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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH 3/12/08

P.L. 2006, CHAPTER 91, *approved August 21, 2006*
Assembly, No. 496 (*Second Reprint*)

1 AN ACT concerning abandoned and unclaimed motor vehicles and
2 amending P.L.1964, c.81.

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

6
7 1. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read
8 as follows:

9 1. a. When the State or any county, county park commission,
10 municipality or any authority created by any thereof, hereinafter
11 referred to as a "public agency," shall have taken possession of a
12 motor vehicle found abandoned, such taking of possession shall be
13 reported immediately to (1) the **Director Chief Administrator of**
14 **the Motor Vehicle Commission of the Division of Motor Vehicles**
15 ¹Chief Administrator of the Motor Vehicle Commission¹ on a form
16 prescribed by ¹**him** the administrator¹, for verification of
17 ownership and (2) the ¹**National Automobile Theft Bureau**
18 National Insurance Crime Bureau¹.

19 Upon receipt of verification of ownership ¹of the vehicle¹ from
20 the administrator, the public agency ²forthwith² shall ¹notify¹
21 ²within three business days² provide notice of possession of the
22 vehicle to¹ the owner of record and the holder of any security
23 interest filed with the administrator by ²certified mail² telephone,
24 mail, facsimile or electronically². The public agency may assess
25 the person claiming the vehicle, be it the owner of record or the
26 holder of any security interest, for the actual costs of providing the
27 notice required under this paragraph.

28 ¹In those instances where the administrator's notice indicates
29 that there is a holder of a security interest in the motor vehicle, the
30 The¹ public agency shall ², at the same time it gives notice to the
31 owner of record and the holder of any security interest,] also within
32 three business days² notify the person storing the abandoned motor
33 vehicle. The notice shall be given ²by certified mail² in the same
34 manner as in the case of notification of the owner of record and the
35 security interest holder² and shall include the name and address of
36 the ¹owner of record and the¹ holder of ¹the] any¹ security interest
37 in the stored motor vehicle. Upon receipt of that notice, the person
38 storing the abandoned motor vehicle shall ¹notify that] provide
39 notice to the owner of record and to any¹ security interest holder.
40 The notice shall be by ²certified mail² first class mail, with a

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 January 26, 2006.

²Senate STR committee amendments adopted June 12, 2006.

1 certificate of mailing,² and shall include a schedule of the costs
2 imposed for storing the motor vehicle and instructions explaining
3 how the ¹owner of record ²【and】 or² the¹ security interest holder
4 may claim the stored motor vehicle. If the person storing the motor
5 vehicle fails to provide this notice to the ¹owner of record and to
6 the¹ security interest holder within ²【10】 30² days of the date on
7 which the storer of the vehicle received ¹【from the public agency】¹
8 the notice required under this paragraph ¹from the public agency¹,
9 the maximum amount that person may charge the ¹owner of record
10 or the¹ security interest holder for storing that motor vehicle shall
11 be²【\$500, regardless of the duration of the storage.】 \$750, provided
12 that the owner of record or security interest holder submits a proper
13 claim for the vehicle not later than the 30th day following the date
14 the notice is delivered from the public agency to the person storing
15 the motor vehicle. If the owner of record or security interest holder
16 fails to submit a proper claim for the vehicle on or before that 30th
17 day, the person storing the motor vehicle may charge the security
18 interest holder reasonable costs for the removal and storage of the
19 motor vehicle. If the notice is properly provided by the person
20 storing the motor vehicle, that person may charge the owner of
21 record or the security interest holder reasonable costs for the
22 removal and storage of the motor vehicle from the date the person
23 removed and stored the motor vehicle. ² The public agency may
24 ¹【access】 assess¹ the person storing the abandoned motor vehicle,
25 and the person storing the abandoned motor vehicle may assess the
26 security interest holder ¹,¹ for the actual costs of providing the
27 notices required under this paragraph.

