



**FLOOR AMENDMENT STATEMENT:**

Yes

**LEGISLATIVE FISCAL ESTIMATE:**

Yes 1-12-10  
1-15-10

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"Corzine ends term by legalizing medical pot," The Press of Atlantic City, 1-19-09.

"Off-road driving bill becomes law in N.J.," Courier-Post, 1-19-09.

"More rule for off-road riders in the works," Asbury Park Press, 1-20-09.

"State on mark, towns get set for ATV parks," The Press of Atlantic City, 1-18-09.

LAW/RWH

[Third Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 823**

---

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

---

ADOPTED JUNE 12, 2008

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Rodriguez, Assemblyman McKeon, Assemblywoman  
Greenstein, Senators Gordon, Stack and Turner**

**SYNOPSIS**

Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles; requires DEP to designate three sites on State-owned land where snowmobiles, all-terrain vehicles, and dirt bikes may be used.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 7, 2009.

(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning the operation of snowmobiles, all-terrain  
2 vehicles, and dirt bikes, establishing new penalties for the  
3 operation of certain vehicles and off-road vehicles, amending  
4 and supplementing P.L.1973, c.307, <sup>3</sup>["and"]<sup>3</sup> amending <sup>3</sup>and  
5 supplementing<sup>3</sup> P.L.1983, c.324 <sup>3</sup>,<sup>3</sup> and <sup>3</sup>amending<sup>3</sup> P.L.1954,  
6 c.38 <sup>1</sup>["], and repealing section 4 of P.L.1973, c.307 (C.39:3C-  
7 4)]<sup>1</sup>.

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read  
13 as follows:

14 1. As used in this act:

15 **[a.]** "All-terrain vehicle" means a motor vehicle, designed <sup>1</sup>["to  
16 travel over any terrain"] and manufactured for off-road use only<sup>1</sup>, of  
17 a type possessing between three and six rubber tires and powered by  
18 a gasoline engine not exceeding <sup>1</sup>["1,000"] <sup>1</sup>600<sup>1</sup> cubic centimeters,  
19 but shall not include golf carts <sup>1</sup>or any all-terrain vehicle operated  
20 by an employee or agent of the State of New Jersey and used while  
21 in the performance of the employee's or agent's official duties<sup>1</sup> .

22 "Chief <sup>2</sup>["Administrator"] administrator<sup>2</sup> " means the Chief  
23 Administrator of the New Jersey Motor Vehicle Commission.

24 "Commission" means the New Jersey Motor Vehicle  
25 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
26 4).

27 "Commissioner" means the Commissioner of ["the Department  
28 of"] Environmental Protection.

29 **[b.]** "Director" means the Director of the Division of Motor  
30 Vehicles in the Department of Law and Public Safety.

31 **c.]** <sup>1</sup>"Department" means the Department of Environmental  
32 Protection.<sup>1</sup>

33 "Dirt bike" means <sup>1</sup>["a motor powered vehicle possessing two or  
34 more tires, designed to travel over any terrain and capable of  
35 traveling off of paved roads"] any two-wheeled motorcycle that is  
36 designed and manufactured for off-road use only and that does not  
37 comply with Federal Motor Vehicle Safety Standards or United  
38 States Environmental Protection Agency on-road emissions  
39 standards<sup>1</sup>.

**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:

<sup>1</sup> Assembly floor amendments adopted February 5, 2009.

<sup>2</sup> Assembly floor amendments adopted May 21, 2009.

<sup>3</sup> Assembly floor amendments adopted December 7, 2009.

1       “Natural resource” means all land, fish, shellfish, wildlife, biota,  
2 air, waters, and other such resources owned, managed, held in trust,  
3 or otherwise controlled by the State.

4       “Public land” means all land owned, operated, managed,  
5 maintained, or under the jurisdiction of the Department of  
6 Environmental Protection, including any and all land owned,  
7 operated, managed, maintained, or purchased jointly by the  
8 Department of Environmental Protection with any other party and  
9 any land so designated by municipal or county ordinance. Public  
10 land shall also mean any land used for conservation purposes,  
11 including, but not limited to, beaches, forests, greenways, natural  
12 areas, water resources, wildlife preserves, <sup>2</sup>[and]<sup>2</sup> land used for  
13 watershed protection, or biological or ecological studies <sup>2</sup>, and land  
14 exempted from taxation pursuant to section 2 of P.L.1974, c.167  
15 (C.54:4-3.64)<sup>2</sup> .

16       “Snowmobile” means any motor vehicle, designed primarily to  
17 travel over ice or snow, of a type which uses sled type runners, skis,  
18 an endless belt tread, cleats or any combination of these or other  
19 similar means of contact with the surface upon which it is operated,  
20 but does not include any farm tractor, highway or other construction  
21 equipment, or any military vehicle.

22       **[d.]** “Special event” means an organized race, exhibition <sup>1</sup>,<sup>1</sup> or  
23 demonstration of limited duration which is conducted according to a  
24 prearranged schedule and in which general public interest is  
25 manifested.

26       **[e.]** “All-terrain vehicle” means a motor vehicle, designed to  
27 travel over any terrain, of a type possessing between three and six  
28 rubber tires and powered by a gasoline engine not exceeding 600  
29 cubic centimeters, but shall not include golf carts].

