

"3-year limitation gains for local parking tickets", Star Ledger, 12-7-99, p. 24.

P.L. 1999, CHAPTER 423, *approved January 18, 2000*
Assembly, No. 1572 (*Third Reprint*)

1 AN ACT concerning motor vehicles, supplementing P.L.1985, c.14
2 (C.39:4-139.2 et seq.) and amending R.S.39:5-45 ³~~["R.S.39:3-40~~
3 ~~and P.L.1985, c.14²"]~~ and R.S.39:3-40³.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) In any ¹~~["case of a parking violation"]~~ parking
9 case¹, if the municipal court fails¹,¹ within three years of the date of
10 the violation ¹~~["either to"], to either¹~~ issue a warrant for the defendant's
11 arrest, or to order a suspension of the defendant's driving privileges or
12 ¹~~["the defendant's"]~~ non-resident reciprocity privileges¹~~["], as the case~~
13 ~~maybe,"]¹~~ or prohibit the ¹~~["defendant"]~~ person¹ from receiving or
14 obtaining driving privileges, the matter shall be dismissed and shall not
15 be reopened.
16

17 2. R.S.39:5-45 is amended to read as follows:

18 Any person who collects ¹~~["a fine, or a fine and costs,"]~~ fin¹es, cost¹s¹
19 or cash bail, for a violation of this subtitle, shall¹~~["], upon receipt~~
20 ~~thereof,"]¹~~ deliver to the ¹~~["offender"]~~ defendant¹ a proper itemized
21 receipt ¹~~["therefor, of which the magistrate shall retain a carbon copy~~
22 ~~to be filed with the docket of the case. Any person who violates this~~
23 ~~section shall be subject to a fine not exceeding"]¹~~ ["twenty-five dollars
24 (\$25.00)"]¹ ["\$25"], which may be either a "proper itemized manual
25 receipt" or a "proper itemized computer generated receipt." Such
26 receipt shall be created either manually or by computer. In the event
27 that the payment was made by mail, the defendant shall only be entitled
28 to a copy of the receipt if the defendant provides the court with a
29 stamped self-addressed envelope. If a manual receipt is issued, a copy
30 of that receipt shall be filed with the case.¹ For the purposes of this
31 section, a "proper itemized ¹manual¹ receipt" is one ¹that is pre-
32 numbered and¹ which includes: the name and signature of the person
33 who received the payment, the date ¹["and time"]¹ the payment was
34 received ¹["and a statement that the obligation for which the receipt is
35 being issued is discharged in full"], the name of the defendant, the
36 amount paid and the complaint or docket number. A "proper itemized
37 computer generated receipt" is one that is pre-numbered and which
38 includes: the identifying code of the person who received the payment.

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:

¹ Assembly floor amendments adopted November 23, 1998.

² Senate SLP committee amendments adopted March 15, 1999.

³ Assembly floor amendments adopted January 10, 2000.

1 the date and time the payment was received, the name of the
2 defendant, the amount paid and the complaint or docket number¹.
3 Any outstanding charges against an offender ¹**[shall]** may¹ be
4 immediately dismissed upon the offender's presentation of a proper
5 itemized receipt issued pursuant to this section evidencing the payment
6 of the required fines and costs. ¹Properly itemized receipts, for use by
7 municipal courts, may contain supplemental information as
8 appropriate, but shall be on a form approved by the Administrative
9 Director of the Courts.¹

10 (cf: P.L.1942, c.334, s.12)

11

12 ²3. R.S.39:3-40 is amended to read as follows:

13 39:3-40. No person to whom a driver's license has been refused or
14 whose driver's license or reciprocity privilege has been suspended or
15 revoked, or who has been prohibited from obtaining a driver's license,
16 shall personally operate a motor vehicle during the period of refusal,
17 suspension, revocation, or prohibition.

18 No person whose motor vehicle registration has been revoked shall
19 operate or permit the operation of such motor vehicle during the
20 period of such revocation.