28 b. When such motor vehicle which has been ascertained not to
29 be stolen and to be one which can be certified for a junk title
30 certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall
31 have remained unclaimed by the owner or other person having a
32 legal right thereto for a period of 15 business days, even if at that
33 time the owner has not been identified as a result of efforts to make
34 identification by the public agency or the **【Division of Motor**
35 **Vehicles】 ²【,】² Motor Vehicle Commission ²,² the same may be**
36 sold at auction in a public place. If the certified motor vehicle is
37 sold at auction prior to identification of the owner, the public
38 agency shall document the condition of the motor vehicle in writing
39 and with photographs prior to the sale; document the amount
40 obtained from the sale of the motor vehicle; and notify the owner, if
41 his name and address are identified after the sale, of the actions
42 taken by the public agency to dispose of the motor vehicle.

43 c. When a motor vehicle which cannot be certified for a junk
44 title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3)
45 remains unclaimed by the owner or other person having a legal right
46 thereto for a period of 20 business days, the motor vehicle may be

1 sold at auction in a public place, but shall be sold no later than 90
2 business days after the public agency takes possession of the
3 vehicle, except that a waiver of the 90-day limit may be obtained
4 for good cause from the Division of Local Government Services in
5 the Department of Community Affairs.

6 d. The public agency shall give notice of a sale conducted
7 pursuant to subsection b. or c. of this section, by certified mail, to
8 the owner, if his name and address be known and to the holder of
9 any security interest filed with the **[director]** ²**[,]** ²administrator ² ²
10 and by publication in a form to be prescribed by the ²**[director]**
11 administrator² by one insertion, at least five days before the date of
12 the sale, in one or more newspapers published in this State and
13 circulating in the municipality in which such motor vehicle is held.
14 (cf: P.L.1989, c.66, s.1)

15

16 2. This act shall take effect on the first day of the third month
17 following enactment.

18

19

20

21

22 _____
23 Requires certain notices when public agencies take possession of
abandoned vehicle.

ASSEMBLY, No. 496

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Chivukula

SYNOPSIS

Requires certain notices when public agencies take possession of abandoned vehicle.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A496 BATEMAN, MANZO

2

1 AN ACT concerning abandoned and unclaimed motor vehicles and
2 amending P.L.1964, c.81.

3

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

6

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

9 1. a. When the State or any county, county park commission,
10 municipality or any authority created by any thereof, hereinafter
11 referred to as a "public agency," shall have taken possession of a
12 motor vehicle found abandoned, such taking of possession shall be
13 reported immediately to (1) the ~~[[Director Chief Administrator of~~
14 ~~the Motor Vehicle Commission of the Division of Motor Vehicles]~~
15 on a form prescribed by him, for verification of ownership and (2)
16 the National Automobile Theft Bureau.

17 Upon receipt of verification of ownership from the administrator,
18 the public agency forthwith shall notify the owner of record and the
19 holder of any security interest filed with the administrator by
20 certified mail. The public agency may assess the person claiming
21 the vehicle, be it the owner of record or the holder of any security
22 interest, for the actual costs of providing the notice required under
23 this paragraph.

24 In those instances where the administrator's notice indicates that
25 there is a holder of a security interest in the motor vehicle, the
26 public agency shall, at the same time it gives notice to the owner of
27 record and the holder of any security interest, notify the person
28 storing the abandoned motor vehicle. The notice shall be given by
29 certified mail and shall include the name and address of the holder
30 of the security interest in the stored motor vehicle. Upon receipt of
31 that notice, the person storing the abandoned motor vehicle shall
32 notify that security interest holder. The notice shall be by certified
33 mail and shall include a schedule of the costs imposed for storing
34 the motor vehicle and instructions explaining how the security
35 interest holder may claim the stored motor vehicle. If the person
36 storing the motor vehicle fails to provide this notice to the security
37 interest holder within 10 days of the date on which the storer of the
38 vehicle received from the public agency the notice required under
39 this paragraph, the maximum amount that person may charge the
40 security interest holder for storing that motor vehicle shall be \$500,
41 regardless of the duration of the storage. The public agency may
42 access the person storing the abandoned motor vehicle, and the
43 person storing the abandoned motor vehicle may assess the security
44 interest holder for the actual costs of providing the notices required

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 under this paragraph.

