

S1852

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: Yes Budget & Appropri.

(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:

Yes 1/16/2020

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"TV Joyriders Face Tougher Penalties", Trentonian, January 23, 2020

Rwh/cl

P.L. 2019, CHAPTER 505, *approved January 21, 2020*
Assembly, No. 5511 (*Second Reprint*)

1 AN ACT concerning snowmobiles ¹, dirt bikes,¹ and all-terrain
2 vehicles ¹~~and~~ ²~~and~~ ¹ and² supplementing P.L.1973, c.307
3 (C.39:3C-1 et seq.) ²~~and amending N.J.S.2C:64-1~~¹².

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

7
8 1. ¹(New section)¹ a. ¹~~A~~ ²~~Except as provided in~~
9 subsections e. and f. of this section, a¹ ²A ² snowmobile ¹~~or~~ ¹
10 all-terrain vehicle ¹, or dirt bike¹ operated on any public street,
11 highway, or right-of-way in violation of section 17 of P.L.1973,
12 c.307 (C.39:3C-17) shall be impounded by the law enforcing
13 agency and subject to a fee and costs as hereinafter provided:

14 (1) For a first offense, the snowmobile ¹~~or~~ ¹ all-terrain
15 vehicle ¹, or dirt bike¹ shall be impounded for not less than ¹~~48~~
16 hours] seven days¹ and shall be released to the registered owner
17 upon proof of registration and insurance and payment of a fee of
18 \$500 payable to the municipality, plus reasonable towing and
19 storage costs.

20 (2) For a second or subsequent offense, the snowmobile ¹~~or~~ ¹
21 all-terrain vehicle ¹, or dirt bike¹ shall be impounded for not less
22 than ¹~~96 hours~~ 14 days¹ and shall be released to the registered
23 owner upon proof of registration and insurance and payment of a
24 fee of \$750 payable to the municipality, plus reasonable towing and
25 storage costs.

26 b. If the registered owner ¹of a snowmobile, all-terrain vehicle,
27 or dirt bike impounded pursuant subsection a. of this section¹ fails
28 to claim the impounded snowmobile ¹~~or~~ ¹ all-terrain vehicle ¹, or
29 dirt bike¹ and pay all outstanding fees and costs by midnight of the
30 30th day following the day on which the snowmobile ¹~~or~~ ¹ all-
31 terrain vehicle ¹, or dirt bike¹ was impounded, that snowmobile
32 ¹~~or~~ ¹ all-terrain vehicle ¹, or dirt bike¹ may be sold at ¹public¹
33 auction. Notice of the sale shall be given by the impounding entity
34 by certified mail to the owner of the snowmobile or all-terrain
35 vehicle, if the owner's name and address are known, and to 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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted December 9, 2019.

²Assembly AAP committee amendments adopted December 12, 2019.

1 holder of any security interest filed with the Chief Administrator of
 2 the New Jersey Motor Vehicle Commission, and by publication in a
 3 form prescribed by the **1**~~【director】~~ chief administrator¹ by one
 4 insertion, at least five days before the date of the sale, in one or
 5 more newspapers published in this State and circulating in the
 6 municipality in which the snowmobile **1**~~【or】~~¹, all-terrain vehicle ¹,
 7 or dirt bike¹ is impounded.

8 c. At any time prior to **1**~~【the】~~ a¹ sale pursuant to subsection b.
 9 of this section¹, the owner or other person entitled to the
 10 snowmobile **1**~~【or】~~¹, all-terrain vehicle ¹, or dirt bike¹ may reclaim
 11 possession upon showing proof of registration and insurance and
 12 paying all outstanding fees and costs associated with the
 13 impoundment, and reasonable towing and storage costs.

14 The owner-lessor of **1**~~【an impounded】~~ a¹ snowmobile **1**~~【or】~~¹,
 15 all-terrain vehicle ¹, or dirt bike impounded pursuant to paragraph
 16 (1) or (2) of subsection a. of this section¹ shall be entitled to reclaim
 17 possession without payment and the lessee shall be liable for all
 18 outstanding fees and costs associated with the impoundment,
 19 towing and storage of the snowmobile or all-terrain vehicle.

20 d. Any proceeds obtained from the sale of a snowmobile
 21 **1**~~【or】~~¹, all-terrain vehicle ¹, or dirt bike¹ at public auction pursuant
 22 to subsection b. of this section in excess of the amount owed to the
 23 impounding entity for the reasonable costs of towing and storage
 24 and any fees or other costs associated with the impoundment of the
 25 snowmobile **1**~~【or】~~¹, all-terrain vehicle ¹, or dirt bike¹ shall be
 26 returned to the owner of that snowmobile **1**~~【or】~~¹, all-terrain vehicle
 27 ¹, or dirt bike¹, if **1**~~【his】~~ the owner's¹ name and address are known.
 28 If the owner's name and address are unknown or **1**~~【such】~~ the¹
 29 person or entity cannot be located, the net proceeds shall be
 30 administered in accordance with the "Uniform Unclaimed Property
 31 Act," R.S.46:30B-1 et seq.

32 **2**¹~~【e.~~ A snowmobile, all-terrain vehicle, or dirt bike operated in a
 33 municipality that has enacted an ordinance pursuant to section 4 of
 34 P.L. , c. (C.) (pending before the Legislature as this bill)
 35 designating a snowmobile, all-terrain vehicle, or dirt bike operated
 36 in violation of section 17 of P.L.1973, c.307 (C.39:3C-17) as prima
 37 facie contraband shall be subject to the forfeiture provisions of
 38 chapter 64 of Title 2C of the New Jersey Statutes.

39 f. A municipality may destroy a snowmobile, all-terrain vehicle,
 40 or dirt bike designated as prima facie contraband pursuant to section
 41 4 of P.L. , c. (C.) (pending before the Legislature as this
 42 bill) upon its return to the municipality pursuant to the provision of
 43 N.J.S.2C:64-2. ¹】²

44
 45 2. (New section)¹ A person who operates a snowmobile
 46 **1**~~【or】~~¹, all-terrain vehicle ¹, or dirt bike¹ on any public street,

1 highway or right-of-way in violation of section 17 of P.L.1973,
2 c.307 (C.39:3C-17) shall:

3 a. For a first offense, be ¹【subject to a fine of \$250 and the
4 suspension or postponement of their driving privileges for 30 days.
5 Upon conviction, the court shall forward a report to the New Jersey
6 Motor Vehicle Commission stating the first and last day of the
7 suspension or postponement period imposed by the court under this
8 section. If a person at the time of the imposition of the sentence is
9 less than 17 years of age, the period of license postponement,
10 including a suspension or postponement of the privilege of
11 operating a motorized bicycle, shall commence on the day the
12 sentence is imposed and shall run for a period of 30 days after the
13 person reaches the age of 17 years】 ordered by the court to perform
14 community service for a period of 30 days, which shall be of a form
15 and on terms as the court shall deem appropriate under the
16 circumstances¹.

17 b. For a second offense, be ¹【subject to a fine of \$500 and the
18 suspension or postponement of their driving privileges for six
19 months. Upon conviction, the court shall forward a report to the
20 New Jersey Motor Vehicle Commission stating the first and last day
21 of the suspension or postponement period imposed by the court
22 under this section. If a person at the time of the imposition of the
23 sentence is less than 17 years of age, the period of license
24 postponement, including a suspension or postponement of the
25 privilege of operating a motorized bicycle, shall commence on the
26 day the sentence is imposed and shall run for a period of six months
27 after the person reaches the age of 17 years】 ordered by the court to
28 perform community service for a period of 60 days, which shall be
29 of a form and on terms as the court shall deem appropriate under the
30 circumstances¹.

31 c. For a third or subsequent offense, be ¹【subject to a fine of
32 \$1,000 and the suspension or postponement of their driving
33 privileges for two years. Upon conviction, the court shall forward a
34 report to the New Jersey Motor Vehicle Commission stating the
35 first and last day of the suspension or postponement period imposed
36 by the court under this section. If a person at the time of the
37 imposition of the sentence is less than 17 years of age, the period of
38 license postponement, including a suspension or postponement of
39 the privilege of operating a motorized bicycle, shall commence on
40 the day the sentence is imposed and shall run for a period of two
41 years after the person reaches the age of 17 years】 ordered by the
42 court to perform community service for a period of 90 days, which
43 shall be of a form and on terms as the court shall deem appropriate
44 under the circumstances¹.

45

46 ²【13. (New section) The Legislature finds and declares that:

1 a. Snowmobiles, all-terrain vehicles, and dirt bikes are strictly
2 regulated in this State. In order to protect the public's safety and
3 mitigate detrimental effects of these vehicles on the environment,
4 these vehicles, with limited exceptions, may lawfully only be
5 operated on designated sites.

6 b. State law explicitly restricts the operation of these vehicles
7 on public streets and highways, except for the limited purpose of
8 crossing or paralleling the road in order to get to a designated site.

9 c. State law also requires snowmobiles, all-terrain vehicles, and
10 dirt bikes to be registered and insured, and requires passengers to
11 wear protective helmets.

12 d. Despite regulation of these vehicles under current law,
13 snowmobiles, all-terrain vehicles, and dirt bikes are being operated
14 illegally, in increasing numbers, in certain municipalities in the
15 State. This illegal operation has caused a number of deaths and
16 serious bodily injuries to passengers as well as innocent bystanders.

17 e. The unlawful use of snowmobiles, all-terrain vehicles, and
18 dirt bikes on public roads, parks, and other public spaces has
19 threatened the public safety and caused damage to these spaces.

