

39:5-41, 39:5-43, 39:5-44

LEGISLATIVE HISTORY CHECKLIST

(Motor Vehicle offenses - fines - division of money between county and municipality)

NJSA 39:5-41, 39:5-43, 39:5-44

LAWS 1982

CHAPTER 31

Bill No. A868

Sponsor(s) Girgenti and Matthews

Date Introduced February 8, 1982

Committee: Assembly Municipal Government

Senate

Amended during passage Yes

~~No~~ Amendments during passage denoted by asterisks. Substituted for S678 (OCR, Senate Committee statement & original attached).

Date of Passage: Assembly March 1, 1982

Senate March 15, 1982

Date of approval April 30, 1982

Following statements are attached if available:

Sponsor statement

Yes

~~No~~ Also attached: Assembly amendment adopted 3-1-82 (with statement)

Committee Statement: Assembly

Yes

~~No~~

Senate

Yes

~~No~~

Fiscal Note

Yes

~~No~~

Veto Message

Yes

~~No~~

Message on signing

Yes

~~No~~

Following were printed:

Reports

Yes

~~No~~

Hearings

Yes

~~No~~

Sponsor's statement:

Under current law, the moneys collected as fines for certain motor vehicle offenses are apportioned to the counties in which the offense occurs.

The bill provides that those moneys be divided equally between the county and the municipality in which the violation took place.

6/22/81

PP

Matter enclosed in asterisks or stars has been adopted as follows:
*—Assembly committee amendment adopted February 22, 1982.
**—Assembly amendments adopted March 1, 1982.

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31 82
4-30-82
[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 868

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen GIRGENTI and MATTHEWS

Referred to Committee on Municipal Government

AN ACT concerning the disposition of moneys received from the payment of certain fines, penalties and forfeitures imposed and collected in connection with the operation of motor vehicles, and amending R. S. 39:5-41, R. S. 39:5-43, and R. S. 39:5-44.

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

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

2 39:5-41. All fines, penalties and forfeitures imposed and collected
3 under authority of law for any violations of the provisions of this
4 Title, other than those violations in which the complainant is the
5 **[commissioner]** *director*, a member of his staff, a member of the
6 State Police, an inspector of the **[Public Utility Commission]** *Board*
7 *of Public Utilities*, or a law enforcement officer of any other State
8 agency, shall be forwarded by the **[magistrate]** *judge* to whom the
9 same have been paid ****[as follows: one-half of the total amount col-**
10 *lected to the financial officer, as designated by the local governing*
11 *body, of the respective municipalities wherein the violations oc-*
12 *curred, to be used by the municipality for general municipal use and*
13 *to defray the cost of operating the municipal court; and one-half*
14 *of the total amount collected]*** to the proper financial officer of the
15 county wherein they were collected, to be used by the county as a
16 fund for the construction, reconstruction, maintenance and repair
17 of roads and bridges, snow removal, the acquisition and purchase
18 of right-of-way, and the purchase, replacement and repair of equip-
19 ment for use on said roads and bridges therein. ****Whenever the**
20 *amount of the moneys to be forwarded to the counties pursuant to*

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:

***—Assembly committee amendment adopted February 22, 1982.**

****—Assembly amendments adopted March 1, 1982.**

21 *this section arises above the level forwarded to them in fiscal year*
 22 *1980, the increase, up to the amount forwarded to the counties, shall*
 23 *be forwarded to the proper financial officer of the respective munici-*
 24 *palities wherein the violations occurred, to be used by the munici-*
 25 *palities as a fund for general municipal use and to defray the cost*
 26 *of operating the municipal court. When the amount of moneys for-*
 27 *warded to the municipalities equals the amount forwarded to the*
 28 *counties, any additional increase shall be paid one-half to the county*
 29 *wherein the funds were collected and one-half to the municipality*
 30 *wherein the funds were collected.***

31 Whenever any county has deposited moneys collected pursuant
 32 to this section in a special trust fund in lieu of expending the same
 33 for the purposes authorized by this section, it may withdraw from
 34 said special trust fund in any year an amount which is not in excess
 35 of the amount **[expanded]* *expended** by the county over the
 36 immediate preceding 3-year period from general county revenues
 37 for said purposes. Such moneys withdrawn from the trust fund
 38 shall be accounted for and used as are other general county revenues.