2 b. When such motor vehicle which has been ascertained not to
3 be stolen and to be one which can be certified for a junk title
4 certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall
5 have remained unclaimed by the owner or other person having a
6 legal right thereto for a period of 15 business days, even if at that
7 time the owner has not been identified as a result of efforts to make
8 identification by the public agency or the [Division of Motor
9 Vehicles], Motor Vehicle Commission the same may be sold at
10 auction in a public place. If the certified motor vehicle is sold at
11 auction prior to identification of the owner, the public agency shall
12 document the condition of the motor vehicle in writing and with
13 photographs prior to the sale; document the amount obtained from
14 the sale of the motor vehicle; and notify the owner, if his name and
15 address are identified after the sale, of the actions taken by the
16 public agency to dispose of the motor vehicle.

17 c. When a motor vehicle which cannot be certified for a junk
18 title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3)
19 remains unclaimed by the owner or other person having a legal right
20 thereto for a period of 20 business days, the motor vehicle may be
21 sold at auction in a public place, but shall be sold no later than 90
22 business days after the public agency takes possession of the
23 vehicle, except that a waiver of the 90-day limit may be obtained
24 for good cause from the Division of Local Government Services in
25 the Department of Community Affairs.

26 d. The public agency shall give notice of a sale conducted
27 pursuant to subsection b. or c. of this section, by certified mail, to
28 the owner, if his name and address be known and to the holder of
29 any security interest filed with the [director], administrator and by
30 publication in a form to be prescribed by the director by one
31 insertion, at least five days before the date of the sale, in one or
32 more newspapers published in this State and circulating in the
33 municipality in which such motor vehicle is held.

34 (cf: P.L.1989, c.66, s.1)

35

36 2. This act shall take effect on the first day of the third month
37 following enactment.

38

39

40

STATEMENT

41

42 This bill would amend the statute governing abandoned and
43 unclaimed motor vehicles to require notices be given to the affected
44 parties whenever a public agency takes possession of an abandoned
45 vehicle.

46 Under current law, whenever a public agency takes possession
47 of an abandoned vehicle it is only required to give initial notice to

A496 BATEMAN, MANZO

4

1 the Chief Administrator of the Motor Vehicle Commission (MVC)
2 and the National Automobile Theft Bureau. It is only when the
3 public agency intends to sell an unclaimed or abandoned motor
4 vehicle that it must give notice to the owner of record and any
5 holder of a security interest in that vehicle.

6 This bill would require public agencies to notify both the owner
7 of record and the holder of any security interest in the vehicle as
8 soon as they received a verification of ownership of the abandoned
9 vehicle from the MVC. If there is a security interest holder, the
10 public agency also is required to provide the person storing the
11 vehicle with that holder's name and address. Within 10 days of
12 receiving this information, the person storing the vehicle must
13 contact the security interest holder, providing a schedule of costs
14 imposed for storing the vehicle and instructions explaining how the
15 vehicle may be claimed. If the person storing the vehicle fails to
16 contact the security interest holder during this 10-day period, the
17 maximum amount he may charge that interest holder for storing the
18 motor vehicle is \$500, regardless of the duration of the storage. To
19 establish a standing record, all the notices must be by certified mail.
20 The bill provides that the entity providing these notices may pass
21 the costs on to the persons receiving them.

22 "Public agency" is defined in the current law as the State, or any
23 county, county park commission, municipality or any authority
24 created by one of those entities.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 496

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Assembly Transportation and Public Works Committee reports favorably and with amendments Assembly Bill No. 496.

As reported, this amended bill would amend the statute governing abandoned and unclaimed motor vehicles to require notices be given to the affected parties whenever a public agency takes possession of an abandoned vehicle.

