

39:10A-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:10A-1; 40A:14-157

(Abandoned vehicles-- disposition--  
time public agency must hold)

CHAPTER 173

Laws Of: 1986

Bill No: S1950

Sponsor(s): Cowan

Date Introduced: March 10, 1986

Committee: Assembly: Municipal Government

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted  
by asterisk.

Date of Passage: Assembly: October 30, 1986

Senate: June 30, 1986

Date of Approval: December 8, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1950

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1986

By Senator COWAN

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the sale by government agencies of motor vehicles which have been abandoned and amending P. L. 1964, c. 81 and N. J. S. 40A:14-157.

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

1 1. Section 1 of P. L. 1964, c. 81 (C. 39:10A-1) is amended to  
2 read as follows:

3 1. \*a.\* When the State or any county, county park commission,  
4 municipality or any authority created by any thereof, hereinafter  
5 referred to as a "public agency," shall have taken possession of a  
6 motor vehicle found abandoned, such taking of possession shall be  
7 reported immediately to the Director of the Division of Motor  
8 Vehicles on a form prescribed by him, for verification of ownership.

9 \*b.\* When such motor vehicle which \*has been ascertained not to  
10 be stolen and\* \*\*which\*\* can be certified \*\*for a junk title certifi-  
11 cate\*\* under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) shall have  
12 remained unclaimed by the owner or other person having a legal  
13 right thereto for a period of [30] 15 \*business\* days, \*even if at  
14 that time the owner has not been identified as a result of efforts to  
15 make identification by the public agency or the Division of Motor  
16 Vehicles,\* the same may be sold at auction in a public place. \*If  
17 the certified motor vehicle is sold at auction prior to identification  
18 of the owner, the public agency shall document the condition of  
19 the motor vehicle in writing and with photographs prior to the  
20 sale; document the amount obtained from the sale of the motor

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

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

\*—Senate committee amendments adopted June 9, 1986.

\*\*—Assembly committee amendments adopted September 29, 1986.

21 *vehicle; and notify the owner, if his name and address are identi-*  
 22 *fied after the sale, of the actions taken by the public agency to*  
 23 *dispose of the motor vehicle.\* \*c.\* *When a motor vehicle which*  
 24 *cannot be certified \*\*for a junk title certificate\*\* under section 3*  
 25 *of P. L. 1964, c. 81 (C. 39:10A-3) remains unclaimed by the owner*  
 26 *or other person having a legal right thereto for a period of 20*  
 27 *\*business\* days, the motor vehicle may be sold at auction in a*  
 28 *public place. \*d.\* The public agency shall give notice of \*\*[such]\*\**  
 29 *\*\*a\*\* sale \*\*conducted pursuant to subsection b. or c. of this*  
 30 *section\*\**, by certified mail, to the owner, if his name and address  
 31 be known and to the holder of any security interest filed with the  
 32 director, and by publication in a form to be prescribed by the  
 33 director by one insertion, at least five days before the date of the  
 34 sale, in one or more newspapers published in this State and  
 35 circulating in the municipality in which such motor vehicle is held.*

1 2. N. J. S. 40A:14-157 is amended to read as follows:

2 40A:14-157. a. Where tangible personal property comes into the  
 3 possession of the police department or force of a municipality, by  
 4 finding and recovery, by a member of the police force acting in the  
 5 line of duty, and if the owner or his whereabouts is unknown and  
 6 cannot be ascertained, or if said owner shall refuse to receive such  
 7 property, then the said property shall not be disposed of for six  
 8 months, except in cases of motor vehicles, which shall be [for three  
 9 months.] *disposed of according to P. L. 1964, c. 81 (C. 39:10A-1*  
 10 *et seq.)*. In any such case the governing body of said municipality,  
 11 by resolution, may then provide for the sale, in whole or in part  
 12 of any such property, at public auction, after notice of a designated  
 13 time and place therefor, not less than 10 days prior thereto, pub-  
 14 lished in a newspaper circulating within the municipality. Perish-  
 15 able items may be sold without reference to the said periods of time.  
 16 Moneys received from the sale of any such property shall be paid  
 17 into the general municipal treasury.

18 All unclaimed moneys coming into the possession of any municipi-  
 19 pal police department or force shall be turned over within 48 hours  
 20 to the municipal treasurer for retention in a trust account and,  
 21 after six months, if unclaimed by any person entitled thereto, be  
 22 paid into the general municipal treasury.

