

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1931

By Mr. GRIMM

Referred to Committee on Motor Vehicles and Traffic

AN ACT relating to and regulating the sale and purchase of, transfer of title to, or transfer of possession of, motor vehicles, new and used, voluntary or involuntary, conditional or otherwise; requiring manufacturers' serial and motor numbers thereon; requiring issuance of original bills of sale and/or assignments in original and duplicate original; requiring licensing of dealers of new and used motor vehicles and giving Commissioner of Motor Vehicles authority and power to issue such licenses and revoke same; giving licensed dealers of new motor vehicles authority to issue original bills of sale therefor; empowering Commissioner of Motor Vehicles to refuse to grant registration certificate and plates for motor vehicles unless title papers comply with act; giving Commissioner of Motor Vehicles authority to make rules and regulations; providing penalties for violations; and repealing chapter one hundred and sixty-eight, laws of one thousand nine hundred and nineteen, and amendments thereof, and acts and parts of acts inconsistent herewith.

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

1 1. Definitions. The terms used in this act, unless other meaning is clearly ap-
2 parent from the language or context, or unless such construction is inconsistent
3 with the manifest intention of the Legislature, shall be construed as follows:

4 (A) The term "new motor vehicle" means only a newly manufactured motor
5 vehicle, and includes all such vehicles propelled otherwise than by muscular power,
6 and motorcycles, trailers and tractors, excepting such vehicles as run only upon rails
7 or tracks.

8 (B) The term "used motor vehicle" means every motor vehicle title to, or
9 possession of, which has been transferred from the person who first acquired it
10 from the manufacturer or dealer, and so used as to become what is commonly
11 known as "second-hand" within the ordinary meaning thereof, and includes every
12 motor vehicle other than a "new motor vehicle."

13 (C) The term "any motor vehicle," or "every motor vehicle," or similar term,
14 means and includes both new and used motor vehicles.

15 (D) The term "original bill of sale" means the original written instrument or
16 document required to be executed and delivered by manufacturer or dealer to buyer
17 for first sale of new motor vehicle; and "bill of sale" means instrument or document
18 other than original bill of sale.

19 (E) The term "assignment" means the written instrument or document re-
20 quired to be executed and delivered by seller to buyer for sale of any used motor
21 vehicle.

22 (F) The term "contract" shall mean conditional sale agreement, bailment,
23 lease, chattel mortgage, trust receipt or any other form of security or possession
24 agreement.

25 (G) The term "title papers" shall mean and include original bill of sale
26 and/or original assignment or assignments, or other papers in conformity with this
27 act, and/or certificates issued by commissioner.

28 (H) The term "Commissioner" shall mean the Commissioner of Motor
29 Vehicles, his deputy or duly authorized agent.

30 (I) The term "manufacturer" means the person who originally manufactured
31 the motor vehicle.

32 (J) The term "dealer" shall mean the agent, distributor or authorized dealer
33 of the manufacturer of the new motor vehicle, and who has an established place of
34 business.

35 (K) The term "used motor vehicle dealer" shall mean any person who is en-
36 gaged in the business of selling, buying or dealing in used motor vehicles, and who
37 has an established place of business.

38 (L) The term "person" shall mean and include natural persons, firms or co-
39 partnerships, corporations, associations, or other artificial bodies, receivers, trustees,

40 common law or statutory assignees, executors, administrators, sheriffs, constables,
41 marshals, or other persons in representative or official capacity, and mem-
42 bers, officers, agents, employees, or other representatives of those hereinbefore
43 enumerated; and the singular shall include the plural, and the masculine shall in-
44 clude the feminine and neuter, as requisite.

45 (M) The term "buyer" shall mean and include purchaser, conditional vendee,
46 lessee, bailee, transferee, chattel mortgagor, and any person buying, attempting to
47 buy, or receiving any motor vehicle, under conditional sale contract, lease, bailment,
48 transfer agreement, chattel mortgage, trust receipt or any other form of security or
49 possession agreement, or legal successor in interest.

50 (N) The term "seller" shall mean and include manufacturer, dealer, lessor,
51 bailor, transferrer, conditional vendor, chattel mortgagee, and any person selling,
52 attempting to sell, or delivering any motor vehicle, under conditional sale contract,
53 lease, bailment, transfer agreement, chattel mortgage, trust receipt or any other form
54 of security or possession agreement, or legal successor in interest.

55 (O) The terms "sell" or "sale" or "purchase" or any form thereof shall mean
56 and include absolute and/or voluntary sales and purchases, agreements to sell and
57 purchase, bailments, chattel mortgages, leases, trust receipts and other forms of
58 security agreement whereby any motor vehicles are sold and purchased, or agreed
59 to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise
60 or bequest, gift or any other form or manner of sale or agreement of sale thereof,
61 or the giving or transferring possession of any motor vehicle to any person for
62 permanent use, continued possession for thirty days or more to be construed as
63 permanent use.

64 (P) The term "manufacturer's numbers" shall mean the original manufac-
65 turer's serial number affixed or attached to, or imprinted upon, the body and/or
66 chassis of any motor vehicle, and the original manufacturer's number affixed to, or
67 imprinted upon, the engine or motor of any motor vehicle.

1 2. Sale Contrary to Act Unlawful. It shall be unlawful to sell and purchase
2 any motor vehicle in this State, except in the manner and subject to the conditions
3 herein provided.

1 3. Possession Without Title Papers Unlawful. It shall be unlawful for any
2 person to have in his possession any motor vehicle in this State, unless he has title
3 papers therefor in conformity with the provisions and requirements of this act;
4 *provided, however,* that if any such motor vehicle is registered in, or bears the
5 registration plates of, another state or country and is being used or operated with-
6 in this State by virtue of reciprocity privilege extended to said motor vehicle, per-
7 son or otherwise, the person in possession thereof and/or using or operating same
8 in this State must be entitled to ownership and/or possession in accordance with
9 the laws of the State or country where the motor vehicle is registered, or the
10 registration plates of which it bears.

1 4. Motor Vehicle Must Have Numbers. Every motor vehicle must have and
2 contain manufacturer's numbers, which numbers or any of them shall not be
3 obliterated, erased, mutilated, removed or missing; *provided, however,* that this
4 shall not affect those persons authorized by law to have in their possession any
5 motor vehicles on which the manufacturer's numbers have been obliterated, erased,
6 mutilated, removed or missing.

1 5. First Sale, Original Bill of Sale Issued by Manufacturer or Licensed
2 Dealer. Whenever a new motor vehicle is sold within this State, the manufacturer
3 or dealer shall execute to buyer an original bill of sale, in original and duplicate
4 original, signed or duly executed by the manufacturer or dealer and the buyer with
5 their genuine names and addresses stated thereon, business and/or residence, wit-
6 nessed by two persons whose genuine names and residence addresses also shall be
7 stated thereon, and acknowledged by said seller before any person authorized, at
8 the time of taking such acknowledgment, by the laws of this State to take the
9 proofs and acknowledgments of deeds or conveyances of lands, tenements and
10 hereditaments, which bill of sale shall contain the manufacturer's numbers of the
11 motor vehicle sold, the name of the manufacturer, the horse power, a general
12 description of the body, and the type and model, and contract, if any, to which it
13 is subject, and which shall be delivered to the buyer if it is not subject to contract,
14 otherwise to holder of said contract; *provided, however,* that no dealer shall have
15 power to issue bill of sale for such motor vehicle unless licensed as herein pro-

16 vided; *and provided, further*, that no used motor vehicle dealer shall have power to
17 issue an original bill of sale for a new motor vehicle.

1 6. After First Sale, Original Bill of Sale Assigned. In all sales after the
2 new motor vehicle is sold by manufacturer or dealer, and in every sale of a used
3 motor vehicle, except as set forth in section nine, the seller shall execute to buyer
4 assignment, in the same form and manner as provided in section five, and shall
5 also deliver to buyer as set forth in said section bill of sale, and/or assignment or
6 all assignments from the time the said motor vehicle was first sold. Bill of sale
7 and/or assignment or all assignments for said motor vehicle from time first sold
8 shall at all times be kept and attached together.

1 7. When Contract Performed, Title Papers Delivered. If and when contract
2 described in title papers has been performed by the buyer and title in the motor
3 vehicle described therein is to vest in said buyer, the seller shall deliver to buyer
4 the title papers thereto executed as provided in section five, with proper evidence
5 of satisfaction of said contract. Said contract shall contain a provision to this
6 effect.

