

39:5F-1 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:5F-1 et seq. (Motor vehicle violations--interstate compact)

LAWS OF: 1983 CHAPTER: 46

Bill No.: A692

Sponsor(s): Herman and Pankok

Date Introduced: Feb. 8, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: June 17, 1982

Senate: Nov. 29, 1982

Date of Approval: Jan. 28, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: Yes //

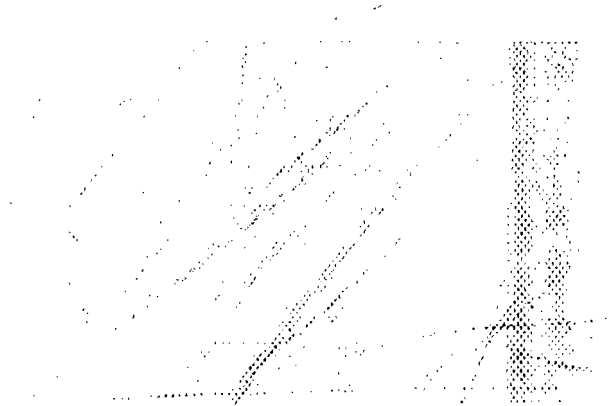
Following were printed:

Reports: /// No

Hearings: /// No

See attached list of states adopting "Non-resident Violater Compact" (as of 4-83)

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1-28-83

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ASSEMBLY, No. 692

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen HERMAN and PANKOK

Referred to Committee on Judiciary, Law, Public Safety
 and Defense

AN ACT providing for an interstate compact regarding compliance with motor vehicle laws, ordinances, and rules and regulations by nonresident violators, between this State and other states.

1 WHEREAS, It is appropriate that this State and other states take
 2 measures to ensure fair treatment of motorists in the various
 3 jurisdictions and to encourage uniform compliance with the
 4 motor vehicle laws of this State and various other jurisdictions,
 5 and

6 WHEREAS, This State desires to adopt the following compact,
 7 entitled the "Nonresident Violator Compact," which shall be
 8 entered into with all other jurisdictions legally joining therein,
 9 now, therefore.

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

ARTICLE I

1 1. The party jurisdictions find that:

2 a. In most instances, a motorist who is cited for a traffic viola-
 3 tion in a jurisdiction other than his home jurisdiction:

4 (1) Must post collateral or bond to secure appearance for trial
 5 at a later date; or

6 (2) If unable to post collateral or bond, is taken into custody
 7 until the collateral or bond is posted; or

8 (3) Is taken directly to court for his trial to be held.

9 b. In some instances, the motorist's driver's license may be
 10 deposited as collateral to be returned after he has complied with
 11 the terms of the citation.

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 amendment adopted October 18, 1982.

12 c. The purpose of the practices described in subsections 1a. and
13 b. above is to ensure compliance with the terms of a traffic citation
14 by the motorist who, if permitted to continue on his way after
15 receiving the traffic citation, could return to his home jurisdiction
16 and disregard his duty under the terms of the traffic citation.

17 d. A motorist receiving a traffic citation in his home jurisdiction
18 is permitted, except for certain violations, to accept the citation
19 from the officer at the scene of the violation and to immediately
20 continue on his way after promising or being instructed to comply
21 with the terms of the citation.

22 e. The practice described in subsection a. above causes unneces-
23 sary inconvenience and, at times, a hardship for the motorist who
24 is unable at the time to post collateral, furnish a bond, stand trial,
25 or pay the fine, and thus is compelled to remain in custody until
26 some arrangement can be made.

27 f. The deposit of a driver's license as a bail bond, as described
28 in subsection 1b. above, is viewed with disfavor.

29 g. The practices described herein consume an undue amount
30 of law enforcement time.

1 2. It is the policy of the party jurisdictions to:

2 a. Seek compliance with the laws, ordinances, and administrative
3 rules and regulations relating to the operation of motor vehicles in
4 each of the jurisdictions.

5 b. Allow motorists to accept a traffic citation for certain viola-
6 tions and proceed on their way without delay whether or not the
7 motorist is a resident of the jurisdiction in which the citation was
8 issued.

9 c. Extend cooperation to its fullest extent among the juris-
10 dictions for obtaining compliance with the terms of a traffic citation
11 issued in one jurisdiction to a resident of another jurisdiction.

12 d. Maximize effective utilization of law enforcement personnel
13 and assist court systems in the efficient disposition of traffic
14 violations.

1 3. The purpose of this compact is to:

2 a. Provide a means through which the party jurisdictions may
3 participate in a reciprocal program to effectuate the policies
4 enumerated in section 2 above in a uniform and orderly manner.

5 b. Provide for the fair and impartial treatment of traffic vio-
6 lators operating within party jurisdictions in recognition of the
7 motorist's right of due process and the sovereign status of a party
8 jurisdiction.