23 b. Whenever any money or tangible personal property other  
 24 than a motor vehicle has been or shall be found or discovered by  
 25 any person other than by a member of a municipal police force  
 26 acting in the line of duty and the finder shall have given or shall  
 27 give custody of the found money or tangible personal property to

28 the municipal police department or force for the purpose of assist-  
29 ing the police to find the owner thereof, the police department or  
30 police force shall retain custody of said money or tangible personal  
31 property for a period of six months. If the money or tangible  
32 personal property is unclaimed during said six-month period by the  
33 person entitled thereto, the money or personal property shall be  
34 returned by the municipal police department or police force to the  
35 finder, who shall be deemed the sole owner thereof.

36 c. This act shall apply to all money or tangible personal property  
37 which now is in, or which hereafter may come into, the possession  
38 or custody of any municipal police department, police force or  
39 municipal treasury in the manner herein described.

1 3. This act shall take effect immediately.

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#### MOTOR VEHICLE—GENERAL

Decreases the number of days for which an abandoned motor  
vehicle is required to be held by a public agency before disposition.

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## STATEMENT

Under present law, a public agency is required to hold an abandoned motor vehicle for 30 days before that public agency is allowed to dispose of the motor vehicle at a public auction. A public agency is defined by section 1 of P. L. 1964, c. 81 (C. 39:10A-1) as the State, or any county, county park commission, municipality, or any authority created by one of these entities. This bill decreases the number of days for which an abandoned motor vehicle is required to be held. Also, the bill creates two time periods which are to be complied with depending on the condition of the motor vehicle.

Under this bill, a motor vehicle which may be certified under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) as incapable of being operated safely or of being put into safe operational condition except at a cost in excess of its value is to be held for 15 days before it can be sold at public auction. Motor vehicles certified under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) are issued junk title certificates by the Division of Motor Vehicles. A motor vehicle which cannot be certified under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) is to be held for 20 days before it can be sold at public auction.

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MOTOR VEHICLE--GENERAL

Decreases the number of days for which an abandoned motor vehicle is required to be held by a public agency before disposition.

51956 (1986)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 1950**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 29, 1986

The Assembly Municipal Government Committee favorably reports Senate Bill No. 1950 Sca OCR with Assembly Committee Amendments.

This bill decreases the number of days a public agency must hold an abandoned motor vehicle prior to offering it for public sale. The present law requires the public agency to hold the abandoned vehicle for 30 days before offering it for sale. This bill decreases the holding period to 15 business days for those vehicles that can be certified as qualifying for a junk title certificate pursuant to section 3 of P. L. 1964, c. 81 (C. 39:10A-3), and to 20 business days for all other abandoned vehicles.

The bill, as amended by the Senate, also requires a public agency which is selling an abandoned motor vehicle certified for a junk title certificate, to document the condition of the vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale; and notify the owner, if his identity becomes known after the sale, of the action taken by the public agency.

The bill amends N. J. S. 40A:14-157 so as to conform the time a municipal police department must hold an unclaimed motor vehicle before offering it for sale, to the time a public agency must hold such motor vehicle. Present law requires municipal police departments to hold unclaimed motor vehicles for three months. This bill would reduce that time to 15 days for junk vehicles and 20 days for all others.

The committee amended the bill to clarify its intention that the publication of the notice of sale in a newspaper shall be applicable to both sales of motor vehicles with junk title certificates and to the sale of all other motor vehicles.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 1950**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JUNE 9, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 1950 with amendments.

As amended, this bill decreases the number of days a public agency must hold an abandoned motor vehicle before disposing of it. Under present law, a public agency is required to hold an abandoned motor vehicle for 30 days before it may sell the motor vehicle at a public auction. A public agency is defined by current law as the State, or any county, county park commission, municipality, or any authority created by one of these entities.

The bill requires that before disposing of a motor vehicle, a municipality must comply with one of two time periods, depending on the condition of the motor vehicle. A motor vehicle that qualifies for a junk title certificate under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) because it is incapable of being operated safely or of being put into safe operational condition except at a cost in excess of its value, must be held for 15 business days before it can be sold at public auction. The committee amended the bill to state that a motor vehicle qualifying for a junk title certificate can be sold after being held for 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Division of Motor Vehicles. The amendments require, however, that under these circumstances, the public agency document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address is identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

A motor vehicle that does not qualify for junk title certificate must be held for 20 business days before it can be sold at public auction.

The committee also adopted amendments clarifying that vehicles must be held for a certain number of business days, rather than calendar days.