

39:3-10a et al

LEGISLATIVE HISTORY CHECKLIST

(Motor Vehicles--fees-increased)

NJSA 39:3-10a et al

LAWS 1982

CHAPTER 53

Bill No. A1554

Sponsor(s) Gormley

Date Introduced May 24, 1982

Committee: Assembly

Senate

Amended during passage

XYesX

No

Date of Passage: Assembly June 17, 1982

Senate June 24, 1982

Date of approval June 30, 1982

Following statements are attached if available:

Sponsor statement

Yes

XNoX

(Below)

Committee Statement: Assembly

XYesX

No

Senate

XYesX

No

Fiscal Note

XYesX

No

Veto Message

XYesX

No

Message on signing

XYesX

No

yes

Following were printed:

Reports

XYesX

No

Hearings

XYesX

No

Sponsor's statement:

This bill increases various fees charged by the Division of Motor Vehicles.

6/22/81

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CHAPTER 53 LAWS OF N. J. 1982
APPROVED 6-30-82

ASSEMBLY, No. 1554

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1982

By Assemblyman GORMLEY

AN ACT concerning fees administered by the Division of Motor Vehicles and revising parts of the statutory law.

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

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

3 23. The Director of Motor Vehicles may charge a fee of **[\$20.00]**
4 *\$30.00* for the restoration of any license which has been suspended
5 or revoked by reason of the licensee's violation of any of the
6 provisions of Title 39 or any regulation adopted pursuant thereto.
7 The director may promulgate such regulations hereunder as he
8 may deem necessary.

1 2. R. S. 39:4-50 is amended to read as follows:

2 39:4-50. (a) A person who operates a motor vehicle while under
3 the influence of intoxicating liquor, narcotic, hallucinogenic or
4 habit-producing drug, or permits another person who is under the
5 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
6 producing drug to operate a motor vehicle owned by him or in his
7 custody or control, shall be subject, for the first offense, to a fine
8 of not less than \$250.00 nor more than \$400.00 or imprisonment for
9 a term of not more than 30 days or both, in the discretion of the
10 court, and shall forthwith forfeit his right to operate a motor
11 vehicle over the highways of this State for a period of not less
12 than 6 months nor more than 1 year. Except as hereinafter pro-
13 vided, for a second violation, he shall be subject to a fine of not less
14 than \$500.00 nor more than \$1,000.00, and shall be ordered by the

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

Matter printed in italics thus is new matter.

15 court to perform community service for a period of 30 days, which
16 shall be of such form and on such terms as the court shall deem
17 appropriate under the circumstances or may be sentenced to
18 imprisonment for a term of not more than 90 days, and shall forfeit
19 his right to operate a motor vehicle over the highways of this
20 State for a period of 2 years upon conviction, and, after the
21 expiration of said period, he may make application to the Director
22 of the Division of Motor Vehicles for a license to operate a motor
23 vehicle, which application may be granted at the discretion of the
24 director, consistent with subsection b. of this section. Except as
25 hereinafter provided, for a third or subsequent violation, he shall
26 be subject to a fine of \$1,000.00, and shall be sentenced to imprison-
27 ment for a term of not less than 180 days, except that the court may
28 lower such term for each day, not exceeding 90 days, served per-
29 forming community service in such form and on such terms as the
30 court shall deem appropriate under the circumstances and shall
31 thereafter forfeit his right to operate a motor vehicle over the
32 highways of this State for 10 years. If the driving privilege of any
33 person is under revocation or suspension for a violation of any
34 provision of this Title at the time of any conviction for a violation
35 of this section, the revocation or suspension period imposed shall
36 commence as of the date of termination of the existing revocation
37 or suspension period. A court that imposes a term of imprisonment
38 under this section may sentence the person so convicted to the
39 county jail, to the workhouse of the county wherein the offense was
40 committed, or to an in-patient rehabilitation program approved by
41 the Director of the Division of Motor Vehicles.

42 A person who has been convicted of a previous violation of this
43 section need not be charged as a second or subsequent offender in
44 the complaint made against him in order to render him liable to
45 the punishment imposed by this section on a second or subsequent
46 offender, but if the second offense occurs more than 10 years after
47 the first offense the court shall treat the second conviction as a first
48 offense for sentencing purposes and if a third offense occurs more
49 than 10 years after the second offense, the court shall treat the
50 third conviction as a second offense for sentencing purposes.