1 8. Purchaser of Motor Vehicle Must Submit Title Papers to the Commission-
2 er; Lost Papers. The purchaser of any motor vehicle within this State shall,
3 within five days after the purchase thereof, submit title papers from the time the
4 said motor vehicle was first sold, to the Commissioner, with filing fee of fifty cents,
5 who shall stamp same, retain and file duplicate original and return originals to said
6 purchaser; *provided, however*, if subject to contract, it shall be delivered to holder
7 thereof. If title papers are lost, upon proof by affidavit or otherwise as required
8 by the Commissioner, and if the Commissioner is satisfied of bona fides of appli-
9 cation, he shall prepare copy of said title papers, certify same, and authorize their
10 use in place and stead of originals with same effect as though originals, and make
11 a charge for same of one dollar for certificate and twenty-five cents for each paper
12 so lost.

1 9. If Motor Vehicle Seized, Procedure and Delivery of Title Papers by Officer.
2 If motor vehicle is seized, levied upon, or attached and taken into possession,
3 actually or constructively, by virtue of judicial process issued by a court of com-
4 petent jurisdiction in this State, or by virtue of any statute, State, Federal or other-

5 wise, it shall be the duty of the person from whose possession such motor vehicle was
6 taken, and without prejudice to his rights in the premises, immediately to sur-
7 render the title papers to the commissioner, and the officer or person aforesaid shall
8 immediately file with the commissioner a notice in writing giving a full description
9 of motor vehicle as provided in section five, and name and address of person from
10 whom taken, and attach copy of process or statutory or other authority to said
11 notice, and if said motor vehicle is sold in pursuance thereof, the officer so selling
12 the motor vehicle shall execute and deliver to the buyer at said sale bill of sale in
13 the same form and manner as provided in section five, and also containing the
14 name and address of person from whom taken; and a copy of the writ, order,
15 decree, execution or other process under which said motor vehicle is sold shall be
16 attached thereto, and copy of notice of sale, said notice of sale to contain descrip-
17 tion of said motor vehicle as required by this act; and if sale is held by a bailiff
18 or attorney-in-fact for a lienor, said lienor shall also execute said bill of sale. The
19 commissioner, upon due application to him by said buyer at sale, may deliver the
20 title papers surrendered to him as aforesaid.

1 10. Procedure in Case of Defective or Improper Title Papers; Proofs and
2 Notice Required. If title papers are defective or improper, or same are not sub-
3 mitted to the commissioner as and within time required by this act, or in case the
4 motor vehicle was purchased and the sale of the same consummated in another state
5 or country, where the said sale was made in accordance with laws of that state or
6 country regulating the sale of motor vehicles, and not made for the purpose of evad-
7 ing the provisions of this act, bona fide owner of the motor vehicle may apply to
8 the commissioner to correct said defect or defects, or permit same to be received,
9 and upon proofs being submitted to the commissioner, with or without hearing,
10 showing that in his judgment it is just and equitable that said defect or defects be
11 corrected, or that said title papers be received, and that said holder appears to be
12 the bona fide owner of said motor vehicle, then upon such proofs by affidavit or
13 otherwise as the commissioner may prescribe, said commissioner may issue his certifi-
14 cate, correcting said defect or defects, or permitting title papers to be received and
15 filed as aforesaid, which certificate shall be annexed to said title papers and kept
16 with same at all times, for which certificate the commissioner shall charge a fee

17 of one dollar; *provided, however*, that before issuing such certificate the com-
 18 missioner may, in his discretion, require said person to advertise notice in news-
 19 paper having a general circulation in the county where he resides for space of two
 20 weeks, at least once a week, making three insertions in all, said notice to briefly set
 21 forth that said person has applied to the commissioner to correct defect or defects
 22 in motor vehicle title papers or to receive same out of time, or as case may be,
 23 description of motor vehicle as provided in section five, and that if anybody desires
 24 to be heard in opposition thereto he may do so by appearing before the commis-
 25 sioner on date and place, or communicating with him prior thereto, and also to serve
 26 like notice on local police, State police, and such other person or agency as pre-
 27 scribed by the commissioner, personally or by registered mail, and proofs of said
 28 publication and service submitted to the commissioner. The commissioner, his agent
 29 or inspector may have notice advertised and/or served at cost and expense of said
 30 person.

1 11. Title Papers in Case of Purchase Prior to Act. In the event any motor
 2 vehicle was purchased prior to the going into effect of this act, the seller and buyer
 3 shall execute bill of sale in the same form and manner as provided in section five;
 4 *provided, however*, that title papers required by chapter one hundred sixty-eight of
 5 the laws of nineteen hundred and nineteen, entitled "An act relating to and regulat-
 6 ing the sale and purchase of motor vehicles requiring presence of manufacturer's
 7 number on same, requiring issuance of bill of sale and assignment of same, and
 8 providing penalties therefor," approved April fifteenth, one thousand nine hundred
 9 and nineteen, and amendments thereof, are attached to and made part of said bill of
 10 sale and submitted therewith.

1 12. Registration and Plates Not Issued Without Proper Title Papers. The
 2 Commissioner of Motor Vehicles shall refuse to grant registration certificate and
 3 plates for a motor vehicle, unless the owner shall furnish to the commissioner or his
 4 agent title papers in conformity with the provisions of this act, in addition to the
 5 requirements of chapter two hundred eight of the laws of nineteen hundred and
 6 twenty-one, entitled "An act defining motor vehicles and providing for the registra-
 7 tion of the same and the licensing of the drivers thereof; fixing rules regulating
 8 the use and speed of motor vehicles; fixing the amount of license and registration

9 fee; preserving and regulating process and the service thereof and proceedings for
10 the violation of the provisions of the act and penalties for said violations," approved
11 April eighth, one thousand nine hundred and twenty-one, and amendments thereof
12 and supplements thereto. If motor vehicle is subject to contract, the registration
13 certificate shall so state.

1 13. All Dealers Required To Be Licensed; Annual Fee. No person shall en-
2 gage in the business of buying, selling or dealing in any motor vehicles within this
3 State, unless the person shall be authorized to do the same under the provisions of
4 this act. The commissioner may, upon application in such form as he may prescribe,
5 license any proper person as such dealer; for such license an annual fee of ten
6 dollars shall be paid, license shall be issued for calendar year, and renewed from
7 year to year upon payment of a similar fee.

1 14. Suspension Or Revocation Of Dealer's License After Hearing; Review By
2 Supreme Court. The Commissioner may suspend for period less than the unexpired
3 term of the license or revoke any license, after hearing, for violation of any of the
4 provisions of this act or any rules or regulations made by said commissioner under
5 authority hereof. The Commissioner shall, before suspending or revoking license,
6 and at least ten days prior to the date set for the hearing, notify in writing the
7 holder of such license of charges made, and shall afford such licensee an
8 opportunity to be heard in person or by counsel. Such written notice may be
9 served either personally or by registered mail addressed to the last known address
10 of such licensee. The commissioner shall have power to subpoena and bring before
11 him any person in this State, or take testimony by deposition, in the same manner
12 as prescribed by law in judicial proceedings in the courts of this State. The Su-
13 preme Court shall have power to review any final decision or determination of the
14 commissioner; *provided*, that application is made to the Supreme Court by the
15 aggrieved person within thirty days after such determination. Such application to
16 the Supreme Court shall be made by petition to any justice of said court, and said
17 justice shall have power to hear and dispose of the matter in a summary manner.

1 15. Title Papers Must Be In Possession Of Dealer; Otherwise Motor Vehicles
2 May Be Seized And Sold. All dealers within this State shall have title papers for all
3 motor vehicles in their possession; and the commissioner, either personally or by

4 agent or motor vehicle inspector, shall have the right to demand production of, and
5 examine, title papers for any and all motor vehicles in possession of any dealer,
6 and to examine and inspect all motor vehicles in their possession. If demand is
7 not complied with, or if there are no title papers for motor vehicle or vehicles in
8 possession of any dealer, or if same are not in conformity with this act, the commis-
9 sioner or his agent or motor vehicle inspector may seize and take possession of
10 such motor vehicle or vehicles, and hold and detain same until title papers are pro-
11 duced or same are corrected, if defective, or ownership of any such motor vehicle is
12 established according to law, and after expiration of ninety days from the date such
13 motor vehicle came into his possession, the commissioner may sell same at public sale,
14 upon at least ten days' written notice of sale to dealer, served personally or by
15 registered mail, addressed to the dealer at his last known place of business, and upon
16 notice of such sale being published for space of two weeks, once a week, making
17 three insertions in all, in one or more newspapers published and circulating in this
18 State, and also by posting such notice in five public places in this State, said news-
19 papers and places of posting to be designated by said commissioner. Upon the sale
20 of such motor vehicles all valid liens and claims for interest therein, if any, shall
21 be transferred from said vehicles to proceeds of sale, which, subject thereto, shall
22 become the sole property of the State, to be used as other moneys received by the
23 Commissioner of Motor Vehicles.

