

39:2-9.1 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:2-9.1 et al

(Motor vehicles, Div. of — abolish certain positions and transfer personnel)

LAWS OF: 1983

CHAPTER: 403

Bill No: A4068

Sponsor(s): Jackman

Date Introduced: Dec. 8, 1983

Committee: Assembly: ---

Senate: ---

Amended during passage: No

Substituted for A3764 (not attached since identical to A4068)

Date of Passage: Assembly: December 12, 1983

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Following statements are attached if available:

Sponsor statement: Yes

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Reports: No

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ASSEMBLY, No. 4068

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1983

By Assemblyman JACKMAN

AN ACT abolishing certain positions in the Division of Motor Vehicles, transferring personnel in those positions, amending, supplementing and repealing various parts of the law.

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

1 1. (New section) The positions in the Division of Motor Vehicles
2 designated chief inspector, deputy chief inspector, inspector and
3 special inspector are abolished.

1 2. (New section) A person employed in a position designated as
2 chief inspector, deputy chief inspector, inspector, special inspector
3 or equivalent Civil Service classifications, shall have the following
4 reemployment rights:

5 a. The person may be appointed, at his request and at the dis-
6 cretion of the Superintendent of the Division of State Police, as a
7 member of the State Police; or

8 b. The person shall be reemployed by the State of New Jersey
9 as provided by the laws governing Civil Service.

1 3. (New section) a. An appointment to the State Police under
2 this act shall be in accordance with R. S. 53:1-8, except that upon
3 satisfactory conclusion of the two-year appointment period speci-
4 fied in R. S. 53:1-8 the person appointed shall serve continuously
5 as a member of the State Police during good behavior notwithstand-
6 ing the requirements of R. S. 53:1-8.1.

7 b. A person appointed to the State Police under this act shall
8 be ranked, approximately equivalent to his current salary range
9 and step therein, by the superintendent as adjusted by the State

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.

10 Treasurer, the President of the Civil Service Commission and the
11 Director of the Division of Budget and Accounting.

12 c. For the purposes of internal management only, the seniority
13 of a person appointed to the State Police under this act shall be
14 determined by the superintendent.

15 d. No person appointed to the State Police under this act shall
16 retain any entitlement upon retirement from the State Police to
17 receive a lump sum payment as supplemental compensation for
18 each full day of earned and unused accumulated sick leave as autho-
19 rized by section 1 of P. L. 1973, c. 130 (C. 11:14-9).

1 4. (New section) Notwithstanding the provisions of R. S. 53:1-9,
2 the Superintendent of the Division of State Police may establish
3 the qualifications of a person appointed to the State Police under
4 this act.

1 5. Section 1 of P. L. 1973, c. 130 (C. 11:14-9) is amended to read
2 as follows:

3 1. **[Each]** *Except as provided in subsection d. of section 3 of*
4 *P. L. , c. (C.) (now pending before the Legis-*
5 *lature as Senate Bill No. of 1983) each employee in the classi-*
6 *fied service of the State and each State employee not in the*
7 *classified service who has been granted sick leave under terms and*
8 *conditions similar to classified employees shall be entitled upon*
9 *retirement from a State-administered retirement system to receive*
10 *a lump sum payment as supplemental compensation for each full*
11 *day of earned and unused accumulated sick leave which is credited*
12 *to him on the effective date of his retirement in the manner pre-*
13 *scribed by section 4 of P. L. 1947, c. 201 (C. 11:14-5).*

1 6. R. S. 39:3-4 is amended to read as follows:

2 39:3-4. Except as hereinafter provided, every resident of this
3 State and every nonresident whose automobile or motorcycle shall
4 be driven in this State shall before using such vehicles on the public
5 highways, register the same, and no automobile or motorcycle shall
6 be driven unless so registered.

7 Such registration shall be made in the following manner: An
8 application in writing, signed by the applicant or by an agent or
9 officer in case the applicant is a corporation, shall be made to the
10 director or his lawful agent, on forms prepared and supplied by the
11 director, containing the name, address and age of the owner, to-
12 gether with a description of the character of the automobile or
13 motorcycle, including the name of the maker and the manufac-
14 turer's number or the motor number, or both, and any other state-
15 ment that may be required by the director. If the vehicle is insured
16 by motor vehicle liability insurance as, required by law the applica-

17 tion shall contain the name of the insurer of said vehicle and the
18 policy number.

19 Thereupon the director shall have the power to grant a registra-
20 tion certificate to the owner of any motor vehicle, if over 17 years of
21 age, application for the registration having been properly made and
22 the fee therefor paid, and the vehicle being of a type that complies
23 with the requirements of this subtitle. The form and contents of the
24 registration certificate to be issued shall be prescribed by the
25 director. The director shall maintain a record of all registration
26 certificates issued, and of the contents thereof.

27 Every registration shall expire and the certificate thereof become
28 void on the last day of the twelfth calendar month following the
29 calendar month in which the certificate was issued; provided, how-
30 ever, that the director may, at his discretion and for good cause
31 shown, require registrations which shall expire, and issue certifi-
32 cates thereof which shall become void, on a date fixed by him, which
33 date shall not be sooner than three months nor later than 16 months
34 after the date of issuance of such certificates, and the fees for such
35 registrations shall be fixed by the director in amounts proportion-
36 ately less or greater than the fees established in this Title.

37 The director shall issue registration certificates for the following
38 registration period, on and after the first day of the calendar month
39 immediately preceding the commencement of such registration
40 period, such registration certificates to be effective immediately.

41 Application forms for all renewals of registrations for passenger
42 automobiles shall be mailed by the director from the central office
43 of the division to the last addresses of owners of motor vehicles and
44 motorcycles, as they appear on the records of the division.

45 No person owning or having control over any unregistered motor
46 vehicle shall permit the same to be parked or to stand on a public
47 highway.

48 Any [motor vehicle inspector or] police officer is authorized to
49 remove any such unregistered vehicle from the public highway to a
50 storage space or garage, the expense involved in such removal and
51 storing of said motor vehicle to be borne by the owner of such
52 vehicle.

53 Any person violating the provisions of this section shall be sub-
54 ject to a fine not exceeding \$100.00, except that for the misstatement
55 of any fact in the application required to be made by the director,
56 the person making such statement shall be subject to the penalties
57 provided in [section] R. S. 39:3-37 [of this Title].

58 Nothing in this section shall be construed to alter or extend the
59 expiration date of any registration certificate issued prior to March
60 1, 1956.

1 7. R. S. 39:3-10 is amended to read as follows:

2 39:3-10. No person shall drive a motor vehicle on a public high-
3 way in this State unless licensed to do so in accordance with this
4 article. No person under 17 years of age shall be licensed to drive
5 motor vehicles, nor shall a person be licensed until he has passed
6 a satisfactory examination as to his ability as an operator. The
7 examination shall include a test of the applicant's vision, his
8 ability to understand traffic control devices, his knowledge of safe
9 driving practices *and of the effects that ingestion of alcohol or*
10 *drugs has on a person's ability to operate a motor vehicle*, his
11 knowledge of such portions of the mechanism of motor vehicles
12 as is necessary to insure the safe operation of a vehicle of the
13 kind or kinds indicated by the applicant and of the laws and
14 ordinary usages of the road and a demonstration of his ability to
15 operate a vehicle of the class designated.

16 *The director shall expand the driver's license examination by*
17 *20%. The additional questions to be added shall consist solely of*
18 *questions developed in conjunction with the State Department of*
19 *Health concerning the use of alcohol or drugs as related to highway*
20 *safety. The director shall develop in conjunction with the State*
21 *Department of Health supplements to the driver's manual which*
22 *shall include information necessary to answer any question on the*
23 *driver's license examination concerning alcohol or drugs as related*
24 *to highway safety.*

25 Any person applying for a driver's license to operate a motor
26 vehicle or motorized bicycle in this State shall surrender to the
27 director any current driver's license issued to him by another state
28 upon his receipt of a driver's license for this State. The director
29 shall refuse to issue a driver's license if the applicant fails to
30 comply with this provision.