20 f. The purpose of this act is to provide additional resources to
21 law enforcement in order to protect the citizens of this State, as well
22 as public lands, by enabling a municipality to enact an ordinance
23 designating snowmobiles, all-terrain vehicles, and dirt bikes
24 illegally operated in the municipality as prima facie contraband
25 subject to civil asset forfeiture.¹²

26
27 ²[¹4. The governing body of a municipality may enact an
28 ordinance designating any snowmobile, all-terrain vehicle, and dirt
29 bike operated on any public street, highway, or right-of-way in
30 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) as prima
31 facie contraband subject to forfeiture in accordance with the
32 procedures set forth in chapter 64 of Title 2C of the New Jersey
33 Statutes.¹²

34
35 ²[¹5. N.J.S.2C:64-1 is amended to read as follows:

36 2C:64-1. Property Subject to Forfeiture.

37 a. Any interest in the following shall be subject to forfeiture
38 and no property right shall exist in them:

39 (1) Controlled dangerous substances^[,]; firearms which are
40 unlawfully possessed, carried, acquired or used^[,]; illegally
41 possessed gambling devices^[,]; untaxed or otherwise contraband
42 cigarettes or tobacco products^[,]; unlawfully possessed container e-
43 liquid^[,]; untaxed special fuel^[,]; unlawful sound recordings and
44 audiovisual works; snowmobiles, all-terrain vehicles, and dirt bikes
45 illegally operated in a municipality that has enacted an ordinance
46 pursuant to section 4 of P.L. , c. (C.) (pending before the

1 Legislature as this bill); and items bearing a counterfeit mark.
2 These shall be designated prima facie contraband.

3 (2) All property which has been, or is intended to be, utilized in
4 furtherance of an unlawful activity, including, but not limited to,
5 conveyances intended to facilitate the perpetration of illegal acts, or
6 buildings or premises maintained for the purpose of committing
7 offenses against the State.

8 (3) Property which has become or is intended to become an
9 integral part of illegal activity, including, but not limited to, money
10 which is earmarked for use as financing for an illegal gambling
11 enterprise.

12 (4) Proceeds of illegal activities, including, but not limited to,
13 property or money obtained as a result of the sale of prima facie
14 contraband as defined by subsection a. (1), proceeds of illegal
15 gambling, prostitution, bribery and extortion.

16 b. Any article subject to forfeiture under this chapter may be
17 seized by the State or any law enforcement officer as evidence
18 pending a criminal prosecution pursuant to **[section 2C:64-4]**
19 N.J.S.2C:64-4 or, when no criminal proceeding is instituted, upon
20 process issued by any court of competent jurisdiction over the
21 property, except that seizure without such process may be made
22 when not inconsistent with the Constitution of this State or the
23 United States, and when

24 (1) The article is prima facie contraband; or

25 (2) The property subject to seizure poses an immediate threat to
26 the public health, safety or welfare.

27 c. For the purposes of this section:

28 "All-terrain vehicle" shall have the same meaning as provided in
29 section 1 of P. L.1973, c.307 (C.39:3C-1).

30 "Dirt bike" shall have the same meaning as provided in section 1
31 of P. L.1973, c.307 (C.39:3C-1).

32 "Items bearing a counterfeit mark" means items bearing a
33 counterfeit mark as defined in N.J.S.2C:21-32.

34 "Snowmobile" shall have the same meaning as provided in
35 section 1 of P. L.1973, c.307 (C.39:3C-1).

36 "Unlawful sound recordings and audiovisual works" means
37 sound recordings and audiovisual works as those terms are defined
38 in N.J.S.2C:21-21 which were produced in violation of
39 N.J.S.2C:21-21.

40 "Unlawfully possessed container e-liquid" means container e-
41 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is
42 possessed for retail sale by a person that is not licensed as a vapor
43 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

44 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
45 kerosene on which the motor fuel tax imposed pursuant to
46 **[R.S.54:39-1 et seq.] P.L.2010, c.22 (C.54:39-101 et al.)** is not paid
47 that is delivered, possessed, sold or transferred in this State in a

1 manner not authorized pursuant to **【R.S.54:39-1 et seq.】** P.L.2010,
 2 c.22 (C.54:39-101 et al.) or P.L.1938, c.163 (C.56:6-1 et seq.).¹
 3 (cf: P.L.2019, c.147, s.10)**】**²

4
 5 ²**【**¹6. (New Section) a. It shall be the duty of any law
 6 enforcement officer who knows, or has reasonable cause to believe,
 7 that a person is or has been engaged in the unlawful operation of a
 8 snowmobile, all-terrain vehicle, or dirt bike to investigate and seize
 9 any vehicle that the officer knows, or has reasonable grounds to
 10 believe, is a snowmobile, all-terrain vehicle, or dirt bike that is or
 11 has been operated unlawfully. A law enforcement officer shall not
 12 be required to obtain a search warrant to investigate and seize an
 13 unlawfully operated vehicle located on private property.

14 b. A snowmobile, all-terrain vehicle, or dirt bike seized
 15 pursuant to subsection a. of this section shall be subject to the
 16 provisions of section 1 of P.L. , c. (C.) (pending before the
 17 Legislature as this bill):¹**】**²

18
 19 ¹**【**^{3.} ²**【**^{7.} ¹**】** ^{3.}² This act shall take effect on the first day of the
 20 third month following enactment.

21

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23

24

25 Revises certain penalties for illegal operation of snowmobile, all-
 26 terrain vehicle, or dirt bike.

ASSEMBLY, No. 5511

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Holley and Verrelli

SYNOPSIS

Enhances penalties for illegally operating a snowmobile or all-terrain vehicle.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/6/2019)

A5511 SPEARMAN, JONES

2

1 AN ACT concerning snowmobiles and all-terrain vehicles and
2 supplementing P.L.1973, c.307 (C.39:3C-1 et seq.).

3

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

6

7 1. a. A snowmobile or all-terrain vehicle operated on any
8 public street, highway, or right-of-way in violation of section 17 of
9 P.L.1973, c.307 (C.39:3C-17) shall be impounded by the law
10 enforcing agency and subject to a fee and costs as hereinafter
11 provided:

12 (1) For a first offense, the snowmobile or all-terrain vehicle
13 shall be impounded for not less than 48 hours and shall be released
14 to the registered owner upon proof of registration and insurance and
15 payment of a fee of \$500 payable to the municipality, plus
16 reasonable towing and storage costs.

17 (2) For a second or subsequent offense, the snowmobile or all-
18 terrain vehicle shall be impounded for not less than 96 hours and
19 shall be released to the registered owner upon proof of registration
20 and insurance and payment of a fee of \$750 payable to the
21 municipality, plus reasonable towing and storage costs.

22 b. If the registered owner fails to claim the impounded
23 snowmobile or all-terrain vehicle and pay all outstanding fees and
24 costs by midnight of the 30th day following the day on which the
25 snowmobile or all-terrain vehicle was impounded, that snowmobile
26 or all-terrain vehicle may be sold at auction. Notice of the sale
27 shall be given by the impounding entity by certified mail to the
28 owner of the snowmobile or all-terrain vehicle, if the owner's name
29 and address are known, and to the holder of any security interest
30 filed with the Chief Administrator of the New Jersey Motor Vehicle
31 Commission, and by publication in a form prescribed by the
32 director by one insertion, at least five days before the date of the
33 sale, in one or more newspapers published in this State and
34 circulating in the municipality in which the snowmobile or all-
35 terrain vehicle is impounded.

36 c. At any time prior to the sale, the owner or other person
37 entitled to the snowmobile or all-terrain vehicle may reclaim
38 possession upon showing proof of registration and insurance and
39 paying all outstanding fees and costs associated with the
40 impoundment, and reasonable towing and storage costs.

41 The owner-lessor of an impounded snowmobile or all-terrain
42 vehicle shall be entitled to reclaim possession without payment and
43 the lessee shall be liable for all outstanding fees and costs
44 associated with the impoundment, towing and storage of the
45 snowmobile or all-terrain vehicle.

46 d. Any proceeds obtained from the sale of a snowmobile or all-
47 terrain vehicle at public auction pursuant to subsection b. of this
48 section in excess of the amount owed to the impounding entity for

A5511 SPEARMAN, JONES

1 the reasonable costs of towing and storage and any fees or other
2 costs associated with the impoundment of the snowmobile or all-
3 terrain vehicle shall be returned to the owner of that snowmobile or
4 all-terrain vehicle, if his name and address are known. If the
5 owner's name and address are unknown or such person or entity
6 cannot be located, the net proceeds shall be administered in
7 accordance with the "Uniform Unclaimed Property Act,"
8 R.S.46:30B-1 et seq.

9
10 2. A person who operates a snowmobile or all-terrain vehicle
11 on any public street, highway or right-of-way in violation of section
12 17 of P.L.1973, c.307 (C.39:3C-17) shall:

13 a. For a first offense, be subject to a fine of \$250 and the
14 suspension or postponement of their driving privileges for 30 days.
15 Upon conviction, the court shall forward a report to the New Jersey
16 Motor Vehicle Commission stating the first and last day of the
17 suspension or postponement period imposed by the court under this
18 section. If a person at the time of the imposition of the sentence is
19 less than 17 years of age, the period of license postponement,
20 including a suspension or postponement of the privilege of
21 operating a motorized bicycle, shall commence on the day the
22 sentence is imposed and shall run for a period of 30 days after the
23 person reaches the age of 17 years.

