

39:2-10 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:2-10 et al.

Laws of 1975 Chapter 180

Bill No. A3629

Sponsor(s) Codey, Hamilton & Barbour

Date Introduced July 30, 1975

Committee: Assembly -

Senate -

Amended during passage Yes ~~No~~

Date of passage: Assembly August 1, 1975

Senate August 4, 1975

Date of approval August 4, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

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~~

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JUN 1977

10/4/76

ASSEMBLY, No. 3629

STATE OF NEW JERSEY

INTRODUCED JULY 30, 1975

By Assemblymen CODEY, HAMILTON and BARBOUR

(Without Reference)

AN ACT concerning motor vehicles, and revising parts of the statutory law, and providing for an appropriation.

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

1 1. R. S. 39:2-10 is amended to read as follows:

2 39:2-10. The **[commissioner]** *director* shall keep a record of all  
3 his official acts, shall preserve copies of all decisions, rules and  
4 orders made by him and shall adopt an official seal. Copies of any  
5 act, rule, order or decision made by him and of any paper filed in  
6 his office may be authenticated under such seal, at a cost not to  
7 exceed **[\$1.50]** *\$5.00* for each authentication, and when so authenti-  
8 cated shall be evidence the same as the original.

1 2. R. S. 39:3-8 is amended to read as follows:

2 39:3-8. The applicant for registration for passenger automobiles  
3 shall pay to the director for each registration a fee of **[\$12.00]**  
4 *\$15.00* for each such vehicle having a manufacturer's shipping  
5 weight of less than 2,700 pounds, a fee of **[\$18.00]** *\$24.00* for each  
6 such vehicle having a manufacturer's shipping weight of 2,700  
7 pounds or more, but not greater than 3,800 pounds, and a fee of  
8 **[\$30.00]** *\$45.00* for each vehicle having a manufacturer's shipping  
9 weight in excess of 3,800 pounds. The director shall determine the  
10 manufacturer's shipping weight for each passenger automobile on  
11 the basis of the information contained in the certificate of origin,  
12 the application for registration or for renewal of registration, or  
13 the records of the division, or any or all of these; in any case in  
14 which the manufacturer's shipping weight of any particular pas-  
15 senger automobile is unavailable, or in doubt or dispute, the  
16 director may require that such automobile be weighed on a scale  
17 designated by him, and such actual weight shall be considered the

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

18 manufacturer's shipping weight for the purposes of this section;  
19 but in all cases the director's determination of the manufacturer's  
20 shipping weight of any such automobile shall be final. One dollar  
21 of each fee herein, shall be the inspection fee fixed in section 39:8-2  
22 of this Title, and payment of the fees herein provided shall consti-  
23 tute payment of the said inspection fee.

24 The director may also license private utility and house type  
25 semitrailers and trailers with a gross load not in excess of 2,000  
26 pounds at a fee of \$5.00 per annum and all other such utility and  
27 house type semitrailers and trailers at \$10.00 per annum. Applica-  
28 tion for such registration shall be made on a blank to be furnished  
29 by the division and the application shall contain a statement to the  
30 effect that the vehicle so registered will not be used for the com-  
31 mercial transportation of goods, wares and merchandise, or for  
32 hire.

33 No private utility or house type semitrailer or trailer with an  
34 outside width of more than 96 inches, a maximum height of 13 feet  
35 6 inches, a maximum length for a single vehicle of more than  
36 35 feet, a maximum length for a semitrailer and its towing vehicle  
37 of more than 45 feet, and a maximum length for a trailer and its  
38 towing vehicle of more than 50 feet, shall be operated on any  
39 highway in this State, except that a vehicle exceeding the above  
40 limitations may be operated when a special permit so to operate  
41 is secured in advance from the director. The application for such  
42 permit shall be accompanied by a fee fixed by the director. A special  
43 permit issued by the director shall be in the possession of the  
44 operator of the vehicle for which such permit was issued. In com-  
45 puting any dimensions of a vehicle, for the purposes of this section,  
46 there shall not be included in the dimensional limitations safety  
47 equipment such as mirrors or lights, provided such appliances do  
48 not exceed the overall limitations established by the director by  
49 rule or regulation.

1 3. R. S. 39:3-10.1 is amended to read as follows:

2 39:3-10.1. No person shall drive any motor vehicle or trackless  
3 trolley with a capacity of more than 6 passengers and used for the  
4 transportation of passengers for hire, except taxicabs, hotel buses,  
5 and omnibuses used for the transportation of passengers in inter-  
6 state or foreign commerce, or any bus used to transport children to  
7 and from school pursuant to sections [18:14-8 to 18:14-12, inclu-  
8 sive, of the Revised Statutes] *N. J. S. 18A:39-1 et seq.*, unless  
9 specially licensed so to do by the director. Such license shall not be  
10 granted until the applicant therefor is at least 21 years of age and

11 has passed a satisfactory examination in ascertainment of his driv-  
12 ing ability and familiarity with the mechanism of said vehicle  
13 and has presented evidence, satisfactory to the director of his  
14 previous experience, good character and physical fitness. Said  
15 license shall be effective until suspended or revoked by the director;  
16 provided, the special licensee is also the holder of a license as  
17 provided for in section 39:3-10 of this Title. *A fee of \$25.00 shall*  
18 *be collected by the director for the initial issuance of a special bus*  
19 *license. The annual renewal fee shall be \$4.00.*

20 Every holder of a special license issued pursuant to this section  
21 shall furnish to the director satisfactory evidence of continuing  
22 physical fitness, good character and experience once in every 12  
23 months after the issuance of the special license.