31 The director shall create classified licensing of drivers covering
32 the following classifications:

33 a. Motorcycles;

34 b. Omnibuses as classified by R. S. 39:3-10.1 and school buses
35 classified under N. J. S. 18A:39-1 et seq.;

36 c. Articulated vehicles means a combination of a commercial
37 motor vehicle registered at a gross weight in excess of 18,000
38 pounds and one or more motor-drawn vehicles joined together by
39 means of a coupling device;

40 d. All motor vehicles not included in classifications a., b. and c.
41 A license issued pursuant to this classification d. shall be referred
42 to as the "basic driver's license."

43 Every applicant for a license under classification b. or c. shall

44 be a holder of a basic driver's license. Any issuance of a license
45 under classification b. or c. shall be by endorsement on the basic
46 driver's license.

47 A driver's license for motorcycles may be issued separately, but
48 if issued to the holder of a basic driver's license, it shall be by
49 endorsement on the basic driver's license.

50 The director, upon payment of the lawful fee and after he or
51 [an inspector of his] *a person authorized by him* has examined
52 the applicant and is satisfied of the applicant's ability as an oper-
53 ator, may, in his discretion, license the applicant to drive a motor
54 vehicle. The license shall authorize him to drive any registered
55 vehicle, of the kind or kinds indicated, and shall expire, except as
56 otherwise provided, on the last day of the forty-eighth calendar
57 month following the calendar month in which such license was
58 issued.

59 The director may issue a renewal of a basic driver's license which
60 does not bear a photograph, and which shall expire on the last day
61 of the twenty-fourth calendar month following the calendar month
62 in which such license was issued, to any person 60 years of age or
63 older who makes application for such a license.

64 The director may, at his discretion and for good cause shown,
65 issue licenses which shall expire on a date fixed by him. The fee for
66 such licenses shall be fixed by the director in amounts proportion-
67 ately less or greater than the fee herein established.

68 The required fee for a license for the 48-month period shall be
69 as follows:

70	Motorcycle license or endorsement	\$8.00
71	Omnibus or school bus endorsement	\$16.00
72	Articulated vehicle endorsement	\$8.00
73	Basic driver's license	\$16.00

74 The required fee for a basic driver's license for the 24-month
75 period shall be \$8.00.

76 The required fee for a license for the 36-month period shall be
77 as follows:

78	Motorcycle license or endorsement	\$6.00
79	Omnibus or school bus endorsement	\$12.00
80	Articulated vehicle endorsement	\$6.00
81	Basic driver's license	\$12.00

82 The director shall waive the payment of fees for issuance of
83 omnibus endorsements whenever an applicant establishes to the
84 director's satisfaction that said applicant will use the omnibus
85 endorsement exclusively for operating omnibuses owned by a
86 nonprofit organization duly incorporated under Title 15 or 16 of
87 the Revised Statutes or *Title 15A of the New Jersey Statutes*.

88 The driver's license shall have the legal name of the licensee
89 endorsed thereon in his own handwriting. For purposes of this
90 section, legal name shall mean the name recorded on a birth cer-
91 tificate unless otherwise changed by marriage, divorce or order of
92 court. The director may require that only the legal name be re-
93 corded on the driver's license. A licensee whose name is changed
94 due to marriage, divorce, or by judgment of the court, shall notify
95 the director of the change in name within two weeks after the
96 change is made. A person who violates this provision shall be sub-
97 ject to a penalty of not more than \$10.00.

98 The director shall issue licenses for the following license period
99 on and after the first day of the calendar month immediately pre-
100 ceding the commencement of such period, such licenses to be effec-
101 tive immediately.

102 All applications for renewals of licenses shall be made on forms
103 prescribed by the director and in accordance with procedures
104 established by him.

105 The director in his discretion may refuse to grant a license to
106 drive motor vehicles to a person who is, in his estimation, not a
107 proper person to be granted such a license, but no defect of the
108 applicant shall debar him from receiving a license unless it can be
109 shown by tests approved by the Director of the Division of Motor
110 Vehicles that the defect incapacitates him from safely operating
111 a motor vehicle.

112 A person violating this section shall be subject to a fine not ex-
113 ceeding \$500.00 or imprisonment in the county jail for not more
114 than 60 days, but if that person has never been licensed to drive in
115 this State or any other jurisdiction, he shall be subject to a fine of
116 not less than \$200.00 and, in addition, the court shall issue an order
117 to the Director of the Division of Motor Vehicles requiring the
118 director to refuse to issue a license to operate a motor vehicle to
119 the person for a period of not less than 180 days. The penalties
120 provided for by this paragraph shall not be applicable in cases
121 where failure to have actual possession of the operator's license
122 is due to an administrative or technical error by the Division of
123 Motor Vehicles.

124 Nothing in this section shall be construed to alter or extend the
125 expiration of any license issued prior to the date this amendatory
126 and supplementary act becomes operative.

1 8. Section 1 of P. L. 1942, c. 324 (C. 39:3-11.1) is amended to
2 read as follows:

3 1. Any person, under seventeen years of age and not under
4 sixteen years of age, may be licensed to drive motor vehicles in

5 agricultural pursuits as herein limited; provided, such person has
 6 passed an examination satisfactory to the **commissioner** *director*
 7 as to his ability as an operator. The **commissioner** *director*, upon
 8 payment of the lawful fee and after he or **an inspector of his**
 9 *a person authorized by him* has examined the applicant and is
 10 satisfied of the applicant's ability as an operator, may, in his
 11 discretion, license the applicant to drive any motor vehicle which
 12 is registered under the provisions of **sections twenty-four and**
 13 **twenty-five, chapter three, of Title 39 of the Revised Statutes, as**
 14 **amended, and chapter thirty-one of the laws of one thousand nine**
 15 **hundred and forty-one** *R. S. 39:3-24 and R. S. 39:3-25*. Such
 16 registration shall expire on March thirty-first of each year termi-
 17 nating the period for which such license is issued. The annual li-
 18 cense fee for such license shall be one dollar (\$1.00), and is for the
 19 limited use herein provided and is not to be used in the operation
 20 of any other vehicle and shall have the name of the license endorsed
 21 thereon in his own handwriting.

1 9. R. S. 39:3-17 is amended to read as follows:

2 39:3-17. The touring privileges allowed by **section** *R. S.*
 3 *39:3-15* **of this Title** are also extended to any nonresident
 4 chauffeur or driver who has complied with the law of his resident
 5 state, or country, with respect to the licensing of drivers or
 6 chauffeurs. No such nonresident shall operate a motor vehicle
 7 registered under the laws of this State unless he is seventeen years
 8 of age or over. No nonresident shall be permitted to avail himself
 9 of the right of driving a New Jersey registered vehicle under his
 10 reciprocity privilege unless he is a holder of a driver's license from
 11 the state, or country, in which he resides. A nonresident shall, at
 12 all times while operating a motor vehicle in this State under his
 13 reciprocity provision, have in his possession the registration certi-
 14 ficate of the car which he shall be then operating and his driver's
 15 license, and shall exhibit them to **any motor vehicle inspector,**
 16 *a police officer or magistrate* *judge* who, in the performance of
 17 the duties of his office, shall request the same. Any person violating
 18 the provisions of this section shall be subject to a fine not exceeding
 19 five hundred dollars, or to imprisonment in the county jail for not
 20 more than sixty days.

1 10. R. S. 39:3-29 is amended to read as follows:

2 39:3-29. The driver's license, the registration certificate of a
 3 motor vehicle and an insurance identification card shall be in the
 4 possession of the driver or operator at all times when he is in
 5 charge of a motor vehicle on the highways of this State.

6 The driver or operator shall exhibit his driver's license and an

7 insurance identification card, and the holder of a registration cer-
 8 tificate or the operator or driver of a motor vehicle for which a
 9 registration certificate has been issued, whether or not the holder,
 10 driver or operator is a resident of this State, shall also exhibit
 11 the registration certificate, when requested so to do by **[any motor**
 12 **vehicle inspector,]** a police officer or **[magistrate]** *judge*, while in
 13 the performance of the duties of his office and shall write his name
 14 in the presence of the officer, so that the officer may thereby deter-
 15 mine the identity of the licensee and at the same time determine
 16 the correctness of the registration certificate, as it relates to the
 17 registration number and number plates of the motor vehicle for
 18 which it was issued; and the correctness of the evidence of a policy
 19 of insurance, as it relates to the coverage of the motor vehicle for
 20 which it was issued.

