

40:48-5a

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:48-5a (Parking violators - unpaid fines - allow contracts with private collection agencies)

LAWS OF: 1983 CHAPTER: 208

Bill No: A1763

Sponsor(s): McEnroe and others

Date Introduced: Aug. 5, 1982

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: /// No

Date of Passage: Assembly: Feb. 14, 1983

Senate: April 25, 1983

Date of Approval: June 10, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

Sponsors' statement:

The purpose of this bill is to permit the governing body of any municipality to hire a private agency or firm to collect delinquent parking violation fines owed to the municipality.

ASSEMBLY, No. 1763

STATE OF NEW JERSEY

INTRODUCED AUGUST 5, 1982

By Assemblymen McENROE, THOMPSON, Assemblywoman GARVIN
and Assemblyman BROWN

AN ACT authorizing municipalities to enter into certain contracts
and supplementing Title 40 of the Revised Statutes.

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

1 1. The governing body of any municipality may enter into
2 contract with a private agency or firm for the purpose of collecting
3 delinquent parking violation fines owed to the municipality. Any
4 such contract shall be made and awarded pursuant to the provisions
5 of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A :11-1
6 et seq.).

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the governing body of any
municipality to hire a private agency or firm to collect delinquent
parking violation fines owed to the municipality.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1763

STATE OF NEW JERSEY

DATED: JANUARY 11, 1983

Assembly Bill No. 1763 supplements Title 40 of the Revised Statutes to permit the governing body of any municipality to enter into a contract with a private agency or firm to collect delinquent parking violation fines owed to the municipality. The bill requires that all such contracts be made and awarded pursuant to the provisions of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1763

STATE OF NEW JERSEY

DATED: MARCH 7, 1983

Assembly Bill No. 1763 would permit the governing body of an municipality to enter into a contract with a private agency or firm to collect delinquent parking violation fines owed to the municipality. The bill requires that all such contracts be made and awarded pursuant to the provisions of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

Many municipalities currently utilize private collection agencies for this purpose. This bill merely provides a clarification of the statutory authority to do so.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

FRIDAY, JUNE 10, 1983

Governor Thomas H. Kean has signed the following bills:

A-258, sponsored by Assemblyman Garabed Haytaian, R-Warren, which permits the use of school buses for 12 years if they were built after April 1, 1977, and undergo annual inspections when they reach ten years of age. Prior to enactment of this law, school buses were limited to ten years of use for safety reasons. However, improved federal safety standards for school buses went into effect in April, 1977. Combined with this factor is the increasing use of diesel engines, which have a longer life span, but are more expensive. This bill will allow for two more years of service from school buses, provided that after the tenth year they undergo annual inspection by the Division of Motor Vehicles.

A-3185, sponsored by Assemblyman Frank M. Pelly, which exempts from the Local Public Contracts Law, non-profit historical societies which are under contract to operate restaurants at historical preservation sites.

A-1763, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which permits municipalities to hire collection agencies to collect parking violation fines.

A-1618, sponsored by Assemblyman Robert C. Janiszewski, D-Hudson, which expands the jurisdiction of the Jersey City Housing Court.

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Under the bill, a committee would be constituted for each county consisting of the chairman and vice-chairman of the county committee, the State committeeman and the State committeewoman, and the State chairman, who would jointly make the nomination, and the term of office would be extended from two to four years.

There appear to be advantages in the present law, which vests the executive responsibility for the making of the nominations in the chief executive officers of the two political parties. Moreover, the State chairman is in a good position to receive recommendations from each county committee and to consult with the State committeemen and committeewomen.

Accordingly, I am constrained to return Senate Bill No. 92 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.
August 17, 1953. }

SENATE BILL No. 111

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 111, for the following reasons:

Under existing law, "any corporation or other institution of a public or semipublic character not for pecuniary profit" may initiate the application of the provisions of Title 39 of the Revised Statutes with respect to certain semipublic or private streets and roads by written request to the governing body of the municipality in which such property is located. The present bill would extend this power to any person or corporation owning and operating an apartment house or apartment project containing ten or more apartments. The present statute would also allow

he operation of the Motor Vehicle and Traffic Act, once invoked, to be rescinded by action of the private parties.

The police power is an exercise of the sovereign power of the State and is delegated to municipal corporations by virtue of historical practice recognized by the courts. It is a power which can be exercised only by the duly elected representatives of the people for governmental purposes.

The present bill would detract from this basic character of the public power in that it would permit the provisions of the Motor Vehicle and Traffic Act to be invoked for private purposes, that is, to control parking and the use of roads and paths on private property, regardless of whether such use was related in any way to the operation and control of traffic on public streets and highways. While the bill has a beneficial objective, it unfortunately falls outside the constitutional limits of delegated legislative power.

I am, accordingly, constrained to return the bill herewith without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,

Governor.

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 123

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 123, for the following reasons:

This bill would make an "if, as and when" appropriation to the Department of Labor and Industry in the amount of \$86,000. The Department has not requested this bill, since it is obviously free to direct any such request to the appropriate authority at the time of the preparation of