

39:4-203.1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2007 **CHAPTER:** 283
NJSA: 39:4-203.1 (Authorizes payment options for certain motor vehicle fines and fees)
BILL NO: S2332 (Substituted for A3526)

SPONSOR(S): Turner and others

DATE INTRODUCED: November 13, 2006

COMMITTEE: **ASSEMBLY:**
SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008
SENATE: December 11, 2006

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint enacted)

S2332

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3526

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 6/9/08

P.L. 2007, CHAPTER 283, *approved January 13, 2008*
Senate, No. 2332 (*First Reprint*)

1 AN ACT concerning payment options for certain motor vehicle fines
2 and fees and amending P.L.1981, c.365 and P.L.1975, c.180.

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.1981, c.365 (C.39:4-203.1) is amended to
8 read as follows:

9 1. Any defendant convicted of a traffic offense pursuant to
10 Title 39 of the Revised Statutes or a parking offense, shall, upon a
11 satisfactory showing of a condition of indigency or participation in
12 a government-based income maintenance program, be permitted by
13 the court to pay the fine in installments. The court shall set the
14 amount and frequency of each installment~~],~~ except that the final
15 installment shall be due no later than 12 months from the date of
16 conviction]. In addition, the court may ¹ [, upon a satisfactory
17 showing that a defendant is indigent or participates in a government
18 based income maintenance program, suspend or vacate up to one
19 half of the unpaid portion of any fine assessed by the court or any
20 statutorily assessed surcharge, except for the surcharge assessed
21 pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-
22 97.2)] waive an unpaid portion, up to \$200, of any court-imposed
23 time-payment order, as a result of a conviction for a motor vehicle
24 traffic violation or a parking offense, except for a violation of
25 R.S.39:4-50 or section 2 of P.L.1981, c.512, (C.39:4-50.4a), for a
26 defendant who is indigent or is participating in a government-based
27 income maintenance program and who has demonstrated an
28 inability to comply with the time-payment order¹, and in lieu of the
29 ¹[suspended or vacated unpaid portion of fines or surcharges]
30 remaining unpaid amount¹, require the defendant to perform
31 community service for a period of time to be determined by the
32 court ¹, ¹ or participate in any program authorized by law, or satisfy
33 any other aspect of a sentence imposed. ¹For the purposes of this
34 section, the guideline for the court to determine indigency is an
35 income up to 250 percent of the poverty level, as defined in section
36 4 of P.L.2005, c.156 (C.30:4J-11).¹

37 (cf: P.L.1999, c.397, s.2)

38
39 2. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to
40 read as follows:

41 23. The **[**Director of Motor Vehicles**]** chief administrator shall
42 charge a fee of \$100 for the restoration of any license which has

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 November 27, 2006.

1 been suspended or revoked by reason of the licensee's violation of
2 any law or regulation and for the restoration of vehicle registrations
3 that have been suspended pursuant to any law. '[Notwithstanding
4 any law to the contrary, the chief administrator, upon a satisfactory
5 showing of indigency or participation in a government based
6 income maintenance program, may either waive the restoration fee
7 or permit the restoration fee to be paid in installments.]' The
8 **[director]** chief administrator may promulgate such regulations
9 hereunder as he may deem necessary.

10 (cf: P.L.2002, c.34, s.14)

11

12 3. This act shall take effect on the first day of the sixth month
13 after enactment.

14

15

16

17

18 Authorizes payment options for certain motor vehicle fines and
19 fees.

SENATE, No. 2332

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED NOVEMBER 13, 2006

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Authorizes payment options for certain motor vehicle fines and fees.

CURRENT VERSION OF TEXT

As introduced.



S2332 TURNER

2

1 AN ACT concerning payment options for certain motor vehicle fines
2 and fees and amending P.L.1981, c.365 and P.L.1975, c.180.

