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LAW/KR

P.L.2011, CHAPTER 29, *approved March 1, 2011*
Senate, No. 1923 (*Third Reprint*)

1 AN ACT concerning motorcycle sales, supplementing chapter 10 of
2 Title 39 of the Revised Statutes, and amending P.L.1999, c.90.

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

6
7 1. (New section) Any dealer ²engaged in the business of
8 selling ³**[new]**³ motorcycles and² licensed pursuant to R.S.39:10-
9 19 ²and who holds a franchise from a manufacturer of new
10 motorcycles² may engage in the business of buying, selling, or
11 exchanging motorcycles in this State on any day of the week ¹,
12 except that such a dealer shall not be permitted to engage in the
13 business of buying, selling ²,² or exchanging motorcycles on a
14 Sunday in any county where Sunday sales are prohibited pursuant to
15 sections 14 through 18 of P.L.1999, c.90 (C.40A:64-1 et seq.)¹.
16 Nothing in this act shall be construed to affect the sale of
17 automobiles, nor shall it be construed to require a dealer to conduct
18 business on any particular day of the week.

19
20 2. Section 4 of P.L.1999, c.90 (C.2C:33-26) is amended to read
21 as follows:

22 4. ²**[A]** Except as provided in section 1 of P.L. , c. (C.)
23 (pending before the Legislature as this bill), a² person who engages
24 in the business of buying, selling¹,¹ or exchanging **[motor vehicles]**
25 ²**[automobiles]** motor vehicles² or who opens a place of business
26 and attempts to engage in such conduct on a Sunday commits a
27 disorderly persons offense. The first offense is punishable by a fine
28 not to exceed ²**[\$100.00]** \$100² or imprisonment for a period of not
29 more than 10 days or both; the second offense is punishable by a
30 fine not to exceed \$500 or imprisonment for a period of not more
31 than 30 days or both; the third or each subsequent offense is
32 punishable by a fine of ²**[\$750.00]** \$750² or imprisonment for a
33 period of six months or both. If the person is a licensed dealer in
34 new or used motor vehicles in this State, under the provisions of
35 chapter 10, Title 39 of the Revised Statutes, the person shall also be
36 subject to suspension or revocation of his dealer's license to engage
37 in the business of buying, selling¹,¹ or exchanging ²**[in]**² motor
38 vehicles in this State as provided in Title 39, chapter 10¹**[**, section

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:

¹Senate STR committee amendments adopted May 27, 2010.

²Senate floor amendments adopted June 21, 2010.

³Assembly ATR committee amendments adopted November 15, 2010.

1 10]¹, section 20, for violation of this statute. Nothing contained in
2 this section shall be construed to prohibit a person from accepting a
3 deposit to secure the sale of a recreational vehicle, as defined in
4 section 1 of P.L.1999, c.284 (C.54:4-1.18), at an off-site sale
5 authorized pursuant to section 2 of P.L.2005, c.351 (C.39:10-19.2),
6 on a Sunday. Nothing contained in this section shall be construed
7 to prohibit a dealer, ²engaged in the business of selling ³[new]³
8 motorcycles and² licensed pursuant to R.S.39:10-19, ²and who
9 holds a franchise from a manufacturer of new motorcycles² from
10 engaging in the business of buying, selling, or exchanging
11 motorcycles on a Sunday ¹, except that such a dealer shall be
12 prohibited from engaging in the business of buying, selling, or
13 exchanging motorcycles on a Sunday in a county where Sunday
14 sales are prohibited pursuant to sections 14 through 18 of P.L.1999,
15 c.90 (C.40A:64-1 et seq.) and for a violation of this prohibition
16 shall be subject to the penalties provided in this section for the
17 buying, selling, or exchanging ²[of automobiles] motor vehicles²
18 on a Sunday¹. As used in this section, the terms "dealer,"
19 ²["automobile,"] "motor vehicle,"² and "motorcycle" shall have the
20 meaning set forth in R.S.39:1-1.

21 (cf: P.L.2005, c.351, s.5)

22

23 3. This act shall take effect immediately.

24

25

26

27

28 Permits sale of motorcycles on Sunday.

SENATE, No. 1923

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 13, 2010

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Permits sale of motorcycles on Sunday.

CURRENT VERSION OF TEXT

As introduced.



S1923 NORCROSS

2

1 AN ACT concerning motorcycle sales, supplementing chapter 10 of
2 Title 39 of the Revised Statutes, and amending P.L.1999, c.90.