24 The director may suspend or revoke a license granted under  
25 authority of this section for a violation of any of the provisions of  
26 this subtitle, or on other reasonable grounds, or where, in his  
27 opinion, the licensee is either physically or morally unfit to retain  
28 the same.

29 The director may make such rules and regulations as he may  
30 deem necessary to carry out the provisions of this section.

1 4. R. S. 39:3-13 is amended to read as follows:

2 39:3-13. The director may, in his discretion, issue to a person  
3 over 17 years of age a written permit, under the hand and seal of  
4 the director, allowing such person, for the purpose of fitting himself  
5 to become an automobile driver or a motorcycle operator, to operate  
6 a motor vehicle or motorcycle, as the case may be, for a specified  
7 period of not more than 60 days, while in the company and under  
8 the supervision of a licensed automobile driver or licensed motor-  
9 cycle driver, as the case may be. The permit shall be sufficient  
10 license for the person to operate an automobile or motorcycle in this  
11 State during the period specified, while in the company of and  
12 under the control of a licensed automobile driver or licensed  
13 motorcycle driver, as the case may be, of this State. Such person,  
14 as well as the licensed driver, shall be held accountable for all  
15 violations of this subtitle committed by such person while in the  
16 presence of the licensed driver. No written permit shall be issued  
17 unless the person applying therefor shall pay the sum of **[\$3.00]**  
18 *\$5.00* to the director, or an officer, employee or agent of the division,  
19 which sum shall be remitted by the director with the other funds  
20 collected in his division to the State Treasurer, in accordance with  
21 the provisions of this subtitle.

22 No examination for a driver's license shall be given unless the  
23 applicant has first secured a learner's permit.

24 The specified period for which a permit is issued may be extended  
 25 for not more than an additional 60 days, without payment of added  
 26 fee upon application made by the holder thereof where the holder  
 27 has applied to take the examination for a driver's license prior to  
 28 the expiration of the original period for which the permit was  
 29 issued and the director was unable to schedule an examination  
 30 during said period.

1 5. Section 2 of P. L. 1974, c. 162 (C. 39:3-19.2) is amended to read  
 2 as follows:

3 2. The Director of Motor Vehicles shall have the authority to  
 4 issue upon application therefor a license plate for school vehicles  
 5 marked "School Vehicle Type I" or "School Vehicle Type II" as  
 6 the application may indicate is warranted in accordance with the  
 7 definition of these vehicles contained in R. S. 39:1-1 for the annual  
 8 registration period beginning July 1 effective through June 30.

9 No fee shall be charged the United States Government, the State  
 10 of New Jersey, a local school district, a regional school district, or a  
 11 county vocational or technical school upon application for a Type I  
 12 or Type II school vehicle license plate.

13 All other applicants for license plates herein authorized of the  
 14 "School Vehicle Type I" kind shall pay an annual registration fee  
 15 of ~~[\$40.00]~~ \$140.00. All other applicants for license plates herein  
 16 authorized of the "School Vehicle Type II" shall pay an annual  
 17 registration fee of ~~[\$25.00]~~ \$40.00.

1 6. R. S. 39:3-20 is amended to read as follows:

2 39:3-20. An applicant for registration for trucks, road tractors  
 3 and truck tractors shall pay to the director a fee based on the gross  
 4 weight of the vehicle and load including the gross weight of all ve-  
 5 hicles and load of any combination of vehicles of which the truck,  
 6 road tractor or truck tractor is the drawing vehicle in such combi-  
 7 nation of vehicles. The plates to be used for commercial motor  
 8 vehicles shall display the word "commercial," and the numerals  
 9 shall be prefixed by the letter "X" or "Z." Trailer plates shall  
 10 have the letter "T." The fee for trucks, road tractors and truck  
 11 tractors shall be paid in accordance with the following:

12 When the gross weight of vehicle and load, including the gross  
 13 weight of all vehicles and load of any combination of vehicles of  
 14 which the truck, road tractor or truck tractor is the drawing ve-  
 15 hicle in such combination of vehicles, is 5,000 pounds or less, the  
 16 minimum registration fee shall be ~~[\$40.00]~~ \$50.00 and where  
 17 greater than 5,000 pounds, the registration fee shall be ~~[\$40.00]~~  
 18 \$50.00 for the first 5,000 pounds and ~~[\$7.30]~~ \$8.50 for each addi-  
 19 tional 1,000 pounds or portion thereof.

20 An applicant for registration for trailers and semitrailers shall  
21 pay to the director a fee of ~~[\$15.00]~~ \$18.00 for each such vehicle.

22 *At the discretion of the director, an applicant for registration*  
23 *for a trailer may be provided the option of registering such vehicle*  
24 *for a period of 4 years. In the event that the applicant for regis-*  
25 *tration exercises the 4-year option, a fee of \$64.00 for each such*  
26 *vehicle shall be paid to the director in advance.*

27 *If any trailer registered for a 4-year period is sold or withdrawn*  
28 *from use on the highways, the director may, upon surrender of the*  
29 *vehicle registration and plate, refund \$16.00 for each full year of*  
30 *unused prepaid registration.*

31 In addition to the registrations authorized to be issued pursuant  
32 to the aforesaid provisions of this section, the director shall issue  
33 registrations for automobile commercial vehicles, trailers, semi-  
34 trailers, and tractors providing for the gross weight of vehicle and  
35 load over 40,000 pounds but not exceeding 70,000 pounds, upon  
36 application therefor and proof to the satisfaction of the director  
37 that the applicant is actually engaged in construction work or in  
38 the business of supplying material, transporting material, or using  
39 such registered vehicle for construction work. The license plate so  
40 issued shall be marked "constructor" and shall be placed upon the  
41 vehicle or vehicles registered under this section. In no event shall  
42 a vehicle or combination of vehicles, operating as a unit, registered  
43 under this section and using "constructor" registration plates ex-  
44 ceed a maximum gross weight, inclusive of load, of 70,000 pounds.

