

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

P.L.2015, CHAPTER 208, *approved January 11, 2016*
Assembly, No. 3395 (*Second Reprint*)

1 AN ACT concerning certificates of ownership and salvage
2 certificates of title and amending P.L.1983, c.323.

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.1983, c.323 (C.39:10-32) is amended to
8 read as follows:

9 2. a. If a motor vehicle has either been reported as being stolen
10 or suffered sufficient damage to render it economically impractical
11 to repair, the person in possession of the certificate of ownership for
12 the vehicle shall surrender the certificate of ownership to the
13 **[director]** chief administrator along with a statement setting forth
14 how the person acquired the certificate of ownership.

15 b. The **[director]** chief administrator, after determining
16 ownership, shall issue a salvage certificate of title to a person who
17 surrenders a certificate of ownership pursuant to subsection a. of
18 this section.

19 c. (1) Notwithstanding any provision of law to the contrary,
20 when an insurer ²licensed to do business in New Jersey² settles a
21 total loss claim with the owner of a motor vehicle ²[as a result of
22 damage to the motor vehicle]², and the owner of the motor vehicle
23 fails to assign and deliver the motor vehicle's certificate of
24 ownership to the insurer within 30 days of the payment of the claim,
25 the insurer or an agent of the insurer may apply to the chief
26 administrator for a certificate of ownership or a salvage certificate
27 of title for the motor vehicle in the name of the insurer without
28 providing a certificate of ownership ²; provided that the chief
29 administrator determines that the issuance of a certificate of
30 ownership is appropriate, in accordance with the provisions of
31 P.L.1983, 323 (C.39:10-31 et seq.)².

32 The provisions of this subsection shall ¹only¹ apply when the
33 most recent certificate of ownership for the motor vehicle was
34 issued by this State.

35 (2) The insurer shall provide notice to the ¹[insured] owner¹
36 and any lienholder ¹of the motor vehicle¹ ²[, based upon] identified
37 in² the records of the ¹[motor vehicle]¹ commission ²[.]² at least
38 30 days prior to applying for a certificate of ownership or a salvage
39 certificate of title pursuant to this subsection. The notice shall be

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:

¹Assembly ATR committee amendments adopted June 12, 2014.

²Senate floor amendments adopted October 22, 2015.

1 sent by certified mail or commercial courier whose regular business
2 is delivery service and that provides proof of delivery to the
3 '[insured] owner' and any lienholders at the last known address ²[,
4 based upon] identified in² the records of the ¹[motor vehicle]¹
5 commission. ²Failure to provide the notice required by this
6 paragraph shall be cause for the chief administrator to deny
7 issuance of a certificate of ownership or a salvage certificate of
8 title.²

9 (3) The application for a certificate of ownership or a salvage
10 certificate of title shall be made on a form prescribed by the chief
11 administrator and shall include proof of payment of the claim, proof
12 that the insurer requested the certificate of ownership, and proof
13 that notice was provided, as required by paragraph (2) of this
14 subsection, to the owner and any lienholders of the motor vehicle.
15 ²Failure to provide the proof required by this paragraph shall be
16 cause for the chief administrator to deny issuance of a certificate of
17 ownership or a salvage certificate of title.²

18 (4) If, based upon the records of the ¹[motor vehicle]¹
19 commission, there was an outstanding lien ²or liens² against the
20 motor vehicle immediately prior to the payment of the claim and the
21 claim was paid to a lienholder ²or lienholders,² or to a lienholder
22 ²or lienholders² and the owner jointly, the proof of payment
23 required pursuant to paragraph (3) of this subsection shall also
24 include proof that the claim was paid to ²[the first] ², or a letter
25 stating that the lienholder has no interest in the motor vehicle was
26 received from, each² lienholder ²[,according to] identified in² the
27 records of the ¹[motor vehicle]¹ commission. ²Failure to provide
28 the proof required by this paragraph shall be cause for the chief
29 administrator to deny issuance of a certificate of ownership or a
30 salvage certificate of title.²

31 (5) ²[Notwithstanding the existence of any outstanding liens
32 against the motor vehicle, upon] Upon² proper application, the
33 chief administrator shall issue a certificate of ownership or a
34 salvage certificate of title, as appropriate, in the name of the insurer.
35 ²[The issuance of the certificate of ownership or salvage certificate
36 of title shall extinguish all existing liens against the motor
37 vehicle.]² In the event the insurer sells the motor vehicle, the
38 insurer shall assign the certificate of ownership or salvage
39 certificate of title to the buyer ²[and the vehicle shall be transferred
40 without any liens against it]².

41 d. (1) Notwithstanding any provision of law to the contrary,
42 ²[if] when² an insurer ²licensed to do business in New Jersey²
43 settles a total loss claim with the owner of a motor vehicle ²[as a
44 result of damage to the motor vehicle]², and the owner of the motor
45 vehicle fails to assign and deliver the motor vehicle's certificate of
46 ownership to the insurer within 30 days of the payment of the claim,

1 the insurer or an agent of the insurer may apply to the chief
2 administrator for a certificate of ownership or a salvage certificate
3 of title for the motor vehicle in the name of the insurer without
4 providing a certificate of ownership ²; provided that the chief
5 administrator determines that the issuance of a certificate of
6 ownership is appropriate, in accordance with the provisions of
7 P.L.1983, 323 (C.39:10-31 et seq.)².

8 The provisions of this subsection shall ¹only¹ apply when the
9 most recent certificate of ownership for a motor vehicle was issued
10 by another state; the motor vehicle records of the jurisdiction that
11 issued the certificate of ownership indicate that there are no liens
12 recorded against the motor vehicle; and the motor vehicle was
13 damaged, stolen, or recovered in this State, was owned by a resident
14 of this State immediately prior to a total loss settlement by an
15 insurer, or as otherwise permitted by the chief administrator.