21 **[A]** Except as provided in subsection i. of this section, a person
22 violating this section shall be subject to the following penalties:

23 a. Upon conviction for a first offense, a fine of \$500.00 and, if
24 that offense involves the operation of a motor vehicle during a period
25 when the violator's driver's license is suspended for a violation of
26 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a),
27 revocation of the violator's motor vehicle registration privilege in
28 accordance with the provisions of sections 2 through 6 of P.L.1995,
29 c.286 (C.39:3-40.1 through C.39:3-40.5);

30 b. Upon conviction for a second offense, a fine of \$750.00,
31 imprisonment in the county jail for not more than five days and, if the
32 second offense involves the operation of a motor vehicle during a
33 period when the violator's driver's license is suspended and that second
34 offense occurs within five years of a conviction for that same offense,
35 revocation of the violator's motor vehicle registration privilege in
36 accordance with the provisions of sections 2 through 6 of P.L.1995,
37 c.286 (C.39:3-40.1 through C.39:3-40.5);

38 c. Upon conviction for a third offense or subsequent offense, a
39 fine of \$1,000.00, imprisonment in the county jail for 10 days and, if
40 the third offense involves the operation of a motor vehicle during a
41 period when the violator's driver's license is suspended and that third
42 offense occurs within five years of a conviction for the same offense,
43 revocation of the violator's motor vehicle registration privilege in
44 accordance with the provisions of sections 2 through 6 of P.L.1995,
45 c.286 (C.39:3-40.1 through C.39:3-40.5);

46 d. Upon conviction, the court shall impose or extend a period of

1 suspension not to exceed six months;

2 e. Upon conviction, the court shall impose a period of
3 imprisonment for not less than 45 days, if while operating a vehicle in
4 violation of this section a person is involved in an accident resulting in
5 personal injury to another person;

6 f. (1) Notwithstanding subsections a. through e., any person
7 violating this section while under suspension issued pursuant to section
8 2 of P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined
9 \$500.00, shall have his license to operate a motor vehicle suspended
10 for an additional period of not less than one year nor more than two
11 years, and may be imprisoned in the county jail for not more than 90
12 days.

13 (2) Notwithstanding the provisions of subsections a. through e. of
14 this section and paragraph (1) of this subsection, any person violating
15 this section under suspension issued pursuant to R.S.39:4-50, section
16 2 of P.L.1981, c.512 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et
17 seq.), shall be fined \$500, shall have his license to operate a motor
18 vehicle suspended for an additional period of not less than one year or
19 more than two years, and shall be imprisoned in the county jail for not
20 less than 10 days or more than 90 days;

21 g. In addition to the other applicable penalties provided under this
22 section, a person violating this section whose license has been
23 suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or
24 the regulations adopted thereunder, shall be fined \$3,000. The court
25 shall waive the fine upon proof that the person has paid the total
26 surcharge imposed pursuant to section 6 of P.L.1983, c.65
27 (C.17:29A-35) or the regulations adopted thereunder.
28 Notwithstanding the provisions of R.S.39:5-41, the fine imposed
29 pursuant to this subsection shall be collected by the Division of Motor
30 Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), and
31 distributed as provided in that section, and the court shall file a copy
32 of the judgment of conviction with the director and with the Clerk of
33 the Superior Court who shall enter the following information upon the
34 record of docketed judgments: the name of the person as judgment
35 debtor; the Division of Motor Vehicles as judgment creditor; the
36 amount of the fine; and the date of the order. These entries shall have
37 the same force and effect as any civil judgment docketed in the
38 Superior Court;

39 h. A person who owns or leases a motor vehicle and permits
40 another to operate the motor vehicle commits a violation and is subject
41 to suspension of his license to operate a motor vehicle and to
42 revocation of registration pursuant to sections 2 through 6 of
43 P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5) if the person:

44 (1) Knows that the operator's license to operate a motor vehicle
45 has been suspended for a violation of R.S.39:4-50 or section 2 of
46 P.L.1981, c.512 (C.39:4-50.4a); or

1 (2) Knows that the operator's license to operate a motor vehicle is
 2 suspended and that the operator has been convicted, within the past
 3 five years, of operating a vehicle while the person's license was
 4 suspended or revoked;

5 i. If the violator's driver's license to operate a motor vehicle has
 6 been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
 7 139.10), the violator shall be subject to a maximum fine of \$100 upon
 8 proof that the violator has satisfied the parking ticket or tickets that
 9 were the subject of the Order of Suspension.²

10 (cf: P.L.1995, c.286, s.1)

11
 12 ³[²4. Section 9 of P.L.1985, c. 14 (C.39:4-139.10) is amended to
 13 read as follows:

14 9. a. If a person has failed to respond to a failure to appear notice
 15 in three separate parking cases or has failed to pay a parking judgment
 16 in three separate parking cases, the municipal court may give notice of
 17 that fact to the division in a manner prescribed by the director. If
 18 notice has been given under this section of a person's failure to
 19 respond to a failure to appear notice or to pay a parking judgment and
 20 if the fines and penalties are paid or if the case is dismissed or
 21 otherwise disposed of, the municipal court shall promptly give notice
 22 to that effect to the division.

23 b. The judge or the division may suspend the driver's license of an
 24 owner, lessee, or operator who has not answered or appeared in
 25 response to a failure to appear notice or has not paid or otherwise
 26 satisfied outstanding parking fines or penalties.

27 c. The division shall keep a record of a suspension ordered by the
 28 court pursuant to subsection b. of this section.²

29 (cf: P.L.1985, c.14, s.9)]³

30
 31 ²[³.] ³[⁵.²] ⁴.³ This act shall take effect immediately.

32
 33
 34 _____
 35
 36 Places time limit on processing of parking tickets; establishes "proper
 37 itemized receipt" for evidencing payment of motor vehicle fine.

ASSEMBLY, No. 1572

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblyman Garrett

SYNOPSIS

Places time limit on processing of parking tickets; establishes "proper itemized receipt" for evidencing payment of motor vehicle fine.

CURRENT VERSION OF TEXT

As Introduced.



(Sponsorship Updated As Of: 11/24/1998)

A1572 AUGUSTINE, QUIGLEY

2

1 AN ACT concerning motor vehicles, supplementing P.L.1985, c.14
2 (C.39:4-139.2 et seq.) and amending R.S.39:5-45.

3

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

6

7 1. (New section) In any case of a parking violation, if the
8 municipal court fails within three years of the date of the violation
9 either to issue a warrant for the defendant's arrest, or to order a
10 suspension of the defendant's driving privileges or non-resident
11 reciprocity privileges, as the case maybe, or prohibit the defendant
12 from receiving or obtaining driving privileges, the matter shall be
13 dismissed and shall not be reopened.

14

15 2. R.S.39:5-45 is amended to read as follows:

16 Any person who collects a fine, or a fine and costs, or cash bail, for
17 a violation of this subtitle, shall, upon receipt thereof, deliver to the
18 offender a proper itemized receipt therefor, of which the magistrate
19 shall retain a carbon copy to be filed with the docket of the case. Any
20 person who violates this section shall be subject to a fine not
21 exceeding **[twenty-five dollars (\$25.00)] \$25.** For the purposes of
22 this section, a "proper itemized receipt" is one which includes: the
23 name and signature of the person who received the payment, the date
24 and time the payment was received and a statement that the obligation
25 for which the receipt is being issued is discharged in full. Any
26 outstanding charges against an offender shall be immediately dismissed
27 upon the offender's presentation of a proper itemized receipt issued
28 pursuant to this section evidencing the payment of the required fines
29 and costs.

