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P.L. 2007, CHAPTER 178, *approved September 27, 2007*
Senate, No. 2087 (*Second Reprint*)

1 AN ACT concerning vehicle registration and amending P.L.1955,
2 c.53 and R.S.39:5-41.

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.1955, c.53 (C.39:3-17.1) is amended to read
8 as follows:

9 1. a. Except as provided in section 9 of P.L.1990, c.103
10 (C.39:3-10.17), any person who becomes a resident of this State and
11 who immediately prior thereto was authorized to operate and drive a
12 motor vehicle or motor vehicles in this State as a nonresident
13 pursuant to R.S.39:3-15 and R.S.39:3-17, shall not lose his right to
14 so operate and drive such motor vehicle or motor vehicles by
15 becoming a resident of this State, but such right shall continue to be
16 in full force and effect for 60 days, unless a longer period of
17 reciprocity is otherwise provided by law, after the establishment of
18 his residence in this State in the same manner and to the same
19 extent as though he were a nonresident. The ¹**['director] chief**
20 **administrator**¹ shall not issue a driver's license to a person who is
21 entitled to operate a motor vehicle in this State under a reciprocity
22 privilege granted by any law.

23 b. Any person who becomes a resident of this State and who
24 immediately prior thereto was authorized to operate and drive a
25 motor vehicle or motor vehicles in this State as a nonresident
26 pursuant to R.S.39:3-15 and R.S.39:3-17, shall register any vehicle
27 operated on the public highways of this State within 60 days of so
28 becoming a resident of New Jersey, pursuant to R.S.39:3-4 ¹or
29 section 2 of P.L.1968, c.439 (C.39:3-8.1)¹ .

30 c. Any person who violates subsection b. of this section is
31 subject to a fine of not more than \$250 for a first offense and not
32 more than \$500 for a second or subsequent offense.

33 d. Any person who violates subsection b. of this section a third
34 or subsequent time shall have the vehicle impounded by the law
35 enforcing agency for not less than 96 hours. The vehicle shall only
36 be released to the registered owner upon proof of registration and
37 insurance and payment of ¹**['a]** ²**all** ²**['fines and fees pertaining to**
38 **any violation of subsection b. of this section, plus]**² reasonable
39 towing and storage fees.

40 If the owner of an impounded vehicle fails to claim the
41 impounded vehicle ²**['and pay all outstanding penalties ¹**['and],¹****
42 **fines, ¹and fees¹']² by midnight of the 30th day following the day on**
43 which the vehicle was impounded, that vehicle may be sold at

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:

¹Senate STR committee amendments adopted October 23, 2006.

²Assembly ATR committee amendments adopted January 22, 2007.

1 auction. Notice of the sale shall be given by the impounding entity
2 by certified mail to the owner of the vehicle, if the owner's name
3 and address are known, ¹and to the lienholder, if the lienholder's
4 name and address are known, ¹ and by publication in a form
5 prescribed by the chief administrator by one insertion, at least five
6 days before the date of the sale, in one or more newspapers
7 published in this State and circulating in the municipality in which
8 the vehicle is impounded.

9 At any time prior to the sale of an impounded vehicle, the owner
10 or other person entitled to the vehicle may reclaim possession upon
11 showing proof of registration and insurance and paying all
12 ²[outstanding fines, penalties and]² costs associated with the
13 impoundment, and reasonable towing and storage fees.

14 The owner-lessor of an impounded vehicle shall be entitled to
15 reclaim possession without payment or proof of insurance and the
16 lessee shall be liable for all outstanding ²[fines, penalties and]²
17 costs associated with the impoundment, towing, and storage of the
18 vehicle.

19 e. Any proceeds obtained from the sale of a vehicle at public
20 auction pursuant to subsection d. of this section in excess of the
21 amount owed to the impounding entity for the reasonable costs of
22 towing and storage and any ²[fines, penalties, or]² other costs
23 associated with the impoundment of the vehicle shall be returned to
24 the owner of that vehicle, if his name and address are known.

25 (cf: P.L.1993, c.34, s.4)

26

27 2. R.S.39:5-41 is amended to read as follows:

28 39:5-41. a. All fines, penalties and forfeitures imposed and
29 collected under authority of law for any violations of R.S.39:4-63
30 and R.S.39:4-64 shall be forwarded by the judge to whom the same
31 have been paid to the proper financial officer of a county, if the
32 violation occurred within the jurisdiction of that county's central
33 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
34 municipality wherein the violation occurred, to be used by the
35 county or municipality to help finance litter control activities in
36 addition to or supplementing existing litter pickup and removal
37 activities in the municipality.

38 b. Except as otherwise provided by subsection a. of this section,
39 all fines, penalties and forfeitures imposed and collected under
40 authority of law for any violations of the provisions of this Title,
41 other than those violations in which the complaining witness is the
42 **[director]** chief administrator, a member of his staff, a member of
43 the State Police, a member of a county police department and force
44 or a county park police system in a county that has established a
45 central municipal court, an inspector of the Board of Public
46 Utilities, or a law enforcement officer of any other State agency,
47 shall be forwarded by the judge to whom the same have been paid
48 as follows: one-half of the total amount collected to the financial

1 officer, as designated by the local governing body, of the respective
2 municipalities wherein the violations occurred, to be used by the
3 municipality for general municipal use and to defray the cost of
4 operating the municipal court; and one-half of the total amount
5 collected to the proper financial officer of the county wherein they
6 were collected, to be used by the county as a fund for the
7 construction, reconstruction, maintenance and repair of roads and
8 bridges, snow removal, the acquisition and purchase of
9 rights-of-way, and the purchase, replacement and repair of
10 equipment for use on said roads and bridges therein. Up to 25% of
11 the money received by a municipality pursuant to this subsection,
12 but not more than the actual amount budgeted for the municipal
13 court, whichever is less, may be used to upgrade case processing.