16 (2) The insurer shall provide notice by certified mail or
17 commercial courier whose regular business is delivery service and
18 that provides proof of delivery ²[.]² to the ¹[insured] owner¹ at
19 least 30 days prior to applying for a certificate of ownership or a
20 salvage certificate of title pursuant to this subsection. ²Failure to
21 provide the notice required by this paragraph shall be cause for the
22 chief administrator to deny issuance of a certificate of ownership or
23 a salvage certificate of title.²

24 (3) The application shall be made on a form prescribed by the
25 chief administrator and shall include proof of payment of the claim,
26 proof that the insurer requested the certificate of ownership, and
27 proof that notice was provided to the owner of the motor vehicle
28 pursuant to paragraph (2) of this subsection. ²Failure to provide the
29 proof required by this paragraph shall be cause for the chief
30 administrator to deny issuance of a certificate of ownership or a
31 salvage certificate of title.²

32 (4) Upon proper application, the chief administrator shall issue a
33 certificate of ownership or a salvage certificate of title, as
34 appropriate, in the name of the insurer for the motor vehicle. In the
35 event the insurer sells the motor vehicle, the insurer shall assign the
36 certificate of ownership or salvage certificate of title to the buyer.

37 e. (1) Notwithstanding any provision of law to the contrary,
38 ²[if] when² an insurer ²licensed to do business in New Jersey²
39 settles a total loss claim with the owner of a motor vehicle ²[as a
40 result of damage to the motor vehicle]² and the insurer obtains the
41 certificate of ownership for the vehicle, but it is not properly
42 assigned to the insurer within 30 days of the payment of the claim,
43 the insurer or an agent of the insurer may apply to the chief
44 administrator for a certificate of ownership or a salvage certificate
45 of title ², as appropriate,² in the name of the insurer.

46 (2) The insurer shall provide notice to the ¹[insured] owner¹
47 and any lienholder, based upon the records of the ¹[motor vehicle]¹

1 commission, at least 30 days prior to applying for a certificate of
2 ownership or a salvage certificate of title pursuant to this
3 subsection. The notice shall be sent by certified mail or commercial
4 courier whose regular business is delivery service and that provides
5 proof of delivery to the ¹insured owner¹ and any lienholder at the
6 last known address based upon the records of the ¹motor vehicle¹
7 commission. ²Failure to provide the notice required by this
8 paragraph shall be cause for the chief administrator to deny
9 issuance of a certificate of ownership or a salvage certificate of
10 title.²

11 (3) The application for a certificate of ownership or a salvage
12 certificate of title shall be made on a form prescribed by the chief
13 administrator and shall include proof of payment of the claim, the
14 certificate of ownership, proof that the insurer attempted to obtain
15 the proper assignment of the certificate of ownership, and proof that
16 notice was provided to the owner of the motor vehicle and any
17 lienholder, in accordance with paragraph (2) of this subsection.
18 ²Failure to provide the proof required by this paragraph shall be
19 cause for the chief administrator to deny issuance of a certificate of
20 ownership or a salvage certificate of title.²

21 (4) ²Notwithstanding the existence of any outstanding liens
22 against the motor vehicle, upon² Upon² proper application, the
23 chief administrator shall issue a certificate of ownership or a
24 salvage certificate of title, as appropriate, in the name of the insurer
25 ², which shall extinguish all existing liens against the motor
26 vehicle². In the event the insurer sells the motor vehicle, the
27 insurer shall assign the certificate of ownership or salvage
28 certificate of title to the buyer ²and the vehicle shall be transferred
29 without any liens against it².

30 f. (1) If an insurer requests that a salvage processor, whose
31 primary business is the sale of total loss motor vehicles on behalf of
32 insurers, take possession of a motor vehicle that is the subject of an
33 insurance claim and subsequently, the insurer does not take
34 ownership of the vehicle, the insurer may authorize the salvage
35 processor to release the vehicle to the owner or lienholder. The
36 insurer shall provide to the salvage processor a release statement
37 authorizing the release of the vehicle to the owner or lienholder.

38 Upon receiving a release statement from an insurer, the salvage
39 processor shall ², within five business days,² provide notice to the
40 owner and any lienholder ², based upon² identified in² the records
41 of the ¹motor vehicle¹ commission, informing the owner and any
42 lienholder that the vehicle may be released, upon payment of any
43 outstanding charges ², and that failure to claim the vehicle will
44 result in vehicle being deemed abandoned². The notice shall
45 include an invoice for any outstanding charges owed to the salvage
46 processor and shall inform the owner or lienholder that the vehicle

1 ~~1~~ **[must]** is required to¹ be claimed within ~~2~~ **[30]** ~~60~~² days from the
 2 date of the notice. The notice shall also inform the owner or
 3 lienholder of the location of the vehicle. The notice required under
 4 this subsection shall be sent by certified mail or commercial courier
 5 whose regular business is delivery service and that provides proof
 6 of delivery to the last known address based upon the records of the
 7 ~~1~~ **[motor vehicle]**¹ commission.

8 (2) ~~1~~ **[In]** Notwithstanding any provision of law to the contrary,
 9 in¹ the event the owner or lienholder of the vehicle does not claim
 10 the vehicle within ~~2~~ **[30]** ~~60~~² days after the date of the notice, the
 11 vehicle shall be deemed abandoned and the salvage processor may
 12 apply to the chief administrator for the issuance of a salvage
 13 certificate of title or a junk title certificate for the motor vehicle in
 14 the name of the salvage processor without providing a certificate of
 15 ownership. The application shall include proof that notice was
 16 provided to the owner of the motor vehicle and any lienholder.

17 (3) ~~2~~ **[Notwithstanding the existence of any outstanding liens**
 18 against the motor vehicle, upon] Upon² proper application, the
 19 chief administrator shall issue a salvage certificate of title or a junk
 20 title certificate, as appropriate, in the name of the salvage processor,
 21 which shall extinguish any existing liens against the motor vehicle.
 22 If the salvage processor sells the motor vehicle, the salvage
 23 certificate of title or junk title certificate shall be assigned to the
 24 buyer and the vehicle shall be transferred without any liens against
 25 it.

26 g. The chief administrator shall be immune from liability for
 27 any errors or misrepresentations made by an insurer pursuant to
 28 subsections c., d., and e. of this section or by a salvage processor
 29 pursuant to subsection f. of this section.

30 (cf: P.L.1983, c.323, s.2)

31

32 2. This act shall take effect on the first day of the seventh
 33 month after enactment.