30 (cf: P.L.1991, c.496, s.7)

31

32       2. Section 2 of P.L.1973, c.307 (C.39:3C-2) is amended to read  
33 as follows:

34       2. For the purpose of carrying out the provisions of **[this act]**  
35 P.L.1973, c.307 (C.39:3C-1 et seq.):

36       a. The **[director]** chief administrator shall have the power, duty,  
37 and authority to administer and enforce all statutes, rules, and  
38 regulations, except as otherwise provided by statute, relating to the  
39 operation and use of snowmobiles **[and]** all-terrain vehicles, and  
40 dirt bikes on or across a public highway or on public lands or  
41 waters, including but not limited to the following:

42       (1) Registration, identification, numbering, and classification;

43       (2) Equipment;

44       (3) Standards of safety;

45       (4) <sup>1</sup>**[Educational programs]** (Deleted by amendment, P.L. \_\_\_\_\_,  
46 c. ) (pending before the Legislature as this bill)<sup>1</sup> ; and

1 (5) ~~【Promulgate】~~ Promulgation of rules and regulations to  
2 effectuate the purposes of 【this act】 P.L.1973, c.307 (C.39:3C-1 et  
3 seq.).

4 b. The Commissioner of Environmental Protection shall have  
5 the power, duty, and authority to administer and enforce all other  
6 statutes, permits, rules, and regulations ~~【, except as otherwise~~  
7 ~~provided by statute,】~~ relating to snowmobiles ~~【and】~~ all-terrain  
8 vehicles, and dirt bikes on the public lands and waters under the  
9 jurisdiction of the Department of Environmental Protection such  
10 that:

11 (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
12 operated only on highways and roads designated and marked for  
13 such operation, unless specifically authorized by the commissioner;  
14 and

15 (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
16 operated only in areas designated and marked for such operation  
17 and only with a special use permit issued by the Department of  
18 Environmental Protection.

19 (cf: P.L.1985, c.375, s.3)

20

21 3. Section 3 of P.L.1973, c.307 (C.39:3C-3) is amended to read  
22 as follows:

23 3. Except as otherwise provided, no snowmobile ~~【or】~~ all-  
24 terrain vehicle, or dirt bike shall be operated or permitted to be  
25 operated on or across a public highway or on public lands or waters  
26 of this State unless registered and numbered by the owner thereof as  
27 provided by ~~【this act】~~ P.L.1973, c.307 (C.39:3C-1 et seq.). The  
28 ~~【Director of the Division of Motor Vehicles in the Department of~~  
29 ~~Law and Public Safety】~~ chief administrator is authorized to register  
30 and assign a ~~【registration】~~ number to snowmobiles ~~【and】~~ all-  
31 terrain vehicles, and dirt bikes upon application and payment of the  
32 appropriate fee in accordance with the following schedule:

33 a. For each individual resident snowmobile registration, ~~【\$5.00,~~  
34 ~~and for each individual resident】~~ all-terrain vehicle registration,  
35 ~~【\$10.00】~~ and dirt bike registration, '\$45' \$50', '【annually】 for a  
36 period not to exceed 24 months'【;】 , in accordance with the  
37 provisions of section 29 of P.L.1973, c.307 (C.39:3C-29).

38 b. For each individual nonresident snowmobile registration,  
39 ~~【\$7.00, and for each individual nonresident】~~ all-terrain vehicle  
40 registration, ~~【\$12.00】~~ and dirt bike registration, '【\$45】 \$50',  
41 '【annually】 for a period not to exceed 24 months'【;】, in  
42 accordance with the provisions of section 29 of P.L.1973, c.307  
43 (C.39:3C-29).

44 c. For replacement of a lost, mutilated <sup>' '</sup> or destroyed  
45 certificate, ~~【\$5 ;】~~ '【\$11】 \$5' .

1 d. For a duplicate registration, ~~[\$5]~~ ~~[\$11]~~ \$5<sup>1</sup> at the time of  
2 issuance~~;~~ .

3 e. For an amended registration, ~~[\$5]~~ ~~[\$11]~~ \$5<sup>1</sup>.

4 f. In addition to the registration fees imposed pursuant to this  
5 section, the chief administrator shall impose and collect an  
6 additional fee of ~~[\$5]~~ \$10<sup>1</sup> to be deposited in the “Off-Road  
7 Vehicle Recreational Fund” created by section ~~[29]~~ 31<sup>1</sup> of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill).

9 All ~~[such]~~ registrations shall be ~~[issued on or after September 1~~  
10 ~~in any year and shall be]~~ valid ~~[through September 30 of the~~  
11 ~~following year]~~ for a period ~~[of 12]~~ not to exceed 24<sup>1</sup> months  
12 from the date on which the registration was issued, except that the  
13 ~~[director]~~ chief administrator may suspend or revoke such  
14 registration for any violations of ~~[this act]~~ P.L.1973, c.307  
15 (C.39:3C-1 et seq.) or of the rules promulgated hereunder.

16 (cf: P.L.1994, c.60, s.22)

17

18 <sup>1</sup>4. Section 4 of P.L.1973, c.307 (C.39:3C-4) is amended to read  
19 as follows:

20 4. Once a registration number is assigned, it shall remain with  
21 the registered snowmobile ~~[or]~~ , all-terrain vehicle, or dirt bike  
22 until the snowmobile ~~[or]~~ , all-terrain vehicle, or dirt bike is  
23 destroyed, abandoned or permanently removed from the State, or  
24 until changed or terminated by the ~~[director]~~ chief administrator.<sup>1</sup>

25 (cf: P.L.1985, c.375, s.5)

26

27 <sup>1</sup>~~[4.]~~ <sup>1</sup>5. Section 5 of P.L.1973, c.307 (C.39:3C-5) is amended  
28 to read as follows:

29 5. ~~[Such registration shall be issued by the director or by agents~~  
30 ~~as designated by him when a snowmobile or all-terrain vehicle is~~  
31 ~~operated across a public highway or on public lands or waters and~~  
32 ~~shall be in such form as the director shall prescribe. The registration~~  
33 ~~certificate shall be subject to inspection by any law enforcement~~  
34 ~~officer on demand and shall be on the vehicle at all times when in~~  
35 ~~operation.~~

36 The registration number assigned shall be displayed on each side  
37 of the vehicle in such form, location and manner as prescribed by  
38 the director.]