3

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

6

7 1. (New section) Any dealer licensed pursuant to R.S.39:10-19
8 may engage in the business of buying, selling, or exchanging
9 motorcycles in this State on any day of the week. Nothing in this
10 act shall be construed to affect the sale of automobiles, nor shall it
11 be construed to require a dealer to conduct business on any
12 particular day of the week.

13

14 2. Section 4 of P.L.1999, c.90 (C.2C:33-26) is amended to read
15 as follows:

16 4. A person who engages in the business of buying, selling or
17 exchanging **[motor vehicles]** automobiles or who opens a place of
18 business and attempts to engage in such conduct on a Sunday
19 commits a disorderly persons offense. The first offense is
20 punishable by a fine not to exceed \$100.00 or imprisonment for a
21 period of not more than 10 days or both; the second offense is
22 punishable by a fine not to exceed \$500 or imprisonment for a
23 period of not more than 30 days or both; the third or each
24 subsequent offense is punishable by a fine of \$750.00 or
25 imprisonment for a period of six months or both. If the person is a
26 licensed dealer in new or used motor vehicles in this State, under
27 the provisions of chapter 10, Title 39 of the Revised Statutes, the
28 person shall also be subject to suspension or revocation of his
29 dealer's license to engage in the business of buying, selling or
30 exchanging in motor vehicles in this State as provided in Title 39,
31 chapter 10, section 10, section 20, for violation of this statute.
32 Nothing contained in this section shall be construed to prohibit a
33 person from accepting a deposit to secure the sale of a recreational
34 vehicle, as defined in section 1 of P.L.1999, c.284 (C.54:4-1.18), at
35 an off-site sale authorized pursuant to section 2 of P.L.2005, c.351
36 (C.39:10-19.2), on a Sunday. Nothing contained in this section
37 shall be construed to prohibit a dealer, licensed pursuant to
38 R.S.39:10-19, from engaging in the business of buying, selling or
39 exchanging motorcycles on a Sunday. As used in this section, the
40 terms "dealer," "automobile," and "motorcycle" shall have the
41 meaning set forth in R.S.39:1-1.

42 (cf: P.L.2005, c.351, s.5)

43

44 3. This act shall take effect immediately.

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.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1923

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 27, 2010

The Senate Transportation Committee favorably reports Senate Bill No. 1923 with committee amendments.

This amended bill permits, but does not require, licensed dealers to sell motorcycles on Sunday except in a county in which Sunday sales are prohibited pursuant to sections 14 through 18 of P.L.1999, c.90 (C.40A:64-1 et seq.). For violating this prohibition, a dealer would be subject to the same penalties as provided in section 4 of P.L.1999, c.90 (C.2C:33-26) for selling automobiles on Sunday. The bill does not impact the sale of other motor vehicles.

The committee amended the bill to exempt a county in which Sunday sales are prohibited pursuant to P.L.1999, c.90 from its provisions, and to provide the same penalties for selling motorcycles in that county on Sunday as are generally provided for the sale of automobiles on Sunday. The amendments also delete an extraneous reference in a citation to the existing law.

STATEMENT TO
[First Reprint]
SENATE, No. 1923

with Senate Floor Amendments
(Proposed by Senator NORCROSS)

ADOPTED: JUNE 21, 2010

These amendments limit the dealers who may sell motorcycles on any day of the week (including Sunday) to those dealers who are engaged in the business of selling new motorcycles, are licensed pursuant to R.S.39:10-19, and who hold a franchise from a manufacturer of new motorcycles. The current prohibition on the sale of motor vehicles on a Sunday, with the above exemption, is kept in place. Sales of motor vehicles, including motorcycles, on a Sunday in a county where Sunday sales are prohibited still continue to be prohibited.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1923

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Senate Bill No. 1923(2R).

As reported, this amended bill permits, but does not require, licensed dealers to sell motorcycles on Sunday except in a county in which Sunday sales are prohibited pursuant to sections 14 through 18 of P.L.1999, c.90 (C.40A:64-1 et seq.). The bill limits the dealers who may sell motorcycles on any day of the week, including Sunday, to those dealers who are engaged in the business of selling motorcycles, are licensed pursuant to R.S.39:10-19, and who hold a franchise from a manufacturer of new motorcycles. The current prohibition on the sale of motor vehicles on a Sunday, with the above exemption, is kept in place. Sales of motor vehicles, including motorcycles, on a Sunday in a county where Sunday sales are prohibited still continue to be prohibited. For violating this prohibition, a dealer would be subject to the same penalties as provided in section 4 of P.L.1999, c.90 (C.2C:33-26) for selling automobiles on Sunday.