30 (cf: P.L.1942, c.334, s.12)

31

32 3. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill codifies a recent change in the rules governing the handling
38 of parking tickets by the municipal courts.

39 In conformance with the new rules, the provisions of the bill specify
40 that if the municipal court fails within three years of the date of a
41 parking violation to either (1) issue a warrant for the defendant's arrest
42 or (2) order a suspension of the defendant's driving privileges or non-
43 resident reciprocity privileges, as the case may be, or to prohibit the

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

Matter underlined thus is new matter.

A1572 AUGUSTINE, QUIGLEY

1 defendant from receiving or obtaining driving privileges, the matter is
2 to be dismissed and may not be reopened.

3 The bill also amends R.S.39:5-45 to clarify what constitutes a
4 "proper itemized receipt" as evidence for paying past motor vehicle
5 fines and costs. Current law requires that the person who collects a
6 fine, costs or cash bail from a person who has been charged for a
7 motor vehicle violation must issue the payer a "proper itemized
8 receipt" and file a copy of that receipt with the docket of the case.
9 The bill specifies that a proper itemized receipt is one which includes
10 the name and signature of the person who received the payment, the
11 date and time the payment was received and a statement that the
12 obligation is discharge in full. Upon the presentation of such a proper
13 itemized receipt evidencing the payment of the required fines and
14 costs, any outstanding charges against that person are to be
15 immediately dismissed. This provision is designed to address those
16 instances where municipalities have refused to acknowledge
17 documents presented by motorists, such as canceled checks, as
18 evidence that they have paid the fines and costs assessed against them
19 for motor vehicle violations. Without an acceptable form of proof of
20 payment, motorists have no recourse but to pay the fines the
21 municipalities claim they owe, plus all accumulated penalties, or have
22 their driving privileges suspended.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1572

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 1572.

This bill codifies a recent change in the rules governing the handling of parking tickets by the municipal courts.

In conformance with the new rules, the provisions of the bill specify that if the municipal court fails within three years of the date of a parking violation to issue a warrant for the defendant's arrest, order a suspension of the defendant's driving privileges or non-resident reciprocity privileges, as the case may be, or prohibit the defendant from receiving or obtaining driving privileges, the matter is to be dismissed and may not be reopened.

The bill also amends R.S.39:5-45 to clarify what constitutes a "proper itemized receipt" as evidence for paying past motor vehicle fines and costs. Current law requires that the person who collects a fine, or a fine and costs or cash bail from a person who has been charged for a motor vehicle violation must issue the payer a "proper itemized receipt" and file a copy of that receipt with the docket of the case. The bill specifies that a proper itemized receipt is one which includes the name and signature of the person who received the payment, the date and time the payment was received and a statement that the obligation is discharge in full. Upon the presentation of such a proper itemized receipt evidencing the payment of the required fines and costs, any outstanding charges against that person are to be immediately dismissed. This provision is designed to address those instances where municipalities have refused to acknowledge documents presented by motorists, such as canceled checks, as evidence that they have paid the fines and costs assessed against them for motor vehicle violations. Without an acceptable form of proof of payment, motorists have no recourse but to pay the fines the municipalities claim they owe, plus all accumulated penalties, or have their driving privileges suspended.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1572

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1999

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1572 (1R).

This bill codifies a recent change in the rules governing the handling of parking tickets by the municipal courts.

In conformance with the new rules, the provisions of the bill specify that if the municipal court fails within three years of the date of a parking case to issue a warrant for the defendant's arrest, order a suspension of the defendant's driving privileges or the defendant's non-resident reciprocity privilege, or prohibit the person from receiving or obtaining driving privileges, the matter is to be dismissed and may not be reopened. This language in section 1 of the bill exactly parallels the language that appears in Rule 7:8-9(f).