51 (b) In addition to any other requirements provided by law, a
52 person convicted under this section must satisfy the requirements
53 of a program of alcohol education or rehabilitation approved by
54 the Director of the Division of Motor Vehicles. Failure to satisfy
55 such requirements shall result in a driver license revocation or
56 suspension or continuation of revocation or suspension until such
57 requirements are satisfied, unless stayed by court order in accord-

58. ance with Rule 7:8-2 of the N. J. Court Rules, 1969, or R. S.
59. 39:5-22. A fee, not to exceed ~~[\$30.00]~~ \$40.00, shall be payable to
60. the director from every person required to satisfy the requirements
61. of a program of alcohol education or rehabilitation under the
62. provisions of this section.

63. (c) Upon conviction of a violation of this section, the court shall
64. collect forthwith the New Jersey drivers' license or licenses of the
65. person so convicted and forward such license or licenses to the
66. Director of the Division of Motor Vehicles. In the event that a
67. person convicted under this section is the holder of any out-of-
68. state driver's license, the court shall not collect the license but shall
69. notify forthwith the director who shall, in turn, notify appropriate
70. officials in the licensing jurisdiction. The court shall, however,
71. revoke the nonresident's driving privilege to operate a motor
72. vehicle in this State in accordance with this section.

73. (d) The Director of the Division of Motor Vehicles shall pro-
74. mulgate administrative rules and regulations in order to effectuate
75. the purposes of this act.

1. 3. R. S. 39:7-3 is amended to read as follows:

2. 39:7-3. Service of process upon the director shall be made by
3. leaving the original and a copy of the summons and two copies of
4. the complaint, with a fee of ~~[\$5.00]~~ \$10.00 in the hands of the
5. director, or someone designated by him in his office, or, in the
6. following actions, by serving the same, as follows: (a) if the action
7. is commenced in ~~[the County Court of]~~ any county other than
8. Mercer county, then the sheriff or other authorized person, or
9. (b) if the action is commenced in the county district court of
10. any county other than Mercer county, then the clerk of the court
11. may serve the director by mailing such papers to him by registered
12. mail, with the said fee. Such service shall be sufficient service upon
13. the nonresident chauffeur, operator or owner, if

14. a. Notice of such service and a copy of the summons with a copy
15. of the complaint are forthwith sent by registered mail to the
16. defendant by the director, or someone designated by him in his
17. office; and

18. b. Defendant's return receipt and the affidavit of the director,
19. or such person in his office acting for him, of the compliance
20. herewith, including a statement of the date of such mailing and of
21. the receipt of the return card, are appended to the original of the
22. summons and the other copy of the complaint and filed in the office
23. of the clerk of the court wherein the action may be pending; or

24. c. Notice of such service with a copy thereof and the original
25. and a copy of the summons and two copies of the complaint are

26 forthwith sent by registered mail by the director, or the person
27 in his office acting for him, to the sheriff or other process server
28 in the jurisdiction in which the defendant resides, with directions
29 that such sheriff or process server, or someone acting for such
30 sheriff or process server, shall serve the same upon the defendant
31 in the same manner that service is legally effected in that juris-
32 diction, and the return of such sheriff or process server, or the
33 person acting for such sheriff or process server in such jurisdiction,
34 shall be appended to or endorsed upon the original summons and a
35 copy of the complaint and returned to the director, and thereafter
36 filed in the office of the clerk of the court wherein the action may
37 be pending in this State; or

38 d. Notice of such service and a copy of the summons and com-
39 plaint may be served on the defendant personally by any official
40 or private individual wherever such service may be made, and,
41 upon service being so made, an affidavit shall be made by the person
42 effecting such service, showing the person served and the time and
43 place of such service, which affidavit shall be appended to the
44 original summons and one copy of the complaint and returned to
45 the director, and be thereafter filed in the office of the clerk of the
46 court wherein the action may be pending in this State; or

47 e. Notice of such service and a copy of the summons and com-
48 plaint may be served on the defendant in any other manner that
49 the court in which the cause is pending shall deem sufficient and
50 expedient.

51 If, by direction of plaintiff, notice of service is given as provided
52 by paragraph "c." of this section, plaintiff shall, in addition to the
53 fee of ~~[\$5.00]~~ \$10.00 required by the first paragraph of this section,
54 deposit with the director sufficient money to effectuate the same.

