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LAW/KR

P.L. 2013, CHAPTER 237, *approved January 17, 2014*  
Assembly, No. 1844 (*Second Reprint*)

1 AN ACT concerning motor vehicle liability insurance coverage and  
2 amending P.L.1972, c.197.

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

6  
7 1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read  
8 as follows:

9 2. <sup>1</sup>a.<sup>1</sup> <sup>2</sup>**[Any]** An<sup>2</sup> owner or registrant of a motor vehicle  
10 registered or principally garaged in this State who operates or  
11 causes to be operated a motor vehicle upon any public road or  
12 highway in this State without motor vehicle liability insurance  
13 coverage required by **[this act]** P.L.1972, c.197 (C.39:6B-1 et seq.),  
14 and <sup>2</sup>**[any]** an<sup>2</sup> operator who operates or causes a motor vehicle to  
15 be operated and who knows or should know from the attendant  
16 circumstances that the motor vehicle is without motor vehicle  
17 liability insurance coverage required by **[this act]** P.L.1972, c.197  
18 <sup>2</sup>(C.39:6B-1 et seq.)<sup>2</sup> shall be subject, for the first offense, to a fine  
19 of not less than \$300 nor more than \$1,000 and a period of  
20 community service to be determined by the court **[**, and shall  
21 forthwith forfeit his**]**. The court also <sup>1</sup>**[may]** shall<sup>1</sup> suspend the  
22 person's right to operate a motor vehicle over the highways of this  
23 State for a period of <sup>1</sup>**[not less than two months or more than]**<sup>1</sup> one  
24 year from the date of conviction <sup>1</sup>; provided, however, the period of  
25 license suspension may be reduced or eliminated if the person  
26 provides the court with satisfactory proof of motor vehicle liability  
27 insurance at the time of the hearing<sup>1</sup>. Upon subsequent conviction,  
28 **[he]** the person shall be subject to a fine of up to \$5,000 and shall  
29 be subject to imprisonment for a term of 14 days and shall be  
30 ordered by the court to perform community service for a period of  
31 30 days, which shall be of <sup>2</sup>**[such]** a<sup>2</sup> form and on <sup>2</sup>**[such]**<sup>2</sup> terms  
32 as the court shall deem appropriate under the circumstances, and  
33 shall forfeit **[his]** the person's right to operate a motor vehicle for a  
34 period of two years from the date of **[his]** the conviction, and, after  
35 the expiration of <sup>2</sup>**[said period]** the forfeiture<sup>2</sup>, **[he]** the person may  
36 make application to the **[Director of the Division of Motor**  
37 **Vehicles]** Chief Administrator of the New Jersey Motor Vehicle  
38 Commission for a license to operate a motor vehicle, which  
39 application may be granted at the discretion of the **[director]** chief

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted May 24, 2012.

<sup>2</sup>Senate STR committee amendments adopted May 20, 2013.

1 administrator. The **【director's】** chief administrator's discretion  
2 shall be based upon an assessment of the likelihood that the  
3 individual will operate or cause a motor vehicle to be operated in  
4 the future without the insurance coverage required by this act. A  
5 complaint for violation of this act may be made to a municipal court  
6 at any time within six months after the date of the alleged offense.

7 Failure to produce at the time of trial an insurance identification  
8 card or an insurance policy which was in force for the time of  
9 operation for which the offense is charged creates a rebuttable  
10 presumption that the person was uninsured when charged with a  
11 violation of this section.

12 <sup>2</sup>**【<sup>1</sup>b.** In the event that the court suspends a person's right  
13 to operate a motor vehicle pursuant to subsection a. of this section,  
14 that person must provide the chief administrator with satisfactory  
15 proof of motor vehicle liability insurance coverage prior to the chief  
16 administrator reinstating the person's right to operate a motor  
17 vehicle.<sup>1</sup>】<sup>2</sup>

18 (cf: P.L.1997, c.151, s.12)

19

20 2. This act shall take effect immediately.

21

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23

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25 Makes discretionary driver's license suspension for first offense  
26 of driving without motor vehicle liability insurance.