The bill also amends R.S.39:5-45 to clarify what constitutes a "proper itemized receipt" as evidence for paying past motor vehicle fines and costs. Current law requires that the person who collects a fine, or a fine and costs or cash bail from a person who has been charged for a motor vehicle violation must issue the payer a "proper itemized receipt" and file a copy of that receipt with the docket of the case. The bill specifies that a proper itemized receipt is one which includes the name and signature of the person who received the payment and the date and time the payment was received. The bill also provides that the information required on properly itemized receipts must conform to the information currently provided on receipts generated by the Automated Traffic System (ATS), the computer system used by municipal courts to process motor vehicle violations.

Upon the presentation of such a proper itemized receipt evidencing the payment of the required fines and costs, the municipality may immediately dismiss any outstanding charges against that person. This provision is designed to address those instances where municipalities have refused to acknowledge documents presented by motorists, such as canceled checks, as evidence that they have paid the fines and costs assessed against them for motor vehicle violations. Without an acceptable form of proof of payment, motorists have no recourse but

to pay the fines the municipalities claim they owe, plus all accumulated penalties, or have their driving privileges suspended.

The committee amended the bill to provide that a person whose driver's license was suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-139.10) who is charged with driving while under suspension pursuant to R.S.39:3-40 would be subject to a maximum fine of \$100 if the person could prove that he had satisfied the parking ticket or tickets that were the subject of the order of suspension.

The amendments also specify that a municipal court would not give notice to the Division of Motor Vehicles until a person had failed to respond to a failure to appear notice in three separate parking cases or had failed to pay three separate parking tickets.

STATEMENT TO
ASSEMBLY, No. 1572

with Assembly Floor Amendments
(Proposed By Assemblyman AUGUSTINE)

ADOPTED: NOVEMBER 23, 1998

Assembly Bill No. 1572 codifies New Jersey Supreme Court Rule 7:8-9(f) by specifying that a municipal court which fails within three years of the date of a parking violation to either (1) issue a warrant for the defendant's arrest or (2) order a suspension of the defendant's driving privileges or non-resident reciprocity privileges, as the case may be, or to prohibit the defendant from receiving or obtaining driving privileges is to dismiss the matter and may not reopen it.

The bill also amends R.S.39:5-45 to clarify what constitutes a "proper itemized receipt" as evidence for paying past motor vehicle fines and costs.

These Assembly floor amendments revise the language in section 1 of the bill so that it exactly parallels the language as it appears in Rule 7:8-9(f).

The amendments also make changes to section 2 of the bill to ensure that the information required on properly itemized receipts under the bill conforms to the information currently provided on such receipts as generated by the Automated Traffic System(ATS), the computer system used by municipal courts to process motor vehicle violations.

The provision in section 2 that subjects court employees to a fine of up to \$25 for failing to provide a defendant with a properly itemized receipt has also been deleted because of the concern that municipal courts would be held vicariously liable for the payment of these fines.

Finally, the amendments give the municipal court discretion in dismissing outstanding charges when a person presents a properly itemized receipt. This is to address a concern that the bill, as currently drafted, would require all outstanding charges to be dismissed even if the receipt evidenced only partial payment of the outstanding debt.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 1572

with Assembly Floor Amendments
(Proposed By Assemblyman AUGUSTINE)

ADOPTED: JANUARY 10, 2000

This bill codifies a recent change in the rules governing the handling of parking tickets by the municipal courts.

In conformance with the new rules, the provisions of the bill specify that if the municipal court fails within three years of the date of a parking case to issue a warrant for the defendant's arrest, order a suspension of the defendant's driving privileges or the defendant's non-resident reciprocity privilege, or prohibit the person from receiving or obtaining driving privileges, the matter is to be dismissed and may not be reopened. This language in section 1 of the bill exactly parallels the language that appears in Rule 7:8-9(f) of the New Jersey Court Rules.

These Assembly amendments remove a provision of the bill specifying that a municipal court would not give notice to the Division of Motor Vehicles until a person had failed to respond to a failure to appear notice in three separate parking cases or had failed to pay three separate parking tickets.