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.1981, c.365 (C.39:4-203.1) is amended to
8 read as follows:

9 1. Any defendant convicted of a traffic offense pursuant to
10 Title 39 of the Revised Statutes or a parking offense, shall, upon a
11 satisfactory showing of a condition of indigency or participation in
12 a government-based income maintenance program, be permitted by
13 the court to pay the fine in installments. The court shall set the
14 amount and frequency of each installment[, except that the final
15 installment shall be due no later than 12 months from the date of
16 conviction]. In addition, the court may, upon a satisfactory
17 showing that a defendant is indigent or participates in a government
18 based income maintenance program, suspend or vacate up to one
19 half of the unpaid portion of any fine assessed by the court or any
20 statutorily assessed surcharge, except for the surcharge assessed
21 pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-
22 97.2), and in lieu of the suspended or vacated unpaid portion of
23 finest or surcharges, require the defendant to perform community
24 service for a period of time to be determined by the court or
25 participate in any program authorized by law, or satisfy any other
26 aspect of a sentence imposed.

27 (cf: P.L.1999, c.397, s.2)

28

29 2. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to
30 read as follows:

31 23. The **[Director of Motor Vehicles]** chief administrator shall
32 charge a fee of \$100 for the restoration of any license which has
33 been suspended or revoked by reason of the licensee's violation of
34 any law or regulation and for the restoration of vehicle registrations
35 that have been suspended pursuant to any law. Notwithstanding
36 any law to the contrary, the chief administrator, upon a satisfactory
37 showing of indigency or participation in a government based
38 income maintenance program, may either waive the restoration fee
39 or permit the restoration fee to be paid in installments. The
40 **[director]** chief administrator may promulgate such regulations
41 hereunder as he may deem necessary.

42 (cf: P.L.2002, c.34, s.14)

43

44 3. This act shall take effect on the first day of the sixth month
45 after enactment.

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

STATEMENT

This bill would provide indigents and participants in a government based income maintenance program with options for paying motor vehicle court fines and license and motor vehicle registration restoration fees.

Under the provisions of this bill, for a defendant who is indigent or who participates in a government based income maintenance program, the court would have the option to suspend or vacate up to one half of the unpaid portion of any traffic fine (other than for dangerously unsafe driving) and instead require community service in lieu of payment. Similarly, the commission would be authorized to waive or create a payment plan for the license restoration fee or motor vehicle registration restoration fee for an individual who demonstrates that he is indigent or participates in a government based income maintenance program.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2332

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Transportation Committee favorably reports Senate Bill No. 2332 with committee amendments.

This amended bill would permit the court to waive certain unpaid portions of court-imposed time payment orders for certain defendants and impose other requirements in lieu of the remaining unpaid amount. Specifically, for a defendant who is indigent or is participating in a government-based income maintenance program, the court may waive an unpaid portion, up to \$200, of any court-imposed time-payment order, as a result of a conviction for a motor vehicle traffic violation or a parking offense and, in lieu of the remaining unpaid amount, require the defendant to perform community service for a period of time to be determined by the court, or participate in any program authorized by law, or satisfy any other aspect of a sentence imposed. For the purpose of determining indigency to waive the unpaid portion, the guideline for the court is an income up to 250 percent of the federal poverty level. The amended bill excludes persons convicted of driving while intoxicated or refusing to take a breathalyzer test from being eligible for the waiver.

The committee amended the bill to eliminate a provision giving the court the option to suspend or vacate up to one half of the unpaid portion of fines and surcharges (other than for unsafe driving) imposed on a low-income defendant, and to authorize instead the waiver of up to \$200 of the remaining unpaid amount. The committee also excluded persons convicted of driving while intoxicated and refusing the breathalyzer test from the bill and established 250 percent of the federal poverty level income as a guideline for indigency. Finally, the committee deleted language which would have permitted the chief administrator to waive the \$100 license restoration fee or permit it to be paid in installments.

ASSEMBLY, No. 3526

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED OCTOBER 19, 2006

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

SYNOPSIS

Authorizes payment options for certain motor vehicle fines and fees.

CURRENT VERSION OF TEXT

As introduced.



A3526 WISNIEWSKI, QUIGLEY

2

1 AN ACT concerning payment options for certain motor vehicle fines
2 and fees and amending P.L.1981, c.365 and P.L.1975, c.180.