24 b. For a second offense, be subject to a fine of \$500 and the
25 suspension or postponement of their driving privileges for six
26 months. Upon conviction, the court shall forward a report to the
27 New Jersey Motor Vehicle Commission stating the first and last day
28 of the suspension or postponement period imposed by the court
29 under this section. If a person at the time of the imposition of the
30 sentence is less than 17 years of age, the period of license
31 postponement, including a suspension or postponement of the
32 privilege of operating a motorized bicycle, shall commence on the
33 day the sentence is imposed and shall run for a period of six months
34 after the person reaches the age of 17 years.

35 c. For a third or subsequent offense, be subject to a fine of
36 \$1,000 and the suspension or postponement of their driving
37 privileges for two years. Upon conviction, the court shall forward a
38 report to the New Jersey Motor Vehicle Commission stating the
39 first and last day of the suspension or postponement period imposed
40 by the court under this section. If a person at the time of the
41 imposition of the sentence is less than 17 years of age, the period of
42 license postponement, including a suspension or postponement of
43 the privilege of operating a motorized bicycle, shall commence on
44 the day the sentence is imposed and shall run for a period of two
45 years after the person reaches the age of 17 years.

46
47 3. This act shall take effect on the first day of the third month
48 following enactment.

STATEMENT

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This bill establishes two new penalties and enhances existing ones for illegally operating snowmobiles and all-terrain vehicles.

The two new penalties concern the operation of these vehicles on public streets, highways, and rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). The first new penalty authorizes the enforcing agencies to impound these vehicles. For a first offense, the vehicle is to be impounded for at least 48 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 96 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days it may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

The other new penalty applies to the individuals who operate these vehicles on public streets, highways, or rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). For a first offense, the operator is subject to a \$250 fine and a 30 day license suspension or, if under the age of 17, a postponement. For a second offense, the operator is subject to a \$500 fine and a six month license suspension or postponement. For a third or subsequent offense, the operator is subject to a \$1,000 fine and a two year license suspension or postponement.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5511

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2019

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 5511.

As amended and reported, this bill establishes new penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way in violation of existing law. The bill creates Statewide penalties for violations with a first offense carrying a penalty of impoundment of the vehicle for at least seven days where the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 14 days and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days, it may be sold at public auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

The bill also authorizes a municipality to adopt an ordinance designating an unlawfully operated snowmobile, all-terrain vehicle, or dirt bike as *prima facie* contraband. If a municipality adopts such an ordinance, the Statewide penalties do not apply and instead the vehicle is subject to civil asset forfeiture and may be destroyed by the municipality.

The bill also provides for penalties for a person who unlawfully operates a snowmobile, all-terrain vehicle, or dirt bike on any public street, highway, or right-of-way. For a first offense, the person is required to be ordered to perform 30 days of community service. For a second offense, the person is required to be ordered to perform 60 days of community service. For a third or subsequent offense, the person is required to be ordered to perform 90 days of community service.

The bill provides that it is the duty of any law enforcement officer who knows or has reasonable cause to believe that a person is or has

been engaged in the unlawful operation of a snowmobile, all-terrain vehicle, or dirt bike to investigate and seize any vehicle that the officers knows, or has reasonable grounds to believe, is a snowmobile, all-terrain vehicle, or dirt bike that has been operated illegally. The law enforcement officer is not required to obtain a search warrant to investigate and seize the vehicle.

COMMITTEE AMENDMENTS

The committee amended the bill to create a two-pronged system of penalties for the unlawful operation of a snowmobile and all-terrain vehicle, as well as for dirt bikes which are added to the bill by the amendments. The amendments establish a Statewide set of penalties but also authorize municipalities to adopt an ordinance declaring the unlawfully operated vehicles as prima facie contraband and thereby subjecting the vehicles to civil asset forfeiture.

The amendments modify the Statewide penalties to increase the number of days that the vehicles are required to be impounded and to change the personal penalties from a fine and driver's license suspension to community service. The amendments authorize a municipality that has declared the vehicles prima facie contraband to destroy any seized vehicle.

The amendments add a provision to the bill that requires law enforcement officers that know or have reasonable cause to believe that a vehicle has been operated unlawfully to investigate and seize any vehicle that the officers knows, or has reasonable grounds to believe, is an unlawfully operated vehicle. The amendments specify that the law enforcement officer is not required to obtain a search warrant to investigate and seize any unlawfully operated vehicle located on private property.

The committee also amended the bill to add findings and declarations, correct a reference to an executive branch official, and make technical changes.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5511

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5511 (1R), with committee amendments.

As amended, this bill revises the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way in violation of existing law. For a first offense, the vehicle is to be impounded for at least seven days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 14 days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days, it may be sold at public auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the “Uniform Unclaimed Property Act.” The amended bill includes protections for lessors.

The amended bill also provides for penalties if a person unlawfully operates a snowmobile, all-terrain vehicle, or dirt bike on any public street, highway, or right-of-way. For a first offense, the person is required to be ordered to perform 30 days of community service. For a second offense, the person is required to be ordered to perform 60 days of community service. For a third or subsequent offense, the person is required to be ordered to perform 90 days of community service.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the provisions authorizing a municipality to adopt an ordinance declaring unlawfully operated vehicles as prima facie contraband;

2) remove the provision providing that a law enforcement officer has a duty to investigate and seize a snowmobile, all-terrain vehicle, or dirt bike that the officer believes has been operated unlawfully and that the officer may do so without a search warrant; and

3) make a technical correction.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but the number is likely to be minimal since between July 2017 and June 2019, only one citation was issued for this type of offense.

The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill will also have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles, all-terrain vehicles, and dirt bikes. Proceeds of the auction are to be returned to the owner once reasonable fees have been deducted by the municipality.

To the extent that there are more violations for the illegal operation of a snowmobile, all-terrain vehicle, or dirt bike as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees. Because the bill eliminates the fine imposed on the operator of a snowmobile, all-terrain vehicle, or dirt bike operating on a public street, highway, or right-of-way, the higher costs might not be offset.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 5511

STATE OF NEW JERSEY

DATED: JANUARY 9, 2020

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5511 (2R).

This bill revises the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way in violation of existing law. For a first offense, the vehicle is required to be impounded for at least seven days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 14 days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days, it may be sold at public auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the “Uniform Unclaimed Property Act.” The bill also includes protections for lessors.

Under the bill, a person who illegally operates a snowmobile, all-terrain vehicle, or dirt bike on any public street, highway, or right-of-way is required to perform a period of court-ordered community service. The person is required to perform 30 days of court-ordered community service for a first offense, 60 days for a second offense, and 90 days for a third or subsequent offense.

As reported by the committee, Assembly Bill No. 5511 (2R) is identical to Senate Bill No. 1852, which was amended and also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but notes that between July 2017 and June 2019, only one citation was previously issued for this type of offense.

To the extent that there are more violations for the illegal operation of a snowmobile, all-terrain vehicle, or dirt bike as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees.

The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill would have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles, all-terrain vehicles, and dirt bikes, which will be offset by charging operators for those costs. Proceeds of any auction are to be returned to the owner once reasonable fees have been deducted by the municipality for its expenses.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5511
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: DECEMBER 13, 2019

SUMMARY

Synopsis: Enhances penalties for illegally operating a snowmobile or all-terrain vehicle.

Type of Impact: Annual State revenue and expenditure increases; annual local revenue and expenditure increases.

Agencies Affected: New Jersey Motor Vehicle Commission; local governments; municipal courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue Increase		Indeterminate	
State Expenditure Increase		Indeterminate	
Local Revenue Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from fines and fees, including impoundment fees and possibly auction proceeds, from operators of a snowmobile or all-terrain vehicles on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but the number is likely to be minimal since between July 2017 and June 2019, only one citation was issued for this type of offense.
- The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill will also have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles and all-terrain vehicles. Proceeds of the auction are to be returned to the owner once reasonable fees have been deducted by the municipality.
- The Motor Vehicle Commission (MVC) may incur marginal additional administrative expenses for the processing of driver’s license suspensions and license restorations. The OLS notes that the MVC currently requires payment of a \$100 fee for the restoration of any license that has been suspended or revoked pursuant to any law or regulation, which results in additional revenues for the State.

- To the extent that there are more violations for the illegal operation of a snowmobile or all-terrain vehicle as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees.

BILL DESCRIPTION

This bill establishes two new penalties for illegally operating snowmobiles and all-terrain vehicles on public streets, highways, and rights-of-way. The first new penalty requires law enforcement agencies to impound snowmobiles and all-terrain vehicles operating on public streets, highways, and rights-of-way. For a first offense, the owner may recover the vehicle by paying a fee of \$500, payable to the municipality, plus reasonable towing and storage costs. For a subsequent offense, the owner may recover the vehicle by paying a fee of \$750 to the municipality, plus reasonable towing and storage costs. If the owner fails to recover the vehicle within 30 days, the vehicle may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the Uniform Unclaimed Property Act.

The second new penalty applies to an individual who operates a snowmobile or all-terrain vehicle on public streets, highways, or rights-of-way. The operator is subject to a fine of: \$250 and a 30-day license suspension for a first offense; \$500 and a six-month license suspension for a second offense; and \$1,000 and a two-year license suspension for any subsequent offenses. The existing penalty for this offense is a fine of not less than \$250 nor more than \$500 for a first offense and a fine of not less than \$500 nor more than \$1,000 for a subsequent offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

This OLS finds that this bill may result in a marginal, indeterminate annual increase in local revenue from fines and fees, including impoundment fees and possibly auction proceeds, from operators of a snowmobile or all-terrain vehicles on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but the number is likely to be minimal since between July 2017 and June 2019, only one citation was issued for this type of offense.

