed
5 gambling devices; untaxed or otherwise contraband cigarettes or
6 tobacco products; unlawfully possessed container e-liquid; untaxed
7 special fuel; unlawful sound recordings and audiovisual works; and
8 items bearing a counterfeit mark. These shall be designated prima
9 facie contraband.

10 (2) All property which has been, or is intended to be, utilized in
11 furtherance of an unlawful activity, including, but not limited to,
12 conveyances intended to facilitate the perpetration of illegal acts, or
13 buildings or premises maintained for the purpose of committing
14 offenses against the State.

15 (3) Property which has become or is intended to become an
16 integral part of illegal activity, including, but not limited to, money
17 which is earmarked for use as financing for an illegal gambling
18 enterprise.

19 (4) Proceeds of illegal activities, including, but not limited to,
20 property or money obtained as a result of the sale of prima facie
21 contraband as defined by subsection a. (1), proceeds of illegal
22 gambling, prostitution, bribery and extortion.

23 (5) An all-terrain vehicle or dirt bike which has been operated
24 on a public street, highway, or right-of-way in violation of section
25 17 of P.L.1973, c.307 (C.39:3C-17) or a nuisance motor vehicle as
26 defined in section 1 of P.L.2019, c.505 (C.39:3C-35) in a
27 municipality that has passed an ordinance declaring that such all-
28 terrain vehicles or dirt bikes so operated or nuisance motor vehicles
29 as defined in section 1 of P.L.2019, c.505 (C.39:3C-35) pose an
30 immediate threat to the public health, safety, or welfare and
31 designating such vehicles as contraband as authorized by subsection
32 e. of section 1 of P.L.2019, c.505 (C.39:3C-35).

33 b. Any article subject to forfeiture under this chapter may be
34 seized by the State or any law enforcement officer as evidence
35 pending a criminal prosecution pursuant to N.J.S.2C:64-4 or, when
36 no criminal proceeding is instituted, upon process issued by any
37 court of competent jurisdiction over the property, except that
38 seizure without such process may be made when not inconsistent
39 with the Constitution of this State or the United States, and when

40 (1) The article is prima facie contraband; or

41 (2) The property subject to seizure poses an immediate threat to
42 the public health, safety or welfare.

43 c. For the purposes of this section:

44 "Items bearing a counterfeit mark" means items bearing a
45 counterfeit mark as defined in section 1 of P.L.1997, c.57 (C.2C:21-
46 32).

47 "Unlawful sound recordings and audiovisual works" means
48 sound recordings and audiovisual works as those terms are defined

1 in section 1 of P.L.1991, c.125 (C.2C:21-21) which were produced
2 in violation of section 1 of P.L.1991, c.125 (C.2C:21-21).

3 "Unlawfully possessed container e-liquid" means container e-
4 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is
5 possessed for retail sale by a person that is not licensed as a vapor
6 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

7 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
8 kerosene on which the motor fuel tax imposed pursuant to
9 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
10 transferred in this State in a manner not authorized pursuant to
11 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
12 (cf: P.L.2021, c.353, s.2)

13

14 3. N.J.S.2C:64-6 is amended to read as follows:

15 2C:64-6. a. Property which has been forfeited shall be destroyed
16 if it can serve no lawful purpose or it presents a danger to the public
17 health, safety or welfare. An all-terrain vehicle or dirt bike
18 operated in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
19 or a nuisance motor vehicle as defined in section 1 of P.L.2019,
20 c.505 (C.39:3C-35) which has been forfeited may be destroyed, at
21 the discretion of the entity funding the prosecuting agency involved.
22 All other forfeited property or any proceeds resulting from the
23 forfeiture and all money seized pursuant to this chapter shall
24 become the property of the entity funding the prosecuting agency
25 involved and shall be disposed of, distributed, appropriated and
26 used in accordance with the provisions of this chapter.

27 The prosecutor or the Attorney General, whichever is
28 prosecuting the case, shall divide the forfeited property, any
29 proceeds resulting from the forfeiture or any money seized pursuant
30 to this chapter with any other entity where the other entity's law
31 enforcement agency participated in the surveillance, investigation,
32 arrest or prosecution resulting in the forfeiture, in proportion to the
33 other entity's contribution to the surveillance, investigation, arrest
34 or prosecution resulting in the forfeiture, as determined in the
35 discretion of the prosecutor or the Attorney General, whichever is
36 prosecuting the case. Notwithstanding any other provision of law,
37 such forfeited property and proceeds shall be used solely for law
38 enforcement purposes, and shall be designated for the exclusive use
39 of the law enforcement agency which contributed to the
40 surveillance, investigation, arrest or prosecution resulting in the
41 forfeiture.

42 The Attorney General is authorized to promulgate rules and
43 regulations to implement and enforce the provisions of this act.