45 In addition to the registrations authorized to be issued pursuant  
46 to the aforesaid provisions of this section, the director shall issue  
47 registrations for tandem three-axle vehicles having a weight and  
48 load not exceeding 60,000 pounds, upon application to the director  
49 and proof to his satisfaction that the applicant is actually engaged  
50 in the performance of solid waste disposal or collection functions  
51 and holds a certificate of convenience and necessity therefor issued  
52 by the Board of Public Utility Commissioners.

53 The applicants for "constructor" registration plates and regis-  
54 tration plates for vehicles performing solid waste disposal or col-  
55 lection functions authorized herein shall pay therefor on each  
56 vehicle at the rate of \$16.00 per 1,000 pounds of gross weight  
57 of vehicle and load *for said constructor vehicles and at the rate*  
58 *of \$18.00 per 1,000 pounds of gross weight of vehicle and load for*  
59 *said solid waste disposal vehicles.*

60 Vehicles registered and using "constructor" registration plates  
61 may not be operated at a distance greater than 30 miles from the

62 point established as a headquarters for the particular construction  
63 operation and such vehicles, except as hereafter provided, must  
64 comply with the speed limitations of Title 39 of the Revised Stat-  
65 utes. Such vehicles when carrying a gross weight of vehicle and  
66 load less than 50% of the certificate of registration shall comply  
67 with applicable speed laws and shall not move along a highway at  
68 a speed greater than 40 miles per hour. When carrying a gross  
69 weight of vehicle and load in excess of 50% of the certificate of  
70 registration, such vehicle shall comply with applicable speed laws  
71 and shall not move along a highway at a speed greater than 30  
72 miles per hour.

73 Vehicles performing solid waste disposal or collection functions  
74 and registered therefor pursuant to the provisions of this section,  
75 may not be operated on any highway which is part of the National  
76 System of Interstate and Defense Highways or on any highway  
77 which has been designated a freeway or parkway as provided by  
78 law, and no such vehicle shall be driven over any bridge in this  
79 State or over any interstate bridge owned or maintained in whole  
80 or in part by this State, upon which or immediately adjacent thereto  
81 there is posted in a conspicuous place a sign stating the gross  
82 weight the bridge will carry, if the gross weight of any such vehicle  
83 and the load is greater than the gross weight stated on the sign.

84 It shall be unlawful for any vehicle registered under this act  
85 having gross weight of load and vehicle including the gross weight  
86 of all vehicles and load in any combination of vehicles in excess of  
87 the gross weight provided on the registration certificate to be op-  
88 erated on the highways of this State.

89 In the event that a truck, road tractor or truck tractor registered  
90 under this act is found on a highway in combination with a trailer  
91 or semitrailer duly registered in any other state or Federal dis-  
92 trict which imposes registration weight fees on such trailers or  
93 semitrailers, the drawing vehicle of the combination registered  
94 under this act shall have a gross weight registration equal to at  
95 least one-half of the combined gross weight of all the vehicles and  
96 load in the combination of vehicles. If it does not, the operation  
97 of said vehicles on the highways of this State shall be unlawful.

98 The 5% allowance provided by section 5 of P. L. 1950, c. 142  
99 (C. 39:3-84.3) shall be applicable as heretofore to all registered  
100 weight limitations provided in this section, except that in no event  
101 shall the gross weight of any vehicle or combination of vehicles,  
102 including load, exceed the Federal maximum of 80,000 pounds or  
103 as such may be amended from time to time. In the case of a truck,

104 road tractor or truck tractor registered under this act in combina-  
 105 tion with a trailer or semitrailer duly registered in any other State  
 106 or Federal district which imposes registration weight fees on such  
 107 trailers or semitrailers, known as a mixed combination, the 5%  
 108 allowance shall be applied by adding to the registered weight of  
 109 the drawing vehicle registered under this act 5% of said registered  
 110 weight. If the resulting sum is equal at least to one-half the com-  
 111 bined weight of the mixed combined gross weight of the mixed  
 112 combination, then the mixed combination shall be in compliance  
 113 with the registration requirements of this section.

114 Moneys realized from the increase of the fees for registrations  
 115 issued pursuant to the provisions of this act shall be paid into the  
 116 State Treasury and credited to the General State Fund and avail-  
 117 able for general State purposes.

118 This section shall not be construed to supersede or repeal the  
 119 provisions of either section 39:3-84 or 39:4-75 of this Title.

1 7. Section 1 of P. L. 1973, c. 90 (C. 39:3-22a) is amended to  
 2 read as follows:

3 1. If application is made for the registration of a motor vehicle,  
 4 other than a passenger automobile or motorcycle, or for the reg-  
 5 istration of a commercial motor vehicle, trailer, semitrailer, tractor  
 6 or omnibus, *except "constructor" vehicles and vehicles performing*  
 7 *solid waste disposal or collection function*, on or after October 1 in  
 8 **[any year]** a registration year beginning April 1 and ending the  
 9 following March 31, the applicant shall pay only one-half of the  
 10 registration fee provided for in the class to which such vehicle  
 11 belongs.

1 8. R. S. 39:3-28 is amended to read as follows:

2 39:3-28. The director shall cause all applications for registration  
 3 and drivers' licenses to be alphabetically indexed, and any original  
 4 application or copy thereof, whether made by photography, micro-  
 5 graph or otherwise, certified to be a true copy under the hand of  
 6 the director shall be received as evidence in any court to prove the  
 7 facts contained therein. For each certified copy so issued the  
 8 director shall collect a fee of **[\$1.50]** \$5.00.