39 The owner of a snowmobile, all-terrain vehicle, or dirt bike  
40 required to be registered and numbered in this State shall do so with  
41 the commission no later than six months after the effective date of  
42 P.L. , c. (C. ) ( pending before the Legislature as this bill).

43 <sup>1</sup>[Any snowmobile, all-terrain vehicle, or dirt bike purchased at  
44 a retail dealer or distributor in this State on or after the effective  
45 date of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill) shall be properly registered and numbered with the commission

1 through the retail dealer or distributor. The chief administrator  
2 shall promulgate rules and regulations concerning the manner in  
3 which a retail dealer or distributor shall register and number a  
4 snowmobile, all-terrain vehicle or dirt bike.

5 Whenever ownership is transferred or the use of a snowmobile  
6 ~~【or】~~, all-terrain vehicle, ~~or dirt bike~~ for which a registration  
7 certificate has already been issued is discontinued, the ~~【old】~~  
8 registration shall be properly signed and executed by the owner,  
9 showing that the ownership has been transferred or its use  
10 discontinued, and returned to the ~~【director】~~ chief administrator  
11 within 10 days of ~~【said】~~ the event.】

12 Every person in the business of selling a snowmobile, all-terrain  
13 vehicle, or dirt bike shall require proof that the vehicle is properly  
14 registered with the New Jersey Motor Vehicle Commission,  
15 pursuant to section 3 of P.L.1973, c.307 (C.39:3C-3), before  
16 transferring actual physical possession of the snowmobile, all-  
17 terrain vehicle, or dirt bike to a purchaser of the vehicle.<sup>1</sup>

18 If there is a change of ownership for which a registration  
19 certificate has been previously issued, the new owner shall apply  
20 for a new registration certificate and set forth the original number in  
21 the application. ~~【He】~~ The owner shall demonstrate to the  
22 commission a notarized bill of sale, assignable certificate of origin,  
23 or other formal proof of ownership <sup>1</sup>deemed acceptable by the  
24 commission<sup>1</sup> when transferring ownership or selling a snowmobile,  
25 all-terrain vehicle, or dirt bike. The owner shall pay the regular fee  
26 for the particular snowmobile ~~【or】~~, all-terrain vehicle, ~~or dirt bike~~  
27 involved. The owner of any registration certificate issued under  
28 this section may obtain a duplicate from the ~~【division】~~ commission  
29 upon application and payment of the fee prescribed.

30 (cf: P.L.1985, c.375, s.6)

31

32 <sup>1</sup>~~【5.】~~ 6.<sup>1</sup> Section 6 of P.L.1973, c.307 (C.39:3C-6) is amended  
33 to read as follows:

34 6. a. ~~【No registration shall be required for a snowmobile or all-~~  
35 ~~terrain vehicle operated on private property】~~ Any snowmobile, all-  
36 terrain vehicle, or dirt bike solely operated for use on a farm shall  
37 be exempt from the registration and numbering requirements of  
38 P.L.1973, c.307 (C.39:3C-1 et seq.).

39 b. No registration fee shall be charged for a snowmobile ~~【or】~~,  
40 all-terrain vehicle, ~~or dirt bike~~ owned by the federal government,  
41 the State, county or municipal government or subdivision thereof.

42 (cf: P.L.1985, c.375, s.7)

43

44 <sup>1</sup>~~【6.】~~ 7.<sup>1</sup> Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended  
45 to read as follows:



1       7. The registration provisions of **[this act]** P.L.1973, c.307  
2 (C.39:3C-1 et seq.) shall not apply to nonresident owners who have  
3 complied with the registration and licensing laws of the state or  
4 country of residence, provided that the snowmobile **[or]** , all-  
5 terrain vehicle , or dirt bike is appropriately identified in accordance  
6 with the laws of the state or country of residence and conspicuously  
7 displays the **[registration]** number issued by the state or country of  
8 residence. Nothing in this section shall be construed to authorize  
9 the operation of any snowmobile **[or]** , all-terrain vehicle , or dirt  
10 bike contrary to the provisions of **[this act]** P.L.1973, c.307  
11 (C.39:3C-1 et seq.).  
12 (cf: P.L.1985, c.375, s.8)

13  
14       <sup>1</sup>**[7.] 8.** Section 8 of P.L.1973, c.307 (C.39:3C-8) is amended  
15 to read as follows:

16       8. The **[registration]** number assigned to a snowmobile **[or]** ,  
17 all-terrain vehicle, or dirt bike and required to be displayed pursuant  
18 <sup>2</sup>to section 3 of<sup>2</sup> P.L.1973, c.307 (C.39:3C-3) shall be displayed on  
19 the **[vehicle]** snowmobile, all-terrain vehicle, or dirt bike at all  
20 times in such manner as the **[director]** chief administrator may, by  
21 regulation, prescribe. No number other than the number assigned  
22 by the **[director]** chief administrator, or **[the]** a comparable  
23 identification number of the **[registration]** snowmobile, all-terrain  
24 vehicle, or dirt bike properly registered in another state, shall be  
25 painted, attached, or otherwise displayed on either side of the  
26 cowling, except that racing numbers on a snowmobile **[or]**, all-  
27 terrain vehicle, or dirt bike being operated in prearranged organized  
28 special events may be temporarily displayed for the duration of the  
29 race.  
30 (cf: P.L.1985, c.375, s.9)

