



## ***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:**129

**NJSA:** 17:29A-35.1

"DMV surcharges -- debt cancelled at death"

**BILL NO:** A1976

**SPONSOR(S):**Doria and DeCroce

**DATE INTRODUCED:** May 4, 1998

**COMMITTEE:**

***ASSEMBLY:*** Transportation

***SENATE:*** Transportation

**AMENDED DURING PASSAGE:**Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** June 11, 1998

***SENATE:*** September 28, 1998

**DATE OF APPROVAL:** November 9, 1998

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### **THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 1<sup>st</sup> Reprint Enacted

(Amendments during passage denoted by superscript numbers)

**A1976**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:***Yes*

**SENATE:***Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

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ext. 102 or [refdesk@njstatelib.org](mailto:refdesk@njstatelib.org)*

**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:**

"Dead drivers' families protected from DMV," 11-11-98, Atlantic City Press, p. A7.

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[First Reprint]

**ASSEMBLY, No. 1976**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED MAY 4, 1998

**Sponsored by:**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

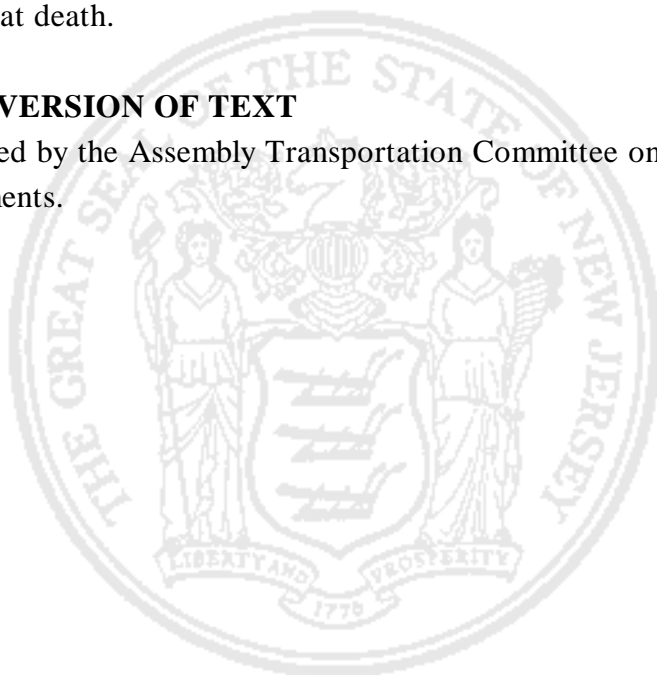
**Assemblyman Greenwald**

**SYNOPSIS**

Provides that debt established by imposition of DMV surcharges is extinguished at death.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Transportation Committee on May 4, 1998, with amendments.



**(Sponsorship Updated As Of: 5/29/1998)**

A1976 [1R] DORIA, DECROCE

2

1 AN ACT concerning surcharges levied by the Division of Motor  
2 Vehicles and supplementing P.L.1983, c.65 (C.17:29A-33 et al.).

3

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

6

7 1. Notwithstanding the provisions or any law, rule or regulation  
8 to the contrary, upon the death of a driver on whom surcharges have  
9 been levied by the Division of Motor Vehicles pursuant to section 6 of  
10 P.L.1983, c.65 (C.17:29A-35), any debt established by the imposition  
11 of those surcharges is extinguished and the division, or any agent or  
12 representative thereof, shall cease to seek payment of that debt.

13 <sup>1</sup>**[The division shall verify the death]** Whenever the division is  
14 unable to obtain a death certificate from a person representing the  
15 estate<sup>1</sup> of any driver on whom surcharges have been levied <sup>1</sup>and who  
16 was a resident of the State, the division shall obtain a copy of the  
17 death certificate<sup>1</sup> by contacting the State registrar of vital statistics in  
18 the Department of Health and <sup>1</sup>, in these cases, the division<sup>1</sup> shall not  
19 require the estate of the driver to furnish a death certificate.

20

21 2. This act shall take effect immediately.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ATR committee amendments adopted May 4, 1998.

# ASSEMBLY, No. 1976

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 4, 1998

**Sponsored by:**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Provides that debt established by imposition of DMV surcharges is extinguished at death.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning surcharges levied by the Division of Motor  
2 Vehicles and supplementing P.L.1983, c.65 (C.17:29A-33 et al.).