55 Upon giving notice to the defendant of the service of process as
56 required by this chapter where service of process is made upon the
57 director, he shall file with the clerk of the court his certificate of
58 the notice given.

59 If notice of service is given as provided by paragraph "d." of
60 this section, plaintiff shall pay the cost thereof.

1 4. Section 8 of P. L. 1975, c. 156 (C. 39:8-16) is amended to read
2 as follows:

3 8. An application or renewal for a reinspection center license
4 shall be in such form and shall contain such information as the
5 director may prescribe, and shall be accompanied annually by a
6 nonrefundable ~~[\$10.00]~~ \$15.00 fee which shall be remitted to the
7 General Treasury. The director shall require a licensee to have
8 in effect at all times liability insurance or such other proof of

9 financial responsibility as he may prescribe, and may require such
10 other qualifications of a licensee and his premises as are necessary.

1 5. Section 9 of P. L. 1975, c. 156 (C. 39:8-17) is amended to read
2 as follows:

3 9. The director shall provide each licensee as many numbered
4 reinspection approval stickers as may be required, and may charge
5 the licensee ~~[\$0.50]~~ \$1.00 for each sticker. If a sticker expires
6 prior to its use, the ~~[\$0.50]~~ \$1.00 fee already paid shall be applied
7 toward the future purchase of stickers, and shall not be refunded.
8 Every licensee shall keep such records of reinspections and ap-
9 proval stickers issued as the director may prescribe, shall make
10 such records available to the director upon demand, shall institute
11 such safeguards to secure said stickers from theft, loss or fraudu-
12 lent use as the director may prescribe, and shall upon request
13 account to the director for all said stickers.

1 6. R. S. 39:10-11 is amended to read as follows:

2 39:10-11. A. The purchaser of a motor vehicle in this State, other
3 than a dealer licensed pursuant to the provisions of R. S. 39:10-19
4 shall within 10 working days after its purchase, submit to the
5 director evidence of the purchase. Upon presentation to the director
6 of the certificate of origin, or certificate of ownership, or bill of
7 sale issued prior to October 1, 1946, with proper assignment and
8 certification of the seller, a record of the transaction shall be made
9 and filed. A certificate of ownership shall be issued by the director
10 and delivered to the buyer, in case of a sale not subject to a security
11 interest, and the director shall collect a fee of ~~[\$4.00]~~ \$5.00 for the
12 issuance and filing thereof.

13 B. In the case of a sale subject to a security interest, a certificate
14 of ownership, with the name and address of the holder of the
15 encumbrance or secured party or his assignee recorded thereon,
16 shall be delivered to the holder of the encumbrance or secured party
17 or his assignee and a copy thereof shall be delivered to the buyer.
18 The director shall collect a fee of ~~[\$4.00]~~ \$7.00 for his services in
19 issuing a certificate and copy thereof, and for making a record of
20 and filing the record of the transaction pursuant to this subsection.

21 C. Except as hereinafter in this section otherwise expressly
22 provided, whenever a security interest is created in a motor vehicle,
23 other than a security interest which is required to be noted on the
24 certificate of origin or the certificate of ownership as provided in
25 R. S. 39:10-8 and R. S. 39:10-9, there shall be filed with the director,
26 the certificate of ownership of the motor vehicle, together with a
27 financing statement on a form prescribed by the director. The
28 director shall make and file a record of the transaction and shall

29 issue a certificate of ownership recording the name and address of
30 the secured party or his assignee thereon, and shall deliver it to
31 the secured party or his assignee. A copy of the certificate of
32 ownership so issued shall be delivered to the buyer. The director
33 shall collect a fee of \$4.00 for his services in issuing a certificate
34 and copy thereof and for making a record of and filing the record
35 of the transaction pursuant to this subsection.

36 D. The financing statement required to be filed pursuant to sub-
37 section C. hereof shall be signed only by the buyer, shall not be
38 required to be acknowledged or proved, and shall show, in addition
39 to such matters as the director may require for the proper identi-
40 fication of the motor vehicle affected, the date of the security
41 agreement, and the names and addresses of the parties thereto.
42 Nothing in this section 39:10-11 contained shall be construed as
43 requiring that the security agreement or a copy thereof, or any
44 proof of execution thereof other than that contained in the financing
45 statement, shall be presented to the director. When the buyer is a
46 corporation, it shall be sufficient if the financing statement is signed
47 by any officer thereof, or by any agent designated by the corpora-
48 tion for that purpose, and it shall not be necessary that the financing
49 statement recite the authorization of the agent. When there is
50 more than one buyer, it shall be sufficient if the financing statement
51 is signed by any one of them.