34

35

36

37

38 Allows insurer to obtain certificates of ownership or salvage
 39 certificates of title for motor vehicles under certain circumstances.

ASSEMBLY, No. 3395

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 9, 2014

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



A3395 WISNIEWSKI

2

1 AN ACT concerning certificates of ownership and salvage
2 certificates of title and amending P.L.1983, c.323.

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.1983, c.323 (C.39:10-32) is amended to
8 read as follows:

9 2. a. If a motor vehicle has either been reported as being stolen
10 or suffered sufficient damage to render it economically impractical
11 to repair, the person in possession of the certificate of ownership for
12 the vehicle shall surrender the certificate of ownership to the
13 **[director]** chief administrator along with a statement setting forth
14 how the person acquired the certificate of ownership.

15 b. The **[director]** chief administrator, after determining
16 ownership, shall issue a salvage certificate of title to a person who
17 surrenders a certificate of ownership pursuant to subsection a. of
18 this section.

19 c. (1) Notwithstanding any provision of law to the contrary,
20 when an insurer settles a total loss claim with the owner of a motor
21 vehicle as a result of damage to the motor vehicle, and the owner of
22 the motor vehicle fails to assign and deliver the motor vehicle's
23 certificate of ownership to the insurer within 30 days of the
24 payment of the claim, the insurer or an agent of the insurer may
25 apply to the chief administrator for a certificate of ownership or a
26 salvage certificate of title for the motor vehicle in the name of the
27 insurer without providing a certificate of ownership.

28 The provisions of this subsection shall apply when the most
29 recent certificate of ownership for the motor vehicle was issued by
30 this State.

31 (2) The insurer shall provide notice to the insured and any
32 lienholder, based upon the records of the motor vehicle
33 commission, at least 30 days prior to applying for a certificate of
34 ownership or a salvage certificate of title pursuant to this
35 subsection. The notice shall be sent by certified mail or commercial
36 courier whose regular business is delivery service and that provides
37 proof of delivery to the insured and any lienholders at the last
38 known address based upon the records of the motor vehicle
39 commission.

40 (3) The application for a certificate of ownership or a salvage
41 certificate of title shall be made on a form prescribed by the chief
42 administrator and shall include proof of payment of the claim, proof
43 that the insurer requested the certificate of ownership, and proof
44 that notice was provided, as required by paragraph (2) of this
45 subsection, to the owner and any lienholders of the motor vehicle.

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 (4) If, based upon the records of the motor vehicle commission,
2 there was an outstanding lien against the motor vehicle immediately
3 prior to the payment of the claim and the claim was paid to a
4 lienholder or to a lienholder and the owner jointly, the proof of
5 payment required pursuant to paragraph (3) of this subsection shall
6 also include proof that the claim was paid to the first lienholder,
7 according to the records of the motor vehicle commission.

8 (5) Notwithstanding the existence of any outstanding liens
9 against the motor vehicle, upon proper application, the chief
10 administrator shall issue a certificate of ownership or a salvage
11 certificate of title, as appropriate, in the name of the insurer. The
12 issuance of the certificate of ownership or salvage certificate of title
13 shall extinguish all existing liens against the motor vehicle. In the
14 event the insurer sells the motor vehicle, the insurer shall assign the
15 certificate of ownership or salvage certificate of title to the buyer
16 and the vehicle shall be transferred without any liens against it.

17 d. (1) Notwithstanding any provision of law to the contrary, if
18 an insurer settles a total loss claim with the owner of a motor
19 vehicle as a result of damage to the motor vehicle, and the owner of
20 the motor vehicle fails to assign and deliver the motor vehicle's
21 certificate of ownership to the insurer within 30 days of the
22 payment of the claim, the insurer or an agent of the insurer may
23 apply to the chief administrator for a certificate of ownership or a
24 salvage certificate of title for the motor vehicle in the name of the
25 insurer without providing a certificate of ownership.

26 The provisions of this subsection shall apply when the most
27 recent certificate of ownership for a motor vehicle was issued by
28 another state; the motor vehicle records of the jurisdiction that
29 issued the certificate of ownership indicate that there are no liens
30 recorded against the motor vehicle; and the motor vehicle was
31 damaged, stolen, or recovered in this State, was owned by a resident
32 of this State immediately prior to a total loss settlement by an
33 insurer, or as otherwise permitted by the chief administrator.

34 (2) The insurer shall provide notice by certified mail or
35 commercial courier whose regular business is delivery service and
36 that provides proof of delivery, to the insured at least 30 days prior
37 to applying for a certificate of ownership or a salvage certificate of
38 title pursuant to this subsection.

39 (3) The application shall be made on a form prescribed by the
40 chief administrator and shall include proof of payment of the claim,
41 proof that the insurer requested the certificate of ownership, and
42 proof that notice was provided to the owner of the motor vehicle
43 pursuant to paragraph (2) of this subsection.

44 (4) Upon proper application, the chief administrator shall issue a
45 certificate of ownership or a salvage certificate of title, as
46 appropriate, in the name of the insurer for the motor vehicle. In the
47 event the insurer sells the motor vehicle, the insurer shall assign the
48 certificate of ownership or salvage certificate of title to the buyer.

1 e. (1) Notwithstanding any provision of law to the contrary, if
2 an insurer settles a total loss claim with the owner of a motor
3 vehicle as a result of damage to the motor vehicle and the insurer
4 obtains the certificate of ownership for the vehicle, but it is not
5 properly assigned to the insurer within 30 days of the payment of
6 the claim, the insurer or an agent of the insurer may apply to the
7 chief administrator for a certificate of ownership or a salvage
8 certificate of title in the name of the insurer.

9 (2) The insurer shall provide notice to the insured and any
10 lienholder, based upon the records of the motor vehicle
11 commission, at least 30 days prior to applying for a certificate of
12 ownership or a salvage certificate of title pursuant to this
13 subsection. The notice shall be sent by certified mail or commercial
14 courier whose regular business is delivery service and that provides
15 proof of delivery to the insured and any lienholder at the last known
16 address based upon the records of the motor vehicle commission.