Under this bill, a municipality will be required to impound vehicles that receive these citations. The municipality will then collect \$500 for a first violation and \$750 for a subsequent violation of this offense, as well as reasonable towing and storage costs. It is not clear how many violations will occur if this bill is enacted. The bill could result in law enforcement increasing its focus on violations of this offense or on citing this particular violation rather than other traffic citations that might also apply, but would generate less local fine revenue. This could result in more citations issued and fines collected. However, because only one citation for this offense was issued between July 2017 and June 2019, even an increase in citations will likely not be significant and will only result in a minor local revenue increase.

The second new penalty applies to an individual who operates a snowmobile or all-terrain vehicle on public streets, highways, or rights-of-way. The operator is subject to a fine of: \$250 and a 30-day license suspension for a first offense; \$500 and a six-month license suspension for a second offense; and \$1,000 and a two-year license suspension for any subsequent offenses. The existing penalty for this offense is a fine of not less than \$250 nor more than \$500 for a first offense and a fine of not less than \$500 nor more than \$1,000 for a subsequent offense.

If the citation for this offense is issued by State law enforcement, 100 percent of the fine is deposited into the General Fund; however, if the citation is issued by county or municipal law enforcement, 50 percent of the fine is forwarded to the municipality in which the violation occurred. Because the existing fines are substantially similar to the new fines under this bill, and because only one citation was issued between July 2017 and June 2019 for this offense, only a minor revenue increase, if any, is anticipated for State and local governments. However, because this bill sets fines for first, second, and subsequent offenses, rather than the range of fines for first and subsequent offenses under current law, and there was only one citation issued in the last two years, the second new penalty could result in a decrease in State and local fine revenue if there are no additional citations issued.

The MVC may incur marginal additional administrative expenses for the processing of driver's license suspensions and license restorations. The OLS notes that the MVC currently requires payment of a \$100 fee for the restoration of any license that has been suspended or revoked pursuant to any law or regulation, which results in additional revenues for the State.

Lastly, to the extent that there are more violations for the illegal operation of a snowmobile or all-terrain vehicle as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs and revenues from court fees.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Erin Clark
Deputy Counsel*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 5511

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 19, 2019

SUMMARY

- Synopsis:** Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike.
- Type of Impact:** Annual local expenditure and revenue Increase.
- Agencies Affected:** Local governments; municipal courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but notes that between July 2017 and June 2019, only one citation was previously issued for this type of offense.
- To the extent that there are more violations for the illegal operation of a snowmobile, all-terrain vehicle, or dirt bike as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees.
- The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill would have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles, all-terrain vehicles, and dirt bikes, which will be offset by charging operators for those costs. Proceeds of any auction are to be returned to the owner once reasonable fees have been deducted by the municipality for its expenses.

BILL DESCRIPTION

This bill restructures the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way, essentially creating two penalties. The first penalty applies to owners of illegally operated snowmobiles, all-terrain vehicles, and dirt bikes and requires law enforcement agencies to impound snowmobiles, all-terrain vehicles, and dirt bikes operating on public streets, highways, and rights-of-way. For a first offense, the owner may recover the vehicle after no less than seven days of impoundment by paying a fee of \$500, payable to the municipality, plus reasonable towing and storage costs. For a subsequent offense, the owner may recover the vehicle after no less than fourteen days of impoundment by paying a fee of \$750 to the municipality, plus reasonable towing and storage costs. If the owner fails to recover the vehicle within 30 days, the vehicle may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the Uniform Unclaimed Property Act.

The second penalty applies to an individual who operates a snowmobile, all-terrain vehicle, or dirt bike on public streets, highways, or rights-of-way. The court is to order the operator to perform community service for a period of 30 days for a first offense; 60 days for a second offense; and 90 days for a subsequent offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill.

The first penalty for snowmobiles, all-terrain vehicles, or dirt bikes operating on public streets, highways, or right-of-ways applies to the owners of those vehicles. Under this bill, a municipality will be required to impound vehicles that receive these citations. The municipality will then collect from the owner of the vehicle, \$500 for a first violation and \$750 for a subsequent violation of this offense, as well as reasonable towing and storage costs. The second penalty for this same violation applies to the individual who operates a snowmobile, all-terrain vehicle, or dirt bike on public streets, highways, or rights-of-way. The court is to order the operator to perform community service for a period of 30 days for a first offense; 60 days for a second offense; and 90 days for a subsequent offense.

It is not clear how many violations will occur if this bill is enacted. The bill could result in law enforcement increasing its focus on violations of this offense or on citing this particular violation rather than other traffic citations that might also apply, but would generate less local fine revenue. This could result in more citations issued and fees collected. It appears from press coverage and other sources that snowmobiles, all-terrain vehicles, and dirt bikes are being operated illegally in increasing numbers in certain municipalities. However, because only one citation for this offense was issued between July 2017 and June 2019, even an increase in citations may not be significant and only result in a marginal local revenue increase. Additionally, the size of the fees and the

length of impoundment could have a deterrent effect reducing incidents of this behavior, which could also contribute to fewer violations.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Erin Clark
Deputy Counsel*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1852

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 15, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Enhances penalties for illegally operating a snowmobile or all-terrain vehicle.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/31/2019)

1 AN ACT concerning snowmobiles and all-terrain vehicles and
2 supplementing P.L.1973, c.307 (C.39:3C-1 et seq.).

3

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

6

7 1. a. A snowmobile or all-terrain vehicle operated on any
8 public street, highway, or right-of-way in violation of section 17 of
9 P.L.1973, c.307 (C.39:3C-17) shall be impounded by the law
10 enforcing agency and subject to a fee and costs as hereinafter
11 provided:

12 (1) For a first offense, the snowmobile or all-terrain vehicle
13 shall be impounded for not less than 48 hours and shall be released
14 to the registered owner upon proof of registration and insurance and
15 payment of a fee of \$500 payable to the municipality, plus
16 reasonable towing and storage costs.

17 (2) For a second or subsequent offense, the snowmobile or all-
18 terrain vehicle shall be impounded for not less than 96 hours and
19 shall be released to the registered owner upon proof of registration
20 and insurance and payment of a fee of \$750 payable to the
21 municipality, plus reasonable towing and storage costs.

22 b. If the registered owner fails to claim the impounded
23 snowmobile or all-terrain vehicle and pay all outstanding fees and
24 costs by midnight of the 30th day following the day on which the
25 snowmobile or all-terrain vehicle was impounded, that snowmobile
26 or all-terrain vehicle may be sold at auction. Notice of the sale
27 shall be given by the impounding entity by certified mail to the
28 owner of the snowmobile or all-terrain vehicle, if the owner's name
29 and address are known, and to the holder of any security interest
30 filed with the Chief Administrator of the New Jersey Motor Vehicle
31 Commission, and by publication in a form prescribed by the
32 director by one insertion, at least five days before the date of the
33 sale, in one or more newspapers published in this State and
34 circulating in the municipality in which the snowmobile or all-
35 terrain vehicle is impounded.

36 c. At any time prior to the sale, the owner or other person
37 entitled to the snowmobile or all-terrain vehicle may reclaim
38 possession upon showing proof of registration and insurance and
39 paying all outstanding fees and costs associated with the
40 impoundment, and reasonable towing and storage costs.

41 The owner-lessor of an impounded snowmobile or all-terrain
42 vehicle shall be entitled to reclaim possession without payment and
43 the lessee shall be liable for all outstanding fees and costs
44 associated with the impoundment, towing and storage of the
45 snowmobile or all-terrain vehicle.

46 d. Any proceeds obtained from the sale of a snowmobile or all-
47 terrain vehicle at public auction pursuant to subsection b. of this
48 section in excess of the amount owed to the impounding entity for

1 the reasonable costs of towing and storage and any fees or other
2 costs associated with the impoundment of the snowmobile or all-
3 terrain vehicle shall be returned to the owner of that snowmobile or
4 all-terrain vehicle, if his name and address are known. If the
5 owner's name and address are unknown or such person or entity
6 cannot be located, the net proceeds shall be administered in
7 accordance with the "Uniform Unclaimed Property Act,"
8 R.S.46:30B-1 et seq.

9
10 2. A person who operates a snowmobile or all-terrain vehicle
11 on any public street, highway or right-of-way in violation of section
12 17 of P.L.1973, c.307 (C.39:3C-17) shall:

13 a. For a first offense, be subject to a fine of \$250 and the
14 suspension or postponement of their driving privileges for 30 days.
15 Upon conviction, the court shall forward a report to the New Jersey
16 Motor Vehicle Commission stating the first and last day of the
17 suspension or postponement period imposed by the court under this
18 section. If a person at the time of the imposition of the sentence is
19 less than 17 years of age, the period of license postponement,
20 including a suspension or postponement of the privilege of
21 operating a motorized bicycle, shall commence on the day the
22 sentence is imposed and shall run for a period of 30 days after the
23 person reaches the age of 17 years.

24 b. For a second offense, be subject to a fine of \$500 and the
25 suspension or postponement of their driving privileges for six
26 months. Upon conviction, the court shall forward a report to the
27 New Jersey Motor Vehicle Commission stating the first and last day
28 of the suspension or postponement period imposed by the court
29 under this section. If a person at the time of the imposition of the
30 sentence is less than 17 years of age, the period of license
31 postponement, including a suspension or postponement of the
32 privilege of operating a motorized bicycle, shall commence on the
33 day the sentence is imposed and shall run for a period of six months
34 after the person reaches the age of 17 years.