ARTICLE II

- 1 4. As used in this compact:
- 2 a. "Citation" means any summons, ticket, or other official
3 document issued by a police officer for a traffic violation containing
4 an order which requires the motorist to respond;
- 5 b. "Collateral" means any cash or other security deposited to
6 secure an appearance for trial, following the issuance by a police
7 officer of a citation for a traffic violation;
- 8 c. "Compliance" means the act of answering a citation, summons
9 or subpoena through appearance at court, or payment of fines and
10 costs, or both;
- 11 d. "Court" means a court of law or traffic tribunal;
- 12 e. "Driver's license" means any license or privilege to operate
13 a motor vehicle issued under the laws of the home jurisdiction;
- 14 f. "Home jurisdiction" means the jurisdiction that issued the
15 driver's license of the traffic violator;
- 16 g. "Issuing jurisdiction" means the jurisdiction in which the
17 traffic citation was issued to the motorist;
- 18 h. "Jurisdiction" means a state, territory, or possession of the
19 United States, the District of Columbia, Commonwealth of Puerto
20 Rico, Provinces of Canada, or other countries;
- 21 i. "Motorist" means a driver of a motor vehicle operating
22 in a party jurisdiction other than the home jurisdiction;
- 23 j. "Personal recognizance" means an agreement by a motorist
24 made at the time of issuance of the traffic citation that he will
25 comply with the terms of that traffic citation;
- 26 k. "Police officer" means any individual authorized by the party
27 jurisdiction to issue a citation for a traffic violation;
- 28 l. "Terms of the citation" means those options expressly stated
29 upon the citation.

ARTICLE III

- 1 5. When issuing a citation for a traffic violation, a police officer
2 shall issue the citation to a motorist who possesses a driver's license
3 issued by a party jurisdiction and shall not, subject to the excep-
4 tions noted in section 6 of this act, require the motorist to post
5 collateral to secure appearance, if the officer receives the motorist's
6 personal recognizance that he will comply with the terms of the
7 citation.
- 1 6. Personal recognizance is acceptable only if not prohibited by
2 law. If mandatory appearance is required, it shall take place im-
3 mediately following issuance of the citation.
- 1 7. Upon failure of a motorist to comply with the terms of a traffic
2 citation, the appropriate official shall report the failure to comply

3 to the licensing authority of the jurisdiction in which the traffic
 4 citation was issued. The report shall be made in accordance with
 5 procedures specified by the issuing jurisdiction and shall contain
 6 information as specified in the Compact Manual as minimum re-
 7 quirements for effective processing by the home jurisdiction.

1 8. Upon receipt of the report, the licensing authority of the
 2 issuing jurisdiction shall transmit to the licensing authority in the
 3 home jurisdiction of the motorist, the information in a form and
 4 content as contained in the Compact Manual.

1 9. The licensing authority of the issuing jurisdiction need not
 2 suspend the driving privilege of a motorist for whom a report has
 3 been transmitted.

1 10. The licensing authority of the issuing jurisdiction shall not
 2 transmit a report on any violation if the date of transmission is
 3 more than 6 months after the date on which the traffic citation
 4 was issued.

1 11. The licensing authority of the issuing jurisdiction shall not
 2 transmit a report on any violation where the date of issuance of the
 3 citation predates the most recent of the effective dates of entry
 4 for the two jurisdictions affected.

ARTICLE IV

1 12. Upon receipt of a report of a failure to comply from the li-
 2 censing authority of the issuing jurisdiction, the licensing authority
 3 of the home jurisdiction shall notify the motorist and initiate a
 4 suspension action, in accordance with the home jurisdiction's pro-
 5 cedures, to suspend the motorist's driver's license until satisfactory
 6 evidence of compliance with the terms of the traffic citation has
 7 been furnished to the home jurisdiction licensing authority. Due
 8 process safeguards will be accorded.

1 13. The licensing authority of the home jurisdiction shall main-
 2 tain a record of actions taken and make reports to issuing juris-
 3 dictions as provided in the Compact Manual.

ARTICLE V

1 14. Except as expressly required by provisions of this compact,
 2 nothing contained herein shall be construed to affect the right of
 3 any party jurisdiction to apply any of its other laws relating to
 4 license to drive to any person or circumstance, or to invalidate or
 5 prevent any driver license agreement or other cooperative arrange-
 6 ments between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI

1 15. For the purpose of administering the provisions of this com-
 2 pact and to serve as a governing body for the resolution of all

3 matters relating to the operation of this compact, a Board of Com-
 4 pact Administrators is established. The board shall be composed
 5 of one representative from each party jurisdiction to be known as
 6 the compact administrator. The compact administrator shall be
 7 appointed by the chief executive of the jurisdiction and shall serve
 8 and be subject to removal in accordance with the laws of his juris-
 9 diction. A compact administrator may provide for the discharge
 10 of his duties and the performance of his functions as a board mem-
 11 ber by an alternate. An alternate may not serve on the board unless
 12 written notification of his identity has been given to the board.