21 Any person violating this section shall be subject to a fine not
 22 exceeding \$100.00.

23 If a person, charged with a violation of this section, can exhibit
 24 his driver's license, insurance identification card and registration
 25 certificate, which were valid on the day he was charged, to the judge
 26 of the municipal court before whom he is summoned to answer to
 27 the charge, such judge may dismiss the charge. However, the
 28 judge may impose court costs.

1 11. Section 1 of P. L. 1964, c. 172 (C. 39:3-38.1) is amended to
 2 read as follows:

3 1. Any person who:

4 a. Keeps in his possession or conceals any falsely made, forged,
 5 altered or counterfeited certificate of registration or driver's
 6 license knowing the same to be falsely made, altered, forged or
 7 counterfeited with the intent to use the same unlawfully; or

8 b. Exhibits to **[a motor vehicle inspector,]** a police officer or
 9 **[magistrate]** *judge* in accordance with R. S. 39:3-29 any falsely
 10 made, altered, forged or counterfeited motor vehicle certificate of
 11 registration or driver's license, knowing the same to be falsely
 12 made, altered, forged or counterfeited; or

13 c. Exhibits to any person, for purposes of identification, any
 14 falsely made, altered, forged or counterfeited motor vehicle
 15 certificate of registration or driver's license, knowing the same to
 16 be falsely made, altered, forged or counterfeited, and representing
 17 the same as a certificate or license lawfully issued to him by the
 18 Director of Motor Vehicles, is guilty of a disorderly persons
 19 offense.

1 12. Section 5 of P. L. 1950, c. 142 (C. 39:3-84.3) is amended to
 2 read as follows:

3 5. a. Any State Police officer [or motor vehicle inspector] is
4 authorized to require the driver, operator, owner, lessee or bailee
5 of any vehicle or combination of vehicles found on any public road,
6 street or highway or on any public or quasi-public property in this
7 State to stop and submit the vehicle or combination of vehicles,
8 including load or contents, to measurement or weighing to deter-
9 mine whether the size or weight of the vehicle or combination of
10 vehicles, including load or contents, is in excess of that permitted
11 in this Title, by means of measuring or weighing devices or scales
12 approved and certified by the State Superintendent of Weights and
13 Measures or his agent. Copies of documents displaying the seal or
14 certification of the State Superintendent of Weights and Measures
15 shall be prima facia evidence of the reliability and accuracy of the
16 measuring or weighing devices or scales utilized in the enforcement
17 of this Title. The driver, operator, owner, lessee or bailee of a vehi-
18 cle or combination of vehicles, including load or contents, that is to
19 be measured or weighed may be required to drive or otherwise move
20 the vehicle or combination of vehicles to a location, as directed by
21 the officer or inspector, where the vehicle or combination of vehicles,
22 including load or contents, can be measured or weighed as described
23 in this section.

24 b. Whenever the officer [or inspector] upon measuring or
25 weighing a vehicle or combination of vehicles, including load or
26 contents, determines that the size or weight is in excess of the limits
27 permitted in this Title, the officer or inspector shall require the
28 driver, operator, owner, lessee or bailee to stop the vehicle or
29 combination of vehicles in a suitable place and remain in that place
30 until a portion of the load or contents of the vehicle or combination
31 of vehicles is removed by the driver, operator, owner, lessee, bailee
32 or duly appointed agent thereof, as may be necessary to conform
33 or reduce the size or weight of the vehicle or combination of vehi-
34 cles, including load or contents, to those limits as permitted under
35 this act, or permitted by the certificate of registration for the
36 vehicle or combination of vehicles, whichever may be lower. All
37 materials so unloaded or removed shall be cared for by the driver,
38 owner, operator, lessee or bailee of the vehicle or combination of
39 vehicles, or duly appointed agent thereof, at the risk, responsibility
40 and liability of the driver, owner, operator, lessee, bailee or duly
41 appointed agent thereof.

42 c. No vehicle or combination of vehicles shall be deemed to be in
43 violation of the weight limitation provision of this act when, upon
44 examination by the officer [or inspector], the dispatch papers for
45 the vehicle or combination of vehicles, including load or contents,

46 show it is proceeding from its last preceding freight pickup point
47 within the State of New Jersey by a reasonably expeditious route to
48 the nearest available scales or to the first available scales in the
49 general direction towards which the vehicle *or combination of*
50 *vehicles* has been dispatched, or is returning from such scales after
51 weighing-in to the last preceding pickup point.

52 *d.* When the officer **[or inspector]** determines that a vehicle *or*
53 *combination of vehicles, including load or contents,* is in violation of
54 the weight limitations of this Title as provided at R. S. 39:3-84 b.
55 (1); R. S. 39:3-84 b. (2); R. S. 39:3-84 b. (3); or R. S. 39:3-84 b. (5)
56 relative to maximum gross axle weights, but is within the per-
57 missible maximum gross vehicle weight of this Title as provided at
58 R. S. 39:3-84 b. (4) or R. S. 39:3-84 b. (5), whichever is applicable,
59 the driver, operator, owner, lessee, bailee or duly appointed agent
60 thereof, shall be permitted, before proceeding, to redistribute the
61 weight of the vehicle *or combination of vehicles or the load or*
62 *contents of the vehicle or combination of vehicles* so that no axle or
63 combination of consecutive axles are in excess of the limits set by
64 this act, in which event there is no violation.

65 *e.* When the officer **[or inspector]** determines that a vehicle *or*
66 *combination of vehicles, including load or contents,* is in violation
67 of the height, width or length limits of this Title as provided at
68 R. S. 39:3-84a., the driver, operator, owner, lessee or bailee of the
69 vehicle *or combination of vehicles or duly appointed agent thereof,*
70 shall be permitted, before proceeding, to adjust, reduce or conform
71 the vehicle *or combination of vehicles, including load or contents,* so
72 that the vehicle *or combination of vehicles, including load or con-*
73 *tents, are not in excess of the height, width, or length limits set by*
74 *this act,* in which event there is no violation.

75 *f.* The provisions of this subsection shall not apply to a vehicle
76 *or combination of vehicles, including load or contents, found or*
77 *operated on any highway in this State which is part of or desig-*
78 *nated as part of the National Interstate System as provided at 23*
79 *U. S. C. § 103(e). No arrest shall be made or summons issued for*
80 *a violation of the weight limitations provided in this act at R. S.*
81 *39:3-84b. where the excess weight is no more than 5% of the weight*
82 *permitted, provided the gross weight of the vehicle or combination*
83 *of vehicles, including load or contents, does not exceed the maxi-*
84 *mum gross weight of 80,000 pounds as set forth at R. S. 39:3-84b.*
85 *(4).*

86 *g.* Any person who presents to the officer **[or inspector]**, or has
87 in his possession, or who prepares false dispatch papers, that is to

88 say, dispatch papers which do not correspond to the cargo carried,
89 shall be subject to a fine not to exceed \$100.00.

90 h. Any driver of a vehicle or combination of vehicles who fails
91 or refuses to stop and submit the vehicle or combination of vehicles,
92 including load or contents, to measurement or weighing, as provided
93 in this Title or otherwise fails to comply with the provisions of this
94 section, shall be subject to a fine not exceeding \$200.00.

95 i. The owner, lessee, bailee or any one of the aforesaid of any
96 vehicle or combination of vehicles found or operated on any public
97 road, street or highway or on any public or quasi-public property
98 in this State in violation of the height, width or length limits as set
99 forth in subsection a. of R. S. 39:3-84 shall be fined not less than
100 \$150.00 nor more than \$500.00.

101 j. The owner, lessee, bailee or any one of the aforesaid of any
102 vehicle or combination of vehicles found or operated on any public
103 road, street or highway or on any public or quasi-public property
104 in this State with a gross weight of the vehicle or combination of
105 vehicles, including load or contents, in excess of the weight limita-
106 tions as provided at subsection b. of R. S. 39:3-84 or section 3 of
107 P. L. 1950, c. 142 (C. 39:3-84.1) shall be fined an amount equal to
108 \$0.02 per pound for each pound of the total excess weight; provided
109 the total excess weight is 10,000 pounds or less, or shall be fined an
110 amount equal to \$0.03 per pound for each pound of the total excess
111 weight; provided the total excess weight is more than 10,000 pounds,
112 but in no event shall the fine be less than \$50.00.