9 The director may destroy all records of registration certifi-  
 10 cates or drivers' licenses and their alphabetical indices when such  
 11 registrations or drivers' licenses applicable thereto have expired,  
 12 after having made copies of such records by means of photography,  
 13 micrograph or otherwise. Such copies made by photography,  
 14 micrograph or otherwise may be destroyed when they have been  
 15 on file in the office of the director for a period of 3 years, or more.



1 9. Section 2 of P. L. 1959, c. 56 (C. 39:3-33.4) is amended to  
2 read as follows:

3 2. The director is authorized to charge an additional fee for the  
4 issuance of such particular identifying mark in such amount as  
5 he may fix from time to time but not in excess of ~~[\$10.00]~~ \$15.00  
6 *for identifying marks defined by the director to be courtesy marks,*  
7 *and not in excess of \$50.00 for identifying marks defined by the*  
8 *director to be personalized marks,* and the amount of such fee shall  
9 accompany the application.

1 10. R. S. 39:4-26 is amended to read as follows:

2 39:4-26. A person may move along or across a public road or  
3 highway, road building machinery, vehicles, traction engines,  
4 rollers, structural units incapable of dismemberment or other  
5 apparatus or machinery of unusual size or weight, on trailers or  
6 semitrailers, after registering the trailers or semitrailers with the  
7 Director of Motor Vehicles and paying him a registration fee of  
8 ~~[\$150.00]~~ \$200.00 and obtaining a permit therefor from the director  
9 for the State highways traversed by them, or from the county  
10 supervisor or supervisors of roads of the county or counties for  
11 the county roads traversed by them or from the duly authorized  
12 official or officials of the municipality or municipalities for the  
13 municipal roads traversed by them, subject to the provisions of  
14 this article, provided, however, that the provisions for registra-  
15 tion and registration fee shall not apply to such vehicles duly  
16 registered in any other State or Federal district which grants  
17 exemption from registration and registration fee to vehicles prop-  
18 erly registered in New Jersey under provisions of this article,  
19 traversing the roads of said other State or Federal district.

20 A trailer or semitrailer, having a width in excess of 96 but not  
21 more than 144 inches, used to transport divisible loads for indus-  
22 trial processing or storage may be registered with the director  
23 at a fee of ~~[\$150.00]~~ \$200.00. A trailer or semitrailer so registered  
24 may be operated on any public highway, except limited access  
25 highways, provided the distance operated on the highway is not  
26 more than 1,000 feet from the point of entrance to the point of  
27 exit and further provided that a permit valid for the duration of  
28 the registration year is obtained from the director. Such move-  
29 ments may be made at any hour of any day of the year and no  
30 escort vehicles shall be required. The limitation as to distance  
31 operated shall not apply when the vehicle is empty and proceeding  
32 to or from an inspection, service, maintenance, or repair facility.

33 The director, board of chosen freeholders and a municipality,

34 may be regulation in the case of the director and by resolution  
35 in the case of the board of freeholders or municipality, adopt  
36 general rules and regulations with respect to the issuance and  
37 use of permits, but not contrary to those stated above, and may  
38 impose reasonable fees therefor provided that no permit shall be  
39 issued unless the said director, county supervisor or authorized  
40 municipal official is reasonably satisfied as to the financial re-  
41 sponsibility of the applicant for permit to meet any claims for  
42 damages which may arise and reasonable evidence of such finan-  
43 cial responsibility is filed with the said director, supervisor or  
44 municipal official.

1 11. R. S. 39:4-30 is amended to read as follows:

2 39:4-30. Nothing in this article shall apply to any road building  
3 machinery, vehicle, traction engine, steam roller or other apparatus  
4 or machinery running upon railroad or street railway tracks, or  
5 a private railroad or railway, spur track or switch, nor shall a  
6 license hereunder be required for any road building machinery,  
7 vehicle, traction engine, steam roller or other apparatus or  
8 machinery while actually used in any type of construction; pro-  
9 vided, further, however, that any such road building machinery,  
10 vehicle, traction engine, roller or other apparatus or machinery  
11 of the kind may be operated or drawn, subject to the following  
12 conditions:

13 Any person, partnership or corporation may, with regard to  
14 such road building machinery, vehicle, traction engine, roller or  
15 other apparatus or machinery of the kind owned or controlled by  
16 it, obtain general registration and registration plates therefor of  
17 the style and kind provided for in this article, with the word  
18 "temporary" or "in-transit" stated thereon, but only if the direc-  
19 tor is satisfied as to the financial responsibility of such person,  
20 partnership or corporation to meet any claim for damages arising  
21 out of an accident and satisfactory evidence of such responsibility  
22 has been filed with him.

23 The annual fee for the issuance of a certificate of registration,  
24 or duplicates thereof and five sets of "temporary" or "in-transit"  
25 plates bearing a number, corresponding to the number on the  
26 certificate of registration shall be ~~[\$75.00]~~ \$100.00.

27 Such plates can be placed on any such road building machinery,  
28 vehicle, traction engine, roller or other apparatus or machinery,  
29 owned or operated by the person, partnership or corporation to  
30 whom the registration is issued, only in moving to and from the  
31 location of any type of construction.