1 16. Commissioner Prescribe and Supply Forms and Entitled to Return of
2 Unused Portion; and May Seize Same or Other Title Papers. The commissioner
3 shall have the power to prescribe and supply forms of bills of sale and assign-
4 ments, and such other forms requisite under this act, and any unused forms so fur-
5 nished to any person shall be and remain the property of the State and shall be
6 returned on demand to the commissioner or motor vehicle inspector, who shall
7 have power to seize and take possession of same or any other title papers to which
8 the commissioner may be entitled or which person is under duty to return to the
9 commissioner, from any person or place within this State with all the rights, privi-
10 leges and immunities conferred by law upon an officer executing a writ of replevin.

1 17. Title Papers Returned to Commissioner When Motor Vehicle Junked, Etc.

2 Whenever any motor vehicle is scrapped, destroyed or junked, or a person perma-
3 nently parts with possession thereof, other than by sale and transfer of title papers
4 to buyer in accordance with this act, he shall immediately surrender and deliver
5 said title papers to the commissioner.

1 18. Penalties. Any person knowingly or wilfully violating any of the pro-
2 visions of this act, or knowingly or wilfully making any misrepresentation or
3 false statement in any title papers or papers submitted to the commissioner in con-
4 nection therewith, or who purchases, receives or obtains any motor vehicle or names
5 and addresses of witnesses on any title paper in violation of this act, or forging,
6 changing or counterfeiting any part of title papers, or misrepresenting the number
7 or numbers placed upon any motor vehicle by the manufacturer, or in any other
8 manner misrepresenting the description of any motor vehicle, or using title papers
9 on or for any wrong motor vehicle, with intent to evade or violate the require-
10 ments of this act, shall be deemed guilty of a misdemeanor, and upon conviction
11 thereof shall be punished by a fine not to exceed two thousand dollars or by
12 imprisonment not to exceed two years, or both, at the discretion of the court, and
13 shall immediately return title papers involved to the commissioner.

1 19. Act Enforced by Commissioner; Rules and Regulations. The enforcement
2 of this act shall be entrusted to the Commissioner of Motor Vehicles, and he is
3 hereby authorized and empowered to make rules and regulations necessary in his
4 judgment for the administration and enforcement of this act in addition hereto
5 but not inconsistent herewith.

1 20. Repealer and Saving Clause. Chapter one hundred sixty-eight of the laws
2 of nineteen hundred and nineteen, entitled "An act relating to and regulating the
3 sale and purchase of motor vehicles requiring presence of manufacturer's number
4 on same, requiring issuance of bill of sale and assignment of same, and providing
5 penalties therefor," as amended by chapter two hundred and forty-seven of the laws
6 of nineteen hundred and twenty, chapter one hundred and ninety-five of the laws
7 of nineteen hundred and twenty-four, chapter eighty-nine of the laws of nineteen
8 hundred and twenty-five, and all acts and parts of acts inconsistent herewith are

9 hereby repealed. *However*, this act shall not be considered as a repeal of any of
10 the provisions of chapter two hundred and eight of the laws of nineteen hundred
11 and twenty-one, entitled "An act defining motor vehicles and providing for the regis-
12 tration of the same and the licensing of the drivers thereof; fixing rules regulating
13 the use and speed of motor vehicles; fixing the amount of license and registration
14 fees; prescribing and regulating process and the service thereof and proceedings
15 for the violation of the provision of the act and penalties for said violations," and
16 acts amendatory thereof and supplemental thereto, except chapter two hundred and
17 fifty-seven of the laws of nineteen hundred and twenty-six.

1 21. Interpretation. This act shall be so interpreted and construed as to effec-
2 tuate its general purpose to regulate and control titles to, and possession of, all
3 motor vehicles in this State, so as to prevent the sale, purchase, disposal, possession,
4 use or operation of stolen motor vehicles, or motor vehicles with fraudulent titles,
5 within this State.

1 22. Short Title. This act may be known and cited as the "Motor Vehicle
2 Bill of Sale Law."

1 23. In Case Part Unconstitutional, Other Parts Not Affected. If any part or
2 parts of this act shall be declared unconstitutional, the other parts thereof shall not
3 thereby be affected or impaired.

1 24. Date Effective. This act shall take effect the first day of July, one thou-
2 sand nine hundred and thirty-one.

ASSEMBLY, No. 51

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1931

By Mr. GRIMM

Referred to Committee on Motor Vehicles and Traffic

AN ACT relating to and regulating the sale and purchase of, transfer of title to, or transfer of possession of, motor vehicles, new and used, voluntary or involuntary, conditional or otherwise; requiring manufacturers' serial and motor numbers thereon; requiring issuance of original bills of sale and/or assignments in original and duplicate original; requiring licensing of dealers of new and used motor vehicles and giving Commissioner of Motor Vehicles authority and power to issue such licenses and revoke same; giving licensed dealers of new motor vehicles authority to issue original bills of sale therefor; empowering Commissioner of Motor Vehicles to refuse to grant registration certificate and plates for motor vehicles unless title papers comply with act; giving Commissioner of Motor Vehicles authority to make rules and regulations; providing penalties for violations; and repealing chapter one hundred and sixty-eight, laws of one thousand nine hundred and nineteen, and amendments thereof, and acts and parts of acts inconsistent herewith.

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

1 1. Definitions. The terms used in this act, unless other meaning is clearly ap
2 parent from the language or context, or unless such construction is inconsistent
3 with the manifest intention of the Legislature, shall be construed as follows:

4 (A) The term "new motor vehicle" means only a newly manufactured motor
5 vehicle, and includes all such vehicles propelled otherwise than by muscular power,
6 and motorcycles, trailers and tractors, excepting such vehicles as run only upon rails
7 or tracks.

8 (B) The term "used motor vehicle" means every motor vehicle, title to, or
9 possession of, which has been transferred from the person who first acquired it
10 from the manufacturer or dealer, and so used as to become what is commonly
11 known as "second-hand" within the ordinary meaning thereof, and includes every
12 motor vehicle other than a "new motor vehicle."

13 (C) The term "any motor vehicle," or "every motor vehicle," or similar term,
14 means and includes both new and used motor vehicles.

15 (D) The term "original bill of sale" means the original written instrument or
16 document required to be executed and delivered by manufacturer or dealer to buyer
17 for first sale of new motor vehicle; and "bill of sale" means instrument or document
18 other than original bill of sale.

19 (E) The term "assignment" means the written instrument or document re-
20 quired to be executed and delivered by seller to buyer for sale of any used motor
21 vehicle.

22 (F) The term "contract" shall mean conditional sale agreement, bailment,
23 lease, chattel mortgage, trust receipt or any other form of security or possession
24 agreement, wherein and whereby possession of any motor vehicle is delivered to the
24 $\frac{1}{8}$ buyer and title therein is to vest in the buyer at a subsequent time upon the payment
24 $\frac{1}{4}$ of part or all of the price, or upon the performance of any other condition or happen-
24 $\frac{3}{8}$ ing of any contingency, or upon the payment of a sum substantially equivalent to
24 $\frac{1}{2}$ the value of said motor vehicle, by which contract it is agreed that the buyer is bound
24 $\frac{5}{8}$ to become, or has the option of becoming, the owner of said motor vehicle upon full
24 $\frac{3}{4}$ compliance with the terms of the said contract; and "abstract of contract" means the
24 $\frac{7}{8}$ original written abstract of said contract required to be executed and delivered by
25 seller of said motor vehicle to buyer, in addition to said contract.

25 $\frac{1}{2}$ (G) The term "title papers" shall mean and include original bill of sale, ab-
26 stract of contract and/or original assignment or assignments, or other papers in
27 conformity with this act, and/or certificates issued by commissioner.

28 (H) The term "Commissioner" shall mean the Commissioner of Motor
29 Vehicles, his deputy or duly authorized agent.

30 (I) The term "manufacturer" means the person who originally manufactured
31 the motor vehicle.

32 (J) The term "dealer" shall mean the agent, distributor or authorized dealer
33 of the manufacturer of the new motor vehicle, and who has an established place of
34 business.

35 (K) The term "used motor vehicle dealer" shall mean any person who is en-
36 gaged in the business of selling, buying or dealing in used motor vehicles, and who
37 has an established place of business.

38 (L) The term "person" shall mean and include natural persons, firms or co-
39 partnerships, corporations, associations, or other artificial bodies, receivers, trustees,
40 common law or statutory assignees, executors, administrators, sheriffs, constables,
41 marshals, or other persons in representative or official capacity, and mem-
42 bers, officers, agents, employees, or other representatives of those hereinbefore
43 enumerated; and the singular shall include the plural, and the masculine shall in-
44 clude the feminine and neuter, as requisite.

45 (M) The term "buyer" shall mean and include purchaser, conditional vendee,
46 lessee, bailee, transferee, chattel mortgagor, and any person buying, attempting to
47 buy, or receiving any motor vehicle, under conditional sale contract, lease, bailment,
48 transfer agreement, chattel mortgage, trust receipt or any other form of security or
49 possession agreement, or legal successor in interest.