14 All fines, penalties and forfeitures imposed and collected under
15 authority of law for any violations of the provisions of this Title, in
16 which the complaining witness is a member of a county police
17 department and force or a county park police system in a county
18 that has established a central municipal court, shall be forwarded by
19 the judge to whom the same have been paid to the financial officer,
20 designated by the governing body of the county, for all violations
21 occurring within the jurisdiction of that court, to be used for general
22 county use and to defray the cost of operating the central municipal
23 court.

24 Whenever any county has deposited moneys collected pursuant
25 to this section in a special trust fund in lieu of expending the same
26 for the purposes authorized by this section, it may withdraw from
27 said special trust fund in any year an amount which is not in excess
28 of the amount expended by the county over the immediately
29 preceding three-year period from general county revenues for said
30 purposes. Such moneys withdrawn from the trust fund shall be
31 accounted for and used as are other general county revenues.

32 c. (Deleted by amendment, P.L.1993, c.293.)

33 d. Notwithstanding the provisions of subsections a. and b. of this
34 section, \$1 shall be added to the amount of each fine and penalty
35 imposed and collected through a court under authority of any law
36 for any violation of the provisions of Title 39 of the Revised
37 Statutes or any other motor vehicle or traffic violation in this State
38 and shall be forwarded by the person to whom the same are paid to
39 the State Treasurer. In addition, upon the forfeiture of bail, \$1 of
40 that forfeiture shall be forwarded to the State Treasurer. The State
41 Treasurer shall annually deposit those moneys so forwarded in the
42 "Body Armor Replacement" fund established pursuant to section 1
43 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year
44 next following the effective date of this act, the State Treasurer
45 annually shall allocate from those moneys so forwarded an amount
46 not to exceed \$400,000 to the Department of Personnel to be
47 expended exclusively for the purposes of funding the operation of
48 the "Law Enforcement Officer Crisis Intervention Services"

1 telephone hotline established and maintained under the provisions
2 of P.L.1998, c.149 (C.11A:2-25 et al.).

3 e. Notwithstanding the provisions of subsections a. and b. of this
4 section, \$1 shall be added to the amount of each fine and penalty
5 imposed and collected through a court under authority of any law
6 for any violation of the provisions of Title 39 of the Revised
7 Statutes or any other motor vehicle or traffic violation in this State
8 and shall be forwarded by the person to whom the same are paid to
9 the State Treasurer. The State Treasurer shall annually deposit
10 those moneys so forwarded in the "New Jersey Spinal Cord
11 Research Fund" established pursuant to section 9 of P.L.1999, c.201
12 (C.52:9E-9). In order to comply with the provisions of Article VIII,
13 Section II, paragraph 5 of the State Constitution, a municipal or
14 county agency which forwards moneys to the State Treasurer
15 pursuant to this subsection may retain an amount equal to 2% of the
16 moneys which it collects pursuant to this subsection as
17 compensation for its administrative costs associated with
18 implementing the provisions of this subsection.

19 f. Notwithstanding the provisions of subsections a. and b. of this
20 section, during the period beginning on the effective date of this act
21 and ending five years thereafter, \$1 shall be added to the amount of
22 each fine and penalty imposed and collected through a court under
23 authority of any law for any violation of the provisions of Title 39
24 of the Revised Statutes or any other motor vehicle or traffic
25 violation in this State and shall be forwarded by the person to whom
26 the same are paid to the State Treasurer. The State Treasurer shall
27 annually deposit those moneys so forwarded in the "Autism
28 Medical Research and Treatment Fund" established pursuant to
29 section 1 of P.L.2003, c.144 (C.30:6D-62.2).

30 g. Notwithstanding the provisions of subsection a. and b. of this
31 section, \$2 shall be added to the amount of each fine and penalty
32 imposed and collected by a court under authority of any law for any
33 violation of the provisions of Title 39 of the Revised Statutes or any
34 other motor vehicle or traffic violation in this State and shall be
35 forwarded by the person to whom the same are paid to the State
36 Treasurer. The State Treasurer shall annually deposit those moneys
37 so forwarded in the "New Jersey Forensic DNA Laboratory Fund"
38 established pursuant to P.L.2003, c.183. Prior to depositing the
39 moneys into the fund, the State Treasurer shall forward to the
40 Administrative Office of the Courts an amount not to exceed
41 \$475,000 from moneys initially collected pursuant to this
42 subsection to be used exclusively to establish a collection
43 mechanism and to provide funding to update the Automated Traffic
44 System Fund created pursuant to N.J.S.2B:12-30 to implement the
45 provisions of this subsection.

46 The authority to impose additional fines and penalties under this
47 subsection shall take effect 90 days after the effective date of
48 P.L.2003, c.183 and shall expire five years thereafter. Not later
49 than the 180th day prior to such expiration, the Attorney General

1 shall prepare and submit to the Governor and the Legislature a
2 report on the collection and use of DNA samples under P.L.1994,
3 c.136. The report shall cover the period beginning on that effective
4 date and ending four years thereafter. The report shall indicate
5 separately, for each one-year period during those four years that
6 begins on that effective date or an anniversary thereof, the number
7 of each type of biological sample taken and the total cost of taking
8 that type of sample, and also the number of identifications and
9 exonerations achieved through the use of the samples. In addition,
10 the report shall evaluate the effectiveness, including cost
11 effectiveness, of having the samples available to further police
12 investigations and other forensic purposes.