Under current law, whenever a public agency takes possession of an abandoned vehicle it is only required to give initial notice to the Chief Administrator of the Motor Vehicle Commission (MVC) and the National Automobile Theft Bureau, now the National Insurance Crime Bureau. It is only when the public agency intends to sell an unclaimed or abandoned motor vehicle that it must give notice of that intent to the owner of record and to any holder of a security interest in that vehicle.

This bill would require public agencies to notify both the owner of record and the holder of any security interest in the vehicle as soon as they received a verification of ownership of the abandoned vehicle from the MVC. The public agency also is required to provide the person storing the vehicle with the name and address of the owner of record and any security interest holder. Within 10 days of receiving this information, the person storing the vehicle must contact the owner of record and the security interest holder, providing a schedule of costs imposed for storing the vehicle and instructions explaining how the vehicle may be claimed. If the person storing the vehicle fails to contact the owner of record and the security interest holder during this 10-day period, the maximum amount he may charge the owner of record or the interest holder for storing the motor vehicle is \$500, regardless of the duration of the storage. To establish a standing record, all the notices must be by certified mail. The bill provides that the entity providing these notices may pass the costs on to the persons receiving them.

"Public agency" is defined in the current law as the State, or any county, county park commission, municipality or any authority created by one of those entities.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments clarify that a public agency shall provide notice of its possession of a motor vehicle to the owner of record in addition to any holder of a security interest in that vehicle. Additionally, the committee amendments require that any person storing the motor vehicle provide notice to the owner of record in addition to any security interest holder.

The committee amended the bill to update the name of the National Automobile Theft Bureau to the National Insurance Crime Bureau.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 496

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2006

The Senate Transportation Committee reports favorably Assembly Bill No. 496(1R) with committee amendments.

This amended bill would amend the statute governing abandoned and unclaimed motor vehicles to require notices be given to the affected parties whenever a public agency takes possession of an abandoned vehicle.

Under current law, whenever a public agency takes possession of an abandoned vehicle it is only required to give initial notice to the Chief Administrator of the Motor Vehicle Commission (MVC) and the National Automobile Theft Bureau. It is only when the public agency intends to sell an unclaimed or abandoned motor vehicle that it must give notice to the owner of record and any holder of a security interest in that vehicle.

This bill would require public agencies to notify both the owner of record and the holder of any security interest in the vehicle within three business days of receiving a verification of ownership of the abandoned vehicle from the MVC. The public agency also is required to provide the person storing the vehicle with the name and address of the owner of record and of any security interest holder within three business days. These notices may be given by telephone, mail, facsimile or electronically. Upon receipt of this information, the person storing the vehicle must contact the owner and the security interest holder by first class mail, with a certificate of mailing, providing a schedule of costs imposed for storing the vehicle and instructions explaining how the vehicle may be claimed. If the person storing the abandoned vehicle fails to provide this notice within 30 days of receiving the public agency's notice of its possession of the vehicle identifying the owner and security interest holder, then the most that the owner or interest holder may be charged is \$750, so long as the owner or interest holder, once notified, claims the vehicle within 30 days of receiving such notice of possession. If, however, the owner or interest holder fails to claim the motor vehicle within that 30 day period, the storer of the vehicle may charge the owner or security

interest holder reasonable costs for towing and storage. The bill provides that the entity providing these notices may pass the costs on to the persons receiving them.

"Public agency" is defined in the current law as the State, or any county, county park commission, municipality or any authority created by one of those entities.

The committee amended the bill to provide for notice by the agency to the owner of record and the security interest holder, as well as the person storing the motor vehicle, by telephone, mail, facsimile or electronically instead of certified mail. The storer of the motor vehicle would be required to notify the owner of record and the security interest holder by first class mail, with a certificate of mailing, rather than certified mail. The amendments additionally provide that if proper notice is not sent by the storer of the motor vehicle, the owner of record or security interest holder has 30 days, changed from 10 days in the bill, to make a proper claim for the abandoned vehicle and have charges limited to \$750, changed from \$500 in the bill. Otherwise, the owner or security interest holder must pay reasonable charges for the removal and storage of the motor vehicle.