50 (N) The term "seller" shall mean and include manufacturer, dealer, lessor,
51 bailor, transferror, conditional vendor, chattel mortgagee, and any person selling,
52 attempting to sell, or delivering any motor vehicle, under conditional sale contract,
53 lease, bailment, transfer agreement, chattel mortgage, trust receipt or any other form
54 of security or possession agreement, or legal successor in interest.

55 (O) The terms "sell" or "sale" or "purchase" or any form thereof shall mean
56 and include absolute and/or voluntary sales and purchases, agreements to sell and
57 purchase, bailments, chattel mortgages, leases, trust receipts and other forms of
58 security agreement whereby any motor vehicles are sold and purchased, or agreed
59 to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise
60 or bequest, gift or any other form or manner of sale or agreement of sale thereof,
61 or the giving or transferring possession of any motor vehicle to any person for
62 permanent use, continued possession for sixty days or more to be construed as
63 permanent use.

64 (P) The term "manufacturer's numbers" shall mean the original manufac-
65 turer's serial number affixed or attached to, or imprinted upon, the body and/or
66 chassis of any motor vehicle, and the original manufacturer's number affixed to, or
67 imprinted upon, the engine or motor of any motor vehicle.

1 2. Sale Contrary to Act Unlawful. It shall be unlawful to sell and purchase
2 any motor vehicle in this State, except in the manner and subject to the conditions
3 herein provided.

1 3. Every person must have title papers or registration certificate, or both, other-
2 wise motor vehicle may be seized. Every person shall have for every motor vehicle
3 in his possession in this State title papers therefor in conformity with the provisions
4 of this act, and, if said motor vehicle is registered by the commissioner and registra-
5 tion certificate has been issued therefor, registration certificate for said motor vehicle,
6 and produce said title papers or registration certificate, or both, upon demand by the
7 commissioner or motor vehicle inspector, otherwise the commissioner or motor vehicle
8 inspector may seize and take possession of said motor vehicle, and hold, and dispose of,
9 same in accordance with section fifteen hereof; *provided, however*, that if any such
10 motor vehicle is registered in, or bears the registration plates of, another State or
11 county and is being used or operated within this State, the person in possession thereof
12 and/or using or operating same in this State must first be entitled to ownership and/or
13 possession in accordance with the laws of the State or country where the motor ve-
14 hicle is registered, or the registration plates of which it bears, and shall produce to the
15 commissioner or motor vehicle inspector documents showing title to, or right of pos-
16 session in, said motor vehicle in said person or in the person who has authorized him
17 to use and operate said motor vehicle, or registration certificate or other evidence of
18 registration, besides plates, issued by said State or country or department thereof to
19 said person, or to person who has authorized him to use and operate said motor
20 vehicle, evidencing the registration of said motor vehicle in said State or country, or
21 both; *and provided, further*, that where any motor vehicle is in the possession of any
22 garage keeper, motor vehicle dealer, both new and used, or motor vehicle service sta-
23 tion in this State, the production of a writing signed by person delivering possession
24 of said motor vehicle to said garage keeper, dealer or service station setting forth
25 that said person is the owner or entitled to the possession of said motor vehicle and

26 has title papers or registration certificate therefor shall be deemed a compliance with
27 this section insofar as said garage keeper, dealer and service station are concerned.

1 4. Motor Vehicle Must Have Numbers. Every motor vehicle must have and
2 contain manufacturer's numbers, which numbers or any of them shall not be
3 obliterated, erased, mutilated, removed or missing; *provided, however*, that this
4 shall not affect those persons authorized by law to have in their possession any
5 motor vehicles on which the manufacturer's numbers have been obliterated, erased,
6 mutilated, removed or missing; *and provided further*, that if motor is temporarily
7 changed, commissioner shall be notified in writing of such change within five (5)
8 days thereafter.

1 5. First Sale, Original Bill of Sale Issued by Manufacturer or Licensed
2 Dealer. Whenever a new motor vehicle is sold within this State, the manufacturer
3 or dealer shall execute and deliver to buyer in case of absolute sale an original bill of
4 sale, or in case other than absolute sale, abstract of contract in original and duplicate
4½ original, signed or duly executed by the manufacturer or dealer and the buyer with
5 their genuine names and addresses stated thereon, business and/or residence, wit-
6 nessed by two persons whose genuine names and residence addresses also shall be
7 stated thereon, and acknowledged by said seller before any person authorized, at
8 the time of taking such acknowledgment, by the laws of this State to take the
9 proofs and acknowledgments of deeds or conveyances of lands, tenements and
10 hereditaments, which bill of sale shall contain the manufacturer's numbers of the
11 motor vehicle sold, the name of the manufacturer, the horse power, a general
12 description of the body, if any, and the type and model, and contract, if any, to
13 which it is subject; *provided, however* that no dealer shall have power to issue such
14 original bill of sale or abstract of contract for such motor vehicle unless licensed as
15 herein provided; *and provided, further*, that no used motor vehicle dealer shall have
16 power to issue an original bill of sale for a new motor vehicle unless he is also the
17 dealer for said new motor vehicle and licensed as provided herein.

1 6. After First Sale, Original Bill of Sale Assigned. In all sales after the
2 new motor vehicle is sold by manufacturer or dealer, and in every sale of a used
3 motor vehicle, except as set forth in section nine, the seller shall execute to buyer

4 assignment, in the same form and manner as provided in section five, and shall
5 also deliver to buyer as set forth in said section bill of sale, and/or assignment or
6 all assignments from the time the said motor vehicle was first sold. All title
7 papers for said motor vehicle from time first sold shall at all times be kept and
8 attached together.

1 7. When Contract Performed, Title Papers Delivered. If and when contract
2 described in title papers has been performed by the buyer and title in the motor
3 vehicle described therein is to vest in said buyer, the seller shall deliver to buyer
4 the title papers thereto executed as provided in section five, with proper evidence
5 of satisfaction of said contract. Said contract shall contain a provision to this
6 effect.

1 8. Purchaser of Motor Vehicle Must Submit Title Papers to the Commission-
2 er; Lost Papers. The purchaser of any motor vehicle within this State other than dealer
3 shall, within five days after the purchase thereof, submit title papers from the time
4 the said motor vehicle was first sold, to the Commissioner, with filing fee of fifty cents,
5 who shall stamp same, retain and file duplicate original and return originals to said
6 purchaser; *provided, however*, if subject to contract, the title papers, with exception
7 of duplicate original abstract of contract, in case of sale of used motor vehicle,
8 shall be returned to seller in said contract. If title papers are lost, upon proof
9 by affidavit or otherwise as required by the Commissioner, and if the Commis-
10 sioner is satisfied of bona fides of application, he shall prepare copy of said title
11 papers, certify same, and authorize their use in place and stead of originals with
12 same effect as though originals, and make a charge for same of one dollar for
13 certificate and twenty-five cents for each paper so lost.

1 9. If Motor Vehicle Seized, Procedure and Delivery of Title Papers by Officer.
2 If motor vehicle is seized, levied upon, or attached and taken into possession,
3 actually or constructively, by virtue of judicial process issued by a court of com-
4 petent jurisdiction in this State, or by virtue of any statute, State, Federal or other-
5 wise, it shall be the duty of the person from whose possession such motor vehicle was
6 taken, and without prejudice to his rights in the premises, to sur-
7 render the title papers to the commissioner upon written notice or demand from
8 Commissioner, and the officer or person aforesaid shall immediately file with the

9 commissioner a notice in writing giving a full description of motor vehicle as
 10 provided in section five, and name and address of person from whom taken,
 11 and attach copy of process or statutory or other authority to said notice, and
 12 if said motor vehicle is sold in pursuance thereof, the officer so selling the
 12½ motor vehicle shall execute and deliver to the buyer at said sale bill of sale in
 13 the same form and manner as provided in section five, and also containing the
 14 name and address of person from whom taken; and a copy of the writ, order,
 15 decree, execution or other process under which said motor vehicle is sold shall be
 16 attached thereto, and copy of notice of sale, said notice of sale to contain descrip-
 17 tion of said motor vehicle as required by this act; and if sale is held by a bailiff
 18 or attorney-in-fact for a lienor, said lienor shall also execute said bill of sale. The
 19 commissioner, upon due application to him by said buyer at sale, may deliver the
 20 title papers surrendered to him as aforesaid.

1 10. Procedure in Case of Defective or Improper Title Papers; Proofs . . .