113 k. Whenever a vehicle or combination of vehicles, including load
114 or contents, is found to be in violation of any two or more of the
115 weight limitations as provided at subsection b. of R. S. 39:3-84 or
116 section 3 of P. L. 1950, c. 142 (C. 39:3-84.1), the fine levied shall be
117 only for the violation involving the greater or greatest excess
118 weight.

1 13. Section 9 of P. L. 1973, c. 307 (C. 39:3C-9) is amended to
2 read as follows:

3 9. Every person operating a snowmobile registered or trans-
4 ferred in accordance with any of the provisions of this act shall
5 upon demand of any peace officer, law enforcement officer, duly
6 authorized official of the Department of Environmental Protection,
7 or a police officer [or motor vehicle inspector], produce for inspec-
8 tion the certificate of registration for such snowmobile and shall
9 furnish to such officer any information necessary for the identifica-
10 tion of such snowmobile and its owner. The failure to produce the
11 certificate of registration when operating a snowmobile on public
12 lands and waters or when crossing a public highway shall be pre-

13 sumptive evidence in any court of competent jurisdiction of operat-
14 ing a snowmobile which is not registered as required by this act.

1 14. R. S. 39:4-4 is amended to read as follows:

2 39:4-4. The director may, subject to law, employ such clerical
3 and technical assistants **[and inspectors]** as he deems necessary
4 for carrying into effect the provisions of this article, who shall
5 respectively receive the compensation fixed by the director, unless
6 such compensation is fixed by statute or otherwise determinable by
7 authority of law.

1 15. R. S. 39:4-57 is amended to read as follows:

2 39:4-57. Drivers of vehicles, street cars or horses shall at all
3 times comply with any direction, by voice or hand, of a member of
4 **[the]** a police department, a peace officer, or the director **[or an**
5 **inspector of motor vehicles]**, when enforcing a provision of this
6 chapter.

1 16. R. S. 39:4-103 is amended to read as follows:

2 39:4-103. Motor vehicles belonging to the military establishment,
3 while in use for official purposes in time of riot, insurrection or
4 invasion, **[motor vehicle inspectors appointed under this subtitle**
5 **and]** all police officers, while the **[inspectors and]** officers are
6 engaged in the apprehension of violators of the law, or of persons
7 charged with, or suspected of, **[any such]** a violation, are exempt
8 from the provisions of this chapter relating to speed.

1 17. Section 4 of P. L. 1950, c. 16 (C. 39:4-211) is amended to
2 read as follows:

3 4. The State Police, The State Capitol Police, the city police of
4 the city of Trenton, **[the motor vehicle inspectors]** and other police
5 officers of this State, including those specially appointed or desig-
6 nated to police the grounds of any such State institution, shall have
7 the power and authority to enforce the provisions of this act and
8 said regulations upon the public highways located on the said
9 grounds of the State of New Jersey within their respective juris-
10 dictions.

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

2 39:5-1. The enforcement of this subtitle shall be vested in the
3 director**[, the inspectors appointed under this authority,]** and the
4 police or peace officers of, or inspectors duly appointed for that
5 purpose by, any municipality or county or by the State.

1 19. R. S. 39:5-3 is amended to read as follows:

2 39:5-3. When a person has violated a provision of this subtitle,
3 the **[magistrate]** judge may, within 30 days after the commission
4 of the offense, issue process directed to a constable, police officer**[,**
5 **an inspector of motor vehicles]** or the director for the appearance

6 or arrest of the person so charged. A complaint may be made to a
 7 **magistrate** *judge* for a violation of sections 39:3-12, 39:3-34,
 8 39:3-37, 39:4-129 or 39:10-24 of this Title, at any time within one
 9 year after the commission of the offense and for a violation of
 10 **section** *R. S.* 39:3-40 **of this Title**, at any time within 90 days
 11 after the commission of the offense.

12 All proceedings shall be brought before a **magistrate** *judge*
 13 having jurisdiction in the municipality in which it is alleged that
 14 the violation occurred but when a violation occurs on a street
 15 through which the boundary line of two or more municipalities runs
 16 or crosses, then the proceeding may be brought before the **magis-**
 17 **trate** *judge* having jurisdiction in any one of the municipalities
 18 divided by said boundary line, and in the event there shall be no
 19 **such magistrate** *judge* or should no **magistrate** *judge* having
 20 such jurisdiction be available for the acceptance of bail and
 21 disposition of the case, or should the **magistrates** *judges* having
 22 such jurisdiction be disqualified because of personal interest in the
 23 proceedings, or for any other legal cause, said proceeding shall be
 24 brought before a **magistrate** *judge* having jurisdiction in the
 25 nearest municipality to the one in which it is alleged such a viola-
 26 tion occurred, except in those counties where there is a county
 27 traffic court. In such case, the proceeding may be brought before a
 28 magistrate as aforesaid or in the county traffic court, which court
 29 shall have concurrent jurisdiction.

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

2 39:5-5. All proceedings for the violation of this subtitle shall
 3 be brought in the name of the State, with the director, **a motor**
 4 **vehicle inspector,** police officer, peace officer, constable or any
 5 other person who institutes the proceedings as prosecutor. A
 6-7 **magistrate** *judge* may, at his discretion, refuse to issue a warrant
 8 on the complaint of a person other than the director, **a motor**
 9 **vehicle inspector** or a police officer, until a sufficient bond to
 10 secure costs has been executed and delivered to the **magistrate**
 11 *judge*.

1 21. R. S. 39:5-20 is amended to read as follows:

2 39:5-20. On an appeal by the defendant in any proceeding insti-
 3 tuted under this subtitle, the county prosecutor of the county
 4 wherein the alleged violation was committed shall represent the
 5 complainant; but where a complaint is made by **a motor vehicle**
 6 **inspector or** a member of the State Police charging a violation
 7 of either section 39:3-40, 39:4-50 or 39:4-96 of this Title, the
 8 Attorney General, and not the prosecutor, shall represent the com-
 9 plainant, and where there is violation of a municipal ordinance

10 relating to traffic regulations and the proceeding was instituted by
 11 a municipal officer, the municipal attorney shall represent the
 12 complainant. The county prosecutor, charged with the enforcement
 13 of this subtitle, may request the Attorney General to attend per-
 14 sonally, or by such assistant or assistants as he shall designate,
 15 to aid in the prosecution of the appeal.

1 22. R. S. 39:5-25 is amended to read as follows:

2 39:5-25. Any constable, police officer, peace officer, [motor vehicle
 3 inspector] or the director may, without a warrant, arrest any
 4 person violating in his presence any provision of chapter three of
 5 this Title [(39:3-1 et seq.)], or any person, other than a motorman
 6 or person having control of a street car or auto bus, running upon
 7 a route approved by the Board of Public [Utility Commissioners]
 8 *Utilities*, violating in his presence any provision of chapter four of
 9 this Title [(39:4-1 et seq.)]. The exemption from arrest of a
 10 motorman or person having control of a street car or auto bus, as
 11 conferred herein, shall not operate to prevent his arrest, however,
 12 for a violation of [section] R. S. 39:4-50 [of this Title]. The
 13 arresting officer shall bring any person so arrested before any
 14 [magistrate of the county] *judge of the municipal court of the*
 15 *municipality* wherein the offense is committed, or before the direc-
 16 tor at any place designated as his office. If the arrest is for a
 17 violation of [section] R. S. 39:4-50 [of this Title], the arresting
 18 officer may, if no [magistrate] *judge, clerk or deputy clerk* is
 19 available, detain the person arrested either in any police station,
 20 lockup or other place maintained by any municipality for the
 21 detention of offenders or in the common jail of the county, for
 22 such reasonable time as will permit the arresting officer to obtain
 23 a warrant for the offender's further detention, which temporary
 24 detention shall not exceed twenty-four hours from the time of the
 25 arrest. If the arrest is for a violation of any other provision of this
 26 subtitle, the person arrested shall be detained in the police station
 27 or [office of the magistrate] *municipal court* until the arresting
 28 officer makes a complaint and a warrant issues.