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

6  
7 1. Notwithstanding the provisions or any law, rule or regulation to  
8 the contrary, upon the death of a driver on whom surcharges have  
9 been levied by the Division of Motor Vehicles pursuant to section 6 of  
10 P.L.1983, c.65 (C.17:29A-35), any debt established by the imposition  
11 of those surcharges is extinguished and the division, or any agent or  
12 representative thereof, shall cease to seek payment of that debt. The  
13 division shall verify the death of any driver on whom surcharges have  
14 been levied by contacting the State registrar of vital statistics in the  
15 Department of Health and shall not require the estate of the driver to  
16 furnish a death certificate.

17  
18 2. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill seeks to prevent the Division of Motor Vehicles, and any  
24 collection agencies used by the division, from disturbing the survivors  
25 of deceased drivers who had motor vehicles surcharges levied on them.  
26 It has been reported that a collection agency used by the division has  
27 persisted in seeking payment even after a driver's survivors have  
28 informed the collection agency of the death.

29 This bill would provide that upon the death of a driver on whom  
30 surcharges have been levied by the division, any debt established by  
31 the imposition of those surcharges is extinguished and the division, or  
32 any agent or representative thereof, shall cease to seek payment of that  
33 debt.

34 The bill further provides that the division shall verify the death of  
35 any driver on whom surcharges have been levied by contacting the  
36 State registrar of vital statistics in the Department of Health and shall  
37 not require the estate of the driver to furnish a death certificate.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1976**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 4, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 1976 with committee amendments.

This amended bill provides that upon the death of a driver on whom surcharges have been levied by the Division of Motor Vehicles in the Department of Transportation (the division), any debt established by the imposition of those surcharges is extinguished and the division, or any agent or representative thereof, shall cease to seek payment of that debt.

As amended by the committee, the bill further provides that whenever the division is unable to obtain a death certificate from a person representing the estate of any driver on whom surcharges have been levied and who was a resident of the State, the division shall obtain a copy of the death certificate by contacting the State registrar of vital statistics in the Department of Health and, in these cases, the division shall not require the estate of the driver to furnish a death certificate.

The committee amended the bill to require the division to contact the State registrar for a copy of the death certificate only for New Jersey residents. The division indicates that approximately 25% of the death certificates received by the division's surcharge unit are for out-of-State drivers.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1976**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 17, 1998

The Senate Transportation Committee reports favorably Assembly Bill No. 1976 (1R).

This bill provides that upon the death of a driver on whom surcharges have been levied by the Division of Motor Vehicles in the Department of Transportation (the division), any debt established by the imposition of those surcharges is extinguished and the division, or any agent or representative thereof, shall cease to seek payment of that debt.

The bill further provides that whenever the division is unable to obtain a death certificate from a person representing the estate of any driver on whom surcharges have been levied and who was a resident of the State, the division shall obtain a copy of the death certificate by contacting the State registrar of vital statistics in the Department of Health and, in these cases, the division shall not require the estate of the driver to furnish a death certificate.



# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## **ASSEMBLY, No. 1976**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: JUNE 22, 1998

Assembly Bill No. 1976(1R) of 1998 provides that upon the death of a driver on whom surcharges have been levied by the Division of Motor Vehicles (the division) in the Department of Transportation, any debt established by the imposition of those surcharges is extinguished and the division, or any agent or representative thereof, shall cease to seek payment of the debt.

The department has verbally informed the Office of Legislative Services that the division currently expunges any surcharge debt when it receives notice of the death of a driver on whom a surcharge has been levied. Consequently, this bill is unlikely to have any notable impact on the amount of driver surcharge revenue presently received by the State.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
Gene Herman  
609-777-2600

RELEASE: November 10, 1998

Gov. Christie Whitman today signed the following legislation:

**A-63** allows beneficiaries of the Pharmaceutical Assistance for the Aged and Disabled (PAAD) program to receive the longer of 100 pills or a 34-day supply of medication for both the initial prescription and refills. Changes in the Fiscal Year 1999 Appropriations bill had limited to a 34-day maximum supply.

The bill was sponsored by Assembly Members Francis J. Blee (R-Atlantic), John C. Gibson (R-Cape May/Atlantic/Cumberland) and Kenneth C. LeFevre (R-Atlantic) and Guy F. Talarico (R-Bergen) and Senators Norman M. Robertson (R-Essex/Passaic) and Robert W. Singer (R-Burlington/Monmouth/Ocean).