2 Notice Required. If title papers are defective or improper, or same are not sub-
 3 mitted to the commissioner as and within time required by this act if motor is
 4 permanently changed, or in case the motor vehicle was purchased and the sale of the
 5 same consummated in another state or country, where the said sale was made in
 6 accordance with laws of that state or country regulating the sale of motor vehicles,
 7 and not made for the purpose of evading the provisions of this act, bona fide
 8 owner of the motor vehicle may apply to the commissioner to correct said defect
 8½ or defects, or permit same to be received change number of motor so changed,

9 and upon proofs being submitted to the commissioner, with or without hearing,
 10 showing that in his judgment it is just and equitable that said defect or defects be
 11 corrected, or that said title papers be received, and that said holder appears to be
 12 the bona fide owner of said motor vehicle, then upon such proofs by affidavit or
 13 otherwise as the commissioner may prescribe, said commissioner may issue his certifi-
 14 cate, correcting said defect or defects, or permitting title papers to be received and
 15 filed as aforesaid, which certificate shall be annexed to said title papers and kept
 16 with same at all times, for which certificate the commissioner shall charge a fee
 17 of one dollar; *provided, however,* that before issuing such certificate the com-
 18 missioner may, in his discretion, require said person to advertise notice in news-

19 paper having a general circulation in the county where he resides for space of two
20 weeks, at least once a week, making three insertions in all, said notice to briefly set
21 forth that said person has applied to the commissioner to correct defect or defects
22 in motor vehicle title papers or to receive same out of time, or as case may be,
23 description of motor vehicle as provided in section five, and that if anybody desires
24 to be heard in opposition thereto he may do so by appearing before the commis-
25 sioner on date and place, or communicating with him prior thereto, and also to serve
26 like notice on local police, State police, and such other person or agency as pre-
27 scribed by the commissioner, personally or by registered mail, and proofs of said
28 publication and service submitted to the commissioner. The commissioner, his agent
29 or inspector may have notice aforesaid advertised and/or served at cost and expense
30 of said person.

1 11. Title Papers in Case of Purchase Prior to Act. In the event any motor
2 vehicle was purchased prior to the going into effect of this act, and in case of sale
3 thereafter the seller and buyer shall execute title papers in the same form and manner
4 as provided in section five; *provided, however,* that title papers required by chapter one
5 hundred sixty-eight of the laws of nineteen hundred and nineteen, entitled "An act
6 relating to and regulating the sale and purchase of motor vehicles requiring presence
7 of manufacturer's number on same, requiring issuance of bill of sale and assignment
8 of same, and providing penalties therefor," approved April fifteenth, one thousand
9 nine hundred and nineteen, and amendments thereof shall be submitted therewith.

1 12. Registration and Plates Not Issued Without Proper Title Papers. The
2 Commissioner of Motor Vehicles may refuse to grant registration certificate and
3 plates for a motor vehicle, unless there shall be furnished to the commissioner or his
4 agent title papers in conformity with the provisions of this act, in addition to the
5 requirements of chapter two hundred eight of the laws of nineteen hundred and
6 twenty-one, entitled "An act defining motor vehicles and providing for the registra-
7 tion of the same and the licensing of the drivers thereof; fixing rules regulating
8 the use and speed of motor vehicles; fixing the amount of license and registration
9 fee; preserving and regulating process and the service thereof and proceedings for
10 the violation of the provisions of the act and penalties for said violations," approved

11 April eighth, one thousand nine hundred and twenty-one, and amendments thereof
 12 and supplements thereto. If motor vehicle is subject to contract, the registration
 13 certificate shall so state.

1 13. All Dealers Required To Be Licensed; Annual Fee. No person shall en-
 2 gage in the business of buying, selling or dealing in any motor vehicles within this
 3 State, unless the person shall be authorized to do the same under the provisions of
 4 this act. The commissioner may, upon application in such form as he may prescribe,
 5 license any proper person as such dealer; for such license fee of ten dollars for the
 6 first year, shall be paid, license shall be issued for calendar year, and renewed from
 7 year to year thereafter without payment of any renewal fee.

1 14. Suspension Or Revocation Of Dealer's License After Hearing; Review By
 2 Supreme Court. The Commissioner may suspend for period less than the unexpired
 3 term of the license or revoke any license, after hearing, for violation of any of the
 4 provisions of this act or any rules or regulations made by said commission, under
 5 authority hereof. The Commissioner shall, before suspending or revoking license,
 6 and at least ten days prior to the date set for the hearing, notify in writing the
 7 holder of such license of any charges made, and shall afford such licensee an
 8 opportunity to be heard in person or by counsel. Such written notice may be
 9 served either personally or by registered mail addressed to the last known address
 10 of such licensee. The commissioner shall have power to subpoena and bring before
 11 him any person in this State, or take testimony by deposition, in the same manner
 12 as prescribed by law in judicial proceedings in the courts of this State, and shall
 12½ also issue and deliver to said dealer such subpoenas as are requested by him. The Su-
 13 preme Court shall have power to review any final decision or determination of the
 14 commissioner; *provided*, that application is made to the Supreme Court by the
 15 aggrieved person within thirty days after such determination. Such application to
 16 the Supreme Court shall be made by petition to any justice of said court, and said
 17 justice shall have power to hear and dispose of the matter in a summary manner.

1 15. Title Papers Must Be In Possession Of Dealer; Otherwise Motor Vehicles
 2 May Be Seized And Sold. All dealers for both new and used motor vehicles within
 2½ this State shall have title papers or writing set forth in paragraph three hereof, for all
 3 motor vehicles in their possession; and the commissioner, either personally or by

4 agent or motor vehicle inspector, shall have the right to demand production of, and
5 examine, title papers for any and all motor vehicles in possession of any dealer,
6 and to examine and inspect all motor vehicles in their possession. Bill of sale or paid
6½ invoice from manufacturer or distributor of new motor vehicle or contract or copy
7 thereof made out to dealer shall be considered a compliance with this section. If de-
7½ mand is not complied with, or if there are no title papers for motor vehicle or vehicles
8 in possession of any dealer, or if same are not in conformity with this act, the com-
9 missioner or his agent or motor vehicle inspector may seize and take possession of
10 such motor vehicle or vehicles, and hold and detain same until title papers are pro-
11 duced or same are corrected, if defective, or ownership of any such motor vehicle is
12 established according to law, and after expiration of ninety days from the date such
13 motor vehicle came into his possession, the commissioner may sell same at public sale,
14 upon at least ten days' written notice of sale to dealer, served personally or by
15 registered mail, addressed to the dealer at his last known place of business, and upon
16 notice of such sale being published for space of two weeks, once a week, making
17 three insertions in all, in one or more newspapers published and circulating in this
18 State, in the county where dealer has established place of business and also
18½ by posting such notice in five public places in this State, said newspapers
19 and places of posting to be designated by said commissioner. Upon the sale
20 of such motor vehicles all valid liens and claims for interest therein, if any, shall
21 be transferred from said vehicles to proceeds of sale, which, subject thereto, shall
22 become the sole property of the State, to be used as other moneys received by the
23 Commissioner of Motor Vehicles.

1 16. Commissioner Prescribe and Supply Forms and Entitled to Return of
2 Unused Portion; and May Seize Same or Other Title Papers. The commissioner
3 shall have the power to prescribe and supply forms of bills of sale and assignments,
4 abstracts of contracts and such other forms requisite under this act, and any unused
5 forms so furnished to any person shall be and remain the property of the State and
6 shall be returned on demand to the commissioner or motor vehicle inspector, who shall
7 have power to seize and take possession of same or any other title papers to which
8 the commissioner may be entitled or which person is under duty to return to the

9 commissioner, from any person or place within this State with all the rights, privi-
10 leges and immunities conferred by law upon an officer executing a writ of replevin.

1 17. Title Papers Returned to Commissioner When Motor Vehicle Junked, Etc.

2 Whenever any motor vehicle is scrapped, destroyed or junked, or a person perma-
3 nently parts with possession thereof, other than by sale and transfer of title papers
4 to buyer in accordance with this act, he shall immediately surrender and deliver
5 said title papers to the commissioner, who shall issue receipt for same to person
6 surrendering said title papers.

1 18. Penalties. Any person knowingly or wilfully violating any of the pro-
2 visions of this act, or knowingly or wilfully making any misrepresentation or
3 false statement in any title papers or papers submitted to the commissioner in con-
4 nection therewith, or who purchases, receives or obtains any motor vehicle or names
5 and addresses of witnesses on any title paper in violation of this act, or forging,
6 changing or counterfeiting any part of title papers, or misrepresenting the number
7 or numbers placed upon any motor vehicle by the manufacturer, or in any other
8 manner misrepresenting the description of any motor vehicle, or using title papers
9 on or for any wrong motor vehicle, with intent to evade or violate the require-
10 ments of this act, shall be deemed guilty of a misdemeanor, and upon conviction
11 thereof shall be punished by a fine not to exceed two thousand dollars or by
12 imprisonment not to exceed two years, or both, at the discretion of the court, and
13 shall immediately return title papers involved to the commissioner.