1 2. R. S. 39:5-43 is amended to read as follows:

2 39:5-43. Any person who, having collected any fine for any vio-
 3 lation of this subtitle, fails, within 30 days, to return the same to
 4 the **[commissioner]** *director* or the proper financial officer of the
 5 county or ***[the financial officer of the entitled]** municipality, as*
 6 ***[designated by the governing body of the local unit]** ** the*
 7 *case may be***, shall be subject to a penalty ***[of]*** not exceeding
 8 \$500.00 for the first offense, and a penalty of \$1,000.00 or imprison-
 9 ment not exceeding 1 year, or both, at the discretion of the court,
 10 upon any subsequent conviction.

1 3. R. S. 39:5-44 is amended to read as follows:

2 39:5-44. Every court having jurisdiction to hear complaints for
 3 violations of the provisions of this Title shall keep a record of the
 4 disposition of all complaints under this subtitle, for which a fine
 5 may be imposed ***[and to which any municipality and county is en-*
 6 *titled]**[*, on forms to be prepared and furnished by the board of
 7 chosen freeholders of such county, which ***[. The]** ***, which
 8 record shall be open to inspection by the treasurer or auditor of
 9 ***[such]** **a*** county or his duly authorized representative,
 10 ***[the financial officer designated by the governing body of any*
 11 *entitled municipality,]*** or by the director or his duly authorized
 12 representative^{**}, or by the financial officers of the respective mu-
 13 nicipalities which are entitled to fines imposed by the court^{**}.

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

20 Whenever any county has deposited moneys collected pursuant
 21 to this section in a special trust fund in lieu of expending the same
 22 for the purposes authorized by this section, it may withdraw from
 23 said special trust fund in any year an amount which is not in excess
 24 of the amount expended by the county over the immediate preceding
 25 3-year period from general county revenues for said purposes.
 26 Such moneys withdrawn from the trust fund shall be accounted for
 27 and used as are other general county revenues.

1 2. R. S. 39:5-43 is amended to read as follows:

2 39:5-43. Any person who, having collected any fine for any vio-
 3 lation of this subtitle, fails, within 30 days, to return the same to
 4 the [commissioner] *director* or the proper financial officer of the
 5 county *or the financial officer of the entitled municipality, as desig-*
 6 *nated by the governing body of the local unit,* shall be subject to a
 7 penalty of not exceeding \$500.00 for the first offense, and a penalty
 8 of \$1,000.00 or imprisonment not exceeding 1 year, or both, at the
 9 discretion of the court, upon any subsequent conviction.

1 3. R. S. 39:5-44 is amended to read as follows:

2 39:5-44. Every court having jurisdiction to hear complaints for
 3 violations of the provisions of this Title shall keep a record of the
 4 disposition of all complaints under this subtitle, for which a fine
 5 may be imposed and to which any *municipality and county* is en-
 6 titled[, on forms to be prepared and furnished by the board of
 7 chosen freeholders of such county, which]. *The record shall be open*
 8 *to inspection by the treasurer or auditor of such county or his duly*
 9 *authorized representative, the financial officer designated by the*
 10 *governing body of any entitled municipality, or by the director or*
 11 *his duly authorized representative.*

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

STATEMENT

Under current law, the moneys collected as fines for certain motor vehicle offenses are apportioned to the counties in which the offense occurs.

This bill provides that those moneys be divided equally between the county and the municipality in which the violation took place.

A 868 (1982)

ASSEMBLY FLOOR Amendments

du
MT

ADOPTED

to

MAR 1 1982

Assembly Bill No. 868 O.C.R.

Amend:

Page	Sec.	Line	
1	1	9	Omit "as follows: one-half of the total amount col-"
1	1	10-13	Omit these lines
1	1	14	Omit "of the total amount collected"
1	1	19	After "therein." Insert "Whenever the amount of the moneys to be forwarded to the counties pursuant to this section rises above the level forwarded to them in fiscal year 1980, the increase, up to the amount forwarded to the counties, shall be forwarded to the proper financial officer of the respective municipalities wherein the violations occurred, to be used by the municipalities as a fund for general municipal use and to defray the cost of operating the municipal court. When the amount of moneys forwarded to the municipalities equals the amount forwarded to the counties, any additional increase shall be paid one-half to the county wherein the funds were collected and one-half to the municipality wherein the funds were collected."
2	2	5	Omit "the financial officer of the entitled"
2	2	5-6	Omit "designated by the governing body of the local unit" insert "the case may be"
2	2	7	Omit "of"

ASSEMBLY FLOOR Amendments

to

Assembly Bill No. 868

Amend:

Page	Sec.	Line	
2	3	5-6	Omit "and to which any municipality and county is entitled"
2	3	87 ✓	Omit ". The" insert ", which"
2	3	8	Omit "such" insert "a"
2	3	9-10	Omit "the financial officer designated by the governing body of any entitled municipality,"
2	3	11	After "representative" insert ", or by the financial officers of the respective municipalities which are entitled to fines imposed by the court"

STATEMENT

The purpose of this floor amendment is to apportion certain moneys collected as motor vehicle fines pursuant to the provisions of R.S. 39:5-41 in the following manner:

a. To each entitled county, from the first moneys collected, an amount equal to the amount the county received in 1980; and

b. To the entitled municipalities, from the next moneys collected, an amount equal to the amount forwarded to the county in 1980.

3-1-82 - R-49

2-5-82 - R-49

ASSEMBLY COMMITTEE Amendments

to

ASSEMBLY Bill No. 868

ADOPTED

FEB 22 1982

Amend:

Page

Sec.

Line

42

1

24
~~23~~

Omit "expanded" insert "expended"

ACT concerning the disposition of moneys received from the payment of certain fines, penalties and forfeitures imposed and collected in connection with the operation of motor vehicles, and amending R.S. 39:5-41, R.S. 39:5-43, and R.S. 39:5-44.

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

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

39:5-41. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complainant is the [commissioner], a member of his staff, a member of the State Police, an inspector of the [Public Utility Commission], or a law enforcement officer of any other State agency, shall be forwarded by the [magistrate] to whom the same have been paid

director

judge

Board of Public Utilities

1975/309/1
MJD
2/2/82

as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected

to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of right-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediate preceding 3-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

2. R.S. 39:5-43 is amended to read as follows:

39:5-43.

Any person who, having collected any fine for any violation of this subtitle, fails, within thirty days, to return the same to the [commissioner] or the proper financial officer of the county shall be subject to a penalty of not exceeding five hundred dollars for the first offense, and a penalty of one thousand dollars or imprisonment not exceeding one year, or both, at the discretion of the court, upon any subsequent conviction.

director

or the financial officer of the entitled municipality, as designated by the governing body of the local unit,

MJD
2/2/82

3. R.S. 39:5-44 is amended to read as follows:

1953/36/33
 MJD
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39:5-44. Every court having jurisdiction to hear complaints for violations of the provisions of this Title shall keep a record of the disposition of all complaints under this subtitle, for which a fine may be imposed and to which any county is entitled, on forms to be prepared and furnished by the board of chosen freeholders of such county, which record shall be open to inspection by the treasurer or auditor of such county or his duly authorized representative, or by the director or his duly authorized representative. --- municipality and . The

the financial officer designated by the governing body of any entitled municipality,

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

STATEMENT

Under current law, the moneys collected as fines for certain motor vehicle offenses are apportioned to the counties in which the offense occurred.

This bill provides that those moneys be divided equally between the county and the municipality in which the violation took place.

ASSEMBLY FLOOR Amendments

to

Assembly Bill No. 868

Amend:

Page	Sec.	Line

Should the moneys collected exceed the amounts to be apportioned to the counties and municipalities pursuant to these amendments, the excess is to be divided equally between the counties and the municipalities wherein the motor vehicle offenses occurred.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

APRIL 30, 1982

Legislation to permit municipalities to receive a share of fines for levied motor vehicle offenses was signed into law today by Governor Thomas H. Kean.

The legislation, A-868, was sponsored by Assemblyman John A. Girgenti, D-Passaic, and will result in approximately \$17 million in revenues being distributed to municipalities. The bill is effective January 1, 1983.

Under current law, revenues from fines are remitted to the State's general fund if the summons is issued by a State Police officer. If the summons is issued by a local police officer, the fine money is allocated to the county in which the violation took place and is used to support road maintenance programs.

Under the new law, counties will continue to receive the fine revenue up to the levels attained in 1980. When that level is reached, the money is to be distributed to the municipalities to help defray the cost of operating the municipal court system.

If the fine revenue distributed to municipalities exceeds the amount allocated to the counties in 1980, the excess shall be divided by the counties and municipalities.

Kean also signed A-5⁷²27, sponsored by Assemblyman Dennis Riley, D-Camden, to require retail stores to post a notice of refund policies in their establishments.

The legislation requires that a refund policy notice be posted on the item for sale, affixed to each cash register, posted at the store entrance, or another clearly visible location.

