

39:5-41

4/14/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:5-41 (Motor vehicle fines-- equal distribution-- counties and municipalities)

Laws Of: 1986 **CHAPTER 197**

Bill No: S53

Sponsor(s): Hurley and Dorsey

Date Introduced: Pre-filed

Committee: **Assembly:** Law, Public Safety, Defense and Corrections
Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: **Assembly:** December 18, 1986
Senate: June 30, 1986

Date of Approval: December 30, 1987

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

12-30-86

SENATE, No. 53

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator HURLEY

AN ACT concerning the disposition of motor vehicle fines, and
amending R. S. 39:5-41.

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

1 1. R. S. 39:5-41 is amended to read as follows:

2 39:5-41. a. All fines, penalties and forfeitures imposed and
3 collected under authority of law for any violations of R. S. 39:4-63
4 and R. S. 39:4-64, shall be forwarded by the judge to whom the
5 same have been paid to the proper financial officer of the munici-
6 pality wherein the violation occurred, to be used by the municipality
7 to help finance litter control activities in addition to or supplement-
8 ing existing litter pickup and removal activities in the municipality.

9 b. Except as otherwise provided by subsection a. of this section,
10 all fines, penalties and forfeitures imposed and collected under au-
11 thority of law for any violations of the provisions of this Title,
12 other than those violations in which the complainant is the direc-
13 tor, a member of his staff, a member of the State Police, an in-
14 spector of the Board of Public Utilities, or a law enforcement
15 officer of any other State agency, shall be forwarded by the judge
16 to whom the same have been paid *as follows: one-half of the total*
17 *amount collected to the financial officer, as designated by the local*
18 *governing body, of the respective municipalities wherein the viola-*
19 *tions occurred, to be used by the municipality for general municipal*
20 *use and to defray the cost of operating the municipal court; and*
21 *one-half of the total amount collected to the proper financial officer*
22 *of the county wherein they were collected, to be used by the county*

**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.

23 as a fund for the construction, reconstruction, maintenance and
24 repair of roads and bridges, snow removal, the acquisition and
25 purchase of right-of-way, and the purchase, replacement and repair
26 of equipment for use on said roads and bridges therein. [Whenever
27 the amount of the moneys to be forwarded to the counties pursuant
28 to this section arises above the level forwarded to them in fiscal year
29 1980, the increase, up to the amount forwarded to the counties, shall
30 be forwarded to the proper financial officer of the respective munic-
31 ipalities wherein the violations occurred, to be used by the munic-
32 ipalities as a fund for general municipal use and to defray the cost
33 of operating the municipal court. When the amount of moneys for-
34 warded to the municipalities equals the amount forwarded to the
35 counties, any additional increases shall be paid one-half to the
36 county wherein the funds were collected and one-half to the munic-
37 ipality wherein the funds were collected.]

38 Whenever any county has deposited moneys collected pursuant
39 to this section in a special trust fund in lieu of expending the same
40 for the purposes authorized by this section, it may withdraw from
41 said special trust fund in any year an amount which is not in excess
42 of the amount expended by the county over the immediate preceding
43 three-year period from general county revenues for said purposes.
44 Such moneys withdrawn from the trust fund shall be accounted for
45 and used as are other general county revenues.

1 2. This act shall take effect January 1 next following enactment.

MOTOR VEHICLE — GENERAL

Provides for equal sharing of motor vehicle fines between counties
and municipalities.

24 palities as a fund for general municipal use and to defray the cost
25 of operating the municipal court. When the amount of moneys for-
26 warded to the municipalities equals the amount forwarded to the
27 counties, any additional increase shall be paid one-half to the county
28 wherein the funds were collected and one-half to the municipality
29 wherein the funds were collected.】

30 Whenever any county has deposited moneys collected pursuant
31 to this section a special trust fund in lieu of expending the same
32 for the purposes authorized by this section, it may withdraw from
33 said special trust fund in any year an amount which is not in excess
34 of the amount expended by the county over the immediate preceding
35 three-year period from general county revenues for said purposes.
36 Such moneys withdrawn from the trust fund shall be accounted for
37 and used as are other general county revenues.

1 2. This act shall take effect January 1 next following enactment.

STATEMENT

This bill provides for equal sharing of the proceeds of motor vehicle fines between counties and municipalities. It will take effect January 1 next following its enactment. The delayed effective date is to allow municipalities and counties to adjust their budgets in accord with the new distribution schedules.

553 (11)

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 53

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 53.

This bill changes the manner in which the proceeds of motor vehicle violations arising out of a complaint by a county or municipal law enforcement officer or official are shared by counties and municipalities.

The bill provides for immediate, equal sharing of these funds by counties and municipalities. It takes effect on the January 1 next following enactment.

Under current law, these funds are distributed so that the counties first receive the funds, until they have received the amount that they received in fiscal year 1980; then the funds are forwarded to the municipalities, until they have received the same amount as the counties have received. Any additional proceeds are divided equally between the counties and the municipalities.

As released from this committee, this bill is identical to Assembly Bill No. 2325.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 53

STATE OF NEW JERSEY

DATED: JUNE 5, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 53.

This bill changes the manner in which the proceeds of motor vehicle violations arising out of a complaint by a county or municipal law enforcement officer or official shared by counties and municipalities.

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Under current law, these funds are distributed so that the counties first receive the funds, until they have received the amount that they received in fiscal year 1980; then the funds are forwarded to the municipalities, until they have received the same amount as the counties have received. Any additional proceeds are divided equally between the counties and the municipalities.

This bill was pre-filed in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review, which was performed.