1 19. Act Enforced by Commissioner; Rules and Regulations. The enforcement
2 of this act shall be entrusted to the Commissioner of Motor Vehicles, and he is
3 hereby authorized and empowered to make rules and regulations necessary in his
4 judgment for the administration and enforcement of this act in addition hereto
5 but not inconsistent herewith.

1 20. Repealer and Saving Clause. Chapter one hundred sixty-eight of the laws
2 of nineteen hundred and nineteen, entitled "An act relating to and regulating the
3 sale and purchase of motor vehicles requiring presence of manufacturer's number
4 on same, requiring issuance of bill of sale and assignment of same, and providing
5 penalties therefor," as amended by chapter two hundred and forty-seven of the laws
6 of nineteen hundred and twenty, chapter one hundred and ninety-five of the laws

7 of nineteen hundred and twenty-four, chapter eighty-nine of the laws of nineteen
8 hundred and twenty-five, and all acts and parts of acts inconsistent herewith are
9 hereby repealed. *However*, this act shall not be considered as a repeal of any of
10 the provisions of chapter two hundred and eight of the laws of nineteen hundred
11 and twenty-one, entitled "An act defining motor vehicles and providing for the regis-
12 tration of the same and the licensing of the drivers thereof; fixing rules regulating
13 the use and speed of motor vehicles; fixing the amount of license and registration
14 fees; prescribing and regulating process and the service thereof and proceedings
15 for the violation of the provision of the act and penalties for said violations," and
16 acts amendatory thereof and supplemental thereto, except chapter two hundred and
17 fifty-seven of the laws of nineteen hundred and twenty-six.

1 21. Interpretation. This act shall be so interpreted and construed as to effec-
2 tuate its general purpose to regulate and control titles to, and possession of, all
3 motor vehicles in this State, so as to prevent the sale, purchase, disposal, possession,
4 use or operation of stolen motor vehicles, or motor vehicles with fraudulent titles,
5 within this State.

1 22. Short Title. This act may be known and cited as the "Motor Vehicle
2 Bill of Sale Law."

1 23. In Case Part Unconstitutional, Other Parts Not Affected. If any part or
2 parts of this act shall be declared unconstitutional, the other parts thereof shall not
3 thereby be affected or impaired.

1 24. Date Effective. This act shall take effect the first day of July, one thou-
2 sand nine hundred and thirty-one.

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1931

By Mr. GRIMM

Referred to Committee on Motor Vehicles and Traffic

AN ACT concerning and regulating the sale, purchase and transfer of motor vehicles; requiring bills of sale therefor, and providing penalties for violation of the provisions hereof.

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

1 1. Definitions. The terms used in this act, unless other meaning is clearly ap-
2 parent from the language or context, or unless such construction is inconsistent
3 with the manifest intention of the Legislature, shall be construed as follows:

4 (A) The term "new motor vehicle" means only a newly manufactured motor
5 vehicle, and includes all such vehicles propelled otherwise than by muscular power,
6 and motorcycles, trailers and tractors, excepting such vehicles as run only upon rails
7 or tracks.

8 (B) The term "used motor vehicle" means every motor vehicle, title to, or
9 possession of, which has been transferred from the person who first acquired it
10 from the manufacturer or dealer, and so used as to become what is commonly
11 known as "second-hand" within the ordinary meaning thereof, and includes every
12 motor vehicle other than a "new motor vehicle."

13 (C) The term "any motor vehicle," or "every motor vehicle," or similar term,
14 means and includes both new and used motor vehicles.

15 (D) The term "original bill of sale" means the original written instrument or
16 document required to be executed and delivered by manufacturer or dealer to buyer
17 for first sale of new motor vehicle; and "bill of sale" means instrument or document
18 other than original bill of sale.

19 (E) The term "assignment" means the written instrument or document re- 42
20 quired to be executed and delivered by seller to buyer for sale of any used motor 4
21 vehicle. 4

22 (F) The term "contract" shall mean conditional sale agreement, bailment, 4
23 lease, chattel mortgage, trust receipt or any other form of security or possession 4
24 agreement, wherein and whereby possession of any motor vehicle is delivered to the 4
24 $\frac{1}{8}$ buyer and title therein is to vest in the buyer at a subsequent time upon the payment
24 $\frac{1}{4}$ of part or all of the price, or upon the performance of any other condition or happen-
24 $\frac{3}{8}$ ing of any contingency, or upon the payment of a sum substantially equivalent to
24 $\frac{1}{2}$ the value of said motor vehicle, by which contract it is agreed that the buyer is bound
24 $\frac{5}{8}$ to become, or has the option of becoming, the owner of said motor vehicle upon full
24 $\frac{3}{4}$ compliance with the terms of the said contract; and "abstract of contract" means the
24 $\frac{7}{8}$ original written abstract of said contract required to be executed and delivered by
25 seller of said motor vehicle to buyer, in addition to said contract.

25 $\frac{1}{2}$ (G) The term "title papers" shall mean and include original bill of sale, ab-
26 stract of contract and/or original assignment or assignments, or other papers in
27 conformity with this act, and/or certificates issued by commissioner.

28 (H) The term "Commissioner" shall mean the Commissioner of Motor
29 Vehicles, his deputy or duly authorized agent.

30 (I) The term "manufacturer" means the person who originally manufactured
31 the motor vehicle.

32 (J) The term "dealer" shall mean the agent, distributor or authorized dealer
33 of the manufacturer of the new motor vehicle, and who has an established place of
34 business.

35 (K) The term "used motor vehicle dealer" shall mean any person who is en-
36 gaged in the business of selling, buying or dealing in used motor vehicles, and who
37 has an established place of business.

38 (L) The term "person" shall mean and include natural persons, firms or co-
39 partnerships, corporations, associations, or other artificial bodies, receivers, trustees,
40 common law or statutory assignees, executors, administrators, sheriffs, constables,
41 marshals, or other persons in representative or official capacity, and mem-
42 bers, officers, agents, employees, or other representatives of those hereinbefore

43 enumerated; and the singular shall include the plural, and the masculine shall in-
44 clude the feminine and neuter, as requisite.

45 (M) The term "buyer" shall mean and include purchaser, conditional vendee,
46 lessee, bailee, transferee, chattel mortgagor, and any person buying, attempting to
47 buy, or receiving any motor vehicle, under conditional sale contract, lease, bailment,
48 transfer agreement, chattel mortgage, trust receipt or any other form of security or
49 possession agreement, or legal successor in interest.

50 (N) The term "seller" shall mean and include manufacturer, dealer, lessor,
51 bailor, transferrer, conditional vendor, chattel mortgagee, and any person selling,
52 attempting to sell, or delivering any motor vehicle, under conditional sale contract,
53 lease, bailment, transfer agreement, chattel mortgage, trust receipt or any other form
54 of security or possession agreement, or legal successor in interest.

55 (O) The terms "sell" or "sale" or "purchase" or any form thereof shall mean
56 and include absolute and/or voluntary sales and purchases, agreements to sell and
57 purchase, bailments, chattel mortgages, leases, trust receipts and other forms of
58 security agreement whereby any motor vehicles are sold and purchased, or agreed
59 to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise
60 or bequest, gift or any other form or manner of sale or agreement of sale thereof,
61 or the giving or transferring possession of any motor vehicle to any person for
62 permanent use, continued possession for sixty days or more to be construed as
63 permanent use.

64 (P) The term "manufacturer's numbers" shall mean the original manufac-
65 turer's serial number affixed or attached to, or imprinted upon, the body and/or
66 chassis of any motor vehicle, and the original manufacturer's number affixed to, or
67 imprinted upon, the engine or motor of any motor vehicle.

1 2. Sale Contrary to Act Unlawful. It shall be unlawful to sell and purchase
2 any motor vehicle in this State, except in the manner and subject to the conditions
3 herein provided.

1 3. Every Person Must Have Title Papers or Registration Certificate, Otherwise
2 Motor Vehicle May Be Seized. Every person shall have for every motor vehicle
3 in his possession in this State title papers therefor in conformity with the provisions
4 of this act, and, if said motor vehicle is registered by the commissioner and registra-

5 tion certificate has been issued therefor, registration certificate for said motor vehicle,
6 and produce either said title papers or registration certificate, upon demand for pro-
7 duction of title papers by the commissioner or motor vehicle inspector, otherwise the
8 commissioner or motor vehicle inspector may seize and take possession of
9 said motor vehicle, and hold, and dispose of, same in accordance with
9½ section fifteen hereof; *provided, however,* that if any such motor ve-
10 hicle is registered in, or bears the registration plates of, another State or coun-
11 try and is being used or operated within this State, the person in possession thereof
12 and/or using or operating same in this State must be entitled to ownership and/or
13 possession in accordance with the laws of the State or country where the motor ve-
14 hicle is registered, or the registration plates of which it bears, and shall produce to the
15 commissioner or motor vehicle inspector documents showing title to, or right of pos-
16 session in, said motor vehicle in said person or in the person who has authorized him
17 to use and operate said motor vehicle, or registration certificate or other evidence of
18 registration, besides plates, issued by said State or country or department thereof to
19 said person, or to person who has authorized him to use and operate said motor
20 vehicle, evidencing the registration of said motor vehicle in said State or country;
21 *and provided, further,* that where any motor vehicle is in the possession of any
22 garage keeper, motor vehicle dealer, both new and used, or motor vehicle service sta-
23 tion in this State, the production of a writing signed by person delivering possession
24 of said motor vehicle to said garage keeper, dealer or service station setting forth
25 that said person is the owner or entitled to the possession of said motor vehicle and
26 has title papers or registration certificate therefor shall be deemed a compliance with
27 this section insofar as said garage keeper, dealer and service station are concerned.