13 h. Notwithstanding the provisions of subsections a. and b. of this
14 section, \$1 shall be added to the amount of each fine and penalty
15 imposed and collected under authority of any law for any violation
16 of the provisions of Title 39 of the Revised Statutes or any other
17 motor vehicle or traffic violation in this State and shall be
18 forwarded by the person to whom the same are paid to the State
19 Treasurer. The State Treasurer shall annually deposit those moneys
20 so forwarded in the "New Jersey Brain Injury Research Fund"
21 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
22 The Administrative Office of the Courts may retain an amount
23 equal to \$475,000 from the moneys which it initially collects
24 pursuant to this subsection, prior to depositing any moneys in the
25 "New Jersey Brain Injury Research Fund," in order to meet the
26 expenses associated with utilizing the Automated Traffic System
27 Fund created pursuant to N.J.S.2B:12-30 to implement the
28 provisions of this subsection and serve other statutory purposes.

29 i. Notwithstanding the provisions of subsections a. and b. of this
30 section, all fines ²[.] and² penalties ²[. and forfeitures]² imposed
31 and collected under authority of law for any violation related to the
32 unlawful operation or ¹the¹ sale of a vehicle under section 1 of
33 P.L.1955, c.53 (C.39:3-17.1) ¹[as amended,]¹ shall be forwarded
34 by the judge to whom the same have been paid to the ¹[financial
35 officer of the:

36 (1)]¹ State ¹Treasurer¹, if the complaining witness is the chief
37 administrator, a member of his staff, a member of the State Police,
38 an inspector of the Board of Public Utilities, or a law enforcement
39 officer or other official of any other State agency; or

40 ¹[(2) County or municipality, as designated by the governing
41 body of the respective county or municipality, for all violations
42 occurring within their respective jurisdictions], if the complaining
43 witness is not one of the foregoing, one-half to the chief financial
44 officer of the county and one-half to the chief financial officer of
45 the municipality wherein the violation occurred¹.

46 (cf: P.L.2003, c.200, s.10)

47

48 3. This act shall take effect immediately.

S2087 [2R]

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1

2

3

Requires new State residents to register their vehicles in New

4

Jersey.

SENATE, No. 2087

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 26, 2006

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Requires new State residents to register their vehicles in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/19/2006)

1 AN ACT concerning vehicle registration and amending P.L.1955,
2 c.53 and R.S.39:5-41.

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.1955, c.53 (C.39:3-17.1) is amended to read
8 as follows:

9 1. a. Except as provided in section 9 of P.L.1990, c.103
10 (C.39:3-10.17), any person who becomes a resident of this State and
11 who immediately prior thereto was authorized to operate and drive a
12 motor vehicle or motor vehicles in this State as a nonresident
13 pursuant to R.S.39:3-15 and R.S.39:3-17, shall not lose his right to
14 so operate and drive such motor vehicle or motor vehicles by
15 becoming a resident of this State, but such right shall continue to be
16 in full force and effect for 60 days, unless a longer period of
17 reciprocity is otherwise provided by law, after the establishment of
18 his residence in this State in the same manner and to the same
19 extent as though he were a nonresident. The director shall not issue
20 a driver's license to a person who is entitled to operate a motor
21 vehicle in this State under a reciprocity privilege granted by any
22 law.

23 b. Any person who becomes a resident of this State and who
24 immediately prior thereto was authorized to operate and drive a
25 motor vehicle or motor vehicles in this State as a nonresident
26 pursuant to R.S.39:3-15 and R.S.39:3-17, shall register any vehicle
27 operated on the public highways of this State within 60 days of so
28 becoming a resident of New Jersey, pursuant to R.S.39:3-4.

29 c. Any person who violates subsection b. of this section is
30 subject to a fine of not more than \$250 for a first offense and not
31 more than \$500 for a second or subsequent offense.

32 d. Any person who violates subsection b. of this section a third
33 or subsequent time shall have the vehicle impounded by the law
34 enforcing agency for not less than 96 hours. The vehicle shall only
35 be released to the registered owner upon proof of registration and
36 insurance and payment of a all fines and fees pertaining to any
37 violation of subsection b. of this section, plus reasonable towing
38 and storage fees.

39 If the owner of an impounded vehicle fails to claim the
40 impounded vehicle and pay all outstanding penalties and fines by
41 midnight of the 30th day following the day on which the vehicle
42 was impounded, that vehicle may be sold at auction. Notice of the
43 sale shall be given by the impounding entity by certified mail to the
44 owner of the vehicle, if the owner's name and address are known,
45 and by publication in a form prescribed by the chief administrator

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 by one insertion, at least five days before the date of the sale, in one
2 or more newspapers published in this State and circulating in the
3 municipality in which the vehicle is impounded.

4 At any time prior to the sale of an impounded vehicle, the owner
5 or other person entitled to the vehicle may reclaim possession upon
6 showing proof of registration and insurance and paying all
7 outstanding fines, penalties and costs associated with the
8 impoundment, and reasonable towing and storage fees.

9 The owner-lessor of an impounded vehicle shall be entitled to
10 reclaim possession without payment or proof of insurance and the
11 lessee shall be liable for all outstanding fines, penalties and costs
12 associated with the impoundment, towing, and storage of the
13 vehicle.

14 e. Any proceeds obtained from the sale of a vehicle at public
15 auction pursuant to subsection d. of this section in excess of the
16 amount owed to the impounding entity for the reasonable costs of
17 towing and storage and any fines, penalties, or other costs
18 associated with the impoundment of the vehicle shall be returned to
19 the owner of that vehicle, if his name and address are known.

20 (cf: P.L.1993, c.34, s.4)

21

22 2. R.S.39:5-41 is amended to read as follows:

23 39:5-41. a. All fines, penalties and forfeitures imposed and
24 collected under authority of law for any violations of R.S.39:4-63
25 and R.S.39:4-64 shall be forwarded by the judge to whom the same
26 have been paid to the proper financial officer of a county, if the
27 violation occurred within the jurisdiction of that county's central
28 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
29 municipality wherein the violation occurred, to be used by the
30 county or municipality to help finance litter control activities in
31 addition to or supplementing existing litter pickup and removal
32 activities in the municipality.