29 Any constable, police officer, [motor vehicle inspector] or the
 30 director may, instead of arresting an offender as herein provided,
 31 serve upon him a summons.

1 23. R. S. 39:5-35 is amended to read as follows:

2 39:5-35. Any person, whose driver's license or registration cer-
 3 tificate has been suspended or revoked, who fails to return it or
 4 them to the [commissioner] *director*, together with any registra-
 5 tion plates issued under such certificate, within five days of the
 6 date of suspension or revocation of such license or certificate, or

7 both, or who fails to surrender it or them upon demand of [any
8 motor vehicle inspector] *an authorized representative of the Divi-*
9 *sion of Motor Vehicles*, member of the State Police or other police
10 officer who has been directed to secure possession thereof, shall be
11 fined not more than \$25.00.

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

2 39:5-39. The [magistrate] *judge*, either in an original proceed-
3 ing or on appeal for a violation of [section] *R. S. 39:4-50* [of this
4 Title], may tax in the costs a sum not exceeding \$20.00, which
5 shall be paid to any physician testifying in the proceeding. This
6 amount, when included in the taxed costs authorized by this
7 chapter shall be paid as costs are now paid. If the defendant is
8 found not guilty of the charges laid against him for a violation of
9 [said section] *R. S. 39:4-50* the costs shall be paid by the prose-
10 cutor, except in those instances in which the [commissioner]
11 *director*, [an inspector of motor vehicles] a member of the [de-
12 partment] *Division of State Police* or a police officer has been
13 the prosecutor.

1 25. Section 33 of P. L. 1952, c. 173 (C. 39:6-55) is amended to
2 read as follows:

3 33. (a) Any person who shall forge or, without authority, sign
4 any evidence of proof of financial responsibility, or who files or
5 offers for filing any such evidence of proof knowing or having
6 reason to believe that it is forged or signed without authority,
7 shall be fined not more than \$1,000.00 or imprisonment for not
8 more than one year, or both.

9 (b) Any person willfully failing to return license or registration
10 as required in section 22 of this act shall be fined not more than
11 \$500.00 or imprisoned not to exceed 30 days, or both.

12 (c) Any person who shall violate any provision of this act for
13 which no penalty is otherwise provided shall be fined not more
14 than \$500.00 or imprisoned not more than 90 days, or both.

15 The provisions of this act shall be enforced and all penalties for
16 the violation thereof shall be recovered in accordance with the
17 provisions of "the penalty enforcement law" (N. J. S. 2A:58-1
18 et seq.), and in addition to the provisions and remedies therein
19 contained, the following provisions and remedies shall be appli-
20 cable in any proceeding brought for a violation of any of the pro-
21 visions of this act:

22 a. The several municipal courts shall have jurisdiction of any
23 such proceeding in addition to the courts prescribed in [said]
24 "the penalty enforcement law;"

25 b. The complaint in any such proceeding may be made on infor-

26 mation and belief by the director, [any motor vehicle inspector,]
 27 or the police or peace officer of any municipality, any county or
 28 the State;

29 c. A warrant may issue in lieu of summons;

30 d. Any [motor vehicle inspector or any] police or peace officer
 31 shall be empowered to serve and execute process in any such
 32 proceeding;

33 e. The hearing in any such proceeding shall be without a jury;

34 f. Any such proceeding may be brought in the name of the Di-
 35 rector of the Division of Motor Vehicles, in the Department of
 36 Law and Public Safety or in the name of the State of New Jersey;

37 g. Any sums received in payment of any fines imposed in any
 38 such proceeding shall be paid to the Director of the Division of
 39 Motor Vehicles and shall be paid by him into the State treasury;

40 h. The director or [any magistrate] *judge* before whom any
 41 hearing under this act is had may revoke the license of any person
 42 to drive a motor vehicle or the registration certificate of any motor
 43 vehicle owned by any person, when such person shall have been
 44 guilty of such willful violation of any of the provisions of this act
 45 as shall in the discretion of the director or [the magistrate] *judge*
 46 justify such revocation.

1 26. R. S. 39:8-1 is amended to read as follows:

2 39:8-1. The director shall require every motor vehicle registered
 3 in this State which is used over the highways of this State, except
 4 vehicles and traction equipment registered pursuant to R. S.
 5 39:3-24 and historic motor vehicles registered as such, to have
 6 such motor vehicles inspected by designated [inspectors] *exam-*
 7 *iners* or at official inspection stations to be designated by the
 8 director. The director shall have the discretion to determine what
 9 motor vehicle equipment shall be subject to inspection under the
 10 provisions of this chapter.

1 27. R. S. 39:8-6 is amended to read as follows:

2 39:8-6. During the period designated by the [commissioner]
 3 *director* or any police officer [or motor vehicle inspector] who
 4 shall exhibit his badge or other sign of authority may stop any
 5 motor vehicle and require the owner or operator to display an
 6 official certificate of approval for the motor vehicle being operated.

1 28. R. S. 39:8-9 is amended to read as follows:

2 39:8-9. The enforcement of this chapter shall be vested in the
 3 director[, the inspectors appointed under his authority,] and the
 4 police or peace officers of any municipality, any county or the
 5 State.

6 Any person who refuses to have his motor vehicle examined, or,

7 after having had it examined, refuses to place a certificate of ap-
 8 proval, is issued, upon his windshield, or who fraudulently
 9 obtains a certificate of approval, or who refuses to place his motor
 10 vehicle in proper condition after having had the same examined,
 11 or who, in any manner, fails to conform to the provisions of this
 12 chapter shall be guilty of violating the provisions of this chapter,
 13 and shall, for a first offense, be subject to a fine of not more than
 14 \$100.00, and, for a second offense, to a fine of not more than \$200.00
 15 or by imprisonment for not less than 30 days, or both such fine
 16 and imprisonment.

17 The provisions of this chapter shall be enforced and all penalties
 18 for the violation thereof shall be recovered in accordance with the
 19 provisions of "the penalty enforcement law" (N. J. S. 2A:58-1
 20 et seq.) and in addition to the provisions and remedies therein
 21 contained, the following provisions and remedies shall be appli-
 22 cable in any proceeding brought for a violation of any of the pro-
 23 visions of this chapter.

24 a. The several municipal courts shall have jurisdiction of such
 25 proceedings in addition to the courts prescribed in [said] "the
 26 penalty enforcement law;"

27 b. The complaint in any such proceeding may be made on infor-
 28 mation and belief by the director[, any motor vehicle inspector,]
 29 or any police or peace officer of any municipality, any county or
 30 the State;

31 c. A warrant may issue in lieu of summons;

32 d. Any [motor vehicle inspector or any] police or peace officer
 33 shall be empowered to serve and execute process in any such
 34 proceeding;

35 e. The hearing in any such proceeding shall be without a jury;

36 f. Any such proceeding may be brought in the name of the Di-
 37 rector of the Division of Motor Vehicles, in the Department of
 38 Law and Public Safety, or in the name of the State of New Jersey;

39 g. Any sums received in payment of any fines imposed in any
 40 such proceedings shall be paid to the Director of the Division of
 41 Motor Vehicles and shall be paid by him into the State treasury.

42 h. The director or [any magistrate] *judge* before whom any
 43 hearing under this chapter is had may revoke the registration
 44 certificate of any motor vehicle owned by any person, when such
 45 person shall have been guilty of such willful violation of any of
 46 the provisions of this chapter as shall in the discretion of the di-
 47 rector or [the magistrate] *judge* justify such revocation.

1 29. R. S. 39:9-4 is amended to read as follows:

2 39:9-4. Any person violating any provision of this chapter shall,

3 upon summary conviction by a court of competent jurisdiction, be
4 sentenced to pay a fine of \$25.00 for the first offense and, in default
5 of payment thereof, shall undergo imprisonment for not more than
6 five days; and for each subsequent violation shall be sentenced to
7 pay a fine of \$50.00 and, in default of such payment, shall undergo
8 imprisonment for not more than 10 days.