1 12. Section 20 of P. L. 1952, c. 173 (C. 39:6-42) is amended to  
2 read as follows:

3 20. Upon the request of any insurance company, any person fur-  
4 nishing any financial responsibility or any surety on a bond herein  
5 provided for, the director shall furnish such company person or  
6 surety a certified abstract of the operating record of any person  
7 subject to the provisions of this act. If there is no record of his  
8 conviction of a violation of a provision of law relating to the  
9 operation of motor vehicles or of an injury or damage caused by  
10 him as herein provided, the director shall so certify. The director  
11 shall collect \$1.00 for each **[certificate.]** *uncertified abstract and*  
12 *a fee of \$5.00 for each certified abstract of the operating record of*  
13 *any person subject to the provisions of this act.*

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

2 39:7-3. Service of process upon the director shall be made by  
3 leaving the original and a copy of the summons and two copies of  
4 the complaint, with a fee of **[\$2.00]** *\$5.00* in the hands of the  
5 director, or someone designated by him in his office, or, in the  
6 following actions, by serving the same, as follows: (a) if the action  
7 is commenced in the County Court of any county other than Mercer  
8 county, then the sheriff or other authorized person, or (b) if the  
9 action is commenced in the county district court of any county  
10 other than Mercer county, then the clerk of the court may serve  
11 the director by mailing such papers to him by registered mail, with  
12 the said fee. Such service shall be sufficient service upon the non-  
13 resident chauffeur, operator or owner, if

14 a. Notice of such service and a copy of the summons with a copy  
15 of the complaint are forthwith sent by registered mail to the  
16 defendant by the director, or someone designated by him in his  
17 office; and

18 b. Defendant's return receipt and the affidavit of the director,  
19 or such person in his office acting for him, of the compliance  
20 herewith, including a statement of the date of such mailing and of  
21 the receipt of the return card, are appended to the original of the  
22 summons and the other copy of the complaint and filed in the office  
23 of the clerk of the court wherein the action may be pending; or

24 c. Notice of such service with a copy thereof and the original  
25 and a copy of the summons and two copies of the complaint are  
26 forthwith sent by registered mail by the director, or the person  
27 in his office acting for him, to the sheriff or other process server  
28 in the jurisdiction in which the defendant resides, with directions  
29 that such sheriff or process server, or someone acting for such  
30 sheriff or process server, shall serve the same upon the defendant

31 in the same manner that service is legally effected in that juris-  
 32 diction, and the return of such sheriff or process server, or the  
 33 person acting for such sheriff or process server in such jurisdiction,  
 34 shall be appended to or endorsed upon the original summons and a  
 35 copy of the complaint and returned to the director, and thereafter  
 36 filed in the office of the clerk of the court wherein the action may  
 37 be pending in this State; or

38 d. Notice of such service and a copy of the summons and com-  
 39 plaint may be served on the defendant personally by any official  
 40 or private individual wherever such service may be made, and,  
 41 upon service being so made, an affidavit shall be made by the person  
 42 effecting such service, showing the person served and the time and  
 43 place of such service, which affidavit shall be appended to the  
 44 original summons and one copy of the complaint and returned to  
 45 the director, and be thereafter filed in the office of the clerk of the  
 46 court wherein the action may be pending in this State; or

47 e. Notice of such service and a copy of the summons and com-  
 48 plaint may be served on the defendant in any other manner that  
 49 the court in which the cause is pending shall deem sufficient and  
 50 expedient.

51 If, by direction of plaintiff, notice of service is given as provided  
 52 by paragraph "c." of this section, plaintiff shall, in addition to the  
 53 fee of ~~[\$2.00]~~ \$5.00 required by the first paragraph of this section,  
 54 deposit with the director sufficient money to effectuate the same.

55 Upon giving notice to the defendant of the service of process as  
 56 required by this chapter where service of process is made upon the  
 57 director, he shall file with the clerk of the court his certificate of  
 58 the notice given.

59 If notice of service is given as provided by paragraph "d." of  
 60 this section, plaintiff shall pay the cost thereof.

1 14. R. S. 39:7-5 is amended to read as follows:

2 39:7-5. The fee of ~~[\$2.00]~~ \$5.00 paid by the plaintiff to the  
 3 director at the time of service and the cost of giving notice as  
 4 provided in this chapter shall be taxed in plaintiff's costs if he  
 5 prevails in the action.

1 15. R. S. 39:10-11 is amended to read as follows:

2 39:10-11. The purchaser of a motor vehicle in this State shall,  
 3 within 10 days after its purchase, submit to the director evidence of  
 4 the purchase. Upon presentation to the director of the certificate  
 5 of origin, or certificate of ownership, or bill of sale issued prior to  
 6 October 1, 1946, with proper assignment and certification of the  
 7 seller, a record of the transaction shall be made and filed. A cer-

8 tificate of ownership shall be issued by the director and delivered  
9 to the buyer, in case of a sale not subject to a security interest,  
10 and the director shall collect a fee of ~~[\$3.00]~~ \$4.00 for the issuance  
11 and filing thereof.

12 B. In the case of a sale subject to a security interest, a certificate  
13 of ownership, with the name and address of the holder of the  
14 encumbrance or secured party or his assignee recorded thereon,  
15 shall be delivered to the holder of the encumbrance or secured party  
16 or his assignee and a copy thereof shall be delivered to the buyer.  
17 The director shall collect a fee of ~~[\$3.00]~~ \$4.00 for his services in  
18 issuing a certificate and copy thereof, and for making a record of  
19 and filing the record of the transaction pursuant to this subsection.

20 C. Except as hereinafter in this section otherwise expressly  
21 provided, whenever a security interest is created in a motor vehicle,  
22 other than a security interest which is required to be noted on the  
23 certificate of origin or the certificate of ownership as provided in  
24 sections 39:10-8 and 39:10-9 of this Title, there shall be filed with  
25 the director, the certificate of ownership of the motor vehicle,  
26 together with a financing statement on a form prescribed by the  
27 director. The director shall make and file a record of the transac-  
28 tion and shall issue a certificate of ownership recording the name  
29 and address of the secured party or his assignee thereon, and shall  
30 deliver it to the secured party or his assignee. A copy of the  
31 certificate of ownership so issued shall be delivered to the buyer.  
32 The director shall collect a fee of ~~[\$3.00]~~ \$4.00 for his services in  
33 issuing a certificate and copy thereof and for making a record of  
34 and filing the record of the transaction pursuant to this subsection.