17 (3) The application for a certificate of ownership or a salvage
18 certificate of title shall be made on a form prescribed by the chief
19 administrator and shall include proof of payment of the claim, the
20 certificate of ownership, proof that the insurer attempted to obtain
21 the proper assignment of the certificate of ownership, and proof that
22 notice was provided to the owner of the motor vehicle and any
23 lienholder, in accordance with paragraph (2) of this subsection.

24 (4) Notwithstanding the existence of any outstanding liens
25 against the motor vehicle, upon proper application, the chief
26 administrator shall issue a certificate of ownership or a salvage
27 certificate of title, as appropriate, in the name of the insurer, which
28 shall extinguish all existing liens against the motor vehicle. In the
29 event the insurer sells the motor vehicle, the insurer shall assign the
30 certificate of ownership or salvage certificate of title to the buyer
31 and the vehicle shall be transferred without any liens against it.

32 f. (1) If an insurer requests that a salvage processor, whose
33 primary business is the sale of total loss motor vehicles on behalf of
34 insurers, take possession of a motor vehicle that is the subject of an
35 insurance claim and subsequently, the insurer does not take
36 ownership of the vehicle, the insurer may authorize the salvage
37 processor to release the vehicle to the owner or lienholder. The
38 insurer shall provide to the salvage processor a release statement
39 authorizing the release of the vehicle to the owner or lienholder.

40 Upon receiving a release statement from an insurer, the salvage
41 processor shall provide notice to the owner and any lienholder,
42 based upon the records of the motor vehicle commission, informing
43 the owner and any lienholder that the vehicle may be released, upon
44 payment of any outstanding charges. The notice shall include an
45 invoice for any outstanding charges owed to the salvage processor
46 and shall inform the owner or lienholder that the vehicle must be
47 claimed within 30 days from the date of the notice. The notice shall
48 also inform the owner or lienholder of the location of the vehicle.

1 The notice required under this subsection shall be sent by certified
2 mail or commercial courier whose regular business is delivery
3 service and that provides proof of delivery to the last known
4 address based upon the records of the motor vehicle commission.

5 (2) In the event the owner or lienholder of the vehicle does not
6 claim the vehicle within 30 days after the date of the notice, the
7 vehicle shall be deemed abandoned and the salvage processor may
8 apply to the chief administrator for the issuance of a salvage
9 certificate of title or a junk title certificate for the motor vehicle in
10 the name of the salvage processor without providing a certificate of
11 ownership. The application shall include proof that notice was
12 provided to the owner of the motor vehicle and any lienholder.

13 (3) Notwithstanding the existence of any outstanding liens
14 against the motor vehicle, upon proper application, the chief
15 administrator shall issue a salvage certificate of title or a junk title
16 certificate, as appropriate, in the name of the salvage processor,
17 which shall extinguish any existing liens against the motor vehicle.
18 If the salvage processor sells the motor vehicle, the salvage
19 certificate of title or junk title certificate shall be assigned to the
20 buyer and the vehicle shall be transferred without any liens against
21 it.

22 g. The chief administrator shall be immune from liability for
23 any errors or misrepresentations made by an insurer pursuant to
24 subsections c., d., and e. of this section or by a salvage processor
25 pursuant to subsection f. of this section.

26 (cf: P.L.1983, c.323, s.2)

27
28 2. This act shall take effect on the first day of the seventh
29 month after enactment.

30
31

32 STATEMENT

33

34 This bill allows insurers to obtain certificates of ownership or
35 salvage certificates of title for motor vehicles in situations where
36 the insurers are unable to obtain the certificate of ownership or the
37 certificate of ownership is not properly assigned to the insurer.

38 Under current law, if a motor vehicle has suffered sufficient
39 damage to render it economically impractical to repair, the person
40 in possession of the certificate of ownership for the vehicle is
41 required to surrender the certificate to the Chief Administrator of
42 the Motor Vehicle Commission (MVC). Thereafter, the chief
43 administrator will issue a salvage certificate of title to the person
44 who surrenders the certificate of ownership.

45 Under the provisions of this bill, when an insurer settles a total
46 loss claim with the owner of a motor vehicle as a result of damage
47 to the vehicle, and the owner does not provide the motor vehicle's
48 certificate of ownership to the insurer or does not properly assign

1 the certificate of ownership to the insurer within 30 days of the
2 payment of the claim, the insurer may apply to the chief
3 administrator for a certificate of ownership or a salvage certificate
4 of title for the motor vehicle. The insurer would not be required to
5 provide a certificate of ownership that has been assigned by the
6 insured.

7 Under the bill, the insurer is required to provide notice to the
8 insured and in certain cases to any lienholder, based upon records
9 from the MVC, at least 30 days before applying for a certificate of
10 ownership or a salvage certificate of title.

11 The application for a certificate of ownership or a salvage
12 certificate of title must include proof of payment of the claim, proof
13 that the insurer requested the certificate of ownership or attempted
14 to obtain the proper assignment of the certificate of ownership, and
15 proof that notice was provided to the owner of the motor vehicle,
16 and in certain cases any lienholder.

17 Upon proper application, the chief administrator is required to
18 issue a certificate of ownership or a salvage certificate of title in the
19 name of the insurer, which extinguishes all existing liens against the
20 motor vehicle.

21 In addition, under the provisions of the bill, if an insurer requests
22 that a salvage processor, whose primary business is the sale of total
23 loss motor vehicles on behalf of insurers, take possession of a motor
24 vehicle that is the subject of an insurance claim and subsequently,
25 the insurer does not take ownership of the vehicle, the insurer may
26 authorize the salvage processor to release the vehicle to the owner
27 or lienholder by providing a release statement.

28 Upon receiving the release statement, the salvage processor is
29 required to notify the owner and any lienholder that the vehicle may
30 be released, upon payment of any outstanding charges. The notice
31 is required to provide an invoice of the charges, the location of the
32 vehicle, and notification of the owner or lienholder that the motor
33 vehicle must be claimed within 30 days.

34 If the vehicle is not claimed within 30 days, the salvage
35 processor may apply to the chief administrator for the issuance of a
36 salvage certificate of title or a junk title certificate in the name of
37 the salvage processor. The application is required to include proof
38 that notice was provided to the owner and any lienholder. Upon
39 proper application, the chief administrator is required to issue a
40 salvage certificate of title or junk title certificate, as appropriate,
41 which would extinguish any liens against the vehicle.

