

39:6 - 65, 66, 67

March 16, 1970

LEGISLATIVE HISTORY OF R.S. 39:6-65, 66, 67
(UCJ; notice of accident and intention to file claim)

For legislative history of original act and earlier amendments see legislative histories of R.S. 39:6-61 et seq; 39:6-62 thru 85, and 39:6-65 (b).

- L. 1963, Chapter 81 - A690 - R.S. 39:6-65
Technical amendments to various statutes.
Not amended during passage.
The statement reads:

COPY NO. 1

This bill is intended to correct certain typographical and similar errors found in the statutes. Its enactment is recommended by the Law Revision and Legislative Services Commission for that purpose.

- L. 1968, Chapter 323 - A669 - R.S. 39:6-67
Amended during passage (the amendment does not affect this section).
No statement.

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January 24, 1975

LEGISLATIVE HISTORY OF R.S. 39:3-40
(1968 amendment only)

(Driving when license refused, suspended, revoked or prohibited;
motor vehicle license revoked, punishment)

COPY NO. 4

L. 1968, c. 323, §10- A669

Parker - Committee on Banking and Insurance

April 22 - Introduced

May 6 - Reported, 2nd reading

May 27 - Passed in Assembly

June 3 - Received in Senate, Banking & Insurance Committee

June 17 - Senate committee amendments (enclosed),
reported, 2nd reading.

June 20 - Passed Senate, amended

June 24 - Senate amendment passed in Assembly

October 9 - Approved

No statement.

Hearings and reports:

974.90	<u>Public hearing before Senate Banking and Insurance</u>
A939	<u>Committee and Assembly Banking and Insurance</u>
1968	<u>Committee on Assembly Bill no 111 and Senate</u>
	<u>Bill no. 481 (Unsatisfied Claim & Judgment</u>
	<u>Fund Law). March 4, 1968.</u>

A111 is very similar to A669. There is no statement on A111, or
S481. There was a public hearing on A111 and S481 (L. 1968, c. 385)
(see above).

V.F. - N.J. - Automobiles--Drivers
Automobiles--Licenses

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ASSEMBLY, No. 669

STATE OF NEW JERSEY

INTRODUCED APRIL 22, 1968

By Assemblymen PARKER, FONTANELLA, MABIE, HURLEY,
THOMAS, WILSON, VOLK, BROWN, PFALTZ, W. L. SMITH
and VREELAND

Referred to Committee on Banking and Insurance

AN Act to amend the "Unsatisfied Claim and Judgment Fund
Law," approved May 10, 1952 (P. L. 1952 c. 174), and amending
sections 39:3-4, 39:3-37 and 39:3-40, and supplementing Title 39,
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of the act of which this act is amendatory (C.
2 39:6-62) is amended to read as follows:

3 2. Definitions. As used in this act:

4 "Director" means the Director of the Division of Motor Vehicles
5 in the Department of Law and Public Safety.

6 "Manager" means the official designated by the director to
7 administer to and be in charge of the Unsatisfied Claim and Judg-
8 ment Fund and who shall be responsible to the Unsatisfied Claim
9 and Judgment Fund Board.

10 "Treasurer" means the State Treasurer of New Jersey acting
11 as the custodian of the Unsatisfied Claim and Judgment Fund.

12 "Commissioner" means the Commissioner of Banking and
13 Insurance.

14 "Unsatisfied Claim and Judgment Fund" or "Fund" means the
15 fund derived from the sources specified in this act.

16 "Unsatisfied Claim and Judgment Fund Fee" means the addi-
17 tional fee to be collected under this act as a contribution to the fund
18 from the owner of a motor vehicle upon the registration thereof in
19 this State.

20 "Unsatisfied Claim and Judgment Fund Board" or "board"
21 means the board created in section 4 of this act.

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

22 "Qualified person" means a resident of this State or the owner
 23 of a motor vehicle registered in this State or a resident of another
 24 State, territory, or Federal district of the United States or Prov-
 25 ince of the Dominion of Canada or foreign country, in which re-
 26 course is afforded, to residents of this State, of substantially similar
 27 character to that provided for by this act.

28 "Uninsured motor vehicle" means a motor vehicle as to which
 29 there is not in force a liability policy meeting the requirements of
 30 sections 3, 24, 25, or 26 of the Motor Vehicle Security-Responsibility
 31 Law of this State, established pursuant to the provisions of chapter
 32 173 of the laws of 1952, as amended and supplemented, and which is
 33 not owned by a holder of a certificate of self-insurance under said
 34 law.