35 D. The financing statement required to be filed pursuant to sub-  
36 section C. hereof shall be signed only by the buyer, shall not be  
37 required to be acknowledged or proved, and shall show, in addition  
38 to such matters as the director may require for the proper identi-  
39 fication of the motor vehicle affected, the date of the security  
40 agreement, and the names and addresses of the parties thereto.  
41 Nothing in this section 39:10-11 contained shall be construed as  
42 requiring that the security agreement or a copy thereof, or any  
43 proof of execution thereof other than that contained in the financing  
44 statement, shall be presented to the director. When the buyer is a  
45 corporation, it shall be sufficient if the financing statement is signed  
46 by any officer thereof, or by any agent designated by the corpora-  
47 tion for that purpose, and it shall not be necessary that the financing  
48 statement recite the authorization of the agent. When there is  
49 more than one buyer, it shall be sufficient if the financing statement  
50 is signed by any one of them.

51 E. Nothing in subsections C. and D. of this section shall apply  
52 to security interests in motor vehicles which constitute inventory  
53 held for sale, but such interests shall be subject to chapter 9 of  
54 Title 12A of the New Jersey Statutes, nor shall anything in the  
55 said subsections apply to interests in personal property subject to  
56 chapter 28 of the Title, Property (46:28-4 et seq.).

57 F. In addition to the fees elsewhere in this section provided  
58 for, there shall be paid to the director a fee of \$1.00 for notice of  
59 satisfaction of the lien or encumbrance of the record or abstract,  
60 or of the termination of the security interest where the motor  
61 vehicle is subject to a lien or encumbrance or a security interest as  
62 provided in section 39:10-14 of this Title.

63 G. Notwithstanding any other provision in this section con-  
64 tained, when any dealer licensed under the provisions of section  
65 39:10-19 of this Title is the purchaser of a motor vehicle in this  
66 State, he shall, within 10 days after its purchase, submit to the  
67 director the evidence of purchase. Upon presentation of the cer-  
68 tificate of ownership with proper assignment and certification of  
69 the seller to the director, a record of the transaction shall be  
70 made and filed. A certificate of ownership shall be issued by the  
71 director and delivered to such purchaser and the director shall  
72 collect a fee of ~~[\$1.00]~~ \$2.00 for the issuing and filing thereof.

73 H. Any purchaser of a motor vehicle who fails to comply with  
74 the provisions of this section shall pay to the director a penalty  
75 of ~~[\$5.00]~~ \$10.00 plus the issuing and filing fee.

76 I. The failure of any person to comply with the requirements of  
77 this section shall not constitute a misdemeanor within the provi-  
78 sions of section 39:10-24 of this Title, nor shall such failure affect  
79 the validity of any instrument creating or reserving a security in-  
80 terest in a motor vehicle, as between the parties to such instrument.

81 J. The notation of the name and business or residence address  
82 of a secured party or his assignee, on the certificate of origin or on  
83 the certificate of ownership, as provided in sections 39:10-8 and  
84 39:10-9 of this Title, and the presentation to the director in  
85 accordance with section 39:10-11 of this Title, of the certificate of  
86 origin or certificate of ownership so noted, and the compliance with  
87 the requirements of subsections C. and D. of section 39:10-11 of  
88 this Title, shall be in lieu of all filing requirements imposed by  
89 chapter 9 of Title 12A of the New Jersey Statutes and shall consti-  
90 tute the perfection of a security interest in the motor vehicle, and  
91 the rights and remedies of the debtors and the secured parties in  
92 respect to such security interest shall, except as otherwise expressly  
93 provided in this chapter, be subject to and governed by chapter 9  
94 of Title 12A of the New Jersey Statutes.

1 16. R. S. 39:10-12 is amended to read as follows:

2 39:10-12. If certificate of ownership, or title papers, are lost,  
3 the director may, upon proof of certification or otherwise in the  
4 manner required by him and if satisfied of the bona fides of the  
5 application, prepare a certificate of ownership, certify it and  
6 authorize its use in place of the original, with the same effect as  
7 the original. The director shall collect a fee of ~~[\$3.00]~~ \$4.00 for  
8 this duplicate certificate.

9 A person who falsely states, in any application to the director  
10 for a duplicate certificate of ownership, that a certificate of owner-  
11 ship, or title papers, are lost, shall be subject to a fine of not less  
12 than ~~[\$25.00 nor more than \$100.00]~~ \$200.00 nor more than \$500.00  
13 or imprisonment for a term not exceeding 30 days or both.

1 17. R. S. 39:10-14 is amended to read as follows:

2 39:10-14. A. The director shall, on the record or abstract of  
3 every motor vehicle registered with him, which is subject to a  
4 security interest of which notice is required to be filed with him,  
5 make a notation of the existence of such security interest and shall  
6 index the same under the name of the owner of record of the vehicle  
7 so long as the security interest remains untermiated of record.

8 B. Upon request from any person, the director shall issue a  
9 certificate showing names and addresses of the parties to any  
10 contract of conditional sale or chattel mortgage or other instru-  
11 ment, or to any financing statement, the name and address of  
12 the holder of the lien or liens under such contract, chattel mort-  
13 gage or other instrument or of the secured party, the date thereof  
14 or of the financing statement, the date of filing, the make, model,  
15 identification number or numbers of the motor vehicle, and, if the  
16 condition in the contract of conditional sale, or chattel mortgage  
17 has been performed or the security interest has been terminated,  
18 a statement to that effect, for which he shall be entitled to a fee  
19 of ~~[\$1.00]~~ \$2.00.