42 Lastly, the bill provides that the chief administrator will be
43 immune from liability for any errors or misrepresentations made by
44 an insurer or a salvage processor under the provisions of this bill.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3395

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3395

As amended and reported, this bill allows insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles in situations where the insurers are unable to obtain the certificate of ownership or the certificate of ownership is not properly assigned to the insurer by the owner.

Under current law, if a motor vehicle has suffered sufficient damage to render it economically impractical to repair, the person in possession of the certificate of ownership for the vehicle is required to surrender the certificate to the Chief Administrator of the Motor Vehicle Commission (MVC). Thereafter, the chief administrator will issue a salvage certificate of title to the person who surrenders the certificate of ownership.

Under the provisions of this bill, when an insurer settles a total loss claim with the owner of a motor vehicle as a result of damage to the vehicle, and the owner does not provide the motor vehicle's certificate of ownership to the insurer or does not properly assign the certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle.

Under the bill, the insurer is required to provide notice to the owner and in certain cases to any lienholder, based upon records from the MVC, at least 30 days before applying for a certificate of ownership or a salvage certificate of title.

The application for a certificate of ownership or a salvage certificate of title is required to include proof of payment of the claim, proof that the insurer requested the certificate of ownership or attempted to obtain the proper assignment of the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle and, in certain cases, any lienholder.

Upon proper application, the chief administrator is required to issue a certificate of ownership or a salvage certificate of title in the

name of the insurer, which extinguishes all existing liens against the motor vehicle.

In addition, under the provisions of the bill, if an insurer requests that a salvage processor, whose primary business is the sale of total loss motor vehicles on behalf of insurers, take possession of a motor vehicle that is the subject of an insurance claim and the insurer does not subsequently take ownership of the vehicle the insurer may authorize the salvage processor to release the vehicle to the owner or lienholder by providing a release statement.

Upon receiving the release statement, the salvage processor is required to notify the owner and any lienholder that the vehicle may be released, upon payment of any outstanding charges. The notice is required to provide an invoice of the charges, the location of the vehicle, and notification of the owner or lienholder that the motor vehicle is required to be claimed within 30 days.

If the vehicle is not claimed within 30 days, the salvage processor may apply to the chief administrator for the issuance of a salvage certificate of title or a junk title certificate in the name of the salvage processor. The application is required to include proof that notice was provided to the owner and any lienholder. Upon proper application, the chief administrator is required to issue a salvage certificate of title or junk title certificate, as appropriate, which would extinguish any liens against the vehicle.

Lastly, the bill provides that the chief administrator will be immune from liability for any errors or misrepresentations made by an insurer or a salvage processor under the provisions of this bill.

COMMITTEE AMENDMENTS

The committee amendments clarify that notices required in the bill are to be sent to the owner of the vehicle rather than the insured party. Additionally, as introduced, the bill provided that a salvage processor may apply to the Chief Administrator of the New Jersey Motor Vehicle Commission for the issuance of a salvage certificate of title or a junk title without providing the original title. The amendments allow for this application notwithstanding any provision of law to the contrary. The amendments also make technical corrections to the name of the Motor Vehicle Commission and remove the word “must.”

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3395

STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 2014

The Senate Transportation Committee reports favorably Assembly Bill No. 3395(1R).

As reported, this bill allows insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles in situations where the insurers are unable to obtain the certificate of ownership or the certificate of ownership is not properly assigned to the insurer by the owner.

Under current law, if a motor vehicle has suffered sufficient damage to render it economically impractical to repair, the person in possession of the certificate of ownership for the vehicle is required to surrender the certificate to the Chief Administrator of the New Jersey Motor Vehicle Commission (MVC). Thereafter, the chief administrator will issue a salvage certificate of title to the person who surrenders the certificate of ownership.

Under the provisions of this bill, when an insurer settles a total loss claim with the owner of a motor vehicle as a result of damage to the vehicle, and the owner does not provide the motor vehicle's certificate of ownership to the insurer or does not properly assign the certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle.

Under the bill, the insurer is required to provide notice to the owner, and in certain cases to any lienholder, at least 30 days before applying for a certificate of ownership or a salvage certificate of title.

The application for a certificate of ownership or a salvage certificate of title is required to include proof of payment of the claim, proof that the insurer requested the certificate of ownership or attempted to obtain the proper assignment of the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle and, in certain cases, any lienholder.

Upon proper application, the chief administrator is required to issue a certificate of ownership or a salvage certificate of title in the name of the insurer, which extinguishes all existing liens against the motor vehicle.

In addition, under the provisions of the bill, if an insurer requests that a salvage processor, whose primary business is the sale of total loss motor vehicles on behalf of insurers, take possession of a motor vehicle that is the subject of an insurance claim and the insurer does not subsequently take ownership of the vehicle, the insurer may authorize the salvage processor to release the vehicle to the owner or lienholder by providing a release statement.

Upon receiving the release statement, the salvage processor is required to notify the owner and any lienholder that the vehicle may be released, upon payment of any outstanding charges. The notice is required to provide an invoice of the charges, the location of the vehicle, and notification to the owner or lienholder that the motor vehicle is required to be claimed within 30 days.

If the vehicle is not claimed within 30 days, the salvage processor may apply to the chief administrator for the issuance of a salvage certificate of title or a junk title certificate in the name of the salvage processor. The application is required to include proof that notice was provided to the owner and any lienholder. Upon proper application, the chief administrator is required to issue a salvage certificate of title or junk title certificate, as appropriate, which would extinguish any liens against the vehicle.

Lastly, the bill provides that the chief administrator will be immune from liability for any errors or misrepresentations made by an insurer or a salvage processor under the provisions of this bill.

As reported, Assembly Bill No. 3395(1R) is identical to Senate Bill No. 2294 which was also reported by the committee on this date.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3395

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3395

As amended and reported, this bill allows insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles in situations where the insurers are unable to obtain the certificate of ownership or the certificate of ownership is not properly assigned to the insurer by the owner.