35 c. For a third or subsequent offense, be subject to a fine of
36 \$1,000 and the suspension or postponement of their driving
37 privileges for two years. Upon conviction, the court shall forward a
38 report to the New Jersey Motor Vehicle Commission stating the
39 first and last day of the suspension or postponement period imposed
40 by the court under this section. If a person at the time of the
41 imposition of the sentence is less than 17 years of age, the period of
42 license postponement, including a suspension or postponement of
43 the privilege of operating a motorized bicycle, shall commence on
44 the day the sentence is imposed and shall run for a period of two
45 years after the person reaches the age of 17 years.

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47 3. This act shall take effect on the first day of the third month
48 following enactment.

STATEMENT

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This bill establishes two new penalties and enhances existing ones for illegally operating snowmobiles and all-terrain vehicles.

The two new penalties concern the operation of these vehicles on public streets, highways, and rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). The first new penalty authorizes the enforcing agencies to impound these vehicles. For a first offense, the vehicle is to be impounded for at least 48 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 96 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days it may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

The other new penalty applies to the individuals who operate these vehicles on public streets, highways, or rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). For a first offense, the operator is subject to a \$250 fine and a 30 day license suspension or, if under the age of 17, a postponement. For a second offense, the operator is subject to a \$500 fine and a six month license suspension or postponement. For a third or subsequent offense, the operator is subject to a \$1,000 fine and a two year license suspension or postponement.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1852

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1852, with committee amendments.

This bill, as amended, revises the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way in violation of existing law. For a first offense, the vehicle is required to be impounded for at least seven days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 14 days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days, it may be sold at public auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the “Uniform Unclaimed Property Act.” The amended bill also includes protections for lessors.

Under the amended bill, a person who illegally operates a snowmobile, all-terrain vehicle, or dirt bike on any public street, highway, or right-of-way is required to perform a period of court-ordered community service. The person is required to perform 30 days of court-ordered community service for a first offense, 60 days for a second offense, and 90 days for a third or subsequent offense.

As amended and reported by the committee, Senate Bill No. 1852 is identical to Assembly Bill No. 5511 (2R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) extend the provisions of the bill to dirt bikes; as introduced the bill only applied to snowmobiles and all-terrain vehicles;

(2) increase the number of days that illegally operated vehicles are required to be impounded from 48 hours to seven days for a first offense, and from 96 hours to 14 days for a second or subsequent offense;

(3) impose a period of court-ordered community service of 30 days for a first offense, 60 days for a second offense, and 90 days for a third or subsequent offense for illegal operation of a vehicle; as introduced, violations resulted in the imposition of fines and driver's license suspensions; and

(4) make technical corrections to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but notes that between July 2017 and June 2019, only one citation was previously issued for this type of offense.

To the extent that there are more violations for the illegal operation of a snowmobile, all-terrain vehicle, or dirt bike as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees.

The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill would have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles, all-terrain vehicles, and dirt bikes, which will be offset by charging operators for those costs. Proceeds of any auction are to be returned to the owner once reasonable fees have been deducted by the municipality for its expenses.

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
SENATE, No. 1852
STATE OF NEW JERSEY
218th LEGISLATURE SUMMARY

DATED: JANUARY 16, 2020

Synopsis: Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike.

Type of Impact: Annual local expenditure and revenue Increase.

Agencies Affected: Local governments; municipal courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill, but notes that between July 2017 and June 2019, only one citation was previously issued for this type of offense.
- To the extent that there are more violations for the illegal operation of a snowmobile, all-terrain vehicle, or dirt bike as a result of this bill, municipal courts could experience a greater caseload and administrative burden, possibly resulting in higher costs as well as revenue from court fees.
- The OLS finds that if this bill results in municipalities impounding vehicles they would not have otherwise impounded, the bill would have a local cost component related to towing, impounding, storing, and possibly auctioning off unclaimed snowmobiles, all-terrain vehicles, and dirt bikes, which will be offset by charging operators for those costs. Proceeds of any auction are to be returned to the owner once reasonable fees have been deducted by the municipality for its expenses.

BILL DESCRIPTION

This bill restructures the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way, essentially creating two penalties. The first penalty applies to owners of illegally operated snowmobiles, all-terrain vehicles, and dirt bikes and requires law enforcement agencies to impound snowmobiles, all-terrain vehicles, and dirt bikes operating on public streets, highways, and rights-of-way. For a first offense, the owner may recover the vehicle after no less than seven days of impoundment by paying a fee of \$500, payable to the municipality, plus reasonable towing and storage costs. For a subsequent offense, the owner may recover the vehicle after no less than fourteen days of impoundment by paying a fee of \$750 to the municipality, plus reasonable towing and storage costs. If the owner fails to recover the vehicle within 30 days, the vehicle may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the Uniform Unclaimed Property Act.

The second penalty applies to an individual who operates a snowmobile, all-terrain vehicle, or dirt bike on public streets, highways, or rights-of-way. The court is to order the operator to perform community service for a period of 30 days for a first offense; 60 days for a second offense; and 90 days for a subsequent offense.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill may result in a marginal, indeterminate annual increase in local revenue from additional fees, including impoundment fees, and possibly auction proceeds, from operators of a snowmobile, all-terrain vehicle, or dirt bike on a public street, highway, or right-of-way. The OLS cannot estimate the number of violations that will occur because of this bill.

The first penalty for snowmobiles, all-terrain vehicles, or dirt bikes operating on public streets, highways, or right-of-ways applies to the owners of those vehicles. Under this bill, a municipality will be required to impound vehicles that receive these citations. The municipality will then collect from the owner of the vehicle, \$500 for a first violation and \$750 for a subsequent violation of this offense, as well as reasonable towing and storage costs. The second penalty for this same violation applies to the individual who operates a snowmobile, all-terrain vehicle, or dirt bike on public streets, highways, or rights-of-way. The court is to order the operator to perform community service for a period of 30 days for a first offense; 60 days for a second offense; and 90 days for a subsequent offense.

It is not clear how many violations will occur if this bill is enacted. The bill could result in law enforcement increasing its focus on violations of this offense or on citing this particular violation rather than other traffic citations that might also apply, but would generate less local fine revenue. This could result in more citations issued and fees collected. It appears from press coverage and other sources that snowmobiles, all-terrain vehicles, and dirt bikes are being operated illegally in increasing numbers in certain municipalities. However, because only one citation for this offense was issued between July 2017 and June 2019, even an increase in citations may not be significant and only result in a marginal local revenue increase. Additionally, the size of the fees and the

length of impoundment could have a deterrent effect reducing incidents of this behavior, which could also contribute to fewer violations.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Erin Clark
Deputy Counsel*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/21/2020

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-62/A-2478 (Singleton, Oroho/DeAngelo, Houghtaling, Space) – Requires certain contractors to register under "The Public Works Contractor Registration Act"

S-358/A-4587 (Rice/Sumter, Reynolds-Jackson) – Establishes database with certain information about individuals elected to public office in this State

S-376/A-3839 (Madden, Gopal/Moriarty, Lagana, Mukherji, Murphy) – Eliminates eligibility time limit on tuition benefits for spouses of certain public safety workers killed in performance of their duties

S-497/A-4626 (Vitale, Madden/Mosquera, McKnight, Vainieri Huttle) – Allows certain prior statements by children to be admitted into evidence in child abuse and termination of parental rights cases

S-498/ACS for A-3391 (Vitale, Oroho/DeCroce, Johnson, DiMaso) – Makes various changes to "Criminal Injuries Compensation Act of 1971"

S-521/A-4378 (T. Kean, C.A. Brown, Pou, Ruiz/Caputo, Mukherji, Vainieri Huttle) – Requires NJ State Council on Arts to establish "Artist District" designation and select certain municipalities or areas within municipalities for such designation

S-589/ACS for A-422 (Weinberg/Mosquera, Jones, Moriarty) – Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database

S-700/A-3836 (Ruiz, Cunningham/Schaer, Mukherji, Jasey) – "Higher Education Citizenship Equality Act"; defines domicile for dependent students for purpose of eligibility for State student grants and scholarships, and resident tuition rate

S-721/A-1751 (Greenstein, Cunningham, Diegnan/Quijano, Benson) – Authorizes use of certain electric school buses

S-758/A-1987 (Cunningham, Cruz-Perez/Sumter, Mukherji, Quijano) – Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

S-765/A-541 (Cunningham, T. Kean, Ruiz/Mazzeo, Jasey, Vainieri Huttle, Sumter, Benson) – Prohibits Higher Education Student Assistance Authority from referring defaulted loans under New Jersey College Loans to Assist State Students (NJCLASS) Loan Program for certain actions if authority and borrower have entered into settlement agreement

S-782/A-1110 (Sarlo, Scutari/Downey, Houghtaling, Dancer) – Increases workers' compensation for loss of hand or foot

S-834 wGR/A-4186 (Scutari, Greenstein/Jones, Pintor Marin) – Prohibits resale of non-prescription diabetes test devices by pharmacists

S-939/A-3331 (Pou/Vainieri Huttle, Lopez, McKnight) – Requires forms and materials for individuals with developmental disabilities to be available in languages other than English

S-974/A-3040 (Singleton, T. Kean/Vainieri Huttle, Timberlake, Mosquera) – Requires newborn infants be screened for spinal muscular atrophy