35 "Person" includes natural persons, firms, copartnerships, asso-
 36 ciations and corporations.

37 "Insurer" means any insurer authorized in this State to write
 38 the kinds of insurance specified in paragraphs d and e, section
 39 17:17-1 of the Revised Statutes.

40 "Net direct written premiums" means direct gross premiums
 41 written on policies, insuring against legal liability for bodily injury
 42 or death and for damage to property arising out of the ownership,
 43 operation or maintenance of motor vehicles, which are principally
 44 garaged in this State, less return premiums thereon and dividends
 45 paid to policy holders on such direct business.

46 "Registration license year" means the period beginning June
 47 1, 1956, and ending May 31, 1957, and each subsequent 12 month
 48 period, beginning June 1 and ending the following May 31.

1 2. Section 3 of the act of which this act is amendatory (C.
 2 39:6-63) is amended to read as follows:

3 3. For the purpose of creating *and maintaining* the fund:

4 (a) **【**Every person registering an uninsured motor vehicle in this
 5 State for the yearly period commencing April 1, 1954, shall pay at
 6 the time of registering the same, in addition to any other fee pre-
 7 scribed by any other law, a fee of \$3.00;**】** (*Deleted by amendment.*)

8 (b) **【**Every person registering any other motor vehicle in this
 9 State for the yearly period commencing April 1, 1954, shall pay at
 10 the time of registering the same, in addition to any other fee pre-
 11 scribed by any other law, a fee of \$1.00;**】** (*Deleted by amendment.*)

12 (c) **【**On or before March 31, 1955, each insurer shall pay to the
 13 treasurer a sum equal to $\frac{1}{2}$ of 1% of its net direct written premiums
 14 for the calendar year 1953 as shown in its annual statement filed
 15 with the commissioner;**】** (*Deleted by amendment.*)

16 (d) On December 30 in each year, beginning with 1956, the

17 director shall calculate the probable amount which will be needed to
18 carry out the provisions of this act during the ensuing registration
19 license year. In such calculation, he shall take into consideration
20 the amount presently reserved for pending claims, anticipated pay-
21 ments from the fund during said year, anticipated amounts to be
22 reserved for claims pending during said year, and the desirability of
23 maintaining a surplus over and above such anticipated payments
24 and present and anticipated reserves, such surplus not to exceed
25 the amount actually paid from the fund during the 12 full calendar
26 months immediately preceding the date of calculation. If, in his
27 judgment, the estimated balance of the fund at the beginning of the
28 next registration license year will be insufficient to meet such needs,
29 he shall:

30 (1) Determine the amount to be fixed as the Unsatisfied Claim
31 and Judgment Fund fee for such registration license year. Such
32 fee shall in no case exceed ~~[\$25.00]~~ \$50.00 and shall be paid by each
33 person registering an uninsured motor vehicle during such ensuing
34 year at the time of registration in addition to any other fee pre-
35 scribed by any other law.

36 (2) If the estimated total amount of Unsatisfied Claim and Judgment
37 Fund fees to be collected during the ensuing registration
38 license year shall be insufficient, in the judgment of the director, to
39 provide the estimated amount needed to carry out the provisions of
40 this act during the said ensuing registration license year, he shall
41 assess this estimated deficiency against insurers for such year's
42 contribution to the fund. Such deficiency shall be apportioned
43 among such insurers in the proportion that the net direct written
44 premiums of each bears to the aggregate net direct written pre-
45 miums of all insurers during the preceding calendar year as shown
46 by the records of the commissioner. Such aggregate assessment,
47 however, shall in no event exceed ~~1/2 of~~ 1% of the aggregate net
48 direct written premiums for such preceding calendar year. Each
49 insurer shall pay the sum so assessed to the treasurer on or before
50 March 31, next following.

51 (e) Whenever any of the provisions of this act concerning the
52 method and sources of assessments, the maximum amounts payable
53 from the fund, eligibility or qualifications of claimants, or amounts
54 to be deducted from payments made from the fund are amended
55 by law, between January 1 and April 30 in any year, the director
56 may, if he deems it necessary, rescind any assessment made on
57 December 30 of the preceding year. He shall then, within 15 days
58 of the adoption of such amendment, recalculate the probable
59 amount which will be needed to carry out the provisions of this act

60 during the ensuing registration license year, in accordance with
61 the provisions of subsection (d) of this section. If, in his judgment,
62 the estimated balance of the fund at the beginning of the next reg-
63 istration license year will be insufficient to meet such needs, he shall
64 determine the Unsatisfied Claim and Judgment Fund fee and the
65 contributions of insurers, if any, in accordance with the provisions
66 of subsection (d) of this section. In the event of a rescission and
67 reassessment subsequent to March 1 in any year, insurers shall pay
68 the sum so assessed, if any, to the treasurer within 90 days of the
69 date of such assessment.