If a retailer refused to post such a notice and refuses a legitimate request for a refund within 20 days of a purchase, a customer may sue in municipal court for a cash refund or credit and damages not to exceed \$200.

(more)

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SENATE, No. 678

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator GRAVES

AN ACT concerning the disposition of moneys received from the payment of certain fines, penalties and forfeitures imposed and collected in connection with the operating of motor vehicles, and amending R. S. 39:5-41, R. S. 39:5-43 and R. S. 39:5-44.

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

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

2 39:5-41. All fines, penalties and forfeitures imposed and col-
3 lected under authority of law for any violations of the provisions of
4 this Title, other than those violations in which the complainant is
5 the **[commissioner]** *director*, a member of his staff, a member of
6 the State Police, an inspector of the **[Public Utility Commis-**
7 **sion]** *Board of Public Utilities*, or a law enforcement officer of
8 any other State agency, shall be forwarded by the **[magistrate]**
9 *judge* to whom the same have been paid, ***[one-half]*** to the proper
10 financial officer of the county wherein they were collected, to be
11 used by the county as a fund for the construction, reconstruction,
12 maintenance and repair of roads and bridges, snow removal, the
13 acquisition and purchase of right-of-way, and the purchase, re-
14 placement and repair of equipment for use on said roads and
15 bridges therein ***[and one-half]*** *. Whenever the amount of the*
15A *moneys to be forwarded to the counties pursuant to this section*
15B *rises above the level forwarded to them in fiscal year 1980, the*
15C *increase, up to the amount forwarded to the counties, shall be*
15D *forwarded* to the proper financial officer of the respective munici-*
16 *palities wherein the violations occurred, to be used by the munici-*

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 amendments adopted February 25, 1982.**

17 palities as a fund for general municipal use and to defray the cost
 18 of operating the municipal court. *When the amount of moneys
 18A forwarded to the municipalities equals the amount forwarded to the
 18B counties, any additional increase shall be paid one-half to the county
 18C wherein the funds were collected and one-half to the municipality
 18D wherein the funds were collected.*

19 *Whenever any county has deposited moneys collected pursuant*
 20 *to this section in a special trust fund in lieu of expending the same*
 21 *for the purposes authorized by this section, it may withdraw from*
 22 **[the]* *said* special trust fund in any year an amount which is*
 23 *not in excess of the amount expended by the county over the*
 24 *immediate preceding 3-year period from general county revenue for*
 25 **[those]* *said* purposes. *The]* *Such* moneys withdrawn*
 26 *from the trust fund shall be accounted for and used as are other*
 27 *general county revenues.*

1 2. R. S. 39:5-43 is amended to read as follows:

2 39:5-43. Any person who, having collected any fine for any
 3 violation of this subtitle, fails, within 30 days, to return the same to
 4 the [commissioner] director or the proper financial officer of the
 5 county or municipality, as the case may be, shall be subject to a
 6 penalty [of] not exceeding \$500.00 for the first offense, and a pen-
 7 alty of \$1,000.00 or imprisonment not exceeding 1 year, or both,
 8 at the discretion of the court, upon any subsequent conviction.

1 3. R. S. 39:5-44 is amended to read as follows:

2 39:5-44. Every court having jurisdiction to hear complaints for
 3 violations of the provisions of this Title shall keep a record of the
 4 disposition of all complaints under this subtitle, for which a fine
 5 may be imposed [and to which any county is entitled, on forms to
 6 be prepared and furnished by the board of chosen freeholders of
 7 such county], which record shall be open to inspection by the
 8 treasurer or auditor of [such] a county or his duly authorized
 9 representative, or by the director or his duly authorized repre-
 10 sentative, or by the financial officers of the respective municipalities
 11 which are entitled to fines imposed by the court.

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

SENATE, No. 678

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator GRAVES

AN ACT concerning the disposition of moneys received from the payment of certain fines, penalties and forfeitures imposed and collected in connection with the operating of motor vehicles, and amending R. S. 39:5-41, R. S. 39:5-43 and R. S. 39:5-44.