**A-809**, sponsored by Assembly Member Charlotte Vandervalk (R-Bergen) and Senator Jack Sinagra (R-Middlesex), permits physician assistant to order or prescribe drugs, excluding controlled dangerous substances, both outpatient and inpatient settings. The bill requires that a supervising physician countersign and order or prescription for drugs within 48 hours of its entry by a physician assistant in an outpatient setting. The bill changes current law, which permits physician assistants to order or prescribe drugs only in an inpatient setting.

**A-1332**, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Guy F. Talarico (R-Bergen) and Senators Anthony R. Bucco (R-Morris) and Joseph M. Kyrillos, Jr. (R-Middlesex/Morris), clarifies that the depiction and dissemination of child pornography on the Internet is a crime under the endangering the welfare of a child statute. Endangering the welfare of a child is a second-degree crime when, among other things, a person causes or permits a child under 16 to engage in a sexual act knowing the act will be photographed or otherwise reproduced; photographs or reproduces a child engaged in a sexual act; or receives for the purpose of selling, sells or transfers a photograph of a child engaged in a sexual act.

The bill also upgrades to a crime of the first degree the offense of causing or permitting a child to engage in a sexual act knowing the act will be photographed, filmed or otherwise reproduced when the defendant is the child's parent or guardian. A first-degree crime is punishable by a prison term of between 10 and 20 years, a fine of \$200,000 or both, while a second-degree crime is punishable by a prison term of between five and 10 years and a fine of up to \$150,000 or both.

**A-1511** amends current law to require that certain parents undergo substance abuse assessment when a court makes a finding of abuse or neglect and orders out-of-home

placement for a child. If the law reveals positive evidence of substance abuse, the parent must demonstrate that he or she is receiving treatment and complying with the treatment program before the child is returned to the parental home. Under previous law, a parent was required to demonstrate progress in reaching the goals that Division of Youth and Family Services established as part of a treatment program in order for a child to be returned to the home. The bill also appropriates \$50,000 for substance abuse treatment.

The bill was sponsored by Assembly Members Joseph R. Malone, 3d (R-Burlington/Monmouth/Ocean and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senator Robert W. Singer (R-Burlington/Monmouth/Ocean).

**A-1632**, sponsored by Assembly Members Gerald J. Luongo (R-Camden/Gloucester) and Peter J. Biondi (R-Morris/Somerset) and Senators Diane B. Allen (R-Burlington/Camden) and Norman M. Robertson (R-Essex/Passaic), establishes the Senior and Disabled Cooperative Housing Finance Incentive Program. The bill assists non-profit corporations in providing cooperative living opportunities for low and moderate-income senior citizens and citizens with disabilities.

The bill authorizes the New Jersey Housing and Mortgage Finance Agency to set aside some portion of its bonding capacity in order to provide mortgage loans to eligible purchasers and to assist qualified non-profit corporations in creating eligible projects.

**A-1976**, sponsored by Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Alex DeCroce (R-Essex/Morris/Passaic), provides that surcharges levied by the Division of Motor Vehicles (DMV) are extinguished upon an individual's death once the DMV obtains a copy of the driver's death certificate. The bill also requires that the DMV obtain a death certificate when the decedent's family or estate representative does not provide the DMV with a copy of the document. Under previous practice, the DMV extinguished a decedent's surcharges when a death certificate was provided by the family of the deceased. If the certificate was not received from the family, the DMV continued to mail surcharge notices to the decedent's family

**A-2077** rectifies a problem created by a previous law, A-2323, which inadvertently changed the definitions regarding modifications of open-ended and close-ended loans.

The bill clarifies that an advance of principal made with respect to any mortgage (open-ended or close-ended) other than a line of credit does not have the lien priority of the original mortgage and is not a mortgage modification.

The bill was sponsored by Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset) and Peter J. Biondi (R-Morris/Somerset) and Senators Walter J. Kavanaugh (R-Morris/Somerset) and Peter A. Inverso (R-Mercer/Middlesex).

A-2223, expands the number of persons eligible to receive the New Jersey Distinguished Service Medal (DSM) from the Governor to include any state resident who was a resident of the state at the time of entry into active military service and saw active military service in a combat theater and received an honorable discharge. The expansion would also apply to deceased persons. The bill also gives the Governor the

authority to issue the DSM to residents who saw active combat service and were officially listed as a POW/MIA by the United States Department of Defense. The Department of Military and Veterans' Affairs will establish regulatory standards requiring a finding of distinguished service prior to its recommendation to the Governor to award the medal.