31  
32       <sup>1</sup>**[8.] 9.** Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended  
33 to read as follows:

34       9. a. Every person operating a snowmobile **[or]**, all-terrain  
35 vehicle, or dirt bike registered or transferred in accordance with any  
36 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
37 shall, upon demand of any **[peace officer,]** law enforcement officer,  
38 duly authorized **[official of the Department of Environmental**  
39 **Protection]** conservation officer of the Division of Fish and  
40 Wildlife or park police officer or law enforcement operation officer  
41 of the Division of Parks and Forestry within the Department of  
42 Environmental Protection, or **[a]** any other police officer, produce  
43 for inspection the certificate of registration and shall furnish to  
44 **[such]** the officer any information necessary for the identification  
45 of **[such]** the snowmobile **[or]** , all-terrain vehicle, or dirt bike and  
46 its owner. The failure to produce the certificate of registration

1 when operating a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
2 on public lands and waters, or when crossing a public highway,  
3 shall be presumptive evidence in any court of competent  
4 jurisdiction of operating a snowmobile **[or]** , all-terrain vehicle, or  
5 dirt bike which is not registered as required by **[this act]** P.L.1973,  
6 c.307 (C.39:3C-1 et seq.).

7 b. A person less than 18 years of age who operates **[an]** a  
8 snowmobile, all-terrain vehicle , or a dirt bike which is registered in  
9 this State shall produce upon demand a certificate indicating that  
10 person's successful completion of **[an all-terrain vehicle]** a safety  
11 education and training course established or certified by the  
12 **[director]** <sup>1</sup>**[chief administrator]** commissioner<sup>1</sup> in accordance with  
13 section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to produce  
14 the certificate when operating **[an]** a snowmobile, all-terrain  
15 vehicle , or dirt bike on public lands or waters, or when crossing a  
16 public highway, shall be presumptive evidence in any court of  
17 competent jurisdiction of the operation of the <sup>1</sup>snowmobile,<sup>1</sup> all-  
18 terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> in violation of the requirement in  
19 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16).  
20 (cf: P.L.1991, c.322, s.2)

21  
22 <sup>1</sup>10. Section 10 of P.L.1973, c.307 (C.39:3C-10) is amended to  
23 read as follows:

24 10. a. It shall be the duty of every owner holding a certificate of  
25 registration to notify the commission, in writing, of any change of  
26 residence of such person within **[seven days]** one week after the  
27 change occurs.

28 b. The chief administrator shall establish a public awareness  
29 campaign to inform the general public about the importance of  
30 maintaining a current address with the commission.<sup>1</sup>  
31 (cf: P.L.2007, c.281, s.1)

32  
33 <sup>1</sup>**[9.]** 11.<sup>1</sup> Section 11 of P.L.1973, c.307 (C.39:3C-11) is  
34 amended to read as follows:

35 11. **[Whenever]** In accordance with the provisions of P.L.1973,  
36 c.307 (C.39:3C-1 et seq.), whenever <sup>1</sup>**[the ownership of a**  
37 snowmobile **[or]** , all-terrain vehicle, or dirt bike is transferred , or  
38 the use for which a registration certificate has already been issued is  
39 discontinued, the old registration certificate shall be properly signed  
40 and executed by the owner, showing that the ownership of the  
41 snowmobile **[or]**, all-terrain vehicle, or dirt bike has been  
42 transferred or its use discontinued, and returned to the **[division]**  
43 commission within 10 days after transfer or discontinuance. **If]**<sup>1</sup>  
44 there is a change of ownership for which a registration certificate  
45 has previously been issued, the new owner shall apply for a new

1 certificate. '[He] The new owner' shall set forth the original  
2 number issued in the application accompanied by the old  
3 registration '[properly signed by the previous owner], if available,'  
4 and with the required fee submitted to the [division] commission,  
5 for registration. The 'new' owner shall demonstrate to the  
6 commission a notarized bill of sale, assignable certificate of origin,  
7 or other formal proof of ownership 'deemed acceptable by the  
8 commission' when transferring ownership or selling a snowmobile,  
9 all-terrain vehicle, or dirt bike.

10 (cf: P.L.1985, c.375, s.11)

11

12 '[10.] 12.' Section 12 of P.L.1973, c.307 (C.39:3C-12) is  
13 amended to read as follows:

14 12. It shall be the duty of every owner of a snowmobile [or] ,  
15 all-terrain vehicle, or dirt bike registered pursuant to [this act]  
16 P.L.1973, c.307 (C.39:3C-1 et seq.) to notify the [division]  
17 commission, in writing, of the destruction, theft, or permanent  
18 removal of [such] the snowmobile, all-terrain vehicle, or dirt bike  
19 from the State, 'to surrender the certificate of registration' within  
20 10 days '[thereafter; and]' in the event of the destruction '[or] ,'  
21 theft ' , or permanent removal' of [such] the snowmobile, all-  
22 terrain vehicle, or dirt bike' ], shall surrender the certificate of  
23 registration [with such] within the notice period prescribed by this  
24 section] from the State'.