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

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

2 39:5-41. All fines, penalties and forfeitures imposed and col-
3 lected under authority of law for any violations of the provisions of
4 this Title, other than those violations in which the complainant is
5 the **[commissioner]** *director*, a member of his staff, a member of
6 the State Police, an inspector of the **[Public Utility Commis-**
7 **sion]** *Board of Public Utilities*, or a law enforcement officer of
8 any other State agency, shall be forwarded by the **[magistrate]**
9 *judge* to whom the same have been paid, *one-half* to the proper
10 financial officer of the county wherein they were collected, to be
11 used by the county as a fund for the construction, reconstruction,
12 maintenance and repair of roads and bridges, snow removal, the
13 acquisition and purchase of right-of-way, and the purchase, re-
14 placement and repair of equipment for use on said roads and
15 bridges therein *and one-half to the proper financial officer of the*
16 *respective municipalities wherein the violations occurred, to be*
17 *used by the municipalities as a fund for general municipal use and*
18 *to defray the cost of operating the municipal court.*

19 *Whenever any county has deposited moneys collected pursuant*
20 *to this section in a special trust fund in lieu of expending the same*
21 *for the purposes authorized by this section, it may withdraw from*
22 *the special trust fund in any year an amount which is not in excess*
23 *of the amount expended by the county over the immediate preceding*
24 *3-year period from general county revenues for those purposes.*
25 *The moneys withdrawn from the trust fund shall be accounted for*
26 *and used as are other general county revenues.*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 2. R. S. 39:5-43 is amended to read as follows:

2 39:5-43. Any person who, having collected any fine for any
3 violation of this subtitle, fails, within 30 days, to return the same to
4 the **[commissioner]** *director* or the proper financial officer of the
5 county or municipality, as the case may be, shall be subject to a
6 penalty **[of]** not exceeding \$500.00 for the first offense, and a pen-
7 alty of \$1,000.00 or imprisonment not exceeding 1 year, or both,
8 at the discretion of the court, upon any subsequent conviction.

1 3. R. S. 39:5-44 is amended to read as follows:

2 39:5-44. Every court having jurisdiction to hear complaints for
3 violations of the provisions of this Title shall keep a record of the
4 disposition of all complaints under this subtitle, for which a fine
5 may be imposed **[and to which any county is entitled, on forms to**
6 **be prepared and furnished by the board of chosen freeholders of**
7 **such county]**, which record shall be open to inspection by the
8 treasurer or auditor of **[such]** a county or his duly authorized
9 representative, or by the director or his duly authorized repre-
10 sentative, or by the financial officers of the respective municipalities
11 which are entitled to fines imposed by the court.

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

STATEMENT

This bill would alter the manner of disposition for certain fines, penalties, and forfeitures collected in municipal courts for violations of the motor vehicle laws.

There are presently two ways in which moneys collected for fines, penalties, and forfeitures are distributed. Those which are collected from cases in which the complainant is a local police officer are distributed according to the provisions of R. S. 39:5-40. That section provides for disposition of all received funds to the director to be forwarded to the State Treasurer and credited to the State Highway Fund. They are not affected by this bill.

The second class of fines, penalties, and forfeitures includes those provided for in this bill. Those are the ones in which the complainant is a State officer; e.g., State policeman. R. S. 39:5-41 presently provides for disposition of these funds to the counties, earmarked for road construction and repair. This bill provides that one-half of the fines, etc. collected in which the complainant is a State officer are to be disposed of in the present manner and one-half shall be forwarded to the municipality in which the violation occurred to be used by the municipality for general road repair and to cover the cost of operating the municipal court.

**SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE**

STATEMENT TO

SENATE, No. 678

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1982

This bill, as amended, would change the way certain fines, penalties, and forfeitures collected in municipal courts for motor vehicle violations are distributed.

There are currently two classes of motor vehicle fines, penalties, and forfeitures. Those collected as a result of cases in which the complainant is a State officer (State policemen) are not affected by this bill.

The distribution of fines, penalties, and forfeitures collected as a result of cases in which the complainant is a local officer would be affected by this bill as amended. Now, these funds are distributed according to R. S. 39:5-41, which provides that they be forwarded to the counties for road construction and repair.

This bill, as amended, would require that whenever the amount of moneys to be forwarded to the counties exceeded the level forwarded to them in fiscal year 1980, the increase would be distributed to the municipality in which the violation occurred, up to an amount equal to the amount forwarded to the counties. The funds would be for general municipal use and to defray the cost of operating the municipal court. When the amount of money forwarded to the municipalities and the counties is equal, any further increase will be paid half to the counties and half to the municipalities.

An increase in the amount of funds collected as a result of cases in which the complainant is a local officer is anticipated if a package of bills increasing fines for motor vehicle violations now pending before the Legislature is enacted into law.