As reported, Senate Bill No. 1923(2R) as amended is identical to Assembly Bill No. 2990, which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to expand the class of licensed dealers that may sell motorcycles on any day of the week, including Sundays, to any dealer engaged in the business of selling motorcycles, not only new motorcycles.

ASSEMBLY, No. 2990

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 24, 2010

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits sale of motorcycles on Sunday.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2010)

A2990 GUSCIORA, DEANGELO

2

1 AN ACT concerning motorcycle sales, supplementing chapter 10 of
2 Title 39 of the Revised Statutes, and amending P.L.1999, c.90.

3

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

6

7 1. (New section) Any dealer licensed pursuant to R.S.39:10-19
8 may engage in the business of buying, selling, or exchanging
9 motorcycles in this State on any day of the week. Nothing in this
10 act shall be construed to affect the sale of automobiles, nor shall it
11 be construed to require a dealer to conduct business on any
12 particular day of the week.

13

14 2. Section 4 of P.L.1999, c.90 (C.2C:33-26) is amended to read
15 as follows:

16 4. A person who engages in the business of buying, selling or
17 exchanging **[motor vehicles]** automobiles or who opens a place of
18 business and attempts to engage in such conduct on a Sunday
19 commits a disorderly persons offense. The first offense is
20 punishable by a fine not to exceed \$100.00 or imprisonment for a
21 period of not more than 10 days or both; the second offense is
22 punishable by a fine not to exceed \$500 or imprisonment for a
23 period of not more than 30 days or both; the third or each
24 subsequent offense is punishable by a fine of \$750.00 or
25 imprisonment for a period of six months or both. If the person is a
26 licensed dealer in new or used motor vehicles in this State, under
27 the provisions of chapter 10, Title 39 of the Revised Statutes, the
28 person shall also be subject to suspension or revocation of his
29 dealer's license to engage in the business of buying, selling or
30 exchanging in motor vehicles in this State as provided in Title 39,
31 chapter 10, section 10, section 20, for violation of this statute.
32 Nothing contained in this section shall be construed to prohibit a
33 person from accepting a deposit to secure the sale of a recreational
34 vehicle, as defined in section 1 of P.L.1999, c.284 (C.54:4-1.18), at
35 an off-site sale authorized pursuant to section 2 of P.L.2005, c.351
36 (C.39:10-19.2), on a Sunday. Nothing contained in this section
37 shall be construed to prohibit a dealer, licensed pursuant to
38 R.S.39:10-19, from engaging in the business of buying, selling or
39 exchanging motorcycles on a Sunday. As used in this section, the
40 terms "dealer," "automobile," and "motorcycle" shall have the
41 meaning set forth in R.S.39:1-1.

42 (cf: P.L.2005, c.351, s.5)

43

44 3. This act shall take effect immediately.

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.

A2990 GUSCIORA, DEANGELO

3

1 STATEMENT

2

3 This bill permits, but does not require, licensed dealers to sell
4 motorcycles on Sunday. The bill does not impact the sale of other
5 motor vehicles.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2990

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 2990.

As reported, this amended bill permits, but does not require, licensed dealers to sell motorcycles on Sunday except in a county in which Sunday sales are prohibited pursuant to sections 14 through 18 of P.L.1999, c.90 (C.40A:64-1 et seq.). The bill limits the dealers who may sell motorcycles on any day of the week, including Sunday, to those dealers who are engaged in the business of selling motorcycles, are licensed pursuant to R.S.39:10-19, and who hold a franchise from a manufacturer of new motorcycles. The current prohibition on the sale of motor vehicles on a Sunday, with the above exemption, is kept in place. Sales of motor vehicles, including motorcycles, on a Sunday in a county where Sunday sales are prohibited still continue to be prohibited. For violating this prohibition, a dealer would be subject to the same penalties as provided in section 4 of P.L.1999, c.90 (C.2C:33-26) for selling automobiles on Sunday.

Assembly Bill No. 2990, which was amended and reported by the committee on this date, is identical to Senate Bill No. 1923(2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to limit the class of licensed dealers who may sell motorcycles on any day of the week, including Sunday, to those dealers who are engaged in the business of selling motorcycles and who hold a franchise from a manufacturer of new motorcycles.

The committee also amended the bill to exempt a county in which Sunday sales are prohibited pursuant to P.L.1999, c.90 from its provisions, and to provide the same penalties for selling motorcycles in that county on Sunday as are generally provided for the sale of automobiles on Sunday.

The amendments also delete an extraneous reference in a citation to the existing law.