Under current law, if a motor vehicle has suffered sufficient damage to render it economically impractical to repair, the person in possession of the certificate of ownership for the vehicle is required to surrender the certificate to the Chief Administrator of the Motor Vehicle Commission (MVC). Thereafter, the chief administrator will issue a salvage certificate of title to the person who surrenders the certificate of ownership.

Under the provisions of this bill, when an insurer settles a total loss claim with the owner of a motor vehicle as a result of damage to the vehicle, and the owner does not provide the motor vehicle's certificate of ownership to the insurer or does not properly assign the certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle.

Under the bill, the insurer is required to provide notice to the owner and in certain cases to any lienholder, based upon records from the MVC, at least 30 days before applying for a certificate of ownership or a salvage certificate of title.

The application for a certificate of ownership or a salvage certificate of title is required to include proof of payment of the claim, proof that the insurer requested the certificate of ownership or attempted to obtain the proper assignment of the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle and, in certain cases, any lienholder.

Upon proper application, the chief administrator is required to issue a certificate of ownership or a salvage certificate of title in the

name of the insurer, which extinguishes all existing liens against the motor vehicle.

In addition, under the provisions of the bill, if an insurer requests that a salvage processor, whose primary business is the sale of total loss motor vehicles on behalf of insurers, take possession of a motor vehicle that is the subject of an insurance claim and the insurer does not subsequently take ownership of the vehicle the insurer may authorize the salvage processor to release the vehicle to the owner or lienholder by providing a release statement.

Upon receiving the release statement, the salvage processor is required to notify the owner and any lienholder that the vehicle may be released, upon payment of any outstanding charges. The notice is required to provide an invoice of the charges, the location of the vehicle, and notification of the owner or lienholder that the motor vehicle is required to be claimed within 30 days.

If the vehicle is not claimed within 30 days, the salvage processor may apply to the chief administrator for the issuance of a salvage certificate of title or a junk title certificate in the name of the salvage processor. The application is required to include proof that notice was provided to the owner and any lienholder. Upon proper application, the chief administrator is required to issue a salvage certificate of title or junk title certificate, as appropriate, which would extinguish any liens against the vehicle.

Lastly, the bill provides that the chief administrator will be immune from liability for any errors or misrepresentations made by an insurer or a salvage processor under the provisions of this bill.

COMMITTEE AMENDMENTS

The committee amendments clarify that notices required in the bill are to be sent to the owner of the vehicle rather than the insured party. Additionally, as introduced, the bill provided that a salvage processor may apply to the Chief Administrator of the New Jersey Motor Vehicle Commission for the issuance of a salvage certificate of title or a junk title without providing the original title. The amendments allow for this application notwithstanding any provision of law to the contrary. The amendments also make technical corrections to the name of the Motor Vehicle Commission and remove the word “must.”

SENATE, No. 2294

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 30, 2014

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



S2294 SACCO

2

1 AN ACT concerning certificates of ownership and salvage
2 certificates of title and amending P.L.1983, c.323.

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.1983, c.323 (C.39:10-32) is amended to
8 read as follows:

9 2. a. If a motor vehicle has either been reported as being stolen
10 or suffered sufficient damage to render it economically impractical
11 to repair, the person in possession of the certificate of ownership for
12 the vehicle shall surrender the certificate of ownership to the
13 **[director]** chief administrator along with a statement setting forth
14 how the person acquired the certificate of ownership.

15 b. The **[director]** chief administrator, after determining
16 ownership, shall issue a salvage certificate of title to a person who
17 surrenders a certificate of ownership pursuant to subsection a. of
18 this section.

19 c. (1) Notwithstanding any provision of law to the contrary,
20 when an insurer settles a total loss claim with the owner of a motor
21 vehicle as a result of damage to the motor vehicle, and the owner of
22 the motor vehicle fails to assign and deliver the motor vehicle's
23 certificate of ownership to the insurer within 30 days of the
24 payment of the claim, the insurer or an agent of the insurer may
25 apply to the chief administrator for a certificate of ownership or a
26 salvage certificate of title for the motor vehicle in the name of the
27 insurer without providing a certificate of ownership.

28 The provisions of this subsection shall only apply when the most
29 recent certificate of ownership for the motor vehicle was issued by
30 this State.

31 (2) The insurer shall provide notice to the owner and any
32 lienholder of the motor vehicle, based upon the records of the
33 commission, at least 30 days prior to applying for a certificate of
34 ownership or a salvage certificate of title pursuant to this
35 subsection. The notice shall be sent by certified mail or commercial
36 courier whose regular business is delivery service and that provides
37 proof of delivery to the owner and any lienholders at the last known
38 address based upon the records of the commission.

39 (3) The application for a certificate of ownership or a salvage
40 certificate of title shall be made on a form prescribed by the chief
41 administrator and shall include proof of payment of the claim, proof
42 that the insurer requested the certificate of ownership, and proof
43 that notice was provided, as required by paragraph (2) of this
44 subsection, to the owner and any lienholders of the motor vehicle.

45 (4) If, based upon the records of the commission, there was an

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 outstanding lien against the motor vehicle immediately prior to the
2 payment of the claim and the claim was paid to a lienholder or to a
3 lienholder and the owner jointly, the proof of payment required
4 pursuant to paragraph (3) of this subsection shall also include proof
5 that the claim was paid to the first lienholder, according to the
6 records of the commission.

7 (5) Notwithstanding the existence of any outstanding liens
8 against the motor vehicle, upon proper application, the chief
9 administrator shall issue a certificate of ownership or a salvage
10 certificate of title, as appropriate, in the name of the insurer. The
11 issuance of the certificate of ownership or salvage certificate of title
12 shall extinguish all existing liens against the motor vehicle. In the
13 event the insurer sells the motor vehicle, the insurer shall assign the
14 certificate of ownership or salvage certificate of title to the buyer
15 and the vehicle shall be transferred without any liens against it.

16 d. (1) Notwithstanding any provision of law to the contrary, if
17 an insurer settles a total loss claim with the owner of a motor
18 vehicle as a result of damage to the motor vehicle, and the owner of
19 the motor vehicle fails to assign and deliver the motor vehicle's
20 certificate of ownership to the insurer within 30 days of the
21 payment of the claim, the insurer or an agent of the insurer may
22 apply to the chief administrator for a certificate of ownership or a
23 salvage certificate of title for the motor vehicle in the name of the
24 insurer without providing a certificate of ownership.