- S-1032/A-2389 (Vitale, Gopal/Schaer, Benson, Verrelli)** – Concerns expansion of services provided by DHS mental health screening services
- S-1146/A-2365 (Codey, Rice/Vainieri Huttle, Mukherji, Downey)** – Requires hospital patient's medical record to include notation if patient is at increased risk of confusion, agitation, behavioral problems, and wandering due to dementia related disorder
- S-1298/ACS for A-2972 (A.M. Bucco, Singleton/Mazzeo, Dunn, Space)** – Permits municipalities to provide information on property tax bills concerning amount of local tax dollars saved through shared services
- S-1318/A-3156 (Ruiz, Scutari/Lampitt, Mosquera)** – Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members
- S-1505/A-1707 (Vitale/Vainieri Huttle, Lampitt, Benson, Mosquera)** – Expands membership of NJ Task Force on Child Abuse and Neglect
- S-1647/A-3181 (Diegnan, Codey/Conaway, Vainieri Huttle, Benson, Murphy)** – Prohibits use of coupons, price rebates, and price reduction promotions in sales of tobacco and vapor products
- S-1683/A-4267 (Smith, Greenstein/McKeon, Space, Wirths)** – Concerns regulation of solid waste, hazardous waste, and soil and fill recycling industries
- S-1703/A-715 (Connors, Holzapfel/Gove, Rumpf, DiMaso)** – Exempts disabled veterans from beach buggy permit fees
- S-1791/A-3414 (Weinberg/Johnson, Vainieri Huttle, Houghtaling)** – Requires employers to disclose certain wage information to employees
- S-1796/A-4693 (Addiego, Sweeney/Murphy)** – Permits school district of residence to provide aid in-lieu-of transportation to pupil attending Marine Academy of Science and Technology provided certain conditions are met
- S-1832/A-211 (Ruiz, Sarlo/Chiaravalloti, Zwicker, Pintor Marin)** – Establishes loan redemption program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics
- S-2267/A-3616 (Sweeney, Corrado/Burzichelli, Holley, Calabrese)** – Gives State lottery winners option of remaining anonymous indefinitely
- S-2303/A-4843 (Sweeney, Ruiz, Cunningham/Wimberly, Karabinchak, Calabrese)** – Requires establishment of Work and Learn Consortia by certain educational institutions to establish certificate and degree programs identified in high labor-demand industries
- S-2389 wGR/A-5449 (Singleton/Quijano, Downey, Houghtaling, Moriarty)** – Requires New Jersey State Board of Pharmacy to establish prescription drug pricing disclosure website and certain pharmaceutical manufacturing companies to provide prescription drug price information
- S-2428/A-4965 (Scutari/Quijano, Vainieri Huttle)** – Requires that massage and bodywork therapists and employers carry professional liability insurance
- S-2469/A-3745 (Singleton, Oroho/Wirths, Mazzeo, Space)** – Prohibits person from contracting for public work if person is federally debarred from receiving federal contract
- S-2511/A-4020 (Madden/Mazzeo, Murphy, Johnson)** – Changes title of DEP "conservation officer" to "conservation police officer"
- S-2521/A-4087 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program
- S-2522/A-4090 (Cryan, Greenstein/Vainieri Huttle, Lopez, Timberlake)** – Limits cross gender strip searches in

State correctional facilities

S-2532/A-4086 (Greenstein, Cruz-Perez/Vainieri Huttle, Lopez, Timberlake) – Requires correctional police officers receive 20 hours in-service training, including four hours in prevention of sexual misconduct, non-fraternization, and manipulation

S-2555/A-3990 (Gopal, Ruiz/Mukherji, Benson, Karabinchak) – Allows dependent students whose parents or guardians hold H-1B visas to qualify for in-State tuition at public institutions of higher education provided they meet certain criteria

S-2564/A-3519 (Turner, Singleton/Benson, McKnight, Jasey) – Establishes "Restorative Justice in Education Pilot Program" in Department of Education

SCS for S-2599/ACS for A-1268 (Bateman, Beach/Tucker, Conaway, Lampitt, Quijano) – Authorizes veterans' property tax exemption and veterans' property tax deduction for honorably discharged veterans of United States Armed Forces who did not serve in time of war or other emergency

S-2826/A-3274 (Greenstein/Vainieri Huttle, Dancer, Benson) – Requires institutions of higher education to offer cats and dogs no longer used for educational, research, or scientific purposes for adoption; designated the "Homes for Animal Heroes Act"

S-2849/A-4590 (A.M. Bucco/DiMaio, Caputo, Dunn) – Designates Seeing Eye® dog as State Dog

S-3036/A-1697 (Lagana, Scutari/Dancer, Downey) – Prohibits medical providers from reporting certain workers' compensation medical charges to collection and credit reporting agencies

S-3061/A-4603 (Ruiz, Greenstein/Lampitt, Mukherji, Benson) – Provides corporation business tax and gross income tax credits for businesses that participate in DOL registered apprenticeship programs; establishes grant program for tax-exempt organizations participating in DOL registered apprenticeship programs

S-3065/A-4657 (Ruiz, Singleton/Armato, Benson, Timberlake) – Establishes youth apprenticeship pilot program in Department of Education

S-3067/A-4602 (Ruiz, Singleton/Lampitt, Reynolds-Jackson, Sumter) – Establishes five year Apprentice Assistance and Support Services Pilot Program

S-3116/A-4683 (Ruiz/Speight, Munoz, Tucker) – Requires certain medical facilities to undertake end-of-life planning and training

S-3117/A-4685 (Ruiz/Speight, Pinkin, Munoz) – Requires emergency departments to take certain measures concerning palliative care for patients

S-3126/A-4107 (Gopal/Benson, DeCroce, Chiaravalloti) – Requires drivers to stop at railroad crossing when on-track equipment is approaching railroad crossing

S-3170/A-5145 (Cryan, Pou/Quijano, Milam, Land) – Increases prenotification time and requires severance pay in certain plant closings, transfers, and mass layoffs

S-3227/A-5261 (Gopal/Tully, Pinkin, Swain) – Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training

S-3265/A-3178 (Turner, Codey, Vitale/Conaway, Murphy, Vainieri Huttle) – Prohibits sale or distribution of flavored vapor products

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S-3330 wGR/A-5066 (Addiego, Singleton/Jones, Vainieri Huttle, Lampitt, Murphy) – Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria

S-3422/A-6056 (Singer, T. Kean/Houghtaling, Downey, Vainieri Huttle) – Requires declaration of Code Blue

alert when National Weather Service predicts temperatures of 32 degrees Fahrenheit or lower

S-3468/A-5105 (Sweeney, Singleton/Murphy, Karabinchak, Vainieri Huttle) – Establishes Task Force on Maximizing Employment for People with Disabilities

S-3511/A-5298 (Singer, T. Kean/Mukherji, Vainieri Huttle, Downey) – Authorizes certain health care and social service resources to be made available during Code Blue alert

S-3581/A-5963 (Singleton/Lopez, Quijano) – Prohibits certain business financing contracts that contain judgment by confession provisions

S-3685/A-5345 (Sarlo, Singleton/Mukherji, Conaway, McKnight) – Establishes program to increase participation of underrepresented students in New Jersey's science and engineering workforce

S-3756/A-6115 (Ruiz, Sarlo, O'Scanlon/Jasey, Jones, Wirths) – Requires limited purpose regional school districts to coordinate with constituent districts regarding school calendar and curriculum

S-3763/A-6116 (Addiego, Bateman, Sarlo/DeAngelo, Dancer, Space) – Renames joint meetings as regional service agencies; grandfathers existing joint meetings

S-3869/A-5561 (Sarlo/Burzichelli, Houghtaling) – Prohibits local governments from imposing fines on alarm companies in certain circumstances

S-3871/A-5427 (Bateman, Scutari/DePhillips, McKeon) – Adds member from Retired Judges Association of New Jersey to State Investment Council

SCS for S-3878/ACS for A-5394 (Ruiz, Weinberg, Cunningham/Moriarty, McKnight, Pinkin) – Reaffirms and clarifies that Attorney General and Division on Civil Rights may initiate actions in Superior Court to enforce "Law Against Discrimination"

S-3920 wGR/A-5552 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

S-3923/A-5680 (Madden, Singleton/Giblin, Timberlake, Murphy) – Concerns labor harmony agreements for hospitality projects

SCS for S-3939 and 3944/ACS for A-5681 and 5682 (Smith, Greenstein, Bateman, Codey/Pinkin, Lopez, McKeon) – Establishes Recycling Market Development Council

S-3985/A-5663 (Smith/McKeon, Pinkin, Vainieri Huttle) – Amends "Electric Discount and Energy Competition Act" to add definition of "open access offshore wind transmission facility" and revises law concerning "qualified offshore wind projects"

S-4025/A-5695 (Pou/Wimberly, Sumter) – Makes FY 2020 language allocation of \$1,000,000 appropriated to Grants for Urban Parks to Hinchliffe Stadium in Paterson

S-4162/A-6014 (Smith, Greenstein/Vainieri Huttle, Pinkin, Houghtaling) – Establishes NJ Climate Change Resource Center at Rutgers University; appropriates up to \$500,000

S-4165/A-4364 (Rice/Giblin, Caputo, Tucker) – Expands University Hospital board of directors membership from 11 to 13 members

S-4188/A-6075 (Beach/Murphy, Dancer, Lampitt) – "Lindsay's Law"; provides tax benefits to organ and bone marrow donors and their employers, and provides paid time off to donors who are State or local government employees

S-4200/A-5855 (Ruiz, Turner/Coughlin, Lampitt, Holley) – Requires State to pay difference between federal allocation and total cost of reduced price breakfast or lunch; appropriates \$4.5 million

S-4247/A-6049 (Gopal, O'Scanlon/Conaway, Houghtaling, Downey) – Establishes criteria for distribution of Fiscal Year 2020 funding to Community Food Bank of New Jersey and partner organizations