52 E. Nothing in subsections C. and D. of this section shall apply
53 to security interests in motor vehicles which constitute inventory
54 held for sale, but such interests shall be subject to chapter 9 of
55 Title 12A of the New Jersey Statutes, nor shall anything in the
56 said subsections apply to interests in personal property subject to
57 chapter 28 of Title 46 of the Revised Statutes.

58 F. In addition to the fees elsewhere in this section provided
59 for, there shall be paid to the director a fee of ~~[\$1.00]~~ \$2.00 for
60 notice of satisfaction of the lien or encumbrance of the record or
61 abstract, or of the termination of the security interest where the
62 motor vehicle is subject to a lien or encumbrance or a security
63 interest as provided in R. S. 39:10-14.

64 G. Notwithstanding any other provision of this chapter, when
65 any dealer licensed under the provisions of R. S. 39:10-19 is the
66 purchaser of a motor vehicle in this State, he may, within 10
67 working days after its purchase, submit to the director the evidence
68 of purchase. Upon presentation of the certificate of ownership
69 with proper assignment and certification of the seller to the director,
70 a record of the transaction shall be made and filed. A certificate
71 of ownership shall be issued by the director and delivered to such

72 purchaser and the director shall collect a fee of \$2.00 for the issuing
73 and filing thereof.

74 If a dealer does not submit the evidence of purchase, upon resale
75 of the motor vehicle he shall execute and attach to the certificate
76 of ownership a dealer reassignment certificate. The director shall
77 issue dealer reassignment certificates in lots upon payment **[or]** of
78 a fee of \$2.00 for each certificate.

79 H. Any purchaser of a motor vehicle who fails to comply with
80 the provisions of this section shall pay to the director a penalty
81 of **[\$10.00]** \$15.00 plus the issuing and filing fee.

82 I. The failure of any person to comply with the requirements of
83 this section shall not constitute a misdemeanor within the provi-
84 sions of R. S. 39:10-24, nor shall such failure affect the validity of
85 any instrument creating or reserving a security interest in a motor
86 vehicle, as between the parties to such instrument.

87 J. The notation of the name and business or residence address
88 of a secured party or his assignee, on the certificate of origin or on
89 the certificate of ownership, as provided in R. S. 39:10-8 and
90 R. S. 39:10-9, and the presentation to the director in accordance
91 with R. S. 39:10-11, of the certificate of origin or certificate of
92 ownership so noted, and the compliance with the requirements of
93 subsections C. and D. of R. S. 39:10-11, shall be in lieu of all filing
94 requirements imposed by chapter 9 of Title 12A of the New Jersey
95 Statutes and shall constitute the perfection of a security interest
96 in the motor vehicle, and the rights and remedies of the debtors
97 and the secured parties in respect to such security interest shall,
98 except as otherwise expressly provided in this chapter, be subject to
99 and governed by chapter 9 of Title 12A of the New Jersey Statutes.

1 7. R. S. 39:10-14 is amended to read as follows:

2 39:10-14. A. The director shall, on the record or abstract of
3 every motor vehicle registered with him, which is subject to a
4 security interest of which notice is required to be filed with him,
5 make a notation of the existence of such security interest and shall
6 index the same under the name of the owner of record of the vehicle
7 so long as the security interest remains untermiated of record.

8 B. Upon request from any person, the director shall issue a
9 certificate showing names and addresses of the parties to any
10 contract of conditional sale or chattel mortgage or other instru-
11 ment, or to any financing statement, the name and address of
12 the holder of the lien or liens under such contract, chattel mort-
13 gage or other instrument or of the secured party, the date thereof
14 or of the financing statement, the date of filing, the make, model,
15 identification number or numbers of the motor vehicle, and, if the

16 condition in the contract of conditional sale, or chattel mortgage
17 has been performed or the security interest has been terminated,
18 a statement to that effect, for which he shall be entitled to a fee
19 of ~~[\$2.00]~~ \$5.00.

20 C. For a full certified copy of any instrument showing a lien
21 on or a security interest in a motor vehicle the director shall be
22 entitled to a fee of ~~[\$5.00]~~ \$10.00 for the certificate plus \$0.50 for
23 each copy of any paper certified.