# ASSEMBLY, No. 1844

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Makes discretionary driver's license suspension for first offense of driving without motor vehicle liability insurance.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1844 DIEGNAN

2

1 AN ACT concerning motor vehicle liability insurance coverage and  
2 amending P.L.1972, c.197.

3

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

6

7 1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read  
8 as follows:

9 2. Any owner or registrant of a motor vehicle registered or  
10 principally garaged in this State who operates or causes to be  
11 operated a motor vehicle upon any public road or highway in this  
12 State without motor vehicle liability insurance coverage required by  
13 **[this act]** P.L.1972, c.197 (C.39:6B-1 et seq.), and any operator  
14 who operates or causes a motor vehicle to be operated and who  
15 knows or should know from the attendant circumstances that the  
16 motor vehicle is without motor vehicle liability insurance coverage  
17 required by **[this act]** P.L.1972, c.197 shall be subject, for the first  
18 offense, to a fine of not less than \$300 nor more than \$1,000 and a  
19 period of community service to be determined by the court **[**, and  
20 shall forthwith forfeit his**]**. The court also may suspend the  
21 person's right to operate a motor vehicle over the highways of this  
22 State for a period of not less than two months or more than one year  
23 from the date of conviction. Upon subsequent conviction, **[he]** the  
24 person shall be subject to a fine of up to \$5,000 and shall be subject  
25 to imprisonment for a term of 14 days and shall be ordered by the  
26 court to perform community service for a period of 30 days, which  
27 shall be of such form and on such terms as the court shall deem  
28 appropriate under the circumstances, and shall forfeit **[his]** the  
29 person's right to operate a motor vehicle for a period of two years  
30 from the date of **[his]** the conviction, and, after the expiration of  
31 said period, **[he]** the person may make application to the **[Director**  
32 **of the Division of Motor Vehicles]** Chief Administrator of the New  
33 Jersey Motor Vehicle Commission for a license to operate a motor  
34 vehicle, which application may be granted at the discretion of the  
35 **[director]** chief administrator. The **[director's]** chief  
36 administrator's discretion shall be based upon an assessment of the  
37 likelihood that the individual will operate or cause a motor vehicle  
38 to be operated in the future without the insurance coverage required  
39 by this act. A complaint for violation of this act may be made to a  
40 municipal court at any time within six months after the date of the  
41 alleged offense.

42 Failure to produce at the time of trial an insurance identification  
43 card or an insurance policy which was in force for the time of  
44 operation for which the offense is charged creates a rebuttable

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

Matter underlined thus is new matter.

1 presumption that the person was uninsured when charged with a  
2 violation of this section.  
3 (cf: P.L.1997, c.151, s.12)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would make discretionary the currently mandatory  
11 driver's license suspension period for the first offense of driving  
12 without required motor vehicle liability insurance coverage.

13 Under the current law, a person who commits a first offense of  
14 driving without insurance is subject to a fine of between \$300 and  
15 \$1,000, a period of community service to be determined by the  
16 court, and loss of driver's license for one year from the date of  
17 conviction. Under this bill, imposition of a driver's license  
18 suspension is to be within the discretion of the court, and the period  
19 of any such suspension could be from two months to one year from  
20 the date of conviction.

21 The bill does not change the penalties for a subsequent offense of  
22 driving without insurance.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1844**

**STATE OF NEW JERSEY**

DATED: MAY 14, 2012

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 1844.

As reported, this bill makes discretionary the currently mandatory driver's license suspension period for the first offense of driving without required motor vehicle liability insurance coverage.

Under the current law, a person who commits a first offense of driving without insurance is subject to a fine of between \$300 and \$1,000, a period of community service to be determined by the court, and loss of driver's license for one year from the date of conviction. Under this bill, imposition of a driver's license suspension for such a first offense is to be within the discretion of the court, and the period of any such suspension could be from two months to one year from the date of conviction.

The bill does not change the penalties for a subsequent offense of driving without insurance.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



STATEMENT TO  
**ASSEMBLY, No. 1844**

with Assembly Floor Amendments  
(Proposed by Assemblyman DIEGNAN)

ADOPTED: MAY 24, 2012

These Assembly amendments provide that the penalty for a first offense of driving without required motor vehicle liability insurance coverage is to be a period of license suspension of one year from the date of conviction, but provides that the court may reduce or eliminate the sentence if the person provides satisfactory proof of insurance at the time of the hearing.

The amendments further provide that if a person's license is suspended by the court for driving without required motor vehicle liability insurance coverage, that person must provide to the court satisfactory proof of motor vehicle liability insurance coverage prior to that person's license being reinstated.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 1844**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 20, 2013

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 1844 (1R).