25 The provisions of this subsection shall only apply when the most
26 recent certificate of ownership for a motor vehicle was issued by
27 another state; the motor vehicle records of the jurisdiction that
28 issued the certificate of ownership indicate that there are no liens
29 recorded against the motor vehicle; and the motor vehicle was
30 damaged, stolen, or recovered in this State, was owned by a resident
31 of this State immediately prior to a total loss settlement by an
32 insurer, or as otherwise permitted by the chief administrator.

33 (2) The insurer shall provide notice by certified mail or
34 commercial courier whose regular business is delivery service and
35 that provides proof of delivery, to the owner at least 30 days prior
36 to applying for a certificate of ownership or a salvage certificate of
37 title pursuant to this subsection.

38 (3) The application shall be made on a form prescribed by the
39 chief administrator and shall include proof of payment of the claim,
40 proof that the insurer requested the certificate of ownership, and
41 proof that notice was provided to the owner of the motor vehicle
42 pursuant to paragraph (2) of this subsection.

43 (4) Upon proper application, the chief administrator shall issue a
44 certificate of ownership or a salvage certificate of title, as
45 appropriate, in the name of the insurer for the motor vehicle. In the
46 event the insurer sells the motor vehicle, the insurer shall assign the
47 certificate of ownership or salvage certificate of title to the buyer.

S2294 SACCO

1 e. (1) Notwithstanding any provision of law to the contrary, if
2 an insurer settles a total loss claim with the owner of a motor
3 vehicle as a result of damage to the motor vehicle and the insurer
4 obtains the certificate of ownership for the vehicle, but it is not
5 properly assigned to the insurer within 30 days of the payment of
6 the claim, the insurer or an agent of the insurer may apply to the
7 chief administrator for a certificate of ownership or a salvage
8 certificate of title in the name of the insurer.

9 (2) The insurer shall provide notice to the owner and any
10 lienholder, based upon the records of the commission, at least 30
11 days prior to applying for a certificate of ownership or a salvage
12 certificate of title pursuant to this subsection. The notice shall be
13 sent by certified mail or commercial courier whose regular business
14 is delivery service and that provides proof of delivery to the owner
15 and any lienholder at the last known address based upon the records
16 of the commission.

17 (3) The application for a certificate of ownership or a salvage
18 certificate of title shall be made on a form prescribed by the chief
19 administrator and shall include proof of payment of the claim, the
20 certificate of ownership, proof that the insurer attempted to obtain
21 the proper assignment of the certificate of ownership, and proof that
22 notice was provided to the owner of the motor vehicle and any
23 lienholder, in accordance with paragraph (2) of this subsection.

24 (4) Notwithstanding the existence of any outstanding liens
25 against the motor vehicle, upon proper application, the chief
26 administrator shall issue a certificate of ownership or a salvage
27 certificate of title, as appropriate, in the name of the insurer, which
28 shall extinguish all existing liens against the motor vehicle. In the
29 event the insurer sells the motor vehicle, the insurer shall assign the
30 certificate of ownership or salvage certificate of title to the buyer
31 and the vehicle shall be transferred without any liens against it.

32 f. (1) If an insurer requests that a salvage processor, whose
33 primary business is the sale of total loss motor vehicles on behalf of
34 insurers, take possession of a motor vehicle that is the subject of an
35 insurance claim and subsequently, the insurer does not take
36 ownership of the vehicle, the insurer may authorize the salvage
37 processor to release the vehicle to the owner or lienholder. The
38 insurer shall provide to the salvage processor a release statement
39 authorizing the release of the vehicle to the owner or lienholder.

40 Upon receiving a release statement from an insurer, the salvage
41 processor shall provide notice to the owner and any lienholder,
42 based upon the records of the commission, informing the owner and
43 any lienholder that the vehicle may be released, upon payment of
44 any outstanding charges. The notice shall include an invoice for
45 any outstanding charges owed to the salvage processor and shall
46 inform the owner or lienholder that the vehicle is required to be
47 claimed within 30 days from the date of the notice. The notice shall
48 also inform the owner or lienholder of the location of the vehicle.

1 The notice required under this subsection shall be sent by certified
2 mail or commercial courier whose regular business is delivery
3 service and that provides proof of delivery to the last known
4 address based upon the records of the commission.

5 (2) Notwithstanding any provision of law to the contrary, in the
6 event the owner or lienholder of the vehicle does not claim the
7 vehicle within 30 days after the date of the notice, the vehicle shall
8 be deemed abandoned and the salvage processor may apply to the
9 chief administrator for the issuance of a salvage certificate of title
10 or a junk title certificate for the motor vehicle in the name of the
11 salvage processor without providing a certificate of ownership. The
12 application shall include proof that notice was provided to the
13 owner of the motor vehicle and any lienholder.

14 (3) Notwithstanding the existence of any outstanding liens
15 against the motor vehicle, upon proper application, the chief
16 administrator shall issue a salvage certificate of title or a junk title
17 certificate, as appropriate, in the name of the salvage processor,
18 which shall extinguish any existing liens against the motor vehicle.
19 If the salvage processor sells the motor vehicle, the salvage
20 certificate of title or junk title certificate shall be assigned to the
21 buyer and the vehicle shall be transferred without any liens against
22 it.

23 g. The chief administrator shall be immune from liability for
24 any errors or misrepresentations made by an insurer pursuant to
25 subsections c., d., and e. of this section or by a salvage processor
26 pursuant to subsection f. of this section.

27 (cf: P.L.1983, c.323, s.2)

28

29 2. This act shall take effect on the first day of the seventh
30 month after enactment.

31

32

33

STATEMENT

34

35 This bill allows insurers to obtain certificates of ownership or
36 salvage certificates of title for motor vehicles in situations where
37 the insurers are unable to obtain the certificate of ownership or the
38 certificate of ownership is not properly assigned to the insurer by
39 the owner.

40 Under current law, if a motor vehicle has suffered sufficient
41 damage to render it economically impractical to repair, the person
42 in possession of the certificate of ownership for the vehicle is
43 required to surrender the certificate to the Chief Administrator of
44 the Motor Vehicle Commission (MVC). Thereafter, the chief
45 administrator will issue a salvage certificate of title to the person
46 who surrenders the certificate of ownership.