1 3. Every insurance company and selfinsurer or broker, agent
2 or authorized representative of either thereof insuring any vehicle
3 shall file a verification of motor vehicle liability insurance on a
4 form provided by the director which shall include the name of the
5 insured, the policy number, the effective date and termination date
6 of the policy and such other information prescribed by the director.

1 4. Section 7 of the act of which this act is amendatory (C.
2 39:6-67) is amended to read as follows:

3 7. Defense of actions against motorists. The insurer to whom
4 any action has been assigned may through counsel enter an appear-
5 ance on behalf of the defendant, file a defense, appear at the trial
6 or take such other steps as it may deem appropriate on the behalf
7 and in the name of the defendant, and may thereupon, on the behalf
8 and in the name of the defendant, conduct his defense, take recourse
9 to any appropriate method of review on behalf of, and in the
10 name of, the defendant, and all such acts shall be deemed to be the
11 acts of such defendant; provided, however, that nothing contained
12 herein shall deprive defendant of the right to also employ his
13 own counsel and defend the action. All expense incurred by such
14 insurer in connection with any review prosecuted or defended by
15 it from a judgment rendered in such action, shall be borne by the
16 fund, and its attorneys' fees in connection therewith, *unless agreed*
17 *to between the board and the attorney*, shall be subject to approval
18 by the court.

1 5. Section 12 of the act of which this act is amendatory (C.
2 39:6-72) is amended to read as follows:

3 12. (a) In any action against an operator or owner of a motor
4 vehicle for injury to or death of any person or for damage to prop-
5 erty arising out of the ownership, maintenance or use of said
6 vehicle in this State on or after April 1, 1955, pending in any court
7 of competent jurisdiction in this State, the plaintiff may upon notice
8 to the board file a verified petition with the court alleging

9 (1) The matters set forth in subparagraphs (a), (b), (c), (d),
10 (e) and (f) of section 10;

11 (2) That the petition is not presented on behalf of an insurer
12 under circumstances set forth in subparagraph (1) of section 10;

13 (3) That he has entered into an agreement with the defendant
14 to settle all claims set forth in the complaint in said action and the
15 amount proposed to be paid to him pursuant thereto;

16 (4) **That** said proposed settlement has been consented to by the
17 board; **that the said proposed settlement has been entered into**
18 *with and by the consent of the County, county district, or Superior*
19 *Court and approved by the manager of the fund;*

20 (5) That the defendant has executed and delivered to the board
21 a verified statement of his financial condition;

22 (6) That a judgment against the defendant would be uncol-
23 lectible;

24 (7) That the defendant has undertaken in writing to repay to
25 the treasurer the sum that he would be required to pay under such
26 settlement, **if approved by the court,** and has executed a con-
27 fession of judgment in connection therewith.

28 If the court be satisfied of the truth of the allegations in said
29 petition and of the fairness of such proposed settlement, it may
30 enter an order approving the same and directing the treasurer,
31 upon receipt of the undertaking and confession of judgment men-
32 tioned in subparagraph (7) of this section, to make payment to the
33 plaintiff of the amount agreed to be accepted.

34 (b) An insurer to whom a claim has been assigned may settle
35 any claim involving the payment of less than **[\$2,500.00** with the
36 approval of the director and any other one member of the board,
37 or any claim involving a payment between **\$2,500.00 and \$5,000.00]**
38 *\$5,000.00 with the approval of the manager of the fund or any claim*
39 *involving payment of \$5,000.00 or more* with the approval of the
40 board, without court approval, is satisfied

41 (1) That the claimant is not a person of the character described
42 in subparagraphs (a), (b), (c), (d), (e) and (f) of section 10;

43 (2) That the settlement is not made on the behalf of an insurer
44 under circumstances set forth in subparagraph (c) of section
45 10; and

46 (3) That a judgment against the owner or operator of the motor
47 vehicle involved in the accident would be uncollectible, and that
48 such owner or operator has consented to such settlement, executed
49 and delivered to the board a verified statement of his financial
50 condition and undertaken in writing to repay to the treasurer the
51 sum to be paid under the settlement, and executed a confession of

52 judgment in connection therewith. Any settlement so made shall
 53 be certified by the board to the treasurer, who shall, upon receipt
 54 of said undertaking to repay and confession of judgment, make
 55 the required payment to claimant out of the fund.