33 b. Except as otherwise provided by subsection a. of this section,
34 all fines, penalties and forfeitures imposed and collected under
35 authority of law for any violations of the provisions of this Title,
36 other than those violations in which the complaining witness is the
37 **【director】** chief administrator, a member of his staff, a member of
38 the State Police, a member of a county police department and force
39 or a county park police system in a county that has established a
40 central municipal court, an inspector of the Board of Public
41 Utilities, or a law enforcement officer of any other State agency,
42 shall be forwarded by the judge to whom the same have been paid
43 as follows: one-half of the total amount collected to the financial
44 officer, as designated by the local governing body, of the respective
45 municipalities wherein the violations occurred, to be used by the
46 municipality for general municipal use and to defray the cost of
47 operating the municipal court; and one-half of the total amount
48 collected to the proper financial officer of the county wherein they

1 were collected, to be used by the county as a fund for the
2 construction, reconstruction, maintenance and repair of roads and
3 bridges, snow removal, the acquisition and purchase of
4 rights-of-way, and the purchase, replacement and repair of
5 equipment for use on said roads and bridges therein. Up to 25% of
6 the money received by a municipality pursuant to this subsection,
7 but not more than the actual amount budgeted for the municipal
8 court, whichever is less, may be used to upgrade case processing.

9 All fines, penalties and forfeitures imposed and collected under
10 authority of law for any violations of the provisions of this Title, in
11 which the complaining witness is a member of a county police
12 department and force or a county park police system in a county
13 that has established a central municipal court, shall be forwarded by
14 the judge to whom the same have been paid to the financial officer,
15 designated by the governing body of the county, for all violations
16 occurring within the jurisdiction of that court, to be used for general
17 county use and to defray the cost of operating the central municipal
18 court.

19 Whenever any county has deposited moneys collected pursuant
20 to this section in a special trust fund in lieu of expending the same
21 for the purposes authorized by this section, it may withdraw from
22 said special trust fund in any year an amount which is not in excess
23 of the amount expended by the county over the immediately
24 preceding three-year period from general county revenues for said
25 purposes. Such moneys withdrawn from the trust fund shall be
26 accounted for and used as are other general county revenues.

27 c. (Deleted by amendment, P.L.1993, c.293.)

28 d. Notwithstanding the provisions of subsections a. and b. of this
29 section, \$1 shall be added to the amount of each fine and penalty
30 imposed and collected through a court under authority of any law
31 for any violation of the provisions of Title 39 of the Revised
32 Statutes or any other motor vehicle or traffic violation in this State
33 and shall be forwarded by the person to whom the same are paid to
34 the State Treasurer. In addition, upon the forfeiture of bail, \$1 of
35 that forfeiture shall be forwarded to the State Treasurer. The State
36 Treasurer shall annually deposit those moneys so forwarded in the
37 "Body Armor Replacement" fund established pursuant to section 1
38 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year
39 next following the effective date of this act, the State Treasurer
40 annually shall allocate from those moneys so forwarded an amount
41 not to exceed \$400,000 to the Department of Personnel to be
42 expended exclusively for the purposes of funding the operation of
43 the "Law Enforcement Officer Crisis Intervention Services"
44 telephone hotline established and maintained under the provisions
45 of P.L.1998, c.149 (C.11A:2-25 et al.).

46 e. Notwithstanding the provisions of subsections a. and b. of this
47 section, \$1 shall be added to the amount of each fine and penalty
48 imposed and collected through a court under authority of any law

1 for any violation of the provisions of Title 39 of the Revised
2 Statutes or any other motor vehicle or traffic violation in this State
3 and shall be forwarded by the person to whom the same are paid to
4 the State Treasurer. The State Treasurer shall annually deposit
5 those moneys so forwarded in the "New Jersey Spinal Cord
6 Research Fund" established pursuant to section 9 of P.L.1999, c.201
7 (C.52:9E-9). In order to comply with the provisions of Article VIII,
8 Section II, paragraph 5 of the State Constitution, a municipal or
9 county agency which forwards moneys to the State Treasurer
10 pursuant to this subsection may retain an amount equal to 2% of the
11 moneys which it collects pursuant to this subsection as
12 compensation for its administrative costs associated with
13 implementing the provisions of this subsection.

14 f. Notwithstanding the provisions of subsections a. and b. of this
15 section, during the period beginning on the effective date of this act
16 and ending five years thereafter, \$1 shall be added to the amount of
17 each fine and penalty imposed and collected through a court under
18 authority of any law for any violation of the provisions of Title 39
19 of the Revised Statutes or any other motor vehicle or traffic
20 violation in this State and shall be forwarded by the person to whom
21 the same are paid to the State Treasurer. The State Treasurer shall
22 annually deposit those moneys so forwarded in the "Autism
23 Medical Research and Treatment Fund" established pursuant to
24 section 1 of P.L.2003, c.144 (C.30:6D-62.2).

25 g. Notwithstanding the provisions of subsection a. and b. of this
26 section, \$2 shall be added to the amount of each fine and penalty
27 imposed and collected by a court under authority of any law for any
28 violation of the provisions of Title 39 of the Revised Statutes or any
29 other motor vehicle or traffic violation in this State and shall be
30 forwarded by the person to whom the same are paid to the State
31 Treasurer. The State Treasurer shall annually deposit those moneys
32 so forwarded in the "New Jersey Forensic DNA Laboratory Fund"
33 established pursuant to P.L.2003, c.183. Prior to depositing the
34 moneys into the fund, the State Treasurer shall forward to the
35 Administrative Office of the Courts an amount not to exceed
36 \$475,000 from moneys initially collected pursuant to this
37 subsection to be used exclusively to establish a collection
38 mechanism and to provide funding to update the Automated Traffic
39 System Fund created pursuant to N.J.S.2B:12-30 to implement the
40 provisions of this subsection.

