

39:3-85.5

LEGISLATIVE HISTORY CHECKLIST
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(Motor vehicle thefts)

LAWS OF: 1990

CHAPTER: 98

Bill No: A12

Sponsor(s): Patero

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law and Public Safety

Senate: Law, Public Safety

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: February 26, 1990 Re-enacted 6-14-90

Senate: April 30, 1990 Re-enacted 10-1-90

Date of Approval: October 10, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

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[FIRST REPRINT]
ASSEMBLY, No. 12

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen PATERO and CIMINO

1 AN ACT to establish a program to combat the theft of motor
2 vehicles and supplementing chapter 3 of Title 39 of the Revised
3 Statutes.

4

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

7 1. The Superintendent of the Division of State Police shall
8 establish a program, as hereinafter provided, to combat the theft
9 of motor vehicles in this State. Participation in the program
10 shall be voluntary in nature and shall involve the following:

11 a. The registered owner of a motor vehicle shall, in the
12 presence of the chief law enforcement officer of the
13 municipality, or his designee, sign an informed consent
14 agreement, ¹[provided] designed¹ by the superintendent pursuant
15 to the provisions of section 3 of this act, indicating that the
16 motor vehicle registered to him is not normally operated between
17 the hours of 1:00 a.m. and 5:00 a.m.

18 b. Upon signing the informed consent agreement, the
19 registered owner shall be issued a decal, designed ¹[and
20 provided]¹ by the superintendent ¹[to] and provided by¹ the local
21 police department and force. The registered owner shall affix
22 the decal, in a conspicuous place prescribed by the
23 superintendent, to his motor vehicle.

24 2. Whenever any law enforcement officer shall see a motor
25 vehicle displaying a decal issued pursuant to the provisions of
26 section 1 of this act being operated upon the public highways of
27 this State between the hours of 1:00 a.m. and 5:00 a.m., the
28 officer is hereby authorized to stop that motor vehicle and to
29 request the driver thereof to produce a valid driver's license,
30 motor vehicle registration card, and insurance identification card.

31 Whenever the operator of a motor vehicle displaying such a
32 decal is unable to produce the documentation set forth in this
33 section, ¹[there shall be a rebuttable presumption that] the police
34 officer shall investigate further to determine if¹ the person
35 operating the motor vehicle is ¹[not]¹ the registered owner ¹[and
36 does not have] or has¹ the authorization of the owner to operate
37 the vehicle.

38 3. The superintendent shall design the manner and form of the
39 informed consent agreement required under the provisions of
40 section 1 of this act ¹[and shall make copies of the document

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:

¹ Assembly amendments adopted in accordance with Governor's
recommendations June 7, 1990.

1 4. The superintendent shall provide for the recording of the
2 registered owners of motor vehicles who participate in this
3 program. The records shall be available to all law enforcement
4 departments, agencies and forces. The superintendent shall
5 cooperate with and assist all law enforcement officers and other
6 agencies in tracing or examining any questionable motor vehicles
7 in order to determine the ownership thereof.

8 5. The superintendent may charge a fee for the informed
9 consent forms and the decals provided under this act. The fee
10 charged shall not exceed the actual costs incurred by the Division
11 of State Police in providing the informed consent forms and
12 decals and in administering the program authorized under this act.

13 6. The Superintendent of the Division of State Police shall
14 promulgate pursuant to the provisions of the "Administrative
15 Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
16 regulations to effectuate the purposes of this act.

17 7. This act shall take effect on the 121st day following
18 enactment.

19 20 STATEMENT

21
22 This bill directs the Superintendent of the Division of State
23 Police to establish a voluntary program to combat motor vehicle
24 thefts.

25 Under the provisions of the bill, the registered owner of a
26 motor vehicle would sign an informed consent agreement,
27 provided by the superintendent and available at owner's local
28 police department, indicating that his vehicle is not normally
29 operated between the hours of 1:00 a.m. and 5:00 a.m. Upon
30 signing the agreement, the owner would be issued a decal to
31 display on his vehicle.

32 Whenever a law enforcement officer observes a motor vehicle
33 displaying the decal being operated between those hours, he is
34 authorized to stop the vehicle and ask the operator to produce a
35 valid driver's license, motor vehicle registration, and insurance
36 identification card. If the operator is unable to produce the
37 required documentation, the bill specifies that there is a
38 rebuttable presumption that the motor vehicle is stolen.

39 The superintendent also is authorized to charge a fee to cover
40 the actual costs of producing and providing copies of the
41 informed consent agreement and decals, and of administering the
42 program.

43 The program established under this bill is modeled after
44 "Operation CAT," which stands for "Combat Auto Theft," a pilot
45 program that was recently introduced in New York City. Initial
46 reports indicate that this pilot program has been quite successful
47 in combatting auto thefts in New York City.

48 49 MOTOR VEHICLES

50
51 Establishes a voluntary registration program to combat motor
52 vehicle thefts.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 12

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 12.

This bill directs the Superintendent of the Division of State Police to establish a voluntary program to combat motor vehicle thefts.

Under the provisions of the bill, the registered owner of a motor vehicle would sign an informed consent agreement, provided by the superintendent and available at local police departments, indicating that the vehicle is not normally operated between the hours of 1:00 a.m. and 5:00 a.m. Upon signing the agreement, the owner would be issued a decal to display on his vehicle.