44 b. For a period of two years from the date of enactment of
45 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds
46 obtained by the Attorney General under the provisions of subsection
47 a. of this section shall be deposited into the Hepatitis Inoculation

1 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
2 100.13).

3 c. Beginning two years from the date of enactment of
4 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
5 of the proceeds obtained by the Attorney General under the
6 provisions of subsection a. of this section shall be deposited into the
7 Hepatitis Inoculation Fund established pursuant to section 2 of
8 P.L.1993, c.227 (C.26:4-100.13).

9 (cf: P.L.2021, c.353, s.3)

10

11 4. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill provides for the impoundment of nuisance motor
17 vehicles, commonly referred to as boom cars, and allows
18 municipalities to seize and, in certain circumstances, destroy the
19 vehicles.

20 Under current law, snowmobiles, all-terrain vehicles, and dirt
21 bikes operated in violation of current law may be impounded. For a
22 first offense, the vehicle is required to be impounded for at least
23 seven days, and the owner may reclaim the vehicle by showing
24 proof of registration and insurance and paying a fee of \$500, plus
25 reasonable towing and storage costs. For a second or subsequent
26 offense, the vehicle is to be impounded for not less than 14 days,
27 and the owner may reclaim the vehicle by showing proof of
28 registration and insurance and paying a fee of \$750, plus reasonable
29 towing and storage costs. If the owner fails to reclaim the vehicle
30 within 30 days, it may be sold at public auction. The net proceeds
31 of the auction are to be returned to the owner or administered in
32 accordance with the "Uniform Unclaimed Property Act." Under the
33 provisions of this bill, nuisance motor vehicles may also be
34 impounded as set forth above.

35 In addition, under current law, municipalities may adopt an
36 ordinance declaring that an all-terrain vehicle or dirt bike operated
37 in violation of current law is an immediate threat to the public
38 health, safety, and welfare and designating the all-terrain vehicles
39 or dirt bikes as contraband subject to forfeiture. Also, current law
40 provides that an all-terrain vehicle or dirt bike that is forfeited is to
41 be disposed of in accordance with State law on disposal of forfeited
42 property or, at the discretion of the entity funding the prosecuting
43 agency, destroyed. Under the provisions of this bill, these
44 provisions would also apply to a nuisance motor vehicle.

45 The bill defines a nuisance motor vehicle as a motor vehicle in
46 which a person operates or amplifies the sound produced from a
47 sound system within the motor vehicle so that the sound is plainly
48 audible at a distance of 50 feet or more from the motor vehicle.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3131

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3131.

As amended and reported by the committee, this bill establishes penalties for a person who commits a motor vehicle noise violation.

Under the amended bill, a person commits a motor vehicle violation pursuant to Title 39 (the motor vehicle code) if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.).

The amended bill provides that a person convicted of a first motor vehicle violation is subject to a fine of not less than \$250 or more than \$500. A person convicted of a second violation is subject to a fine of not less than \$500 or more than \$750. A person convicted of a third or subsequent violation is subject to a fine of not less than \$750 or more than \$1,000 and is to be assessed two motor vehicle penalty points.

As introduced, the bill provided for the impoundment of nuisance motor vehicles, commonly referred to as boom cars, and allowed municipalities to seize and, in certain circumstances, destroy the vehicles. These penalties established under the bill, as introduced, were consistent with the penalties for snowmobiles, all-terrain vehicles, and dirt bikes operated in violation of current law.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) provide that a person commits a motor vehicle violation if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.);

(2) provide that, for a first violation, a person is subject to a fine of not less than \$250 or more than \$500; for a second violation, a person is subject to a fine of not less than \$500 or more than \$750; and for a third or subsequent violation, a person is subject to a fine of not less than \$750 or more than \$1,000 and will be assessed two motor vehicle penalty points; and

(3) as introduced, the bill provided for the impoundment of nuisance motor vehicles and allowed municipalities to seize and, in certain circumstances, destroy the vehicles. The committee amendments eliminate these penalties.

Acting Governor Scutari Takes Action on Legislation

08/7/2023

TRENTON - Today, Acting Governor Scutari signed the following bills into law:

S-3374/A-5038 (Lagana/Tully) - Provides that operator, owner, lessor, and lienholder of vehicle may be responsible for certain towing and storage fees; applies retroactively

S-3776/A-5583 (Lagana, Schepisi/Tully, Egan) - Concerns prevailing wage requirements for certain fabrication

A-2271/S-3442 (Murphy, McKnight/Madden, Singleton) - Designates cranberry juice as State juice

A-4686/S-3131 (Spearman, Moen, Clifton/Cruz-Perez, Beach, Singleton) - Establishes penalties for person who commits motor vehicle noise violation

AJR-195/SJR-97 (Benson, Verrelli, Moen/Diegnan, Johnson) - Designates third week of September of each year as "New Jersey Rail Safety Week"