9 The provisions of this chapter shall be enforced and all penal-
10 ties for the violation thereof shall be recovered in accordance with
11 the provisions of "the penalty enforcement law" (N. J. S. 2A:58-1
12 et seq.), and in addition to the provisions and remedies therein
13 contained, the following provisions and remedies shall be appli-
14 cable in any proceeding brought for a violation of any of the pro-
15 visions of this chapter:

16 a. The several municipal courts shall have jurisdiction of such
17 proceedings in addition to the courts prescribed in [said] "the
18 penalty enforcement law;"

19 b. The complaint in any such proceeding may be made on infor-
20 mation and belief by the director[, any motor vehicle inspector,]
21 or any police or peace officer of any municipality, any county or
22 the State;

23 c. A warrant may issue in lieu of summons;

24 d. Any [motor vehicle inspector or any] police or peace officer
25 shall be empowered to serve and execute process in any such
26 proceeding;

27 e. The hearing in any such proceeding shall be without a jury;

28 f. Any such proceeding may be brought in the name of the Di-
29 rector of the Division of Motor Vehicles, in the Department of
30 Law and Public Safety or in the name of the State of New Jersey;

31 g. Any sums received in payment of any fines imposed in any
32 such proceeding shall be paid to the Director of the Division of
33 Motor Vehicles and shall be paid by him into the State treasury;

34 h. The director or [any magistrate] *judge* before whom any
35 hearing under this chapter is had may revoke the license of any
36 person to drive a motor vehicle or the registration certificate of
37 any motor vehicle owned by any person, when such person shall
38 have been guilty of such willful violation of any of the provisions
39 of this chapter as shall in the discretion of the director or [the
40 magistrate] *judge* justify such revocation.

1 30. R. S. 39:10-6 is amended to read as follows:

2 39:10-6. Every person shall have for each motor vehicle in his
3 possession in this State (a) certificate of ownership therefor in
4 conformity with this chapter, and (b) the registration certificate
5 for the motor vehicle, if it is registered by the [commissioner]

6 *director* and a registration certificate has been issued therefor. He
7 shall produce either the certificate of ownership or registration
8 certificate, upon demand for production of certificate of ownership
9 by the [commissioner or a motor vehicle inspector] *director*. If he
10 fails to do so, the [commissioner or motor vehicle inspector]
11 *director* may seize and take possession of the motor vehicle and
12 hold and dispose of it in accordance with [section] R. S. 39:10-21
13 [of this Title].

14 If a motor vehicle is registered in or bears the registration plates
15 of another state or country and is being used or operated in this
16 State, the person in possession of it or using or operating it in this
17 State must be entitled to ownership or possession in accordance
18 with the laws of the state or country where it is registered or the
19 registration plates of which it bears, and shall produce to the
20 [commissioner or motor vehicle inspector] *director* documents
21 showing title to, or right of possession in, the motor vehicle in
22 that person or in the person who has authorized him to use and
23 operate it, or registration certificate or other evidence of registra-
24 tion, besides plates, issued by the state or country or department
25 thereof to that person, or to the person who has authorized him to
26 use and operate the motor vehicle, evidencing the registration of
27 the motor vehicle in that state or country.

28 When a motor vehicle is in the possession of a garage keeper,
29 motor vehicle dealer, both new and used, or motor vehicle service
30 station in this State, the production of a writing signed by the
31 person delivering possession of the motor vehicle to the garage
32 keeper, dealer or service station, stating that the person is the
33 owner or entitled to the possession of the motor vehicle and has
34 title papers or the registration certificate therefor shall be deemed
35 a compliance with this section in so far as the garage keeper,
36 dealer and service station are concerned.

1 31. R. S. 39:10-16 is amended to read as follows:

2 39:10-16. If the title papers or certificate of ownership are
3 defective or improper, or if the motor vehicle was purchased and
4 its sale consummated in another state or country, in accordance
5 with the laws of such state or country regulating the sale of motor
6 vehicles, and not made for the purpose of evading the provisions of
7 this chapter, the bona fide owner of the motor vehicle may apply
8 to the director to correct the defects, or permit the title papers
9 to be received.

10 The director shall, upon such proof as he requires showing that
11 it is just and equitable that the defects be corrected or that the
12 title papers or certificate of ownership be received, with or without

13 hearing, determine the truth and merits of the application and
 14 whether the holder appears to be the bona fide owner of the motor
 15 vehicle, and may issue his certificate correcting the defects or
 16 permitting the title papers or certificate of ownership to be so
 17 recorded and filed. The person submitting the papers shall pay
 18 to the director a fee of \$10.00 for the issuing and filing of the
 19 certificate.

20 Before issuing the certificate the director may, in his discretion,
 21 require the person to advertise in a newspaper having a general
 22 circulation in the county where he resides, for the space of two
 23 weeks, at least once a week, making three insertions in all, a notice
 24 briefly stating that the person has applied to the director to correct
 25 defects in the motor vehicle title papers or to receive the title
 26 papers out of time, or as the case may be, giving a description of
 27 the motor vehicle as provided in R. S. 39:10-8, and that if anyone
 28 desires to be heard in opposition thereto he may do so by appearing
 29 before the director on a date and at a place named, or communicat-
 30 ing with him prior thereto. He shall also serve like notice on local
 31 police, State Police and any other person or agency, as prescribed
 32 by the director personally or by registered mail. Proofs of the
 33 publication and service shall be submitted to the director. The
 34 director **[,]** or his agent **[or inspector]** may have the notice
 35 advertised or served at the cost and expense of that person.

1 32. R. S. 39:10-21 is amended to read as follows:

2 39:10-21. All dealers for both new and used motor vehicles in
 3 this State shall have a certificate of origin, certificate of ownership,
 4 or writing provided in **[section]** R. S. 39:10-6 **[of this Title]**, for
 5 all motor vehicles in their possession. The **[commissioner]**
 6 *director*, either personally or by *his* agent **[or motor vehicle in-**
 7 **specter]**, may demand production of, and examine, the certificate
 8 of origin, certificate of ownership, or writing provided in **[section]**
 9 R. S. 39:10-6 **[of this Title]**, for any motor vehicle in a dealer's
 10 possession, and examine and inspect any motor vehicle in his
 11 possession.

12 If the demand is not complied with, or there is no certificate of
 13 origin, certificate of ownership or writing provided in **[section]**
 14 R. S. 39:10-6 **[of this Title]**, for a motor vehicle in the possession
 15 of a dealer, or if it is not in conformity with this chapter, the
 16 **[commissioner]** *director* or his agent **[or motor vehicle inspector]**
 17 may seize and take possession of the motor vehicle, and hold it
 18 until the certificate of origin, certificate of ownership or writing
 19 provided in **[section]** R. S. 39:10-6 **[of this Title]** is produced or
 20 is corrected, if defective, or ownership of the motor vehicle is

21 established according to law. After the expiration of 90 days from
 22 the date the motor vehicle came into his possession, the [commis-
 23 sioner] *director* may sell it at public sale, upon at least 10 days'
 24 written notice of sale to the dealer, served personally or by regis-
 25 tered mail, addressed to the dealer at his last known place of
 26 business, and notice of the sale being published for a space of
 27 two weeks, once a week, making three insertions in all, in one or
 28 more newspapers published and circulating in the county where
 29 the dealer has his established place of business and also by posting
 30 the notice in five public places in the county. The newspapers and
 31 places of posting shall be designated by the [commissioner]
 32 *director*. Upon the sale of the motor vehicle all valid liens and
 33 claims for interest therein, if any, shall be transferred from the
 34 vehicle to the proceeds of sale, which subject thereto, shall become
 35 the sole property of the State, to be used as other moneys received
 36 by the [commissioner] *director*.

1 33. R. S. 39:10-22 is amended to read as follows:

2 39:10-22. The [commissioner] *director* may prepare and pre-
 3 scribe any or all forms necessary for the proper administration of
 4 this chapter. The [commissioner] *director* or [motor vehicle
 5 inspector] *his agent* may seize and take possession of any certifi-
 6 cate of ownership or other title papers to which the [commis-
 7 sioner] *director* may be entitled, for which a person is under duty
 8 to return to the [commissioner] *director*, from any person or place
 9 in this State, with all the rights, privileges and immunities con-
 10 ferred by law on an officer executing a writ of replevin.

1 34. R. S. 39:11-11 is amended to read as follows:

2 39:11-11. A person who violates any provision of [section] *R. S.*
 3 39:11-3 or *R. S.* 39:11-9 of this Title shall be fined not less than
 4 \$25.00 nor more than \$100.00 or be imprisoned not more than
 5 90 days, or both.