25 (cf: P.L.1985, c.375, s.12)

26

27 '[11.] 13.' Section 13 of P.L.1973, c.307 (C.39:3C-13) is  
28 amended to read as follows:

29 13. No political subdivision of the State shall require additional  
30 licensing or registration of snowmobiles [or], all-terrain vehicles,  
31 or dirt bikes which are covered by the provisions of [this act]  
32 P.L.1973, c.307 (C.39:3C-1 et seq.).

33 Nothing herein shall [however] prohibit the requirement of a  
34 permit by State or local parks for use of snowmobiles , all-terrain  
35 vehicles, or dirt bikes on park lands or in any way affect the  
36 authority of the Department of Environmental Protection, the  
37 commissioner thereof, or those responsible for the operation of a  
38 park from adopting rules and regulations concerning the use of  
39 snowmobiles [and] , all-terrain vehicles, and dirt bikes.

40 (cf: P.L.1985, c.375, s.13)

41

42 '[12.] 14.' Section 14 of P.L.1973, c.307 (C.39:3C-14) is  
43 amended to read as follows:

44 14. The commissioner, with a view towards minimizing  
45 detrimental effects on the environment and protecting public safety,

1 shall adopt rules and regulations relating to and including, but not  
2 limited to, the following:

3 a. Use of snowmobiles  ~~[and]~~, all-terrain vehicles, and dirt  
4 bikes, insofar as fish, wildlife, and plantlife resources , and public  
5 safety are affected;

6 b. Use of snowmobiles  ~~[and]~~, all-terrain vehicles, and dirt bikes  
7 on public lands and waters under the jurisdiction of the Department  
8 of Environmental Protection <sup>3</sup>; and

9 c. Use of snowmobiles, all-terrain vehicles, and dirt bikes at  
10 three sites on State-owned land pursuant to section 38 of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>3</sup> .

12 The commissioner may locate, designate, and make available by  
13 the effective date of  ~~[this act]~~ <sup>2</sup> ~~[P.L.1973, c.307 (C.39:3C-1 et~~  
14 ~~seq.) ] P.L.1991, c.322<sup>2</sup>~~ appropriate areas of public lands upon  
15 which snowmobile, all-terrain vehicle , and dirt bike safety  
16 education and training programs established or certified by the  
17  ~~[Director of the Division of Motor Vehicles]~~ <sup>1</sup> ~~[chief administrator]~~  
18 commissioner<sup>1</sup> in accordance with section 15 of P.L.1973, c.307  
19 (C.39:3C-15) may be conducted. The commissioner shall report to  
20 the Legislature and the Governor within one year after the effective  
21 date of  ~~[this act]~~ <sup>2</sup> ~~[P.L.1973, c.307 (C.39:3C-1 et seq.)]~~  ~~P.L.1991,~~  
22  ~~c.322<sup>2</sup>~~ on the size and location of the public lands located,  
23 designated, and made available; on the frequency of the use, or the  
24 estimated frequency of use, of these public lands for safety  
25 education and training programs; and the environmental impact of  
26 this use on the lands.

27 (cf: P.L.1991, c.322, s.3)

28  
29 <sup>1</sup> ~~[13.] 15.~~<sup>1</sup> Section 15 of P.L.1973, c.307 (C.39:3C-15) is  
30 amended to read as follows:

31 15. The  ~~[Director of the Division of Motor Vehicles]~~ <sup>1</sup> ~~[chief~~  
32 ~~administrator shall]~~ commissioner may<sup>1</sup> adopt rules and regulations  
33 relating to and including, but not limited to:

34 a. <sup>1</sup> ~~[Specifications relating to equipment required for safety as~~  
35 ~~provided herein]~~ (Deleted by amendment, P.L. , c. ) (pending  
36 before the Legislature as this bill)<sup>1</sup> .

37 b. Establishment of a comprehensive snowmobile  ~~[and]~~ , all-  
38 terrain vehicle, and dirt bike information and safety education and  
39 training program.

40 c. <sup>1</sup> ~~[The regulations pertaining to and the granting]~~ Granting<sup>1</sup> of  
41 permits for the conduct of all prearranged special events as  
42 provided in  ~~[this act]~~  ~~P.L.1973, c.307 (C.39:3C-1 et seq.)~~, <sup>1</sup> ~~[except~~  
43 ~~that in the case of]~~ including<sup>1</sup> those <sup>1</sup>permits necessary for<sup>1</sup>  
44 special events conducted on public lands and waters under the  
45 jurisdiction of the Department of Environmental Protection <sup>1</sup> ~~[any~~

1 regulations must be approved jointly by the [director] chief  
2 administrator and] the commissioner]' .

3 In accordance with the requirement in [paragraph] subsection b.  
4 of this section, the [director] '[chief administrator] commissioner'  
5 shall '[establish an all-terrain vehicle safety education and training  
6 program to be offered by the [division] commission, or shall]'  
7 certify '[other] snowmobile,' all-terrain vehicle 'and dirt bike'  
8 safety education and training programs to be offered by public or  
9 private agencies or organizations, the successful completion of  
10 which shall satisfy the training requirements in subsection c. of  
11 section 16 of P.L.1973, c.307 (C.39:3C-16). A person less than 16  
12 years of age participating in an all-terrain vehicle safety education  
13 and training course established or certified by the [director] '[chief  
14 administrator] commissioner' shall operate during the training only  
15 an all-terrain vehicle with an engine capacity of 90 cubic  
16 centimeters or less.