1 16. Each member of the Board of Compact Administrators shall
 2 be entitled to one vote. No action of the board shall be binding
 3 unless taken at a meeting at which a majority of the total number
 4 of votes on the board are cast in favor. Action by the board shall
 5 be only at a meeting at which a majority of the party jurisdictions
 6 are represented.

1 17. The board shall elect annually, from its membership, a
 2 chairman and vice-chairman.

1 18. The board shall adopt bylaws, not inconsistent with the pro-
 2 visions of this compact or the laws of a party jurisdiction, for the
 3 conduct of its business and shall have the power to amend and
 4 rescind its bylaws.

1 19. The board may accept for any ***[if]*** **of** its purposes and
 2 functions under this compact any and all donations, and grants of
 3 money, equipment, supplies, materials, and services, conditional or
 4 otherwise, from any jurisdiction, the United States, or any other
 5 governmental agency, and may receive, utilize and dispose of the
 6 same.

1 20. The board may contract with, or accept services or personnel
 2 from any governmental or intergovernmental agency, persons,
 3 firm or corporation, or any private nonprofit organization or insti-
 4 tution.

1 21. The board shall formulate all necessary procedures and de-
 2 velop uniform forms and documents for administering the provi-
 3 sions of this compact. All procedures and forms adopted pursuant
 4 to board action shall be contained in the Compact Manual.

1 22. This compact shall become effective when it has been adopted
 2 by at least two jurisdictions.

1 23. a. Entry into the compact shall be made by a Resolution of
 2 Ratification executed by the authorized officials of the applying
 3 jurisdiction and submitted to the chairman of the board.

4 b. The resolution shall be in a form and content as provided in

5 the Compact Manual and shall include statements that in substance
6 are as follows:

7 (1) A citation of the authority by which the jurisdiction is
8 empowered to become a party to this compact.

9 (2) Agreement to comply with the terms and provisions of
10 the compact.

11 (3) That compact entry is with all jurisdictions then party to the
12 compact and with any jurisdiction that legally becomes a party to
13 the compact.

14 c. The effective date of entry shall be specified by the applying
15 jurisdiction, but it shall not be less than 60 days after notice has
16 been given by the chairman of the Board of Compact Administra-
17 tors or by the secretariat of the board to each party jurisdiction that
18 the resolution from the applying jurisdiction has been received.

1 24. A party jurisdiction may withdraw from this compact by
2 official written notice to the other party jurisdictions, but a with-
3 drawal shall not take effect until 90 days after notice of withdrawal
4 is given. The notice shall be directed to the compact administrator
5 of each member jurisdiction. No withdrawal shall affect the validity
6 of this compact as to the remaining party jurisdictions.

ARTICLE VIII

1 25. The provisions of this compact shall not apply to parking
2 or standing violations, highway weight limit violations, and viola-
3 tions of law governing the transportation of hazardous materials.

ARTICLE IX

1 26. This compact may be amended from time to time. Amend-
2 ments shall be presented in resolution form to the chairman of
3 the Board of Compact Administrators and may be initiated by
4 one or more party jurisdictions.

1 27. Adoption of an amendment shall require endorsement of all
2 party jurisdictions and shall become effective 30 days after the
3 date of the last endorsement.

1 28. Failure of a party jurisdiction to respond to the compact
2 chairman within 120 days after receipt of the proposed amendment
3 shall constitute endorsement.

ARTICLE X

1 29. This compact shall be liberally construed so as to effectuate
2 the purposes stated herein. The provisions of this compact shall
3 be severable and if any phrase, clause, sentence, or provision of
4 this compact is declared to be contrary to the constitution of any
5 party jurisdiction or of the United States or the applicability
6 thereof to any government agency, person, or circumstance, the
7 compact shall not be affected thereby. If this compact shall be held

8 contrary to the constitution of any jurisdiction party thereto, the
9 compact shall remain in full force and effect as to the remaining
10 jurisdictions and in full force and effect as to the jurisdiction
11 affected as to all severable matters.

ARTICLE XI

1 30. This compact shall be known and may be cited as the
2 "Nonresident Violator Compact".

1 31. This act shall take effect immediately.

ARTICLE XI

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2 "Nonresident Violator Compact".
- 1 31. This act shall take effect immediately.