With these amendments, this bill is identical to S-1744, as amended by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 496

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: APRIL 21, 2006

SUMMARY

- Synopsis:** Requires certain notices when public agencies take possession of abandoned vehicle.
- Type of Impact:** Minimal increased administrative cost.
- Agencies Affected:** State; county; county park commission; municipality; any authority created by any of these public agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal increased administrative cost		
Local Cost	Minimal increased administrative cost		

- The Office of Legislative Services (OLS) observes that the administrative cost to public agencies of notifying both the owner of record and the holder of any security interest in the taking of an abandoned vehicle will be minimal because the cost of that notification will only marginally increase the administrative responsibilities required of public agencies in the taking of abandoned vehicles. Under current law, whenever a public agency takes possession of an abandoned vehicle it is only required to give initial notice to the Chief Administrator of the Motor Vehicle Commission (MVC) and the National Automobile Theft Bureau, now the National Insurance Crime Bureau.
- This bill would require public agencies to notify both the owner of record and the holder of any security interest in the vehicle as soon as they received a verification of ownership of the abandoned vehicle from the MVC.
- This bill requires all the notices be delivered by certified mail. The bill also provides that the entity providing these notices may pass the costs on to the persons receiving them.

BILL DESCRIPTION

Assembly Bill No. 496 (1R) of 2006 would require public agencies to notify both the owner of record and the holder of any security interest in the vehicle as soon as they received a verification of ownership of the abandoned vehicle from the MVC. The public agency also is required to provide the person storing the vehicle with the name and address of the owner of record and any security interest holder. Within 10 days of receiving this information, the person storing the vehicle must contact the owner of record and the security interest holder, providing a schedule of costs imposed for storing the vehicle and instructions explaining how the vehicle may be claimed. If the person storing the vehicle fails to contact the owner of record and the security interest holder during this 10-day period, the maximum amount he may charge the owner of record or the interest holder for storing the motor vehicle is \$500, regardless of the duration of the storage. To establish a standing record, all the notices must be by certified mail. The bill provides that the entity providing these notices may pass the costs on to the persons receiving them.

"Public agency" is defined in the current law as the State, or any county, county park commission, municipality, or any authority created by one of those entities.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS observes that the administrative cost to public agencies of notifying both the owner of record and the holder of any security interest in the taking of an abandoned vehicle will be minimal because the cost of that notification will only marginally increase the administrative responsibilities required of public agencies in the taking of abandoned vehicles. Under current law, whenever a public agency takes possession of an abandoned vehicle it is only required to give initial notice to the Chief Administrator of the MVC and the National Automobile Theft Bureau, now the National Insurance Crime Bureau. The OLS notes that the bill requires all the notices be delivered by certified mail. The bill also provides that the entity providing these notices may pass the costs on to the persons receiving them, thereby allowing the public agency to collect reimbursement for the cost of the certified mail.

Section: Local Government

Analyst: Pedro Carrasquilo
Associate Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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.

SENATE, No. 1744

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

SYNOPSIS

Requires certain notices when public agencies take possession of abandoned vehicle.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning abandoned and unclaimed motor vehicles and
2 amending P.L.1964, c.81.

3

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

6

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

9 1. a. When the State or any county, county park commission,
10 municipality or any authority created by any thereof, hereinafter
11 referred to as a "public agency," shall have taken possession of a
12 motor vehicle found abandoned, such taking of possession shall be
13 reported immediately to (1) the **[Director of the Division of Motor**
14 **Vehicles]** Chief Administrator of the Motor Vehicle Commission
15 on a form prescribed by **[him]** the administrator, for verification of
16 ownership and (2) the **[National Automobile Theft Bureau]**
17 National Insurance Crime Bureau.