Whenever a law enforcement officer observes a motor vehicle displaying the decal being operated between those hours, he is authorized to stop the vehicle and ask the operator to produce a valid driver's license, motor vehicle registration, and insurance identification card. If the operator is unable to produce the required documentation, the bill specifies that there is a rebuttable presumption that the motor vehicle is stolen.

The superintendent also is authorized to charge a fee to cover the actual costs of producing and providing copies of the informed consent agreement and decals, and of administering the program.

The program established under this bill is modeled after "Operation CAT," which stands for "Combat Auto Theft," a pilot program that was recently introduced in New York City. Initial reports indicate that this pilot program has been quite successful in combatting auto thefts in New York City.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 12

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 12.

This bill directs the Superintendent of the Division of State Police to establish a voluntary program to combat motor vehicle thefts.

Under the provisions of the bill, the registered owner of a motor vehicle would sign an informed consent agreement, provided by the superintendent and available at local police departments, indicating that the vehicle is not normally operated between the hours of 1:00 a.m. and 5:00 a.m. Upon signing the agreement, the owner would be issued a decal to display on his vehicle.

Whenever a law enforcement officer observes a motor vehicle displaying the decal being operated between those hours, he is authorized to stop the vehicle and ask the operator to produce a valid driver's license, motor vehicle registration, and insurance identification card. If the operator is unable to produce the required documentation, the bill specifies that there is a rebuttable presumption that the motor vehicle is stolen.

The superintendent also is authorized to charge a fee to cover the actual costs of producing and providing copies of the informed consent agreement and decals, and of administering the program.

The program established under this bill is modeled after "Operation CAT," which stands for "Combat Auto Theft," a pilot program that was recently introduced in New York City. Initial reports indicate that this pilot program has been quite successful in combatting auto thefts in New York City.

As released by this committee, this bill is identical to Senate Bill 1328 as amended by this committee on March 19, 1990.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 7, 1990

ASSEMBLY BILL NO. 12

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 12 with my objections for reconsideration.

This bill would create a voluntary registration program to combat motor vehicle theft, whereby the registered owner of the motor vehicle could agree to allow investigatory stops of the vehicle by any police officer between the hours of 1 a.m. and 5 a.m. The bill allows police officers to request to see the driver's license, registration and insurance card when the vehicle is stopped and establishes a rebuttable presumption that if the driver cannot produce these documents, he or she is not the registered owner of the vehicle and does not have the owner's permission to use the vehicle. This presumption would operate to give police officers probable cause to arrest drivers who cannot produce these documents on suspicion of motor vehicle theft.

I wholeheartedly support the goal of this bill, which is to combat the serious problem of motor vehicle theft in New Jersey. According to F.B.I. crime reports, nine New Jersey cities are ranked in the top twenty-five among U.S. cities for auto theft rates. I also support the establishment of this program which will permit ordinary citizens and the police to join together to address this menace.

Nevertheless, this bill needs fine tuning that will permit us to avoid difficulties that may be encountered in enforcing the provisions of the bill. This legislation would create a rebuttable presumption that would too easily create a criminal arrest record for an innocent motorist who is stopped by police and is unable to produce a license, registration and insurance card even if he or she owns or has the owner's permission to use the vehicle. Although a driver would legally be able to rebut this presumption of unauthorized use, in most instances an innocent driver would not be in a position to effectively take advantage of this legal right when stopped by police and would be arrested.

The goal of this bill could still be accomplished even if this rebuttable presumption were eliminated. If the presumption is removed, the police could still stop the car and request that the driver produce appropriate documentation. If a driver is unable to produce these documents, a police officer would be

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EXECUTIVE DEPARTMENT

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able to further investigate the matter. In most cases, the police officer will simply telephone the registered owner of the vehicle to determine whether the driver is authorized to use the car. If this further investigation reveals circumstances which lead the officer to believe that the vehicle has been stolen, the officer would have probable cause to arrest. Removal of the rebuttable presumption would thus allow the officer to decide what is appropriate under the circumstances of each case and would avoid unnecessary delay or detention of motorists.

In addition, this bill needlessly involves the State Police in certain day-to-day administrative aspects of this program. Accordingly, I suggest that this bill also be amended to give local law enforcement officers increased authority over the administration of this program in their municipality.

Therefore, I herewith return Assembly Bill No. 12 and recommend that it be amended as follows:

Page 1, Section 1, Line 15: Delete "provided" insert "designed"

Page 1, Section 1, Line 20: Delete "and provided"

Page 1, Section 1, Line 21: Delete "to" insert "and provided by"

Page 1, Section 2, Line 33: Delete "there shall be a rebuttable presumption that" insert "the police officer shall investigate further to determine if"

Page 1, Section 2, Line 34: Delete "not"; delete "and does" insert "or"

Page 1, Section 2, Line 35: Delete "not have" insert "has"

Page 1, Section 3, Lines 38-39: Delete "and shall make copies of the document available to the" insert ". The"

Page 1, Section 3, Line 40: After "municipality" insert "shall make copies of the document available"

Page 2, Section 5, Line 8: Delete "superintendent" insert "chief law enforcement officer of the municipality"

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Page 2, Section 5, Lines 10-11: Delete "Division of State Police" insert
"municipality"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ John A. Sweeney

Counsel to the Governor