17 (cf: P.L.1991, c.322, s.4)

18

19 '[14.] 16.' Section 16 of P.L.1973, c.307 (C.39:3C-16) is  
20 amended to read as follows:

21 16. a. A person under the age of 14 years shall not operate or be  
22 permitted to operate any snowmobile [or] , all-terrain vehicle, or  
23 dirt bike on public lands or waters or across a public highway.

24 b. A person less than 16 years of age shall not operate on public  
25 lands or waters or across a public highway of this State an all-  
26 terrain vehicle with an engine capacity greater than 90 cubic  
27 centimeters.

28 c. A person less than 18 years of age shall not operate [an] a  
29 snowmobile, all-terrain vehicle , or dirt bike registered in this State  
30 on public lands or waters or across a public highway of this State  
31 unless the person has completed [an all-terrain vehicle] a safety  
32 education and training course established or certified by the  
33 [director] '[chief administrator] commissioner' pursuant to  
34 section 15 of P.L.1973, c.307 (C.39:3C-15). At all times during the  
35 operation of the snowmobile, all-terrain vehicle , or dirt bike the  
36 person shall [have in his possession] possess a certificate  
37 indicating successful completion of the course.

38 (cf: P.L.1991, c.322, s.5)

39

40 '[15.] 17.' Section 17 of P.L.1973, c.307 (C.39:3C-17) is  
41 amended as follows:

42 17. a. No person shall operate a snowmobile [or], all-terrain  
43 vehicle, or dirt bike upon limited access highways or within the  
44 right-of-way limits thereof.

45 b. No person shall operate a snowmobile [or] , all-terrain  
46 vehicle, or dirt bike upon the main traveled portion or the plowed

1 snowbanks of any public street or highway or within the right-of-  
2 way limits thereof except as follows:

3 (1) Properly registered snowmobiles  ~~[or],~~ all-terrain vehicles,  
4 and dirt bikes may cross, as directly as possible, public streets or  
5 highways, except limited access highways, provided that such  
6 crossing can be made in safety and that it does not interfere with the  
7 free movement of vehicular traffic approaching from either  
8 direction on  ~~[such] the~~ public street or highway. Prior to making  
9 any such crossing, the operator shall bring the snowmobile  ~~[or],~~  
10 all-terrain vehicle, or dirt bike to a complete stop. It shall be the  
11 responsibility of the operator of a snowmobile  ~~[or],~~ all-terrain  
12 vehicle, or dirt bike to yield the right-of-way to all vehicular traffic  
13 upon any public street or highway before crossing  ~~[same] the~~  
14 public street or highway.

15 (2) Whenever it is impracticable to gain immediate access to an  
16 area adjacent to a public highway where a snowmobile  ~~[or],~~ all-  
17 terrain vehicle, or dirt bike is to be operated,  ~~[it] the snowmobile,~~  
18 all-terrain vehicle, or dirt bike may be operated adjacent and  
19 parallel to  ~~[such] the~~ public highway for the purpose of gaining  
20 access to the area of operation. This subsection shall apply to the  
21 operation of a snowmobile  ~~[or] ,~~ all-terrain vehicle, or dirt bike  
22 from the point where  ~~[it] the snowmobile, all-terrain vehicle, or~~  
23 dirt bike is unloaded from a motorized conveyance to the area  
24 where it is to be operated, or from the area where operated to a  
25 motorized conveyance, when  ~~[such] the~~ loading or unloading  
26 cannot be effected in the immediate vicinity of the area of  
27 operation without causing a hazard to vehicular traffic approaching  
28 from either direction on  ~~[said] the~~ public highway.  ~~[Such] The~~  
29 loading or unloading must be accomplished with due regard to  
30 safety, at the nearest possible point to the area of operation.

31 (cf: P.L.1985, c.375, s.17)

32

33  ~~'[16.] 18.'~~ Section 18 of P.L.1973, c.307 (C.39:3C-18) is  
34 amended to read as follows:

35 18. a. No person shall operate a snowmobile  ~~[or] ,~~ all-terrain  
36 vehicle, or dirt bike on the property of another without receiving the  
37 consent of the owner of the property and the person who has a  
38 contractual right to the use of  ~~[such] the~~ property.

39 b. No person shall continue to operate a snowmobile  ~~[or],~~ all-  
40 terrain vehicle, or dirt bike on the property of another after consent,  
41 as provided in subsection a. above, has been withdrawn.

42 c. No owner of real property and no person or entity having a  
43 contractual right to the use of real property, no matter where  ~~[such]~~  
44 the property is situate in this State, shall assume responsibility or  
45 incur liability for any injury or damage to an owner, operator, or  
46 occupant of a snowmobile  ~~[or],~~ all terrain vehicle, or dirt bike

1 **【where such】** if the injury or damage occurs during, or arises out of  
2 the operation or use of **【such】** , the snowmobile, all-terrain vehicle,  
3 or dirt bike unless: (1) the operation or use is with the express  
4 consent of the owner and contractual user of the property , and (2)  
5 the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985,  
6 c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection  
7 shall not limit the liability which would otherwise exist for the  
8 willful or malicious creation of a hazardous condition.

9 (cf: P.L.1991, c.496, s.8)

10

11 **‘【17.】 19.’** Section 19 of P.L.1973, c.307 (C.39:3C-19) is  
12 amended to read as follows:

13 19. It shall be unlawful for:

14 a. Any person to operate or ride as a passenger on any  
15 snowmobile **【or】** , all-terrain vehicle, or dirt bike without wearing a  
16 protective helmet approved by the **【director】** chief administrator.  
17 Any **【such】** helmet shall be of a type acceptable for use in  
18 conjunction with motorcycles as provided in sections 6 to 9 of  
19 P.L.1967, c.237 (C.39:3-76.7 through 39:3-76.10).