S-4264/A-5962 (Pou/Wimberly, Sumter, Calabrese) – Designates State Highway Route 19 as "William J. Pascrell Jr. Highway"

S-4275/A-6088 (Smith, Greenstein/Burzichelli) – Allows BPU to increase cost to customers of Class I renewable energy requirement for energy years 2022 through 2024, under certain conditions

S-4276/A-6109 (Corrado, Bateman/Armato, Calabrese, Land) – Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes

S-4277/A-6112 (Greenstein, Bateman/Freiman, Danielsen, Downey) – Appropriates \$5,000,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

S-4278/A-6108 (Greenstein, Bateman/Taliaferro, Karabinchak, Kennedy) – Appropriates \$21 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

S-4279/A-6106 (Smith, Bateman/Houghtaling, Reynolds-Jackson, Pinkin) – Appropriates \$1,350,000 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

S-4286/A-5890 (Vitale/Swain, Jones) – Clarifies procedures concerning collection of child support on behalf of child over age 19 when court has ordered such support

S-4309/A-6107 (Turner, Cruz-Perez/Mejia, Vainieri Huttie, Zwicker) – Appropriates \$13,902,723 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4310/A-6114 (Codey, Bateman/Carter, Murphy, Lopez) – Appropriates \$8,872,682 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

S-4311/A-6113 (Greenstein, Bateman/Speight, Mukherji, Verrelli) – Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

S-4312/A-6111 (Smith, Bateman/Giblin, Mazzeo, Land) – Appropriates \$36.143 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

S-4313/A-6110 (Corrado, Bateman/Moriarty, McKeon, Swain) – Appropriates \$33.915 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects

SCS for S-4315/ACS for A-6063 (Beach, Turner/Jones, Zwicker) – Creates fund to reimburse local units of government for cost of certain mail-in ballot procedures; appropriates \$3,000,000

SJR-51/AJR-189 (Rice, Turner/Verrelli, Reynolds-Jackson, Sumter) – Establishes the "New Jersey State Commission on Urban Violence"

SJR-65/AJR-90 (Weinberg, Addiego/DiMaso, Vainieri Huttie, Schepisi) – Designates March 19th "Women in Public Office Day" in New Jersey

SJR-80/AJR-121 (Lagana, Weinberg/Jones, Benson, Chiaravalloti, DeCroce) – Urges federal government to adhere to commitment to improve Northeast Corridor rail infrastructure by providing funding to complete Gateway Program

SJR-125/AJR-169 (Gopal, Codey/Wolfe, Pinkin) – Designates the second week of October of each year as "Obesity Care Week" in NJ

- A-344/S-1575 (Murphy, McKeon, Timberlake/Cruz-Perez, Singleton)** – Revises certain aspects of the New Jersey Individual Development Account Program
- A-1040/S-3928 (Houghtaling, Taliaferro/Andrzejczak)** – Establishes NJ "Landowner of the Year" award program
- A-1146/S-4330 (Wimberly, Holley/Pou, Singleton)** – Establishes "New Jersey Investing in You Promise Neighborhood Commission"
- A-1277/S-2629 (Tucker, Holley, Lopez/Singleton, Gopal)** – Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans
- A-1449/S-3168 (Benson, DeAngelo/Greenstein, Turner)** – Provides job security to certain organ and bone marrow donors
- A-1477/S-3228 (Chaparro, Vainieri Huttle, Benson, Jimenez, Mukherji, Downey/Gopal, Scutari)** – Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law"
- A-1478/S-1648 (Chaparro, Vainieri Huttle/Diegnan, T. Kean)** – Revises law governing theater liquor licenses
- A-1604/S-2734 (Conaway, Murphy, Jimenez/Singleton)** – "Recreational Therapists Licensing Act"
- A-1796/S-2609 (McKeon, Downey/Lagana, Gopal)** – Prevents criminal defendant from asserting "gay and transgender panic" defense to murder charge in order to reduce charge to manslaughter committed in heat of passion
- A-1924/S-2930 (Mukherji, A.M. Bucco, DeAngelo, DeCroce/Beach)** – Exempts certain honorably discharged United States military veterans from initial insurance producer licensing fee
- A-1992/S-1780 (Sumter, Benson, Vainieri Huttle, Houghtaling, Wimberly/Diegnan, Turner)** – "New Jersey Call Center Jobs Act"
- A-2183/S-1687 (Land, Johnson/Cruz-Perez, Andrzejczak)** – "Music Therapist Licensing Act"
- ACS for A-2431 wGR/SCS for S-1865 (Benson, Jimenez, DeCroce/Weinberg, T. Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage
- ACS for A-2444 and S-2656/S-2081 (Benson, Lampitt, Pinkin, Mukherji/Turner, Singleton)** – Provides for coverage of comprehensive tobacco cessation benefits in Medicaid
- A-2767/S-2924 (Greenwald, Mosquera, McKnight/Greenstein, Singleton)** – Amends certain provisions of sexual assault statute to clarify elements necessary for conviction
- A-3312/S-1972 (Murphy, Lagana, Downey, Sumter/Gopal, Corrado)** – Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years
- A-3670/S-995 (Benson, Giblin, Murphy/Vitale, Weinberg)** – Provides for designation of acute stroke ready hospitals, establishes Stroke Care Advisory Panel and Statewide stroke database, and requires development of emergency medical services stroke care protocols
- ACS for A-4136/SCS for S-2675 (Land, Milam/Andrzejczak, Van Drew)** – Establishes Possession In Excess of Daily Limit Vessel License for black sea bass and summer flounder; dedicates fees therefrom to marine fisheries programs
- A-4147/S-2744 (Lampitt, Houghtaling, Zwicker/Ruiz, Corrado)** – Requires school districts and nonpublic schools to conduct audit of security features of buildings, grounds, and communication systems and to submit audit to NJ Office of Homeland Security and Preparedness and DOE

- A-4150/S-2742 (Lampitt, Jones, Timberlake/Ruiz, Corrado)** – Requires meeting between student and appropriate school personnel after multiple suspensions or proposed expulsion from public school to identify behavior or health difficulties
- A-4151/S-2745 (Swain, Tully, Jasey/Ruiz, Corrado)** – Requires school security training for persons employed by public and nonpublic schools in substitute capacity and for employees and volunteers of youth programs operated in school buildings
- A-4260/S-4335 (Timberlake, Giblin, Tucker, Caputo/Pou, Scutari)** – Prohibits sale of certain toy guns and imitation firearms
- A-4370/S-2919 (Carroll/A.M. Bucco)** – Increases membership of board of trustees of Washington Association of New Jersey
- A-4377/S-2934 (Benson, Land, DeCroce/Greenstein)** – Requires DOT and OIT to develop materials concerning capabilities of airports in NJ and establishes "Public Use Airports Task Force"
- A-4517/S-4341 (Wimberly, Speight, Reynolds-Jackson/Singleton, Cunningham)** – Establishes "New Jersey Eviction Crisis Task Force"
- A-4529/S-3191 (Mazzeo, Armato/Gopal, Andrezejczak)** – Concerns reimbursements to Superstorm Sandy-impacted homeowners subjected to contractor fraud
- A-4563/S-3096 (Zwicker, Benson/Greenstein, Gill)** – Prohibits use of bots to deceive person about origin and content of communication for certain commercial or election purposes
- A-4564/S-3087 (Zwicker, Freiman/Greenstein)** – Establishes "Voting Precinct Transparency Act;" requires filing of election district, county district, and municipal ward boundary data with Secretary of State for posting and download on official website with matching election results data
- A-4699/S-2938 (Moriarty, Burzichelli, Bramnick/Turner)** – Regulates annual report filing services
- A-4803/S-4211 (Greenwald, Johnson, Pintor Marin/Cryan, Vitale)** – Authorizes certain entities to directly bill Victims of Crime Compensation Office for counseling services provided to victims of firearm and stabbing crimes
- A-4822/S-3408 (Wimberly, Tully, Swain/Singleton, Greenstein)** – Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use
- A-4904 wGR/S-3347 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney)** – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances
- A-4954/S-3368 (Quijano, Murphy, Carter/Singleton, Greenstein)** – Revises requirements for provision of counseling and support services to emergency services personnel
- ACS for A-4972/SCS for S-1490 (Moriarty/Beach, Scutari)** – Establishes certain consumer protections related to arbitration organizations
- A-4978 wGR/S-3498 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances
- A-5023/S-3467 (McKnight, Mukherji, Chaparro, Chiaravalloti/Cunningham)** – Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality
- A-5028/S-3523 (Mukherji, Conaway, Pintor Marin/Vitale, Diegnan)** – Establishes "James Nicholas Rentas's Law," revises "New Jersey SmokeFree Air Act"
- A-5029/S-3522 (Sumter, Reynolds-Jackson, Johnson/Rice, T. Kean)** – Requires New Jersey Office on Minority and Multicultural Health to study racial disparities on sexual and reproductive health of African-American women

A-5031/S-3455 (Speight, McKnight, Timberlake/Ruiz) – Requires hospital emergency departments to ask person of childbearing age about recent pregnancy history

A-5314/S-3692 (Zwicker, Milam, Mazzeo/Cryan, Ruiz) – Requires DHS to study social isolation occurring in certain population groups

A-5344/S-3833 (Mukherji, Vainieri Huttel, Milam/Gopal, Corrado) – Establishes uniform standard for acceptable proof of veteran status for veteran's ID cards and various State and local programs

A-5388/S-3895 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires specialized in-service training regarding crime victims for police departments in certain high-crime areas