47 Under the provisions of this bill, when an insurer settles a total
48 loss claim with the owner of a motor vehicle as a result of damage

1 to the vehicle, and the owner does not provide the motor vehicle's
2 certificate of ownership to the insurer or does not properly assign
3 the certificate of ownership to the insurer within 30 days of the
4 payment of the claim, the insurer may apply to the chief
5 administrator for a certificate of ownership or a salvage certificate
6 of title for the motor vehicle.

7 Under the bill, the insurer is required to provide notice to the
8 owner and in certain cases to any lienholder, based upon records
9 from the MVC, at least 30 days before applying for a certificate of
10 ownership or a salvage certificate of title.

11 The application for a certificate of ownership or a salvage
12 certificate of title is required to include proof of payment of the
13 claim, proof that the insurer requested the certificate of ownership
14 or attempted to obtain the proper assignment of the certificate of
15 ownership, and proof that notice was provided to the owner of the
16 motor vehicle and, in certain cases, any lienholder.

17 Upon proper application, the chief administrator is required to
18 issue a certificate of ownership or a salvage certificate of title in the
19 name of the insurer, which extinguishes all existing liens against the
20 motor vehicle.

21 In addition, under the provisions of the bill, if an insurer requests
22 that a salvage processor, whose primary business is the sale of total
23 loss motor vehicles on behalf of insurers, take possession of a motor
24 vehicle that is the subject of an insurance claim and the insurer does
25 not subsequently take ownership of the vehicle the insurer may
26 authorize the salvage processor to release the vehicle to the owner
27 or lienholder by providing a release statement.

28 Upon receiving the release statement, the salvage processor is
29 required to notify the owner and any lienholder that the vehicle may
30 be released, upon payment of any outstanding charges. The notice
31 is required to provide an invoice of the charges, the location of the
32 vehicle, and notification of the owner or lienholder that the motor
33 vehicle is required to be claimed within 30 days.

34 If the vehicle is not claimed within 30 days, the salvage
35 processor may apply to the chief administrator for the issuance of a
36 salvage certificate of title or a junk title certificate in the name of
37 the salvage processor. The application is required to include proof
38 that notice was provided to the owner and any lienholder. Upon
39 proper application, the chief administrator is required to issue a
40 salvage certificate of title or junk title certificate, as appropriate,
41 which would extinguish any liens against the vehicle.

42 Lastly, the bill provides that the chief administrator will be
43 immune from liability for any errors or misrepresentations made by
44 an insurer or a salvage processor under the provisions of this bill.

STATEMENT TO
SENATE, No. 2294

with Senate Floor Amendments
(Proposed by Senator SACCO)

ADOPTED: OCTOBER 22, 2015

The Senate amendments clarify that insurers licensed to do business in the State may apply for a certificate of ownership or a salvage title in the name of the insurer, provided that the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) determines that issuance of a certificate ownership or salvage title is appropriate. The amendments remove the requirement that a total loss claim settled by an insurer with the owner of a motor vehicle be as a result of damage to the motor vehicle. The amendments clarify that all insurers are to be licensed to do business in the State.

Under the bill, failure to provide proper notice to the owner or lienholder may result in the denial of the issuance of a certificate of ownership or a salvage certificate of title by the chief administrator. The amendments provide, that within five days of receiving a release statement from an insurer, the salvage processor is required to provide notice to the owner or lienholder informing the owner or lienholder that the vehicle may be released, upon payment of any outstanding charge, and that failure to claim the motor vehicle will result in the motor vehicle being deemed abandoned. The amendments change the length of time that the owner or lienholder may pay outstanding charges to salvage processor from 30 to 60 days. The amendments change the length of time with which an owner or lienholder is required to claim a motor vehicle before it is deemed abandoned from 30 to 60 days.

The amendments eliminate the provision that extinguished all existing liens against the motor vehicle upon the chief administrator's issuance of a certificate of ownership or a salvage certificate of title in the name of the insurer.

STATEMENT TO
SENATE, No. 2294

with Senate Floor Amendments
(Proposed by Senator SACCO)

ADOPTED: OCTOBER 22, 2015

The Senate amendments clarify that insurers licensed to do business in the State may apply for a certificate of ownership or a salvage title in the name of the insurer, provided that the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) determines that issuance of a certificate ownership or salvage title is appropriate. The amendments remove the requirement that a total loss claim settled by an insurer with the owner of a motor vehicle be as a result of damage to the motor vehicle. The amendments clarify that all insurers are to be licensed to do business in the State.

Under the bill, failure to provide proper notice to the owner or lienholder may result in the denial of the issuance of a certificate of ownership or a salvage certificate of title by the chief administrator. The amendments provide, that within five days of receiving a release statement from an insurer, the salvage processor is required to provide notice to the owner or lienholder informing the owner or lienholder that the vehicle may be released, upon payment of any outstanding charge, and that failure to claim the motor vehicle will result in the motor vehicle being deemed abandoned. The amendments change the length of time that the owner or lienholder may pay outstanding charges to salvage processor from 30 to 60 days. The amendments change the length of time with which an owner or lienholder is required to claim a motor vehicle before it is deemed abandoned from 30 to 60 days.

The amendments eliminate the provision that extinguished all existing liens against the motor vehicle upon the chief administrator's issuance of a certificate of ownership or a salvage certificate of title in the name of the insurer.

Search

[Home](#) [Newsroom](#) [Media](#) [Administration](#) [NJ's Priorities](#) [Contact Us](#)

[Press Releases](#) [Public Addresses](#) [Executive Orders](#) [Press Kit](#) [Reports](#)

[Home](#) > [Newsroom](#) > [Press Releases](#) > [2015](#) > [Governor Christie Takes Action On Pending Legislation](#)

Governor Christie Takes Action On Pending Legislation

Monday, January 11, 2016 Tags: [Bill Action](#)



Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

[f](#) [t](#) [e](#) ...

Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegnan) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttle, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttle, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttle, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttle, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttle, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Danielsen, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPP to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

###

Press Contact:

Brian Murray
609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2017
Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000