20 b. Any person to operate a snowmobile **【or】**, all-terrain vehicle,  
21 or dirt bike that is not equipped with working headlights, taillights,  
22 brakes, and proper mufflers as supplied by the motor manufacturer  
23 for the particular model, without modifications, nor shall any  
24 person operate any snowmobile **【or】**, all-terrain vehicle, or dirt bike  
25 in **【such a】** any manner as to cause a harsh, objectionable, or  
26 unreasonable noise.

27 c. Any person to operate a snowmobile **【or】** , all-terrain vehicle,  
28 or dirt bike at any time and in any manner intended or reasonably to  
29 be expected to harass, drive, or pursue any wildlife.

30 d. Any person to operate any snowmobile **【or】**, all-terrain  
31 vehicle, or dirt bike during the hours from 1/2 hour before sunset to  
32 1/2 hour after sunrise without having lighted headlights and lighted  
33 taillights.

34 e. Any person to operate any snowmobile **【or】**, all-terrain  
35 vehicle, or dirt bike on the land of another without first securing the  
36 permission of the landowner or **【his】** the landowner’s duly  
37 authorized representative.

38 f. Any person to operate a snowmobile **【or】** , all-terrain vehicle,  
39 or dirt bike upon railroad or right-of-way of an operating railroad,  
40 except railroad personnel in the performance of their duties.

41 g. Any person to violate any provision of **【this act】** P.L.1973,  
42 c.307 (C.39:3C-1 et seq.) or any rule or regulation adopted pursuant  
43 to **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.).

44 (cf: P.L.1985, c.375, s.19)

1       ~~'[18.] 20.'~~ Section 20 of P.L.1973, c.307 (C.39:3C-20) is  
2 amended to read as follows:

3       20. a. No snowmobile  ~~[or] ,~~ all-terrain vehicle, or dirt bike  
4 shall be operated or permitted to be operated unless the owner  
5 thereof has obtained a policy of insurance, in such language and  
6 form as shall be determined by the Commissioner of  ~~[the~~  
7 ~~Department of] Banking and~~ Insurance, from an insurance carrier  
8 authorized to do business in this State, the terms of which policy  
9 shall indemnify an amount or limit of  ~~[\$15,000.00]~~  \$15,000,  
10 exclusive of interest and costs, on account of injury to, or death of,  
11 one person, in any one accident; and an amount or limit, subject to  
12 such limit for any one person so injured, or killed, of  ~~[\$30,000.00]~~   
13 \$30,000, exclusive of interest and costs, on account of injury to or  
14 death of, more than one person, in any one accident; and an amount  
15 or limit of  ~~[\$5,000.00]~~  \$5,000, exclusive of interest and costs, for  
16 damage to property in any one accident, for damages arising out of  
17 the negligent operation of  ~~[said] the~~  snowmobile  ~~[or] ,~~ all-terrain  
18 vehicle, or dirt bike. In lieu of  ~~[such] the~~  insurance coverage as  
19 hereinabove provided, the  ~~[director]~~  chief administrator, in  ~~[his]~~   
20 the chief administrator's discretion and upon application of the  
21 State or a municipality having registered in its name one or more  
22 snowmobiles  ~~[or] ,~~ all-terrain vehicles, or dirt bikes, may waive the  
23 requirement of insurance by a private insurance carrier and issue a  
24 certificate of self-insurance, when  ~~[he]~~  the chief administrator is  
25 satisfied of financial ability to respond to judgments obtained  
26 against it or them, arising out of the ownership, use or operation of  
27 the snowmobiles  ~~[or] ,~~ all-terrain vehicles, or dirt bikes.

28       b. Proof of insurance as hereinabove required shall be produced  
29 and displayed by the owner or operator of  ~~[such] the~~  snowmobile  
30  ~~[or] ,~~ all-terrain vehicle, or dirt bike upon request to any law  
31 enforcement officer or to any person who has suffered or claims to  
32 have suffered either personal injury or property damage as a result  
33 of the operation of  ~~[it] the~~  snowmobile, all-terrain vehicle, or dirt  
34 bike by the owner or operator.

35       c. An owner of a snowmobile  ~~[or] ,~~ all-terrain vehicle, or dirt  
36 bike who shall operate or permit the  ~~[same] the~~  snowmobile, all-  
37 terrain vehicle, or dirt bike to be operated without having in effect  
38 the required liability insurance coverage, and any other person who  
39 shall operate any snowmobile  ~~[or] ,~~ all-terrain vehicle, or dirt bike  
40 with the knowledge that the owner thereof does not have in effect  
41  ~~[such] the~~  insurance coverage shall be guilty of a violation of  
42 <sup>2</sup> ~~[this act]~~  P.L.1973, c.307 (C.39:3C-1 et seq.)<sup>2</sup> and be subject to a  
43 fine of not less than  ~~[\$25.00]~~  \$25 nor more than  ~~[\$100.00]~~  \$100.

44       d. The  ~~[director]~~  chief administrator is hereby authorized to  
45 promulgate reasonable regulations to provide effective



1 administration and enforcement of the provisions of this section in  
2 accordance with the purposes thereof.  
3 (cf: P.L.1985, c.375, s.20)

4  
5 <sup>1</sup>[19.] 21.<sup>1</sup> Section 21 of P.L.1973, c.307 (C.39:3C-21) is  
6 amended to read as follows:

7 21. The operator of any snowmobile ~~[or]~~ , all-terrain vehicle, ~~or~~  
8 <sup>2</sup>~~[dirtbike]~~ dirt bike<sup>2</sup> involved in an accident resulting in injuries or  
9 death of any person or property damage shall comply with the  
10 procedures in R.S. 39:4-129 and R.S. 39:4-130.