24 D. When evidence of satisfaction of any contract of conditional
25 sale or chattel mortgage or other instrument, or evidence of the
26 termination of a security interest, as aforesaid, shall be presented
27 to the director, he shall make a notation thereof on the record of
28 the sale of such motor vehicle showing that the condition in the
29 contract of conditional sale or chattel mortgage has been performed
30 or the security interest has been terminated; provided, however,
31 that the evidence of satisfaction of a chattel mortgage on a motor
32 vehicle executed after September 1, 1951 shall be submitted by the
33 county recording officer on a form prescribed by the director, unless
34 the chattel mortgage is one that is not required, under the pro-
35 visions of this section R. S. 39:10-11, to be presented to and
36 recorded by the director.

37 E. The director, his agents, and employees of the Division of
38 Motor Vehicles shall not incur any personal liability in carrying
39 out the provisions of this section or in furnishing any informa-
40 tion provided herein from the records of the Division of Motor
41 Vehicles.

1 8. R. S. 39:10-16 is amended to read as follows:

2 39:10-16. If the title papers or certificate of ownership are
3 defective or improper, or if the motor vehicle was purchased and
4 its sale consummated in another State or country, in accordance
5 with the laws of such State or country regulating the sale of motor
6 vehicles, and not made for the purpose of evading the provisions of
7 this chapter, the bona fide owner of the motor vehicle may apply
8 to the director to correct the defects, or permit the title papers
9 to be received.

10 The director shall, upon such proof as he requires showing
11 that it is just and equitable that the defects be corrected or that
12 the title papers or certificate of ownership be received, with or
13 without hearing, determine the truth and merits of the applica-
14 tion and whether the holder appears to be the bona fide owner
15 of the motor vehicle, and may issue his certificate correcting the
16 defects or permitting the title papers or certificate of ownership
17 to be so recorded and filed. The person submitting the papers

18 shall pay to the director a fee of ~~[\$4.00]~~ \$10.00 for the issuing and
19 filing of the certificate.

20 Before issuing the certificate the director may, in his discretion,
21 require the person to advertise in a newspaper having a general
22 circulation in the county where he resides, for the space of 2 weeks,
23 at least once a week, making three insertions in all, a notice briefly
24 stating that the person has applied to the director to correct defects
25 in the motor vehicle title papers or to receive the title papers out
26 of time, or as the case may be, giving a description of the motor
27 vehicle as provided in ~~[section]~~ R. S. 39:10-8 ~~[of this Title]~~, and
28 that if anyone desires to be heard in opposition thereto he may do
29 so by appearing before the director on a date and at a place named,
30 or communicating with him prior thereto. He shall also serve like
31 notice on local police, State Police and any other person or agency,
32 as prescribed by the director personally or by registered mail.
33 Proofs of the publication and service shall be submitted to the
34 director. The director, his agent or inspector may have the notice
35 advertised or served at the cost and expense of that person.

1 9. Section 1 of P. L. 1972, c. 38 (C. 39:5-30.4) is amended to read
2 as follows:

3 1. Persons attending a Division of Motor Vehicles Driver Im-
4 provement Program shall pay such fee therefor not to exceed
5 ~~[\$30.00]~~ \$40.00, as prescribed in regulations promulgated by the
6 director. The driver's license of any person failing to pay the
7 prescribed fee shall be subject to suspension or revocation.

1 10. This act shall take effect on the first day of the calendar
2 month following enactment.

STATEMENT

This bill increases various fees charged by the Division of Motor
Vehicles.

6/30/82

Bill Signings:

Senate Bill No. 1600w/line item -- which is the appropriations bill.

Assembly Bill No. 1475 -- which amends the "Corporation Business Tax Act" to provide that deduction for depreciation would be uncoupled from federal depreciation allowance based upon the Accelerated Cost Recovery System.

Assembly Bill No. 1551 - which authorizes the sale of certain parcels of real property owned by the State.

Assembly Bill No. 1552 - which increases certain commercial filing fees collected by the Secretary of State.

Assembly Bill No. 1554 -- which increases various fees charged by the Division of Motor Vehicles.

Assembly Bill No. 1556 -- which increases various fees collected by the Department of Labor.

Assembly Bill No. 1662 -- which provides reductions in the Corporation Business Tax Act; net worth tax to be phased out over 4 years, and provisions which require indebtedness to be added back to net worth for certain shareholders to be repealed.