41 The authority to impose additional fines and penalties under this
42 subsection shall take effect 90 days after the effective date of
43 P.L.2003, c.183 and shall expire five years thereafter. Not later
44 than the 180th day prior to such expiration, the Attorney General
45 shall prepare and submit to the Governor and the Legislature a
46 report on the collection and use of DNA samples under P.L.1994,
47 c.136. The report shall cover the period beginning on that effective
48 date and ending four years thereafter. The report shall indicate

1 separately, for each one-year period during those four years that
2 begins on that effective date or an anniversary thereof, the number
3 of each type of biological sample taken and the total cost of taking
4 that type of sample, and also the number of identifications and
5 exonerations achieved through the use of the samples. In addition,
6 the report shall evaluate the effectiveness, including cost
7 effectiveness, of having the samples available to further police
8 investigations and other forensic purposes.

9 h. Notwithstanding the provisions of subsections a. and b. of this
10 section, \$1 shall be added to the amount of each fine and penalty
11 imposed and collected under authority of any law for any violation
12 of the provisions of Title 39 of the Revised Statutes or any other
13 motor vehicle or traffic violation in this State and shall be
14 forwarded by the person to whom the same are paid to the State
15 Treasurer. The State Treasurer shall annually deposit those moneys
16 so forwarded in the "New Jersey Brain Injury Research Fund"
17 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
18 The Administrative Office of the Courts may retain an amount
19 equal to \$475,000 from the moneys which it initially collects
20 pursuant to this subsection, prior to depositing any moneys in the
21 "New Jersey Brain Injury Research Fund," in order to meet the
22 expenses associated with utilizing the Automated Traffic System
23 Fund created pursuant to N.J.S.2B:12-30 to implement the
24 provisions of this subsection and serve other statutory purposes.

25 i. Notwithstanding the provisions of subsections a. and b. of this
26 section, all fines, penalties, and forfeitures imposed and collected
27 under authority of law for any violation related to the unlawful
28 operation or sale of a vehicle under section 1 of P.L.1955, c.53
29 (C.39:3-17.1) as amended, shall be forwarded by the judge to whom
30 the same have been paid to the financial officer of the:

31 (1) State, if the complaining witness is the chief administrator, a
32 member of his staff, a member of the State Police, an inspector of
33 the Board of Public Utilities, or a law enforcement officer or other
34 official of any other State agency; or

35 (2) County or municipality, as designated by the governing body
36 of the respective county or municipality, for all violations occurring
37 within their respective jurisdictions.

38 (cf: P.L.2003, c.200, s.10)

39
40 3. This act shall take effect immediately.

41
42
43 STATEMENT

44
45 Current law requires residents of New Jersey and nonresidents
46 whose automobiles or motorcycles are driven in New Jersey to
47 register the vehicles before driving them on the public highways of
48 this State. The law also extends "touring privileges" to

1 nonresidents who have registered their vehicles in their home state,
2 so that a vehicle would not have to be registered in more than one
3 state at a time. In addition, current law specifies that a person who
4 was authorized to drive in this State as a nonresident prior to
5 moving to New Jersey retains this right for 60 days after
6 establishing New Jersey residency. These provisions have been
7 interpreted by the New Jersey Motor Vehicle Commission to imply
8 that a new New Jersey resident must register any vehicles he
9 intends to drive on public highways within 60 days of becoming a
10 resident.

11 This bill would expressly require new New Jersey residents to
12 register their vehicles within 60 days of becoming a resident of this
13 State. Violations would be punishable by a fine up to \$250 for a
14 first offense and up to \$500 for a second or subsequent offense. In
15 addition, the vehicle would be impounded for a minimum of 96
16 hours for third or subsequent offenses. The bill would allow
17 impounded vehicles which are not claimed by their owners to be
18 sold at auction, and outlines procedures for such sale. If the
19 identity and address of the owner is known, the proceeds from the
20 sale, less any fines, penalties, towing, storage, and other costs,
21 would be forwarded to the owner.

22 Under the bill, fines, penalties, and forfeitures imposed and
23 collected for violations would be paid to the financial officer of the
24 county or municipality in which the violation occurred, unless the
25 complaining witness is a State law enforcement officer or other
26 State official.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2087

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2007

The Assembly Transportation and Public Works Committee reports favorably with committee amendments Senate Bill No. 2087 (1R).

Current law requires residents of New Jersey and nonresidents whose automobiles or motorcycles are driven in New Jersey to register the vehicles before driving them on the public highways of this State. The law also extends "touring privileges" to nonresidents who have registered their vehicles in their home state, so that a vehicle would not have to be registered in more than one state at a time. In addition, current law specifies that a person who was authorized to drive in this State as a nonresident prior to moving to New Jersey retains this right for 60 days after establishing New Jersey residency. These provisions have been interpreted by the New Jersey Motor Vehicle Commission to imply that a new New Jersey resident must register any vehicles he intends to drive on public highways within 60 days of becoming a resident.

As reported, this amended bill would expressly require new New Jersey residents to register their vehicles within 60 days of becoming a resident of this State. Violations would be punishable by a fine up to \$250 for a first offense and up to \$500 for a second or subsequent offense. In addition, the vehicle would be impounded for a minimum of 96 hours for third or subsequent offenses. The bill would allow impounded vehicles that are not claimed by their owners to be sold at auction, and outlines procedures for such sale. If the identity and address of the owner are known, the proceeds from the sale, less any towing, storage, and other costs, would be forwarded to the owner.