6 The provisions of said sections shall be enforced and all pen-
 7 alties for the violation thereof shall be recovered in accordance with
 8 the provisions of "the penalty enforcement law" (N. J. S. 2A:58-1
 9 et seq.) and in addition to the provisions and remedies therein con-
 10 tained, the following provisions and remedies shall be applicable
 11 in any proceeding brought for a violation of any of the provisions
 12 of said sections:

13 a. The several municipal courts shall have jurisdiction of any
 14 such proceeding in addition to the courts prescribed in [said] "*the*
 15 *penalty enforcement law*;"

16 b. The complaint in any such proceeding may be made on informa-
 17 tion and belief by the director[, any motor vehicle inspector,] or

18 any police or peace officer of any municipality, any county or the
19 State;

20 c. A warrant may issue in lieu of summons;

21 d. Any [motor vehicle inspector or any] police or peace officer
22 shall be empowered to serve and execute process in any such
23 proceeding;

24 e. The hearing in any such proceeding shall be without a jury;

25 f. Any such proceeding may be brought in the name of the
26 Director of the Division of Motor Vehicles, in the Department of
27 Law and Public Safety or in the name of the State of New Jersey;

28 g. Any sums received in payment of any fines imposed in any
29 such proceeding shall be paid to the Director of the Division of
30 Motor Vehicles and shall be paid by him into the State treasury.

31 h. The director or [any magistrate] *judge* before whom any hear-
32 ing under said sections is had may revoke the license of any person
33 to maintain a motor vehicle junk yard when such person shall have
34 been guilty of such willful violation of any of the said provisions
35 as shall in the discretion of the director or [the magistrate] *judge*
36 justify such revocation.

1 35. Section 13 of P. L. 1951, c. 216 (C. 39:12-13) is amended to
2 read as follows:

3 13. The provisions of this act shall be enforced and all penalties
4 for the violation thereof shall be recovered in accordance with the
5 provisions of "the penalty enforcement law" [(1948) (P. L. 1948,
6 c. 253) as amended and supplemented] (*N. J. S. 2A:58-1 et seq.*),
7 and in addition to the provisions and remedies therein contained,
8 the following provisions and remedies shall be applicable in any
9 proceeding brought for a violation of any of the provisions of this
10 act:

11 a. The several municipal courts shall have jurisdiction of such
12 proceedings in addition to the courts prescribed in said act;

13 b. The complaint in such proceeding may be made on information
14 and belief by any [motor vehicle inspector or] member of the
15 State Police who hereby is designated for said purpose;

16 c. A warrant may issue in lieu of summons in such proceedings;

17 d. Any [motor vehicle inspector or any] member of the State
18 Police shall be empowered to serve and execute process in such
19 proceedings;

20 e. The hearing in such proceeding shall be without a jury;

21 f. Such proceeding may be brought in the name of the Director
22 of the Division of Motor Vehicles in the Department of Law and
23 Public Safety or in the name of the State of New Jersey;

24 g. Any sums received in payment of any fines imposed in such

25 proceeding shall be paid to the Director of the Division of Motor
26 Vehicles and shall be paid by him into the State treasury.

1 36. R. S. 53:1-8.1 is amended to read as follows:

2 53:1-8.1 **[Any]** *Except as provided in section 3 of P. L. ,*
3 *c. (C.) (now pending before the Legislature as*
4 *Senate Bill No. of 1983), any member of the [department]*
5 *Division of State Police who has or shall hereafter serve continu-*
6 *ously as such member for a period of five years shall thereafter*
7 *continue in such membership during good behavior.*

8 The term "member" as used in this section shall be taken to
9 mean and include all officers and men of the State Police except the
10 superintendent, whose term is fixed by law.

1 37. Section 5 of P. L. 1965, c. 89 (C. 53:5A-5) is amended to
2 read as follows:

3 5. The membership of the retirement system shall include:

4 a. The members of the former "State Police Retirement and
5 Benevolent Fund."

6 b. Any person becoming a full time commissioned officer, non-
7 commissioned officer or trooper of the Division of State Police of
8 the Department of Law and Public Safety of the State of New
9 Jersey provided that the Division of State Police certifies that he
10 has satisfied the age and health requirements prescribed for mem-
11 bers of the State Police force.

12 *c. A person appointed to the Division of State Police under sec-*
13 *tion 3 of P. L. , c. (C.) (now pending before*
14 *the Legislature as Senate Bill No. of 1983).*

15 Membership in the retirement system is a condition of employ-
16 ment for such officers, noncommissioned officers and troopers.

1 38. Section 6 of P. L. 1965, c. 89 (C. 53:5A-6) is amended to
2 read as follows:

3 6. a. Service as a full time commissioned officer, noncommis-
4 sioned officer or trooper rendered as a member, and service credit
5 which was transferred from the former "State Police Retirement
6 and Benevolent Fund," shall, if the required contributions are
7 made by the State and the member, be considered as creditable
8 service. *In addition, service as a chief inspector, deputy chief in-*
9 *spector, inspector and special inspector in the Division of Motor*
10 *Vehicles or equivalent Civil Service classifications including Chief,*
11 *Highway Patrol Bureau; Assistant Chief (Major), Highway Patrol*
12 *Bureau; Captain, Highway Patrol Bureau; Lieutenant, Highway*
13 *Patrol Bureau; Sergeant, Highway Patrol Bureau; and Officer,*
14 *Highway Patrol Bureau and service credit may be transferred*
15 *from the Police and Firemen's Retirement System and the Public*

16 *Employees' Retirement System and shall, if the required contribu-*
17 *tions are made by the State and the member, be considered as credit-*
18 *able service.* A member on suspension shall be considered in service
19 for the period of the suspension, but the period of suspension shall
20 not be considered as creditable service unless the member receives
21 salary therefor.

22 If an employee's membership has been terminated and he is re-
23 enrolled as a member of the retirement system, he may purchase
24 credit for all of his previous membership service by paying into
25 the annuity savings fund the amount required by applying the
26 factor, supplied by the actuary, as being applicable to his age at the
27 time of the purchase, to his salary at that time. Such purchase may
28 be made in regular installments equal to at least one-half the normal
29 contribution to the retirement system, over a maximum period of
30 10 years. In order to give such person the same credit for such
31 service as he had at the time of termination, his pension credit shall
32 be restored as it was at the time of his termination upon the com-
33 pletion of one year of membership after his election to make the
34 purchase and the payment of at least one-half the total amount due,
35 except that in the case of retirement pursuant to sections 8, 27 and
36 28 of chapter 89 of the laws of 1965, the credit granted for the ser-
37 vice being purchased shall be indirect proportion as the amount
38 paid bears to the total amount of the arrearage obligation.

39 b. Any member of the retirement system, who, prior to becoming
40 a member, had established service credits in another retirement
41 system supported in whole or in part by the State, or who had ren-
42 dered service to the State prior to becoming a member, *or had*
43 *purchased service credits while in the Police and Firemen's Retire-*
44 *ment System or the Public Employees Retirement System while*
45 *serving as chief inspector, deputy chief inspector, inspector or spe-*
46 *cial inspector in the Enforcement Bureau, Division of Motor Vehi-*
47 *cles,* for which he desires to establish credit in this retirement sys-
48 tem, shall be permitted to purchase such credit *or to transfer such*
49 *previously purchased credit.* If such credit is established, it shall
50 be included in the computation of a retirement allowance on the
51 basis of 1% of final compensation for each year of such service
52 credit.

53 c. Not more than one year shall be credited for all service in a
54 calendar year.

55 d. In computing service, time during which a member was absent
56 on an official leave without pay shall be credited if such leave was
57 for a period of (1) less than three months or (2) up to a maximum
58 of two years if the leave was due to the member's personal illness

59 and the period of leave is allowed for retirement purposes within
60 one year following his return to service after the termination of
61 such leave.

62 e. The method of computation and the terms of the purchase of
63 service permitted by subsections b. and d. of this section shall be
64 identical to those stipulated for the purchase of previous member-
65 ship service by members of the system as provided by subsection a.
66 of this section.