1 4. Motor Vehicle Must Have Numbers. Every motor vehicle must have and
2 contain manufacturer's numbers, which numbers or any of them shall not be
3 obliterated, erased, mutilated, removed or missing; *provided, however,* that this
4 shall not affect those persons authorized by law to have in their possession any
5 motor vehicles on which the manufacturer's numbers have been obliterated, erased,
6 mutilated, removed or missing.

1 5. First Sale, Original Bill of Sale Issued by Manufacturer or Licensed
2 Dealer. Whenever a new motor vehicle is sold within this State, the manufacturer

3 or dealer shall execute and deliver to buyer in case of absolute sale an original bill of
4 sale, or in case other than absolute sale abstract of contract, in original and duplicate
4½ original, signed or duly executed by the manufacturer or dealer and the buyer with
5 their genuine names and addresses stated thereon, business and/or residence, wit-
6 nessed by two persons whose genuine names and residence addresses also shall be
7 stated thereon, and acknowledged by said seller before any person authorized, at
8 the time of taking such acknowledgment, by the laws of this State to take the
9 proofs and acknowledgments of deeds or conveyances of lands, tenements and
10 hereditaments, which bill of sale or abstract of contract shall contain the manufactur-
11 er's numbers of the motor vehicle sold, the name of the manufacturer, the horse power,
12 a general description of the body, if any, and the type and model, and contract, if any,
13 to which it is subject; *provided, however*, that no dealer shall have power to issue such
14 original bill of sale or abstract of contract for such motor vehicle unless licensed as
15 herein provided; *and provided, further*, that no used motor vehicle dealer shall have
16 power to issue an original bill of sale for a new motor vehicle unless he is also the
17 dealer for said new motor vehicle and licensed as provided herein.

1 6. After First Sale, Original Bill of Sale Assigned. In all sales after the
2 new motor vehicle is sold by manufacturer or dealer, and in every sale of a used
3 motor vehicle, except as set forth in section nine, the seller shall execute to buyer
4 in case of absolute sale assignment, or in sale other than absolute abstract of con-
5 tract, in the same form and manner as provided in section five, and shall also deliver
6 to buyer as set forth in said section in case of absolute sale, and upon satisfaction of
7 contract in sale other than absolute, bill of sale, and/or assignment or all assign-
8 ments from the time the said motor vehicle was first sold. All title papers for said
9 motor vehicle from time first sold shall at all times be kept and attached together.

1 7. When Contract Performed, Title Papers Delivered. If and when contract
2 described in title papers has been performed by the buyer and title in the motor
3 vehicle described therein is to vest in said buyer, the seller shall deliver to buyer
4 the title papers thereto executed as provided in this act, with proper evidence
5 of satisfaction of said contract. Said contract shall contain a provision to this
6 effect.

1 8. Purchaser of Motor Vehicle Must Submit Title Papers to the Commission-
2 er; Lost Papers. The purchaser of any motor vehicle within this State other than dealer
3 shall, within five days after the purchase thereof, submit title papers from the time
4 the said motor vehicle was first sold, to the Commissioner, with filing fee of fifty cents,
5 who shall stamp same, retain and file duplicate original and return originals to said
6 purchaser; *provided, however*, if subject to contract, the title papers, with exception
7 of abstract of contract in case of sale of used motor vehicle, shall
8 be returned to seller in said contract. If title papers are lost, upon proof
9 by affidavit or otherwise as required by the Commissioner, and if the Commis-
10 sioner is satisfied of bona fides of application, he shall prepare copy of said title
11 papers, certify same, and authorize their use in place and stead of originals with
12 same effect as though originals, and make a charge for same of one dollar for
13 certificate and twenty-five cents for each paper so lost.

1 9. If Motor Vehicle Seized, Procedure and Delivery of Title Papers by Officer.
2 If motor vehicle is seized, levied upon, or attached and taken into possession,
3 actually or constructively, by virtue of judicial process issued by a court of com-
4 petent jurisdiction in this State, or by virtue of any statute, State, Federal or other-
5 wise, it shall be the duty of the person from whose possession such motor vehicle was
6 taken, and without prejudice to his rights in the premises, to sur-
7 render the title papers to the commissioner upon written notice or demand from
8 Commissioner, and the officer or person so seizing and taking possession of motor
9 vehicle shall immediately file with the commissioner a notice in writing giving a full
10 description of motor vehicle as provided in section five, and name and address of per-
11 son from whom taken, and attach copy of process or statutory or other authority to
12 said notice, and if said motor vehicle is sold in pursuance thereof, the officer so selling
12½ the motor vehicle shall execute and deliver to the buyer at said sale bill of sale in
13 the same form and manner as provided in section five, and also containing the
14 name and address of person from whom taken; and a copy of the writ, order,
15 decree, execution or other process under which said motor vehicle is sold shall be
16 attached thereto, and copy of notice of sale, said notice of sale to contain descrip-
17 tion of said motor vehicle as required by this act; and if sale is held by a bailiff
18 or attorney-in-fact for a lienor, said lienor shall also execute said bill of sale. The

19 commissioner, upon due application to him by said buyer at sale, may deliver the
20 title papers surrendered to him as aforesaid.

1 10. Procedure in Case of Defective or Improper Title Papers; Proofs and
2 Notice Required. If title papers are defective or improper, or same are not sub-
3 mitted to the commissioner as and within time required by this act, or if motor is
4 permanently changed, or in case the motor vehicle was purchased and the sale of the
5 same consummated in another state or country, where the said sale was made in
6 accordance with laws of that state or country regulating the sale of motor vehicles,
7 and not made for the purpose of evading the provisions of this act, bona fide
8 owner of the motor vehicle may apply to the commissioner to correct said defect
8½ or defects, or permit same to be received, or change number of motor so changed,
9 and upon proofs being submitted to the commissioner, with or without hearing,
10 showing that in his judgment it is just and equitable that said defect or defects be
11 corrected, or that said title papers be received, and that said holder appears to be
12 the bona fide owner of said motor vehicle, then upon such proofs by affidavit or
13 otherwise as the commissioner may prescribe, said commissioner may issue his certifi-
14 cate, correcting said defect or defects, or permitting title papers to be received and
15 filed as aforesaid, which certificate shall be annexed to said title papers and kept
16 with same at all times, for which certificate the commissioner shall charge a fee
17 of one dollar; *provided, however,* that before issuing such certificate the com-
18 missioner may, in his discretion, require said person to advertise notice in news-
19 paper having a general circulation in the county where he resides for space of two
20 weeks, at least once a week, making three insertions in all, said notice to briefly set
21 forth that said person has applied to the commissioner to correct defect or defects
22 in motor vehicle title papers or to receive same out of time, or as case may be,
23 description of motor vehicle as provided in section five, and that if anybody desires
24 to be heard in opposition thereto he may do so by appearing before the commis-
25 sioner on date and place, or communicating with him prior thereto, and also to serve
26 like notice on local police, State police, and such other person or agency as pre-
27 scribed by the commissioner, personally or by registered mail, and proofs of said
28 publication and service submitted to the commissioner. The commissioner, his agent

29 or inspector may have notice aforesaid advertised and/or served at cost and expense
30 of said person.

1 11. Title Papers in Case of Purchase Prior to Act. In the event any motor
2 vehicle was purchased prior to the going into effect of this act, and in case of sale
3 thereafter the seller and buyer shall execute title papers in the same form and manner
4 as provided in section five; *provided, however*, that title papers required by chapter one
5 hundred sixty-eight of the laws of nineteen hundred and nineteen, entitled "An act
6 relating to and regulating the sale and purchase of motor vehicles requiring presence
7 of manufacturer's number on same, requiring issuance of bill of sale and assignment
8 of same, and providing penalties therefor," approved April fifteenth, one thousand
9 nine hundred and nineteen, and amendments thereof shall be delivered therewith by
10 seller to buyer.