20 C. For a full certified copy of any instrument showing a lien  
21 on or a security interest in a motor vehicle the director shall be  
22 entitled to a fee of ~~[\$1.00]~~ \$5.00 for the certificate plus \$0.50 for  
23 each copy of any paper certified.

24 D. When evidence of satisfaction of any contract of conditional  
25 sale or chattel mortgage or other instrument, or evidence of the  
26 termination of a security interest, as aforesaid, shall be presented  
27 to the director, he shall make a notation thereof on the record of  
28 the sale of such motor vehicle showing that the condition in the  
29 contract of conditional sale or chattel mortgage has been performed

30 or the security interest has been terminated; provided, however,  
31 that the evidence of satisfaction of a chattel mortgage on a motor  
32 vehicle executed after September 1, 1951 shall be submitted by the  
33 county recording officer on a form prescribed by the director, unless  
34 the chattel mortgage is one that is not required, under the pro-  
35 visions of this section R. S. 39:10-11, to be presented to and  
36 recorded by the director.

37 E. The director, his agents, and employees of the Division of  
38 Motor Vehicles shall not incur any personal liability in carrying  
39 out the provisions of this section or in furnishing any informa-  
40 tion provided herein from the records of the Division of Motor  
41 Vehicles.

1 18. 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  
11 that it is just and equitable that the defects be corrected or that  
12 the title papers or certificate of ownership be received, with or  
13 without hearing, determine the truth and merits of the applica-  
14 tion and whether the holder appears to be the bona fide owner  
15 of the motor vehicle, and may issue his certificate correcting the  
16 defects or permitting the title papers or certificate of ownership  
17 to be so recorded and filed. The person submitting the papers  
18 shall pay to the director a fee of ~~[\$3.00]~~ \$4.00 for the issuing and  
19 filing of the 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 2 weeks,  
23 at least once a week, making three insertions in all, a notice briefly  
24 stating that the person has applied to the director to correct defects  
25 in the motor vehicle title papers or to receive the title papers out  
26 of time, or as the case may be, giving a description of the motor  
27 vehicle as provided in section 39:10-8 of this Title, and that if  
28 anyone desires to be heard in opposition thereto he may do so by  
29 appearing before the director on a date and at a place named, or  
30 communicating with him prior thereto. He shall also serve like



31 notice on local police, State Police and any other person or agency,  
 32 as prescribed by the director personally or by registered mail.  
 33 Proofs of the publication and service shall be submitted to the  
 34 director. The director, his agent or inspector may have the notice  
 35 advertised or served at the cost and expense of that person.

1 19. Section 3 of P. L. 1964, c. 81 (C. 39:10A-3) is amended to  
 2 read as follows:

3 3. If the public agency taking possession of a motor vehicle pur-  
 4 suant to this act shall, in its report thereof to the director, certify  
 5 on an application prescribed by him that such motor vehicle is  
 6 incapable of being operated safely or of being put in safe opera-  
 7 tional condition except at a cost in excess of the value thereof,  
 8 the division shall, without further certification or verification,  
 9 issue to the public agency for a fee of ~~[\$1.00]~~ \$2.00 a junk title  
 10 certificate thereto, with proper assignment thereon, which shall be  
 11 assigned and delivered to the purchaser of the vehicle at public  
 12 sale.

1 20. R. S. 39:11-8 is amended to read as follows:

2 39:11-8. An applicant for the license shall pay to the ~~[commis-~~  
 3 ~~sioner]~~ *director* a fee of ~~[\$25.00]~~ \$50.00 for the examination of  
 4 the proposed location of each motor vehicle junk yard or business  
 5 and a license fee therefor to the ~~[commissioner of \$50.00, if the~~  
 6 ~~land used or to be used for the yard or business is 5 acres or less~~  
 7 ~~and \$100.00 if more than 5 acres.]~~ *director of \$100.00.* No license  
 8 shall be effective for more than 1 year from the date of issue.

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

3 2. No person shall engage in the business of conducting a drivers'  
 4 school without being licensed therefor by the Director of Motor  
 5 Vehicles. Application therefor shall be in writing and contain  
 6 such information therein as he shall require. If the application  
 7 is approved, the applicant shall be granted a license upon the  
 8 payment of a fee of ~~[\$50.00]~~ \$250.00; provided, however, no license  
 9 fee shall be charged for the issuance of a license to any board of  
 10 education, school board, public, private or parochial school, which  
 11 conducts a course in driver education, approved by the State  
 12 Department of Education. A license so issued shall be valid dur-  
 13 ing the calendar year. The annual fee for renewal shall be ~~[the~~  
 14 ~~same amount]~~ \$100.00. The director shall issue a license certificate  
 15 or license certificates to each licensee, one of which shall be dis-  
 16 played in each place of business of the licensee.

17 In case of the loss, mutilation or destruction of a certificate, the  
18 director shall issue a duplicate upon proof of the facts and the  
19 payment of a fee of ~~[\$1.00]~~ \$3.00.

1 22. Section 5 of P. L. 1951, c. 216 (C. 39:12-5) is amended to  
2 read as follows:

3 5. No person shall be employed by any such licensee to give  
4 instruction in driving a motor vehicle or motorcycle, unless he  
5 shall be licensed to act as such instructor by the director.

6 Application therefor shall be in writing and shall contain such  
7 information as the director shall require.

8 The *initial* fee for an instructor's license ~~[or for any renewal~~  
9 ~~thereof,]~~ shall be ~~[\$15.00 and]~~ \$75.00 *and a fee for an annual*  
10 *renewal thereof shall be \$30.00.* ~~[the]~~ The license so issued shall  
11 be valid for the calendar year within which it is issued, and renewals  
12 shall be for succeeding calendar years.