18 Upon receipt of verification of ownership of the vehicle from the
19 administrator, the public agency forthwith shall provide notice of
20 possession of the vehicle to the owner of record and the holder of
21 any security interest filed with the administrator by certified mail.
22 The public agency may assess the person claiming the vehicle, be it
23 the owner of record or the holder of any security interest, for the
24 actual costs of providing the notice required under this paragraph.

25 The public agency shall, at the same time it gives notice to the
26 owner of record and the holder of any security interest, notify the
27 person storing the abandoned motor vehicle. The notice shall be
28 given by certified mail and shall include the name and address of
29 the owner of record and the holder of any security interest in the
30 stored motor vehicle. Upon receipt of that notice, the person
31 storing the abandoned motor vehicle shall provide notice to the
32 owner of record and to any security interest holder. The notice
33 shall be by certified mail and shall include a schedule of the costs
34 imposed for storing the motor vehicle and instructions explaining
35 how the owner of record and the security interest holder may claim
36 the stored motor vehicle. If the person storing the motor vehicle
37 fails to provide this notice to the owner of record and to the security
38 interest holder within 30 days of the date on which the storer of the
39 vehicle received the notice required under this paragraph from the
40 public agency, the maximum amount that person may charge the
41 owner of record or the security interest holder for storing that motor
42 vehicle shall be \$750, provided that the duration of the storage does
43 not exceed 30 days from date the certified notice is delivered. If the
44 duration of the storage exceeds 30 days, the person storing the
45 motor vehicle may charge the security interest holder reasonable

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Matter underlined thus is new matter.

1 costs for the removal and storage of the motor vehicle. The public
2 agency may assess the person storing the abandoned motor vehicle,
3 and the person storing the abandoned motor vehicle may assess the
4 security interest holder for the actual costs of providing the notices
5 required under this paragraph.

6 b. When such motor vehicle which has been ascertained not to
7 be stolen and to be one which can be certified for a junk title
8 certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall
9 have remained unclaimed by the owner or other person having a
10 legal right thereto for a period of 15 business days, even if at that
11 time the owner has not been identified as a result of efforts to make
12 identification by the public agency or the **【**Division of Motor
13 **】** Motor Vehicle Commission, the same may be sold at
14 auction in a public place. If the certified motor vehicle is sold at
15 auction prior to identification of the owner, the public agency shall
16 document the condition of the motor vehicle in writing and with
17 photographs prior to the sale; document the amount obtained from
18 the sale of the motor vehicle; and notify the owner, if his name and
19 address are identified after the sale, of the actions taken by the
20 public agency to dispose of the motor vehicle.

21 c. When a motor vehicle which cannot be certified for a junk
22 title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3)
23 remains unclaimed by the owner or other person having a legal right
24 thereto for a period of 20 business days, the motor vehicle may be
25 sold at auction in a public place, but shall be sold no later than 90
26 business days after the public agency takes possession of the
27 vehicle, except that a waiver of the 90-day limit may be obtained
28 for good cause from the Division of Local Government Services in
29 the Department of Community Affairs.

30 d. The public agency shall give notice of a sale conducted
31 pursuant to subsection b. or c. of this section, by certified mail, to
32 the owner, if his name and address be known and to the holder of
33 any security interest filed with the **【**director**】** administrator, and by
34 publication in a form to be prescribed by the **【**director**】** chief
35 administrator by one insertion, at least five days before the date of
36 the sale, in one or more newspapers published in this State and
37 circulating in the municipality in which such motor vehicle is held.
38 (cf: P.L.1989, c.66, s.1)

39
40 2. This act shall take effect on the first day of the third month
41 following enactment.

42

43

44

STATEMENT

45

46 This bill would amend the statute governing abandoned and
47 unclaimed motor vehicles to require notices be given to the affected
48 parties whenever a public agency takes possession of an abandoned

1 vehicle.

2 Under current law, whenever a public agency takes possession of
3 an abandoned vehicle it is only required to give initial notice to the
4 Chief Administrator of the Motor Vehicle Commission (MVC) and
5 the National Automobile Theft Bureau. It is only when the public
6 agency intends to sell an unclaimed or abandoned motor vehicle
7 that it must give notice to the owner of record and any holder of a
8 security interest in that vehicle.