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.1981, c.365 (C.39:4-203.1) is amended to
8 read as follows:

9 1. Any defendant convicted of a traffic offense pursuant to
10 Title 39 of the Revised Statutes or a parking offense, shall, upon a
11 satisfactory showing of a condition of indigency or participation in
12 a government-based income maintenance program, be permitted by
13 the court to pay the fine in installments. The court shall set the
14 amount and frequency of each installment[, except that the final
15 installment shall be due no later than 12 months from the date of
16 conviction]. In addition, the court may, upon a satisfactory showing
17 that a defendant is indigent or participates in a government based
18 income maintenance program, suspend or vacate up to one half of
19 the unpaid portion of any fine assessed by the court or any
20 statutorily assessed surcharge, except for the surcharge assessed
21 pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-
22 97.2), and in lieu of the suspended or vacated unpaid portion of
23 finest or surcharges, require the defendant to perform community
24 service for a period of time to be determined by the court or
25 participate in any program authorized by law, or satisfy any other
26 aspect of a sentence imposed.

27 (cf: P.L.1999, c.397, s.2)

28

29 2. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to
30 read as follows:

31 23. The **[Director of Motor Vehicles]** chief administrator shall
32 charge a fee of \$100 for the restoration of any license which has
33 been suspended or revoked by reason of the licensee's violation of
34 any law or regulation and for the restoration of vehicle registrations
35 that have been suspended pursuant to any law. Notwithstanding
36 any law to the contrary, the chief administrator, upon a satisfactory
37 showing of indigency or participation in a government based
38 income maintenance program, may either waive the restoration fee
39 or permit the restoration fee to be paid in installments. The
40 **[director]** chief administrator may promulgate such regulations
41 hereunder as he may deem necessary.

42 (cf: P.L.2002, c.34, s.14)

43

44 3. This act shall take effect on the first day of the sixth month
45 after enactment.

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 STATEMENT

2

3 This bill would provide indigents and participants in a
4 government based income maintenance program with options for
5 paying motor vehicle court fines and license and motor vehicle
6 registration restoration fees.

7 Under the provisions of this bill, for a defendant who is indigent
8 or who participates in a government based income maintenance
9 program, the court would have the option to suspend, or vacate up
10 to one half of the unpaid portion of any traffic fine (other than for
11 dangerously unsafe driving) and instead require community service
12 in lieu of payment. Similarly, the commission would be authorized
13 to waive or create a payment plan for the license restoration fee or
14 motor vehicle registration restoration fee for an individual who
15 demonstrates that he is indigent or participates in a government
16 based income maintenance program.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3526

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2006

The Assembly Transportation and Public Works Committee reports favorably and with amendments Assembly Bill No. 3526.

As reported, this amended bill would permit the court to waive certain unpaid portions of court-imposed time payment orders for certain defendants and impose other requirements in lieu of the remaining unpaid amount. Specifically, for a defendant who is indigent or is participating in a government-based income maintenance program, the court may waive an unpaid portion, up to \$200, of any court-imposed time-payment order, as a result of a conviction for a motor vehicle traffic violation or a parking offense and, in lieu of the remaining unpaid amount, require the defendant to perform community service for a period of time to be determined by the court, or participate in any program authorized by law, or satisfy any other aspect of a sentence imposed. For the purpose of determining indigency, the guideline for the court is an income up to 250 percent of the federal poverty level. The amended bill excludes persons convicted of driving while intoxicated or refusing to take a breathalyzer test from being eligible for the waiver.

COMMITTEE AMENDMENTS

The committee amended the bill to eliminate a provision giving the court the option to suspend or vacate up to one half of the unpaid portion of fines and surcharges (other than for unsafe driving) imposed on a low-income defendant, and to authorize instead the waiver of up to \$200 of the remaining unpaid amount. The committee also excluded persons convicted of driving while intoxicated and refusing the breathalyzer test from the bill and established 250 percent of the federal poverty level income as a guideline for indigency. Finally, the committee deleted language which would have permitted the chief administrator to waive the \$100 license restoration fee or permit it to be paid in installments.

As released by the committee, this amended bill is identical to S-2322.