1 23. (New section) The Director of Motor Vehicles may charge  
2 a fee of \$20.00 for the restoration of any license which has been  
3 suspended or revoked by reason of the licensee's violation of any  
4 of the provisions of Title 39 or any regulation adopted pursuant  
5 thereto. The director may promulgate such regulations hereunder  
6 as he may deem necessary.

1 24. There is hereby appropriated to the director the sum of  
2 \$251,000.00 to implement the provisions of this act.

1 25. This act shall take effect on January 1, 1976.

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#### STATEMENT

This bill raises motor vehicle fees, some of which have not been altered for many years. In the case of passenger automobiles, it increases fees but retains the relationship between the amount of the registration fee and the weight of automobiles, higher fees being charged for heavier vehicles. In most other cases, increases are made for licensing and registration fees for both passenger and commercial vehicles.

STATEMENT BY GOVERNOR BRENDAN BYRNE

August 4, 1975

A-3557

I have signed into law the supplemental appropriations bill and the tax and other revenue bills to finance it. These revenues will keep the buses and trains in operation and will restore the other programs that a majority of the Legislature adjudged to be vital to the public welfare.

Even with these restorations, New Jersey remains the most tight-fisted state in the nation. We will spend in this fiscal year about \$75 million less than we spent last year, despite the toll of continuing inflation which falls as heavily on government as it does on household budgets. And this Administration will continue its effort to cut corners and realize further economies wherever possible to make stretch every tax dollar as far as it will go.

The new taxes included in this revenue package are far less regressive than some of the taxes that the Legislature considered and wisely rejected. For the most part, the burden falls most heavily on segments of the economy that are able to bear that additional burden. And one of them -- the capital gains or unearned income tax -- is truly progressive.

Nevertheless, I take no particular pride in signing these taxes into law. And I noticed that few members of the Legislature exhibited much pride in enacting them. For this is strictly a stopgap revenue program and we must not lose sight of what it fails to do, as well as what it accomplishes.

This revenue package does nothing to meet our commitment -- the Legislature's and mine -- to fund the new education formula under which the State is to assume a greater portion of the costs of operating our public schools. The State Supreme Court has ordered that this be done and the Legislature has publicly declared its intention to deal with that commitment beginning on November 10.

\* A-1915  
A-3339  
A-3556  
A-3593  
A-3609  
A-3625  
A-3626  
A-3627  
A-3628  
A-3629

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This revenue package does nothing to reform New Jersey's patchwork tax structure and provide relief from rising and too often confiscatory property taxes, a goal to which I remain personally committed. The most we can say for these new taxes is that they will not make that tax structure measurably more regressive than it is.

And several of the bills I signed today are, by design, temporary sources of revenue. The funds they provide will, of necessity, have to be replaced from some other source next year if the programs they finance are to continue. These temporary measures, together with other fiscal facts of life, increase the already inevitable need for substantial new revenues next year.

The Legislature has demonstrated dramatically in the past several months that there are no easy taxes -- nor should there be. The true test of a potential new tax or tax increase should not be whether it will be easy to pass, but how equitably its burden will be distributed on those who will pay it.

I am confident that the Legislature will work for true tax reform in addressing our unmet obligations in the months ahead. I will, as always, be ready to work with it in a pursuit of that goal.

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Attachment

The following bills were signed by Governor Byrne:

S-3170\* - Sponsored by Senator Joseph Marlino, D-Mercer, which increases the interest and penalties to be assessed in conjunction with the administration and enforcement of certain state tax laws.

A-1915 - Sponsored by Assemblyman Robert Shelton, D-Sussex, which provides for the taxation of banks under the same laws pursuant to which business corporations are taxed.

A-3339 - Sponsored by Assemblyman Steven Perskie, D-Atlantic, which prescribes the amount of excise taxes each "financial business corporation" shall pay during each of the years 1976, 1977 and 1978.

A-3556 - Sponsored by Assemblyman William Hamilton, D-Middlesex, which designated the "Tax on Capital Gains and Other Unearned Income Act," imposes a tax on capital gains and other unearned income.

A-3557 - Sponsored by Assemblyman George Barbour, D-Burlington, which supplements and amends the appropriations act for the support of the state government for the fiscal year ending June 30, 1976 (P.L. 1975, c.128)

A-3593 - Sponsored by Assemblyman Kenneth Gewertz, D-Gloucester, which transfers to the General State Fund amounts in the Unsatisfied Claim and Judgment Fund certified by the Board to exceed that necessary to meet pending claims and anticipated claims during the succeeding 12 months.

A-3609 - Sponsored by Assemblyman Kenneth Gewertz, D-Gloucester, which repeals P.L. 1952, c. 175, the Motor Vehicle Liability Security Fund Act, transferring all amounts remaining therein to the General State fund.

A-3625 - Sponsored by Assemblyman George Barbour, D-Burlington, which increases realty transfer fee from \$.50 to \$1.75 per \$500 consideration with certain exemptions.

A-3627 - Sponsored by Assemblyman William Hamilton, D-Middlesex, which increases the Unincorporated Business Tax to a rate of 3/8 of 1% for a period ending June 30, 1976.

\* A-3626 - SUBSTITUTED FOR S-3170

A-3628 - Sponsored by Assemblyman William Hamilton, D-Middlesex, which appropriates \$25,000,000 from Unincorporated Business Tax revenues for general state purposes.

A-3629 - Sponsored by Assemblyman Richard Codey, D-Essex, which revises motor vehicle registration fees; increases passenger automobile fees to \$15, \$24 and \$45 in place of present fees; increases commercial vehicle fees.

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