As amended and reported, this bill provides that the one year driver's license suspension penalty for a first offense of driving without required motor vehicle liability insurance coverage may be reduced or eliminated by the court if the person provides satisfactory proof of insurance at the time of the hearing.

The committee amended the bill to remove the requirement that if a person's license is suspended by the court for driving without required motor vehicle liability insurance coverage, that person must provide satisfactory proof of motor vehicle liability insurance coverage to the Chief Administrator of the New Jersey Motor Vehicle Commission before the chief administrator may reinstate the person's license. The committee also made grammatical corrections to the bill.

# ASSEMBLY, No. 395

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Makes discretionary driver's license suspension for first offense of driving without motor vehicle liability insurance.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A395 DIEGNAN

2

1 AN ACT concerning motor vehicle liability insurance coverage and  
2 amending P.L.1972, c.197.

3

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

6

7 1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read  
8 as follows:

9 2. Any owner or registrant of a motor vehicle registered or  
10 principally garaged in this State who operates or causes to be  
11 operated a motor vehicle upon any public road or highway in this  
12 State without motor vehicle liability insurance coverage required by  
13 this act, and any operator who operates or causes a motor vehicle to  
14 be operated and who knows or should know from the attendant  
15 circumstances that the motor vehicle is without motor vehicle  
16 liability insurance coverage required by this act shall be subject, for  
17 the first offense, to a fine of not less than \$300 nor more than  
18 \$1,000 and a period of community service to be determined by the  
19 court~~], and shall forthwith forfeit his~~ . The court also may revoke  
20 the person's right to operate a motor vehicle over the highways of  
21 this State for a period of one year from the date of conviction. Upon  
22 subsequent conviction, he shall be subject to a fine of up to \$5,000  
23 and shall be subject to imprisonment for a term of 14 days and shall  
24 be ordered by the court to perform community service for a period  
25 of 30 days, which shall be of such form and on such terms as the  
26 court shall deem appropriate under the circumstances, and shall  
27 forfeit his right to operate a motor vehicle for a period of two years  
28 from the date of his conviction, and, after the expiration of said  
29 period, he may make application to the ~~Director of the Division of~~  
30 ~~Motor Vehicles~~ Chief Administrator of the New Jersey Motor  
31 Vehicle Commission for a license to operate a motor vehicle, which  
32 application may be granted at the discretion of the ~~director~~ chief  
33 administrator. The director's discretion shall be based upon an  
34 assessment of the likelihood that the individual will operate or  
35 cause a motor vehicle to be operated in the future without the  
36 insurance coverage required by this act. A complaint for violation  
37 of this act may be made to a municipal court at any time within six  
38 months after the date of the alleged offense.

39 Failure to produce at the time of trial an insurance identification  
40 card or an insurance policy which was in force for the time of  
41 operation for which the offense is charged creates a rebuttable  
42 presumption that the person was uninsured when charged with a  
43 violation of this section.  
44 (cf: P.L.1997, c.151, s.12)

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

Matter underlined thus is new matter.

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would make discretionary the current mandatory one-  
7 year driver's license suspension for driving without required motor  
8 vehicle liability insurance coverage.

9       Under current law, a person who commits a first offense of  
10 driving without insurance is subject to a fine of between \$300 and  
11 \$1,000, a period of community service to be determined by the  
12 court and loss of driver's license for one-year from the date of  
13 conviction. Under this bill, the one-year driver's license suspension  
14 is within the discretion of the court.

15       The bill does not change the penalties for a subsequent offense of  
16 driving without insurance.

17       The bill also makes technical amendments.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 395**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 15, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably with amendments Assembly Bill No. 395.

As reported, this amended bill would make discretionary the currently mandatory driver's license suspension period for the first offense of driving without required motor vehicle liability insurance coverage.

Under the current law, a person who commits a first offense of driving without insurance is subject to a fine of between \$300 and \$1,000, a period of community service to be determined by the court, and loss of driver's license for one year from the date of conviction. Under this bill, imposition of a driver's license suspension is to be within the discretion of the court, and the period of any such suspension could be from two months to one year from the date of conviction.

The bill does not change the penalties for a subsequent offense of driving without insurance.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to provide a range of time for a driver's license suspension should a court, in its discretion, suspend a person's license for driving without insurance. The committee also amended the bill to update references to the Chief Administrator of the New Jersey Motor Vehicle Commission and internal statutory citations.