1 6. Section 17 of the act of which this act is amendatory
 2 (C. 39:6-77) is amended to read as follows:

3 17. Assignment of judgments to director. The treasurer shall
 4 not pay any sum from the fund, in compliance with an order made
 5 for that purpose, in any case in which the claim is founded upon
 6 a judgment, except a judgment obtained against the director under
 7 this act, until the applicant assigns the judgment to the director
 8 and, thereupon, the director shall be deemed to have all the rights
 9 of the judgment creditor under the judgment and shall [be en-
 10 titled to] enforce *and collect* the same for the full amount thereof
 11 with interest and costs and if more money is collected upon any
 12 such judgment than the amount paid out of the fund, the director
 13 shall pay the balance, after reimbursing the fund, to the judgment
 14 creditor. *Upon assignment of a judgment to the director the board*
 15 *may, on behalf of the director, enter into agreement with the*
 16 *defendant for reimbursement of the fund by lump sum or install-*
 17 *ment payments, including waiver of interest and subordination of*
 18 *the lien of the judgment where the same is determined to be ad-*
 19 *vantageous in obtaining reimbursement of payments made by the*
 20 *fund. Any such agreement may be annexed to an application for a*
 21 *court order made pursuant to section 27(b).*

1 7. Section 25 of the act of which this act is amendatory
 2 (C. 39:6-85) is amended to read as follows:

3 25. Subrogation. When judgment has been obtained against the
 4 director in an action brought under this act, the director shall,
 5 upon payment from the fund of the amount of the judgment to
 6 the extent provided in this act, be subrogated to the cause of
 7 action of the judgment creditor against the operator and owner
 8 of the motor vehicle by which the accident was occasioned and
 9 shall [be entitled to] bring an action against either or both of
 10 such persons for the amount of the damage sustained by the judg-
 11 ment creditor when and in the event that the identity of either
 12 or both of such persons shall be established, and shall [be entitled]
 13 recover the same out of any funds which would be payable in
 14 respect to the death or injury under any policy of insurance, which
 15 was in force, at the time of the accident and in event that more
 16 is recovered and collected in any such action than the amount
 17 paid out of the fund by reason of the judgment, the treasurer shall
 18 pay the balance, after reimbursing the fund, to the judgment
 19 creditor.

1 8. Section 27 of the act of which this act is amendatory
2 (C. 39:6-87) is amended to read as follows:

3 27. Registration, et cetera, not restored until fund is reimbursed.
4 Where the license or privileges of any person, or the registration
5 of a motor vehicle registered in his name, has been suspended
6 or cancelled under the Motor Vehicle Security-Responsibility Law
7 of this State, and the treasurer has paid from the fund any
8 amount in settlement of a claim or towards satisfaction of a judg-
9 ment against that person, the cancellation or suspension shall not
10 be removed, nor the license, privileges, or registration, restored,
11 nor shall any new license or privilege be issued or granted to,
12 or registration be permitted to be made by, that person until he
12A has

13 (a) Repaid in full to the treasurer the amount so paid by him
14 together with interest thereon at **[(4)] 6%** per annum from the
15 date of such payment; and

16 (b) Satisfied all requirements of said Motor Vehicle Security-
17 Responsibility Law in respect of giving proof of ability to respond
18 in damages for future accidents, provided, that the court in which
19 such judgment was rendered may, upon 10 days' notice to the
20 board, make an order permitting payment of the amount of such
21 person's indebtedness to the fund, to be made in installments, and
22 in such case, such person's driver's license, or his driving privi-
23 lege, or registration certificate, if the same have been suspended
24 or revoked, or have expired, may be restored or renewed and
25 shall remain in effect unless and until such person defaults in
26 making any installment payment specified in such order. In the
27 event of any such default, the director shall upon notice of such
28 default suspend such person's driver's license, or driving privi-
29 leges or registration certificate until the amount of his indebted-
30 ness to the fund has been paid in full.

31 A discharge in bankruptcy shall not relieve a person from the
32 penalties and disabilities provided in this act.

1 9. Section 39:3-4 of the Revised Statutes is amended to read
2 as follows:

3 39:3-4. Except as hereinafter provided, every resident of this
4 State and every nonresident whose automobile or motorcycle shall
5 be driven in this State shall before using such vehicles on the
6 public highways, register the same, and no automobile or motor-
7 cycle shall be driven unless so registered.