STATEMENT

This bill includes New Jersey among the states ratifying the Nonresident Violator Compact, which establishes uniform procedures for insuring compliance with motor vehicle laws, ordinances, and rules and regulations by noresident violators. The purposes are to ensure fair treatment of motorists in the various jurisdictions and to encourage compliance with the motor vehicle laws.

The bill permits residents of this State cited in other party jurisdictions, to fulfill their obligations under the citation without having to post collateral to secure appearance. Similarly it permits residents of other jurisdictions to do likewise if cited in this State.

Each party jurisdiction agrees to initiate suspension proceedings against persons failing to comply with a citation received in another party jurisdiction.

The compact establishes a Board of Compact Administrators to serve as a governing body for the administration of the act. One representative from each party jurisdiction is included on the board.

The board is charged with the duty of developing procedures and forms for administering the compact. A jurisdiction may withdraw from the compact on notice to the other party jurisdictions.

The compact does not apply to parking or standing violations, highway weight limit violations, and violations relating to transport of hazardous material.

A692 (1982)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 692

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

This bill includes New Jersey among 27 other states ratifying the Nonresident Violator Compact, which establishes uniform procedures for insuring compliance with motor vehicle laws, ordinances, and rules and regulations by nonresident violators. The purposes are to ensure fair treatment of motorists in the various jurisdictions and to encourage compliance with the motor vehicle laws. In our proximity, New York and Delaware are members of the compact; however, Pennsylvania and Connecticut are not.

Most importantly, the bill permits residents of this State cited in other party jurisdictions, to fulfill their obligations under the citation without having to post collateral to secure appearance. Similarly, it permits residents of other jurisdictions to do likewise if cited in this State.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 692
with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

This bill includes New Jersey among 27 other states ratifying the Nonresident Violator Compact, which establishes uniform procedures for insuring compliance with motor vehicle laws, ordinances, and rules and regulations by nonresident violators. The purposes are to ensure fair treatment of motorists in the various jurisdictions and to encourage compliance with the motor vehicle laws.

Most importantly, the bill permits residents of this State cited in other party jurisdictions, to fulfill their obligations under the citation without having to post collateral to secure appearance. It permits residents of other jurisdictions to do likewise if cited in New Jersey.

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The board is charged with the duty of developing procedures and forms for administering the compact. A jurisdiction may withdraw from the compact on notice to the other party jurisdictions.

The compact does not apply to parking or standing violations, highway weight limit violations, and violations relating to transport of hazardous material.

The committee amended the bill to correct a printing error.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

FRIDAY, JANUARY 28, 1983

Governor Thomas H. Kean has signed the following bills:

A-1587, sponsored by Assemblyman Joseph D. Patero, (D-Somerset), which provides for the Division of Unemployment and Disability Insurance of the Department of Labor to accept certification of disability from licensed optometrists.

A-544, sponsored by Assemblyman Richard Van Wagner, (D-Monmouth), which places all the procedures governing the Tax Court in a single comprehensive package.

A-692, sponsored by Assemblyman Martin A. Herman, (D-Salem), which adopts the Nonresident Violator Compact. This provides for an interstate compact with the other states to ensure fair treatment of motorists. It prohibits a police officer from requiring an out of state motorist to post a bond or collateral to secure a court appearance but provides for license suspension for a motorist who fails to make a court appearance.

S-339, sponsored by State Senator Daniel J. Dalton, (D-Camden), which extends the current property tax exemption for solar heating and cooling systems to any solar energy system that contributes to a building's overall energy needs.

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NON-RESIDENT VIOLATOR COMPACT OF 1977 (39:5F)

The purpose of the Compact is to obviate the difficulty of ensuring compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation. This applies particularly to the non-payment of fines. No violation information is posted to the data base. We suspend only if fines are not paid and restore only when disposition is effected.

MEMBER STATES

Alabama	Mississippi
Colorado	Missouri
Connecticut	Nebraska
Delaware	New Hampshire
District of Columbia	New Jersey
Florida	New Mexico
Georgia	New York
Indiana	North Carolina
Iowa	North Dakota
Kansas	Pennsylvania
Kentucky	South Carolina
Louisiana	South Dakota
Maine	Texas
Maryland	Virginia
Minnesota	West Virginia

INTERSTATE DRIVER LICENSE COMPACT (39:5-D)

The purpose of this Compact is to exchange violation information so that out-of-state violations become part of the driving record. This better serves the goals of highway safety. We assess two points for out-of-state violations.

MEMBER STATES

Alabama	Mississippi
Arizona	Montana
Arkansas	Nebraska
California	Nevada
Colorado	New Jersey
Delaware	New Mexico
Florida	New York
Hawaii	Oklahoma
Idaho	Oregon
Illinois	Tennessee
Indiana	Utah
Iowa	Virginia
Kansas	Washington
Louisiana	West Virginia
Maine	Wyoming