A-5389/S-3896 (Speight, Pintor Marin, Greenwald/Greenstein, Ruiz) – Requires training or experience in crime victims' rights for certain members of Victims of Crime Compensation Review Board

A-5432/S-3796 (Milam, Land/Andrzejczak) – Requires DEP Commissioner to establish individual transferable quota system for menhaden purse seine fishery

A-5445/S-3909 (Swain, Tully, Spearman/T. Kean, Corrado) – Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement

A-5511/S-1852 (Spearman, Jones, Reynolds-Jackson/Turner, Cruz-Perez) – Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike

A-5580/S-3842 (Johnson, Moriarty, Greenwald/Weinberg, Sarlo) – Extends availability period for tax credits for certain expenses incurred for production of certain film and digital media content, raises annual cap related to film production, and provides for annual administration of film tax credits

A-5583/S-3919 (Pinkin, Lopez, Mukherji/Smith, Bateman) – Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases

A-5630/S-3981 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg, Corrado) – Requires Civil Service Commission to establish and maintain hotline for State employees to submit reports of workplace discrimination and harassment

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A-5667/S-3933 (Mukherji, Vainieri Huttel, Armato, DeCroce, Karabinchak/Singer, Scutari) – "Charlie's Law"; requires pharmacy practice sites and hospice programs to furnish patients with information and means to safely dispose of unused prescription drugs and medications

A-5801/S-4064 (Coughlin, Houghtaling, Verrelli/Singleton, Sweeney) – Concerns responsibility of contractors for wage claims against subcontractors

A-5817/S-4263 (Mazzeo, Armato/Cunningham, Sweeney, C.A. Brown) – Allows certain persons to qualify for casino key employee license and casino employee registration

A-5916/S-4255 (Chiaravalloti, McKnight, Karabinchak/Cunningham, Weinberg) – Authorizes DOH to notify elected officials of financial distress of certain hospitals

A-5918/SCS for S-3741 and 4253 (Chiaravalloti, McKnight/Weinberg, Cunningham, Vitale) – Expands hospital reporting requirements

A-5970/S-4201 (Lopez, Speight, Chaparro/Codey) – Amends list of environmental infrastructure projects approved for long-term funding for FY2020 to include new projects, remove certain projects, and modify estimated loan amounts for certain projects

A-5971/S-4202 (Mukherji, Pintor Marin, Spearman/Bateman, Corrado) – Authorizes NJ Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects for FY2020

A-5972/S-4203 (Pinkin, Benson, Zwicker/Greenstein, Singleton) – Makes changes to New Jersey Infrastructure Bank's enabling act

A-5977/S-4282 (Greenwald, Downey, Vainieri Huttie/Vitale, Singleton) – Provides for establishment of Regional Health Hub Program as replacement to Accountable Care Organization Demonstration Project, and designates existing accountable care organizations and look-alike organizations as Regional Health Hubs

A-6119/S-4336 (Egan, Houghtaling/Madden) – Revises "The Public Works Contractor Registration Act" and amends definition of registered apprenticeship program

AJR-35/SJR-159 (McKnight, Chaparro, Chiaravalloti, DeCroce/Cunningham, Greenstein) – Designates third full week in March as "Domestic Violence Services Awareness Week" to bring awareness of services available to domestic violence victims

AJR-103/SJR-70 (Rooney, DePhillips, Murphy/Corrado) – Permanently designates January as "NUT Carcinoma Awareness Month" in New Jersey

AJR-118/SJR-157 (McKnight, Timberlake, McKeon/Pou, Madden) – Designates April of each year as "Financial Literacy Month" in New Jersey

AJR-180/SJR-112 (DeAngelo, McKnight, Murphy/Singleton, Corrado) – Designates February in each year as "Career and Technical Education Month" in New Jersey

Governor Murphy declined to sign the following bills, meaning they expire without becoming law:

S-691/A-657 (Ruiz, Pou/Jasey, Caputo, Pintor Marin, Sumter, Wimberly) – Requires that if a school district satisfies 80% or more of the required NJ Quality Single Accountability Continuum standards in an area of district effectiveness under State intervention, the State must return that area to local control

S-1083/A-544 (Cruz-Perez, Gopal/Mazzeo, Houghtaling, Holley, Dancer) – Establishes loan program and provides corporation business tax and gross income tax credits for establishment of new vineyards and wineries

S-2421/A-1030 (Smith, Bateman/Johnson, Kennedy, Benson, DeAngelo) – Concerns installation of electric vehicle charging stations in common interest communities

S-2425/A-3851 (Singleton, Andrzejczak/Conaway) – Revises law relating to common interest communities

S-2429/A-4028 (Scutari, Pou/Bramnick, Downey) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-2835/A-3926 (Singleton, Ruiz/Conaway, Lampitt, Murphy) – Requires public schools to administer written screenings for depression for students in certain grades

S-2897/A-1433 (Madden, Singer/Benson, Wimberly, Carter) – Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers

S-2957/A-4712 (Stack/Mukherji, Chaparro) – Establishes five-year moratorium on conversions of certain residential rental premises in qualified counties

S-2958/A-4535 (Sarlo, Oroho/Zwicker, DePhillips, DeCroce) – Establishes the "Energy Infrastructure Public-Private Partnership Act"

S-3062/A-2049 (Ruiz, Greenstein/Howarth, Benson, Murphy) – Provides corporation business tax and gross income tax credits for businesses that employ apprentices in DOL registered apprenticeships

S-3063/A-4655 (Ruiz/Armato, Vainieri Huttie, DeAngelo) – Provides tuition fee waiver apprenticeship courses

S-3137/A-1308 (Sweeney, Oroho, Singleton/Greenwald, Milam, Land) – The "Electronic Construction Procurement Act"

S-3252/A-4713 (Greenstein, Stack/DeAngelo, Quijano) – "New Townhouse Fire Safety Act"; requires automatic fire sprinkler systems in new townhomes

S-3263/A-4837 (T. Kean, Diegnan/Vainieri Huttle, Chiaravalloti, McKnight) – Revises and updates membership and purpose of Advisory Council on the Deaf and Hard of Hearing in DHS

S-3270/A-5095 (Pou/McKeon, Freiman, DeCroce) – Establishes certain requirements for stop loss insurance offered to small employers

S-3393/ACS for A-5384 and 5157 (Sarlo, Addiego/Mazzeo, Murphy, Houghtaling, Calabrese, Armato, Dancer) – Allows certain preserved farms to hold 14 special occasion events per year; imposes further event restrictions on residentially-exposed preserved farms

S-3770/A-6118 (Sarlo, Oroho, Sweeney/Greenwald, Jones) – Establishes "New Jersey Economic and Fiscal Policy Review Commission" to provide ongoing review of State and local tax structure, economic conditions, and related fiscal issues

S-3888/A-5585 (Ruiz/Dancer, Pintor Marin) – Extends document submission deadlines under Economic Redevelopment and Growth Grant program and Urban Transit Hub Tax Credit program

S-4035/A-5702 (Pou, Singleton/Wimberly, Reynolds-Jackson, Sumter) – Makes Fiscal Year 2020 supplemental appropriation of \$1,700,000 for Thomas Edison State University

S-4281/A-6094 (Smith, Diegnan/Danielsen, Pinkin) – Requires State to sell and convey to Educational Services Commission of New Jersey certain land and improvements known as Piscataway Regional Day School

S-4331/A-4727 (Diegnan, Madden/Karabinchak, Holley, Jones) – Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement; requires testing on rights and responsibilities of driver stopped by law enforcement

A-491/S-4340 (Jimenez/Sacco, Stack) – Enhances PFRS accidental death pension for surviving spouse by providing for minimum of \$50,000 annually

A-1044/S-1441 (Houghtaling, Downey, DiMaio, Space/Doherty, Madden) – Requires Director of Division of Taxation to examine feasibility of centralized property tax information system to verify property taxes paid by homestead property tax reimbursement claimants

A-1045/S-2856 (Houghtaling, Downey, Dancer/Gopal, Oroho) – Clarifies sales tax collection responsibilities of horse-boarding businesses in New Jersey

A-1526/S-1048 (Zwicker, Johnson/Vitale) – Concerns payment of independent contractors

A-2731/S-3407 (Taliaferro, Space/Sweeney, Oroho) – Removes statutory limitation on number of permits that may be issued by Division of Fish and Wildlife for the taking of beaver

A-4382/S-2815 (Pinkin, Lopez, Kennedy/Beach, Smith) – Requires paint producers to implement or participate in paint stewardship program

A-4463/S-3927 (Freiman, Egan, Karabinchak/Oroho, Andrzejczak) – Establishes "Electronic Permit Processing Review System"

A-4788/S-3880 (Karabinchak, Freiman, Calabrese/Diegnan) – Establishes expedited construction inspection program

A-5072/S-3496 (Karabinchak, Johnson, Mukherji/Greenstein, Cryan) – "Defense Against Porch Pirates Act"; creates new category of theft, with penalties including mandatory restitution and community service, for taking package delivered to residence by cargo carrier

A-5446/S-3907 (Land, Reynolds-Jackson, Verrelli/T. Kean, Lagana) – Requires reporting of opioid deaths

A-5629/S-3980 (Pintor Marin, Munoz/Weinberg, Corrado) – Clarifies provisions concerning disclosure of existence and content of discrimination or harassment complaints; requires certain disclosures to person against whom complaint is made

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ACS for A-5922 and 5923/SCS for S-4223 and 4224 (Conaway, Vainieri Huttle, Lopez, Pinkin/Vitale, Sweeney) – Revises requirements for sale of tobacco and vapor products; increases penalties for prohibited sales; increases fees for cigarette and vapor business licensure

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