8 Such registration shall be made in the following manner: An
9 application in writing, signed by the applicant or by an agent or
10 officer in case the applicant is a corporation, shall be made to

11 the director or his lawful agent, on forms prepared and supplied
12 by the director, containing the name, address, [and] age and
13 *Social Security number* of the owner, together with a description
14 [of the character] of the automobile or motorcycle, including the
15 name of the maker and the manufacturer's number or the motor
16 number, or both, *the name of the registrant's motor vehicle lia-*
17 *bility insurance carrier if the motor vehicle is insured and the*
18 *liability insurance policy number*, and any other statement that
19 may be required by the director. Thereupon the director shall
20 have the power to grant a registration certificate to the owner
21 of any motor vehicle, if over 17 years of age, application for the
22 registration having been properly made and the fee therefor paid,
23 and the vehicle being of a type that complies with the requirements
24 of this subtitle. The form and contents of the registration cer-
25 tificate to be issued shall be prescribed by the director. The direc-
26 tor shall maintain a record of all registration certificates issued,
27 and of the contents thereof.

28 Every registration shall expire and the certificate thereof be-
29 come void on the last day of the twelfth calendar month following
30 the calendar month in which the certificate was issued; provided,
31 however, that the director may, at his discretion and for good
32 cause shown, require registrations which shall expire, and issue
33 certificates thereof which shall become void, on a date fixed by
34 him, which date shall not be sooner than 3 months nor later than
35 16 months after the date of issuance of such certificates, and the
36 fees for such registrations shall be fixed by the director in amounts
37 proportionately less or greater than the fees established in this
38 Title.

39 The director shall issue registration certificates for the follow-
40 ing registration period, on and after the first day of the calendar
41 month immediately preceding the commencement of such registra-
42 tion period, such registration certificates to be effective immediately.

43 Application forms for all renewals of registrations for passenger
44 automobiles shall be mailed by the director from the central office
45 of the division to the last addresses of owners of motor vehicles
46 and motorcycles, as they appear on the records of the division.

47 No person owning or having control over any unregistered motor
48 vehicle shall permit the same to be parked or to stand on a public
49 highway.

50 Any motor vehicle inspector or police officer is authorized to
51 remove any such unregistered vehicle from the public highway to
52 a storage space or garage, the expense involved in such removal

53 and storing of said motor vehicle to be borne by the owner of such
54 vehicle.

55 Any person violating the provisions of this section shall be sub-
56 ject to a fine not exceeding \$100.00, except that for the misstate-
57 ment of any fact in the application required to be made by the
58 director, the person making such statement shall be subject to the
59 penalties provided in section 39:3-37 of this Title.

60 **【Nothing in this section shall be construed to alter or extend**
61 **the expiration date of any registration certificate issued prior to**
62 **March 1, 1956.】**

1 9. Section 39:3-37 of the Revised Statutes is amended to read
2 as follows:

3 39:3-37. A person who gives fictitious name or address or makes
4 any other misstatement of fact in his application for registration
5 of a motor vehicle or driver's license or in a preliminary applica-
6 tion, examination or proceeding shall be subject to a fine of not
7 less than **【\$200.00 nor more than \$500.00】** *\$500.00*, or imprison-
8 ment for not more than 1 year or both, at the discretion of the
9 court. The **【commissioner】** *director* shall, upon proper evidence
10 *not limited to a conviction in court*, of the misstatement or ficti-
11 tious name or address, revoke the registration of the motor vehicle
12 or driver's license as the case may be *for a period of not less than*
13 *2 years*.

1 10. Section 39:3-40 of the Revised Statutes is amended to read
2 as follows:

3 39:3-40. No person to whom a driver's license has been refused
4 or whose driver's license or reciprocity privilege has been sus-
5 pended or revoked, or who has been prohibited from obtaining
6 a driver's license, shall personally operate a motor vehicle during
7 the period of refusal, suspension, revocation, or prohibition.

8 No person whose motor vehicle registration has been revoked
9 shall operate or permit the operation of such motor vehicle during
10 the period of such revocation.

11 A person violating any provision of this section shall be fined
12 not less than \$200.00 nor more than \$1,000.00, or be imprisoned
13 in the county jail for not more than 6 months, or both *provided,*
14 *that if while operating a vehicle in violation of this section, such*
15 *person is involved in an accident resulting in personal injury, the*
16 *punishment shall include imprisonment for not less than 45 days.*

1 11. This act shall take effect on the thirtieth day next following
2 the enactment thereof.

SENATE COMMITTEE AMENDMENT TO
ASSEMBLY, No. 669

STATE OF NEW JERSEY

ADOPTED JUNE 17, 1968

Amend pages 7-9, section 9, lines 1-62, omit entire section.