Under the bill, one-half of the fines and penalties imposed and collected for violations would be paid to the chief financial officer of the county and one-half to the chief financial officer of the municipality in which the violation occurred, unless the complaining witness is a State law enforcement officer or other State official in which case the monies would be paid to the State Treasurer.

As reported, Senate Bill No. 2087 (1R) as amended is identical to Assembly Bill No. 3372 which was amended and released by the committee today.

COMMITTEE AMENDMENTS

The committee adopted amendments clarifying that the ability to obtain release of an impounded vehicle is separate from the payment of court fines and fees associated with adjudication.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2087

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Senate Transportation Committee favorably reports Senate Bill No. 2087 with committee amendments.

Current law requires residents of New Jersey and nonresidents whose automobiles or motorcycles are driven in New Jersey to register the vehicles before driving them on the public highways of this State. The law also extends “touring privileges” to nonresidents who have registered their vehicles in their home state, so that a vehicle would not have to be registered in more than one state at a time. In addition, current law specifies that a person who was authorized to drive in this State as a nonresident prior to moving to New Jersey retains this right for 60 days after establishing New Jersey residency. These provisions have been interpreted by the New Jersey Motor Vehicle Commission to imply that a new New Jersey resident must register any vehicles he intends to drive on public highways within 60 days of becoming a resident.

This amended bill would expressly require new New Jersey residents to register their vehicles within 60 days of becoming a resident of this State. Violations would be punishable by a fine up to \$250 for a first offense and up to \$500 for a second or subsequent offense. In addition, the vehicle would be impounded for a minimum of 96 hours for third or subsequent offenses. The bill would allow impounded vehicles that are not claimed by their owners to be sold at auction, and outlines procedures for such sale. If the identity and address of the owner is known, the proceeds from the sale, less any fines, penalties, towing, storage, and other costs, would be forwarded to the owner.

Under the bill, one-half of the fines, penalties, and forfeitures imposed and collected for violations would be paid to the chief financial officer of the county and one-half to the chief financial officer of the municipality in which the violation occurred, unless the complaining witness is a State law enforcement officer or other State official in which case the monies would be paid to the State Treasurer.

The committee adopted amendments making technical changes to the text of the bill, clarifying the disposition of violation monies, and requiring that the lienholder, if the lienholder's name and address are known, is to be notified of an impending sale of an impounded vehicle.

ASSEMBLY, No. 3372

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 26, 2006

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Requires new State residents to register their vehicles in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2006)

1 AN ACT concerning vehicle registration and amending P.L.1955,
2 c.53 and R.S.39:5-41.

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.1955, c.53 (C.39:3-17.1) is amended to read
8 as follows:

9 1. a. Except as provided in section 9 of P.L.1990, c.103
10 (C.39:3-10.17), any person who becomes a resident of this State and
11 who immediately prior thereto was authorized to operate and drive a
12 motor vehicle or motor vehicles in this State as a nonresident
13 pursuant to R.S.39:3-15 and R.S.39:3-17, shall not lose his right to
14 so operate and drive such motor vehicle or motor vehicles by
15 becoming a resident of this State, but such right shall continue to be
16 in full force and effect for 60 days, unless a longer period of
17 reciprocity is otherwise provided by law, after the establishment of
18 his residence in this State in the same manner and to the same
19 extent as though he were a nonresident. The director shall not issue
20 a driver's license to a person who is entitled to operate a motor
21 vehicle in this State under a reciprocity privilege granted by any
22 law.

23 b. Any person who becomes a resident of this State and who
24 immediately prior thereto was authorized to operate and drive a
25 motor vehicle or motor vehicles in this State as a nonresident
26 pursuant to R.S.39:3-15 and R.S.39:3-17, shall register any vehicle
27 operated on the public highways of this State within 60 days of so
28 becoming a resident of New Jersey, pursuant to R.S.39:3-4.

29 c. Any person who violates subsection b. of this section is
30 subject to a fine of not more than \$250 for a first offense and not
31 more than \$500 for a second or subsequent offense.

32 d. Any person who violates subsection b. of this section a third
33 or subsequent time shall have the vehicle impounded by the law
34 enforcing agency for not less than 96 hours. The vehicle shall only
35 be released to the registered owner upon proof of registration and
36 insurance and payment of a all fines and fees pertaining to any
37 violation of subsection b. of this section, plus reasonable towing
38 and storage fees.

39 If the owner of an impounded vehicle fails to claim the
40 impounded vehicle and pay all outstanding penalties and fines by
41 midnight of the 30th day following the day on which the vehicle
42 was impounded, that vehicle may be sold at auction. Notice of the
43 sale shall be given by the impounding entity by certified mail to the
44 owner of the vehicle, if the owner's name and address are known,
45 and by publication in a form prescribed by the chief administrator

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 by one insertion, at least five days before the date of the sale, in one
2 or more newspapers published in this State and circulating in the
3 municipality in which the vehicle is impounded.

4 At any time prior to the sale of an impounded vehicle, the owner
5 or other person entitled to the vehicle may reclaim possession upon
6 showing proof of registration and insurance and paying all
7 outstanding fines, penalties and costs associated with the
8 impoundment, and reasonable towing and storage fees.

9 The owner-lessor of an impounded vehicle shall be entitled to
10 reclaim possession without payment or proof of insurance and the
11 lessee shall be liable for all outstanding fines, penalties and costs
12 associated with the impoundment, towing, and storage of the
13 vehicle.

14 e. Any proceeds obtained from the sale of a vehicle at public
15 auction pursuant to subsection d. of this section in excess of the
16 amount owed to the impounding entity for the reasonable costs of
17 towing and storage and any fines, penalties, or other costs
18 associated with the impoundment of the vehicle shall be returned to
19 the owner of that vehicle, if his name and address are known.