1 12. Registration and Plates Not Issued Without Proper Title Papers. The
2 Commissioner of Motor Vehicles may refuse to grant registration certificate and
3 plates for a motor vehicle, unless there shall be furnished to the commissioner or his
4 agent title papers in conformity with the provisions of this act, in addition to the
5 requirements of chapter two hundred eight of the laws of nineteen hundred and
6 twenty-one, entitled "An act defining motor vehicles and providing for the registra-
7 tion of the same and the licensing of the drivers thereof; fixing rules regulating
8 the use and speed of motor vehicles; fixing the amount of license and registration
9 fee; preserving and regulating process and the service thereof and proceedings for
10 the violation of the provisions of the act and penalties for said violations," approved
11 April eighth, one thousand nine hundred and twenty-one, and amendments thereof
12 and supplements thereto. If motor vehicle is subject to contract, the registration
13 certificate shall so state.

1 13. All Dealers Required To Be Licensed; Annual Fee. No person shall en-
2 gage in the business of buying, selling or dealing in any motor vehicles within this
3 State, unless the person shall be authorized to do the same under the provisions of
4 this act. The commissioner may, upon application in such form as he may prescribe,
5 license any proper person as such dealer; and for such license fee of ten dollars shall
6 be paid for the first year, license shall be issued for calendar year, and shall be re-

7 newed on application of dealer from year to year thereafter without payment of any
8 renewal fee.

1 14. Suspension Or Revocation Of Dealer's License After Hearing; Review By
2 Supreme Court. The Commissioner may suspend for period less than the unexpired
3 term of the license or revoke any license, after hearing, for violation of any of the
4 provisions of this act or any rules or regulations made by said commissioner under
5 authority hereof. The Commissioner shall, before suspending or revoking license,
6 and at least ten days prior to the date set for the hearing, notify in writing the
7 holder of such license of any charges made, and shall afford such licensee an
8 opportunity to be heard in person or by counsel. Such written notice may be
9 served either personally or by registered mail addressed to the last known address
10 of such licensee. The commissioner shall have power to subpoena and bring before
11 him any person in this State, or take testimony by deposition, in the same manner
12 as prescribed by law in judicial proceedings in the courts of this State, and shall
12½ also issue and deliver to said dealer such subpoenas as are requested by him. The Su-
13 preme Court shall have power to review any final decision or determination of the
14 commissioner; *provided*, that application is made to the Supreme Court by the
15 aggrieved person within thirty days after such determination. Such application to
16 the Supreme Court shall be made by petition to any justice of said court, and said
17 justice shall have power to hear and dispose of the matter in a summary manner.

1 15. Title Papers Must Be In Possession Of Dealer; Otherwise Motor Vehicles
2 May Be Seized And Sold. All dealers for both new and used motor vehicles within
2½ this State shall have title papers or writing set forth in paragraph three hereof, for all
3 motor vehicles in their possession; and the commissioner, either personally or by
4 agent or motor vehicle inspector, shall have the right to demand production of, and
5 examine, title papers for any and all motor vehicles in possession of any dealer,
6 and to examine and inspect all motor vehicles in their possession. Bill of sale or paid
6½ invoice from manufacturer or distributor of new motor vehicle or contract or copy
7 thereof made out to dealer shall be considered a compliance with this section. If de-
7½ mand is not complied with, or if there are no title papers for motor vehicle or vehicles
8 in possession of any dealer, or if same are not in conformity with this act, the com-
9 missioner or his agent or motor vehicle inspector may seize and take possession of

10 such motor vehicle or vehicles, and hold and detain same until title papers are pro-
11 duced or same are corrected, if defective, or ownership of any such motor vehicle is
12 established according to law, and after expiration of ninety days from the date such
13 motor vehicle came into his possession, the commissioner may sell same at public sale,
14 upon at least ten days' written notice of sale to dealer, served personally or by
15 registered mail, addressed to the dealer at his last known place of business, and upon
16 notice of such sale being published for space of two weeks, once a week, making
17 three insertions in all, in one or more newspapers published and circulating
18 in the county where dealer has established place of business and also
18½ by posting such notice in five public places in said county, said newspapers
19 and places of posting to be designated by said commissioner. Upon the sale
20 of such motor vehicles all valid liens and claims for interest therein, if any, shall
21 be transferred from said vehicles to proceeds of sale, which, subject thereto, shall
22 become the sole property of the State, to be used as other moneys received by the
23 Commissioner of Motor Vehicles.

1 16. Commissioner Prescribe and Supply Forms and Entitled to Return of
2 Unused Portion; and May Seize Same or Other Title Papers. The commissioner
3 shall have the power to prescribe and supply forms of bills of sale and assignments,
4 abstracts of contracts and such other forms requisite under this act, and any unused
5 forms so furnished to any person shall be and remain the property of the State and
6 shall be returned on demand to the commissioner or motor vehicle inspector, who shall
7 have power to seize and take possession of same or any other title papers to which
8 the commissioner may be entitled or which person is under duty to return to the
9 commissioner, from any person or place within this State with all the rights, privi-
10 leges and immunities conferred by law upon an officer executing a writ of replevin.

1 17. Title Papers Returned to Commissioner When Motor Vehicle Junked, Etc.
2 Whenever any motor vehicle is scrapped, destroyed or junked, or a person perma-
3 nently parts with possession thereof, other than by sale and transfer of title papers
4 to buyer in accordance with this act, he shall immediately surrender and deliver
5 said title papers to the commissioner, who shall issue receipt for same to person
6 surrendering said title papers.

1 18. Penalties. Any person knowingly or wilfully violating any of the pro-
2 visions of this act, or knowingly or wilfully making any misrepresentation or
3 false statement in any title papers or papers submitted to the commissioner in con-
4 nection therewith, or who purchases, receives or obtains any motor vehicle or names
5 and addresses of witnesses on any title paper in violation of this act, or forging,
6 changing or counterfeiting any part of title papers, or misrepresenting the number
7 or numbers placed upon any motor vehicle by the manufacturer, or in any other
8 manner, misrepresenting the description of any motor vehicle, or using title papers
9 on or for any wrong motor vehicle, with intent to evade or violate the require-
10 ments of this act, shall be deemed guilty of a misdemeanor, and upon conviction
11 thereof shall be punished by a fine not to exceed two thousand dollars or by
12 imprisonment not to exceed two years, or both, at the discretion of the court, and
13 shall immediately return title papers involved to the commissioner.

1 19. Act Enforced by Commissioner; Rules and Regulations. The enforcement
2 of this act shall be entrusted to the Commissioner of Motor Vehicles, and he is
3 hereby authorized and empowered to make rules and regulations necessary in his
4 judgment for the administration and enforcement of this act in addition hereto
5 but not inconsistent herewith; and said Commissioner is hereby authorized to employ
6 and discharge such persons as he may require for the administration and enforcement
7 of this act, and to fix their compensation.

1 20. Repealer and Saving Clause. Chapter one hundred sixty-eight of the laws
2 of nineteen hundred and nineteen, entitled "An act relating to and regulating the
3 sale and purchase of motor vehicles requiring presence of manufacturer's number
4 on same, requiring issuance of bill of sale and assignment of same, and providing
5 penalties therefor," as amended by chapter two hundred and forty-seven of the laws
6 of nineteen hundred and twenty, chapter one hundred and ninety-five of the laws
7 of nineteen hundred and twenty-four, chapter eighty-nine of the laws of nineteen
8 hundred and twenty-five, and all acts and parts of acts inconsistent herewith are
9 hereby repealed. *However*, this act shall not be considered as a repeal of any of
10 the provisions of chapter two hundred and eight of the laws of nineteen hundred
11 and twenty-one, entitled "An act defining motor vehicles and providing for the regis-
12 tration of the same and the licensing of the drivers thereof; fixing rules regulating

13 the use and speed of motor vehicles; fixing the amount of license and registration
14 fees; prescribing and regulating process and the service thereof and proceedings
15 for the violation of the provision of the act and penalties for said violations," and
16 acts amendatory thereof and supplemental thereto, except chapter two hundred and
17 fifty-seven of the laws of nineteen hundred and twenty-six.

1 21. Interpretation. This act shall be so interpreted and construed as to effec-
2 tuate its general purpose to regulate and control titles to, and possession of, all
3 motor vehicles in this State, so as to prevent the sale, purchase, disposal, possession,
4 use or operation of stolen motor vehicles, or motor vehicles with fraudulent titles,
5 within this State.

1 22. Short Title. This act may be known and cited as the "Motor Vehicle
2 Bill of Sale Law."

1 23. In Case Part Unconstitutional, Other Parts Not Affected. If any part or
2 parts of this act shall be declared unconstitutional, the other parts thereof shall not
3 thereby be affected or impaired.

1 24. Date Effective. This act shall take effect the first day of July, one thou-
2 sand nine hundred and thirty-one.