Under previous law, the Governor, on behalf of the state, could issue a DSM to persons who distinguished themselves by especially meritorious service and who had been cited or were expected to be cited in orders for distinguished service by the Governor or appropriate federal authority.

The legislation was sponsored by Assembly Members Louis D. Greenwald (D-Camden) and Joseph Azzolina (R-Middlesex/Morris) and Senators Diane B. Allen (R-Burlington/Camden) and John J. Mattheusen (R-Camden/Gloucester).

**S-158**, sponsored by Senators Joseph M. Kyrillos, Jr. (R-Middlesex/Monmouth) and Andrew R. Ciesla (R-Monmouth/Ocean) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Michael J. Arnone (R-Monmouth), exempts certain shops operated to raise money for charity from state sales and use tax. The bill applies to shops run in support of organizations that are already exempt from paying the sales tax. The exemption includes any organization operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes. It also exempts any organizations operated for the prevention of cruelty to children or animals; any voluntary fire, rescue, ambulance, first aid or emergency company or squad, and any parent-teachers association.

**S-700**, sponsored by Senator Diane B. Allen (R-Burlington/Camden), allows Burlington Island to enter into a long-term lease to promote development designed only for recreational, conservational, educational and cultural purposes. The island's charter, established in 1852, limited to five the number of years island property could be leased for any purpose.

**S-877**, sponsored by Senator Shirley K. Turner (D-Mercer), requires the State Board of Education, in consultation with the Commissioner of the Department of Health and Senior Services (DHSS) to promulgate rules and regulations for the certification of persons employed by boards of education to teach swimming in public schools. The bill requires that the regulations include appropriate swimming and first aid skills necessary to protect the health and safety of students. Currently, safety standards specified in DHSS regulations require the presence of at least one person currently certified in standard first aid and cardiopulmonary resuscitation (CPR). That person must be available and readily accessible when the pool is in use. Additionally, the regulations require that at least one lifeguard be on duty for 60 or less swimmers or 2,000 square feet of surface space at all times when the pool is in use. Additional lifeguards are required based on a variety of specified factors.

**S-888**, sponsored by Senator Norman M. Robertson (R-Essex/Passaic) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic), permits the release of certain account information by a financial institution under certain

circumstances. The bill allows the release of account information to a law enforcement agency or a county protective adult services provider if the customer account is held by a senior citizen or "vulnerable" person -- defined in the bill as a person over 18 that appears to have a physical or mental illness, disability or deficiency, etc. The bill parallels federal law allowing financial institutions to release account information to certain federal law enforcement officials.

**S-955**, revises the Garage Keepers Lien Act by eliminating the requirement that a motor vehicle owner post the full amount of a disputed bill or a double bond before a pre-sale hearing. The bill provides that if possession of a vehicle is refused because of a dispute over the amount owned or nonpayment, the owner may immediately bring an action in court for possession of the vehicle. The bill was sponsored by Senator John Q. Bennett (R-Monmouth) and Assembly Members Richard A. Merkt (R-Morris) and Michael Patrick Carroll (R-Morris).

**S-1055**, sponsored by Senator Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean) and Gerald Cardinale (R-Bergen), prohibits charitable organizations from misleading contributors to believe their donations are to be used for charitable purposes when, in fact, the donations are used to fund legal costs and other administrative costs of the charitable organization. The bill also prohibits organizations from presenting truthful information, statements and communications in such a way that the contributor is misled into making a contribution.

**AJR-21**, sponsored by Assembly Member Alex DeCroce (R-Essex/Morris/Passaic), establishes an 18-member Regional Intergovernmental Transportation Coordinating Study Commission to increase regional transportation decision-making among various levels of government and to identify incentives to promote cooperation. The commission will consist of 12 public members to be appointed by the Governor; two members of both the Senate and the General Assembly; Commissioner of the Department of Transportation and the Director of the Office of State Planning.

**AJR-30**, sponsored by Assembly Members Marion Crecco (R-Essex/Passaic) and Gerald J. Luongo (R-Camden/Gloucester), designates November 20 of each year as "Bill of Rights Day" in New Jersey. The first ten amendments of the U. S. Constitution, known as the Bill of Rights, were ratified by the State of New Jersey on November 20, 1789.