20 (cf: P.L.1993, c.34, s.4)

21

22 2. R.S.39:5-41 is amended to read as follows:

23 39:5-41. a. All fines, penalties and forfeitures imposed and
24 collected under authority of law for any violations of R.S.39:4-63
25 and R.S.39:4-64 shall be forwarded by the judge to whom the same
26 have been paid to the proper financial officer of a county, if the
27 violation occurred within the jurisdiction of that county's central
28 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
29 municipality wherein the violation occurred, to be used by the
30 county or municipality to help finance litter control activities in
31 addition to or supplementing existing litter pickup and removal
32 activities in the municipality.

33 b. Except as otherwise provided by subsection a. of this section,
34 all fines, penalties and forfeitures imposed and collected under
35 authority of law for any violations of the provisions of this Title,
36 other than those violations in which the complaining witness is the
37 **[director]** chief administrator, a member of his staff, a member of
38 the State Police, a member of a county police department and force
39 or a county park police system in a county that has established a
40 central municipal court, an inspector of the Board of Public
41 Utilities, or a law enforcement officer of any other State agency,
42 shall be forwarded by the judge to whom the same have been paid
43 as follows: one-half of the total amount collected to the financial
44 officer, as designated by the local governing body, of the respective
45 municipalities wherein the violations occurred, to be used by the
46 municipality for general municipal use and to defray the cost of
47 operating the municipal court; and one-half of the total amount
48 collected to the proper financial officer of the county wherein they

1 were collected, to be used by the county as a fund for the
2 construction, reconstruction, maintenance and repair of roads and
3 bridges, snow removal, the acquisition and purchase of
4 rights-of-way, and the purchase, replacement and repair of
5 equipment for use on said roads and bridges therein. Up to 25% of
6 the money received by a municipality pursuant to this subsection,
7 but not more than the actual amount budgeted for the municipal
8 court, whichever is less, may be used to upgrade case processing.

9 All fines, penalties and forfeitures imposed and collected under
10 authority of law for any violations of the provisions of this Title, in
11 which the complaining witness is a member of a county police
12 department and force or a county park police system in a county
13 that has established a central municipal court, shall be forwarded by
14 the judge to whom the same have been paid to the financial officer,
15 designated by the governing body of the county, for all violations
16 occurring within the jurisdiction of that court, to be used for general
17 county use and to defray the cost of operating the central municipal
18 court.

19 Whenever any county has deposited moneys collected pursuant
20 to this section in a special trust fund in lieu of expending the same
21 for the purposes authorized by this section, it may withdraw from
22 said special trust fund in any year an amount which is not in excess
23 of the amount expended by the county over the immediately
24 preceding three-year period from general county revenues for said
25 purposes. Such moneys withdrawn from the trust fund shall be
26 accounted for and used as are other general county revenues.

27 c. (Deleted by amendment, P.L.1993, c.293.)

28 d. Notwithstanding the provisions of subsections a. and b. of this
29 section, \$1 shall be added to the amount of each fine and penalty
30 imposed and collected through a court under authority of any law
31 for any violation of the provisions of Title 39 of the Revised
32 Statutes or any other motor vehicle or traffic violation in this State
33 and shall be forwarded by the person to whom the same are paid to
34 the State Treasurer. In addition, upon the forfeiture of bail, \$1 of
35 that forfeiture shall be forwarded to the State Treasurer. The State
36 Treasurer shall annually deposit those moneys so forwarded in the
37 "Body Armor Replacement" fund established pursuant to section 1
38 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year
39 next following the effective date of this act, the State Treasurer
40 annually shall allocate from those moneys so forwarded an amount
41 not to exceed \$400,000 to the Department of Personnel to be
42 expended exclusively for the purposes of funding the operation of
43 the "Law Enforcement Officer Crisis Intervention Services"
44 telephone hotline established and maintained under the provisions
45 of P.L.1998, c.149 (C.11A:2-25 et al.).

46 e. Notwithstanding the provisions of subsections a. and b. of this
47 section, \$1 shall be added to the amount of each fine and penalty
48 imposed and collected through a court under authority of any law

1 for any violation of the provisions of Title 39 of the Revised
2 Statutes or any other motor vehicle or traffic violation in this State
3 and shall be forwarded by the person to whom the same are paid to
4 the State Treasurer. The State Treasurer shall annually deposit
5 those moneys so forwarded in the "New Jersey Spinal Cord
6 Research Fund" established pursuant to section 9 of P.L.1999, c.201
7 (C.52:9E-9). In order to comply with the provisions of Article VIII,
8 Section II, paragraph 5 of the State Constitution, a municipal or
9 county agency which forwards moneys to the State Treasurer
10 pursuant to this subsection may retain an amount equal to 2% of the
11 moneys which it collects pursuant to this subsection as
12 compensation for its administrative costs associated with
13 implementing the provisions of this subsection.

14 f. Notwithstanding the provisions of subsections a. and b. of this
15 section, during the period beginning on the effective date of this act
16 and ending five years thereafter, \$1 shall be added to the amount of
17 each fine and penalty imposed and collected through a court under
18 authority of any law for any violation of the provisions of Title 39
19 of the Revised Statutes or any other motor vehicle or traffic
20 violation in this State and shall be forwarded by the person to whom
21 the same are paid to the State Treasurer. The State Treasurer shall
22 annually deposit those moneys so forwarded in the "Autism
23 Medical Research and Treatment Fund" established pursuant to
24 section 1 of P.L.2003, c.144 (C.30:6D-62.2).