9 This bill would require public agencies to notify both the owner
10 of record and the holder of any security interest in the vehicle as
11 soon as they received a verification of ownership of the abandoned
12 vehicle from the MVC. The public agency also is required to
13 provide the person storing the vehicle with the name and address of
14 the owner of record and of any security interest holder. Upon
15 receipt of this information, the person storing the vehicle must
16 contact the owner and the security interest holder, providing a
17 schedule of costs imposed for storing the vehicle and instructions
18 explaining how the vehicle may be claimed. If the person storing
19 the abandoned vehicle fails to provide this notice within 30 days of
20 receiving the public agency's notice of its possession of the vehicle,
21 then the most that the owner or interest holder may be charged is
22 \$750, so long as the owner or interest holder, once notified, claims
23 the vehicle within 30 days of receiving such notice of possession.
24 If, however, the owner or interest holder fails to claim the motor
25 vehicle within that 30 day period, the storer of the vehicle may
26 charge the owner or interest holder reasonable costs for towing and
27 storage. To establish a standing record, all the notices must be by
28 certified mail. The bill provides that the entity providing these
29 notices may pass the costs on to the persons receiving them.

30 "Public agency" is defined in the current law as the State, or any
31 county, county park commission, municipality or any authority
32 created by one of those entities.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1744

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2006

The Senate Transportation Committee reports favorably Senate Bill No. 1744 with committee amendments.

This amended bill would amend the statute governing abandoned and unclaimed motor vehicles to require notices be given to the affected parties whenever a public agency takes possession of an abandoned vehicle.

Under current law, whenever a public agency takes possession of an abandoned vehicle it is only required to give initial notice to the Chief Administrator of the Motor Vehicle Commission (MVC) and the National Automobile Theft Bureau. It is only when the public agency intends to sell an unclaimed or abandoned motor vehicle that it must give notice to the owner of record and any holder of a security interest in that vehicle.

This bill would require public agencies to notify both the owner of record and the holder of any security interest in the vehicle within three business days of receiving a verification of ownership of the abandoned vehicle from the MVC. The public agency also is required to provide the person storing the vehicle with the name and address of the owner of record and of any security interest holder within three business days. These notices may be given by telephone, mail, facsimile or electronically. Upon receipt of this information, the person storing the vehicle must contact the owner and the security interest holder by first class mail, with a certificate of mailing, providing a schedule of costs imposed for storing the vehicle and instructions explaining how the vehicle may be claimed. If the person storing the abandoned vehicle fails to provide this notice within 30 days of receiving the public agency's notice of its possession of the vehicle identifying the owner and security interest holder, then the most that the owner or interest holder may be charged is \$750, so long as the owner or interest holder, once notified, claims the vehicle within 30 days of receiving such notice of possession. If, however, the owner or interest holder fails to claim the motor vehicle within that 30 day period, the storer of the vehicle may charge the owner or security interest holder reasonable costs for towing and storage. The bill provides that the entity providing these notices may pass the costs on

to the persons receiving them.

"Public agency" is defined in the current law as the State, or any county, county park commission, municipality or any authority created by one of those entities.

The committee amended the bill to provide for notice by the agency to the owner of record and the security interest holder, as well as the person storing the motor vehicle, by telephone, mail, facsimile or electronically instead of certified mail. The storer of the motor vehicle would be required to notify the owner of record and the security interest holder by first class mail, with a certificate of mailing, rather than certified mail. The amendments additionally clarify that if proper notice is not sent by the storer of the motor vehicle, the owner of record or security interest holder has 30 days to make a proper claim for the abandoned vehicle and have charges limited to \$750. Otherwise, the owner or security interest holder must pay reasonable charges for the removal and storage of the motor vehicle.

With these amendments, this bill is identical to A496 (1R), as amended by the committee on this date.