1 39. Section 8 of P. L. 1965, c. 89 (C. 53:5A-8) is amended to
2 read as follows:

3 8. a. Any member of the retirement system who was a member
4 of the former "State Police Retirement and Benevolent Fund" on
5 June 30, 1965, may retire on a service retirement allowance upon
6 the attainment of age 50 years and the completion of at least 20
7 years of creditable service as a State policeman. Upon the filing
8 of a written and duly executed application with the retirement
9 system, setting forth at what time, not less than one month, subse-
10 quent to the filing thereof he desires to be retired, any such member
11 retiring for service shall receive a service retirement allowance
12 which shall consist of:

13 (1) An annuity which shall be the actuarial equivalent of his
14 aggregate contributions and

15 (2) A pension in the amount which, when added to the member's
16 annuity, will provide a total retirement allowance of 50% of his
17 final compensation plus 1% of his final compensation multiplied by
18 his number of years of creditable service which exceed 25 years of
19 such service.

20 Except for the Superintendent of State Police, any member of
21 the retirement system who was a member of the former "State
22 Police Retirement and Benevolent Fund" on June 30, 1965, who
23 has completed at least 25 years of creditable service and who has
24 reached the age of 55 years shall be retired forthwith on the first
25 day of the next calendar month, provided, however, any member
26 who has not completed 25 years of creditable service shall not be
27 required to retire on account of age until he has met the service
28 requirement.

29 b. Except for the Superintendent of State Police, any member of
30 the retirement system *including a member appointed to the State*
31 *Police under section 3 of P. L., c. . . . (C.) (now*
32 *pending before the Legislature as Senate Bill No. . . . of 1983),*
33 who was not a member of the former "State Police Retirement and
34 Benevolent Fund" on June 30, 1965 who has attained the age of 55
35 years shall be retired forthwith on the first day of the next calendar

36 month provided, however, such member, at his option, may con-
 37 tinue in the employment of the Division of State Police until he
 38 has completed 25 years of creditable service whereupon he shall
 39 be retired forthwith on the first day of the next calendar month.
 40 Any such member, including the superintendent, having attained
 41 at least the age of 55 years and retiring for service hereunder shall
 42 receive a service retirement allowance which shall consist of:

43 (1) An annuity which shall be the actuarial equivalent of his
 44 aggregate contributions and

45 (2) A pension in the amount which when added to the member's
 46 annuity will provide a total retirement allowance of 2% of his final
 47 compensation multiplied by his number of years of creditable ser-
 48 vice up to 25 plus 1% of his final compensation multiplied by his
 49 number of years of creditable service over 25.

50 c. Upon the receipt of proper proofs of the death of a member
 51 who has retired on a service retirement allowance, there shall be
 52 paid to the member's beneficiary, an amount equal to one-half of
 53 the final compensation received by the member.

1 40. Section 9 of P. L. 1965, c. 89 (C. 53:5A-9) is amended to
 2 read as follows:

3 9. a. Upon the written application by a member in service, by one
 4 acting in his behalf or by the State, any member, under 55 years of
 5 age, who has had four or more years of creditable service as a State
 6 policeman *or four or more years of creditable service as a person*
 7 *formerly employed by the Division of Motor Vehicles or the Divi-*
 8 *sion of State Police prior to appointment as provided in section 3*
 9 *of P. L., c. . . . (C.) (now pending before the*
 10 *Legislature as Senate Bill No. . . . of 1983), may be retired, not*
 11 *less than one month next following the date of filing such applica-*
 12 *tion with the retirement system, on an ordinary disability retire-*
 13 *ment allowance; provided, that the medical board, after a medical*
 14 *examination of such member, shall certify that such member is*
 15 *mentally or physically incapacitated for the performance of his*
 16 *usual duty and of any other available duty in the Division of State*
 17 *Police which the Superintendent of State Police is willing to assign*
 18 *to him and that such incapacity is likely to be permanent and of*
 19 *such an extent that he should be retired.*

20 b. Upon retirement for ordinary disability, a member shall re-
 21 ceive an ordinary disability retirement allowance which shall con-
 22 sist of:

23 (1) An annuity which shall be the actuarial equivalent of his
 24 aggregate contributions and

25 (2) A pension in the amount which, when added to the member's

26 annuity, will provide a total retirement allowance of 1½% of final
 27 compensation multiplied by his number of years of creditable
 28 service but in no event shall the total allowance be less than 40%
 29 of final compensation.

30 c. Upon the receipt of proper proofs of the death of a member
 31 who has retired on an ordinary disability retirement allowance,
 32 there shall be paid to the member's beneficiary, an amount equal
 33 to three and one-half times the final compensation received by the
 34 member in the last year of creditable service; provided, however,
 35 that if such death shall occur after the member shall have attained
 36 55 years of age the amount payable shall equal one-half of such
 37 compensation instead of three and one-half times such compensa-
 38 tion.

1 41. Section 27 of P. L. 1965, c. 89 (C. 53:5A-27) is amended
 2 to read as follows:

3 27. a. Should a member resign after having established 25 years
 4 of creditable service as a full time commissioned officer, noncom-
 5 missioned officer or trooper of the Division of State Police or a
 6 member appointed to the State Police under section 3 of P. L.,
 7 c. (C.) (now pending before the Legislature as
 8 Senate Bill No. of 1983), he may elect "special" retirement,
 9 provided, that such election is communicated by such member to the
 10 retirement system by filing a written application, duly attested,
 11 stating at what time subsequent to the execution and filing thereof
 12 he desires to be retired. He shall receive, in lieu of the payment
 13 provided in section 26, a retirement allowance which shall consist of:
 14 (1) An annuity which shall be the actuarial equivalent of his
 15 aggregate contributions and,
 16 (2) A pension in the amount, which when added to the member's
 17 annuity will provide a total retirement allowance of 60% of his
 18 final compensation, plus 1% of his final compensation multiplied
 19 by the number of years of creditable service over 25, but not over 35.
 20 The board of trustees shall retire him at the time specified or at
 21 such other time within one month after the date so specified as the
 22 board finds advisable.

23 b. Upon the receipt of proper proof of the death of such a retired
 24 member, there shall be paid to the member's beneficiary, an amount
 25 equal to one-half of the final compensation received by the member.

1 42. (New section) The Board of Trustees of the Police and Fire-
 2 men's Retirement System and the Public Employees' Retirement
 3 System shall cause to be made any transfer of pension contribu-
 4 tions and reserves to the State Police Retirement System of New
 5 Jersey necessary to implement the provisions of this act.

1 43. (New section) Except as otherwise provided in this act,
2 nothing in this act shall be construed to deprive a person of tenure
3 rights or of a right or protection under the laws concerning Civil
4 Service, pension or retirement.

1 44. (New section) All of the provisions of this act, except as
2 otherwise provided herein, shall be carried out in accordance with
3 the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1
4 et seq.).

1 45. The following are repealed:

2 R. S. 39:2-6 to R. S. 39:2-9, inclusive;

3 P. L. 1962, c. 111 (C. 39:2-6.1);

4 P. L. 1950, c. 201 (C. 39:2-7.1).

1 46. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to abolish the positions of chief inspector, deputy chief inspector, inspector and special inspector in the Division of Motor Vehicles. The bill provides for the appointment of persons in those positions to the Division of State Police or transfer to Civil Service positions.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

FRIDAY, DECEMBER 23, 1983

Governor Thomas H. Kean today signed legislation which completes the merger of the Highway Patrol into the State Police.

The bill, A-4068, sponsored by Assemblyman Christopher Jackman, D-Hudson, abolishes certain positions in the Division of Motor Vehicles, of which the Highway Patrol was a part, and transfers the personnel in those positions to the State Police. An identical bill, S-3764, was sponsored by Senator Walter E. Foran, R-Hunterdon, and merged with the Assembly Bill.

The merger of the Highway Patrol into the State Police began several years ago and the legislation signed today completes the action.

Kean also signed A-3926, sponsored by Assemblyman William Schuber, R-Bergen, which validates bond proceedings in the Haworth School District, and A-3572, sponsored by Assemblyman Raymond Lesniak, D-Union, which provides for the adoption of regulations concerning the transportation of hazardous materials.

The Governor had conditionally vetoed the bill earlier and the Legislature accepted the Governor's recommendations.

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