25 g. Notwithstanding the provisions of subsection a. and b. of this
26 section, \$2 shall be added to the amount of each fine and penalty
27 imposed and collected by a court under authority of any law for any
28 violation of the provisions of Title 39 of the Revised Statutes or any
29 other motor vehicle or traffic violation in this State and shall be
30 forwarded by the person to whom the same are paid to the State
31 Treasurer. The State Treasurer shall annually deposit those moneys
32 so forwarded in the "New Jersey Forensic DNA Laboratory Fund"
33 established pursuant to P.L.2003, c.183. Prior to depositing the
34 moneys into the fund, the State Treasurer shall forward to the
35 Administrative Office of the Courts an amount not to exceed
36 \$475,000 from moneys initially collected pursuant to this
37 subsection to be used exclusively to establish a collection
38 mechanism and to provide funding to update the Automated Traffic
39 System Fund created pursuant to N.J.S.2B:12-30 to implement the
40 provisions of this subsection.

41 The authority to impose additional fines and penalties under this
42 subsection shall take effect 90 days after the effective date of
43 P.L.2003, c.183 and shall expire five years thereafter. Not later
44 than the 180th day prior to such expiration, the Attorney General
45 shall prepare and submit to the Governor and the Legislature a
46 report on the collection and use of DNA samples under P.L.1994,
47 c.136. The report shall cover the period beginning on that effective
48 date and ending four years thereafter. The report shall indicate

1 separately, for each one-year period during those four years that
2 begins on that effective date or an anniversary thereof, the number
3 of each type of biological sample taken and the total cost of taking
4 that type of sample, and also the number of identifications and
5 exonerations achieved through the use of the samples. In addition,
6 the report shall evaluate the effectiveness, including cost
7 effectiveness, of having the samples available to further police
8 investigations and other forensic purposes.

9 h. Notwithstanding the provisions of subsections a. and b. of this
10 section, \$1 shall be added to the amount of each fine and penalty
11 imposed and collected under authority of any law for any violation
12 of the provisions of Title 39 of the Revised Statutes or any other
13 motor vehicle or traffic violation in this State and shall be
14 forwarded by the person to whom the same are paid to the State
15 Treasurer. The State Treasurer shall annually deposit those moneys
16 so forwarded in the "New Jersey Brain Injury Research Fund"
17 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
18 The Administrative Office of the Courts may retain an amount
19 equal to \$475,000 from the moneys which it initially collects
20 pursuant to this subsection, prior to depositing any moneys in the
21 "New Jersey Brain Injury Research Fund," in order to meet the
22 expenses associated with utilizing the Automated Traffic System
23 Fund created pursuant to N.J.S.2B:12-30 to implement the
24 provisions of this subsection and serve other statutory purposes.

25 i. Notwithstanding the provisions of subsections a. and b. of this
26 section, all fines, penalties, and forfeitures imposed and collected
27 under authority of law for any violation related to the unlawful
28 operation or sale of a vehicle under section 1 of P.L.1955, c.53
29 (C.39:3-17.1) as amended, shall be forwarded by the judge to whom
30 the same have been paid to the financial officer of the:

31 (1) State, if the complaining witness is the chief administrator, a
32 member of his staff, a member of the State Police, an inspector of
33 the Board of Public Utilities, or a law enforcement officer or other
34 official of any other State agency; or

35 (2) County or municipality, as designated by the governing body
36 of the respective county or municipality, for all violations occurring
37 within their respective jurisdictions.

38 (cf: P.L.2003, c.200, s.10)

39
40 3. This act shall take effect immediately.

41
42
43 STATEMENT

44
45 Current law requires residents of New Jersey and nonresidents
46 whose automobiles or motorcycles are driven in New Jersey to
47 register the vehicles before driving them on the public highways of
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A3372 FISHER, STACK

7

1 nonresidents who have registered their vehicles in their home state,
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4 was authorized to drive in this State as a nonresident prior to
5 moving to New Jersey retains this right for 60 days after
6 establishing New Jersey residency. These provisions have been
7 interpreted by the New Jersey Motor Vehicle Commission to imply
8 that a new New Jersey resident must register any vehicles he
9 intends to drive on public highways within 60 days of becoming a
10 resident.

11 This bill would expressly require new New Jersey residents to
12 register their vehicles within 60 days of becoming a resident of this
13 State. Violations would be punishable by a fine up to \$250 for a
14 first offense and up to \$500 for a second or subsequent offense. In
15 addition, the vehicle would be impounded for a minimum of 96
16 hours for third or subsequent offenses. The bill would allow
17 impounded vehicles which are not claimed by their owners to be
18 sold at auction, and outlines procedures for such sale. If the
19 identity and address of the owner is known, the proceeds from the
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25 complaining witness is a State law enforcement officer or other
26 State official.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3372

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2007

The Assembly Transportation and Public Works Committee reports favorably and with committee amendments Assembly Bill No. 3372.

Current law requires residents of New Jersey and nonresidents whose automobiles or motorcycles are driven in New Jersey to register the vehicles before driving them on the public highways of this State. The law also extends "touring privileges" to nonresidents who have registered their vehicles in their home state, so that a vehicle would not have to be registered in more than one state at a time. In addition, current law specifies that a person who was authorized to drive in this State as a nonresident prior to moving to New Jersey retains this right for 60 days after establishing New Jersey residency. These provisions have been interpreted by the New Jersey Motor Vehicle Commission to imply that a new New Jersey resident must register any vehicles he intends to drive on public highways within 60 days of becoming a resident.

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COMMITTEE AMENDMENTS

The committee adopted amendments clarifying that the ability to obtain release of an impounded vehicle is separate from the payment of court fines and fees associated with adjudication, clarifying the disposition of violation monies, requiring that the lienholder, if the lienholder's name and address are known, is to be notified of an impending sale of an impounded vehicle, and making technical changes to the text of the bill.