11 (cf: P.L.1985, c.375, s.21)

12  
13 <sup>1</sup>[20.] 22.<sup>1</sup> Section 22 of P.L.1973, c.307 (C.39:3C-22) is  
14 amended to read as follows:

15 22. The ~~[director]~~ <sup>1</sup>~~[chief administrator]~~ commissioner<sup>1</sup> may  
16 authorize the holding of organized special events. ~~[He]~~ The  
17 <sup>1</sup>~~[chief administrator]~~ commissioner<sup>1</sup> shall adopt and may, from  
18 time to time, amend rules and regulations determining the special  
19 events which shall be subject to ~~[division]~~ a permit and designating  
20 the equipment and facilities necessary for safe operation of  
21 snowmobiles ~~[and]~~ , all-terrain vehicles, and dirt bikes and for the  
22 safety of operators, participants, and observers in such special  
23 events. Whenever ~~[such]~~ a special event requiring <sup>1</sup>~~[permit]~~  
24 authorization<sup>1</sup> of the ~~[division]~~ <sup>1</sup>~~[commission]~~ department<sup>1</sup> is  
25 proposed to be held in the State of New Jersey, the person in charge  
26 thereof shall, at least <sup>1</sup>~~[20]~~ 90<sup>1</sup> days prior thereto, file an  
27 application with the ~~[director]~~ <sup>1</sup>~~[chief administrator]~~  
28 commissioner<sup>1</sup> to hold ~~[such]~~ the special event. The application  
29 shall set forth the date of and location where it is proposed to hold  
30 ~~[such]~~ the rally, race, exhibition, or organized event, and ~~[such]~~  
31 any other information as the ~~[director]~~ <sup>1</sup>~~[chief administrator]~~  
32 commissioner<sup>1</sup> may require, and it shall not be conducted without  
33 written authorization of the ~~[director]~~ <sup>1</sup>~~[chief administrator]~~ and, if  
34 the event is desired to be held upon public lands or waters, a written  
35 authorization of the<sup>1</sup> commissioner. Copies of such regulations  
36 shall be furnished by the ~~[division]~~ <sup>1</sup>~~[chief administrator]~~  
37 commissioner<sup>1</sup> to any person making an application therefor.

38 Any person sponsoring the event who shall violate any  
39 regulation adopted pursuant to this section shall for every ~~[such]~~  
40 violation be subject to a fine not to exceed ~~[\$250.00]~~ \$250.

41 (cf: P.L.1985, c.375, s.22)

42  
43 <sup>1</sup>[21.] 23.<sup>1</sup> Section 23 of P.L.1973, c.307 (C.39:3C-23) is  
44 amended to read as follows:

1       23. Snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
2 operated at special events shall be exempt from the provisions of  
3 this chapter concerning registration and lights during the time of  
4 **[such]** operation of the special event, including all prerace practice  
5 at the location of the meet. In addition, snowmobiles, all-terrain  
6 vehicles , and dirt bikes operated at special events shall be exempt  
7 from the provisions of subsection c. of section 16 of P.L.1973,  
8 c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973,  
9 c.307 (C.39:3C-9); however, subsection b. of section 16 of  
10 P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **[all**  
11 **terrain]** snowmobiles, all-terrain vehicles , and dirt bikes at special  
12 events and prerace practice.  
13 (cf: P.L.1991, c.322, s.6)

14  
15       '**[22.] 24.**' Section 24 of P.L.1973, c.307 (C.39:3C-24) is  
16 amended to read as follows:

17       24. All snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
18 operating within the State of New Jersey shall be equipped with:

19       a. Headlights. At least one white or amber headlamp having a  
20 minimum candlepower of sufficient intensity to reveal persons and  
21 vehicles at a distance of at least 100 feet ahead during hours of  
22 darkness under normal atmospheric conditions.

23       b. Taillights. At least one red taillamp having a minimum  
24 candlepower of sufficient intensity to exhibit a red light plainly  
25 visible from a distance of 500 feet to the rear during hours of  
26 darkness under normal atmospheric conditions.

27       c. Brakes. A brake system in good mechanical condition.

28       d. Reflector **[material]** material. Reflector material of a  
29 minimum area of 16 square inches mounted on each side of the  
30 cowling. Registration numbers or other decorative material may be  
31 included in computing the required 16-square-inch area.

32       e. Mufflers. An adequate muffler system in good working  
33 condition.

34 (cf: P.L.1985, c.375, s.24)

35  
36       '**[23.] 25.**' Section 25 of P.L.1973, c.307 (C.39:3C-25) is  
37 amended to read as follows:

38       25. The **[director]** chief administrator may adopt rules and  
39 regulations with respect to the inspection of snowmobiles **[and]** ,  
40 all-terrain vehicles, and dirt bikes and the testing of mufflers for  
41 those vehicles.

42 (cf: P.L.1985, c.375, s.25)

43  
44       '**[24.] 26.**' Section 26 of P.L.1973, c.307 (C.39:3C-26) is  
45 amended to read as follows:

1 26. a. No person shall have for sale, sell, or offer for sale in this  
2 State any snowmobile **[or]** , all-terrain vehicle, or dirt bike which  
3 fails to comply with the provisions of **[this act]** P.L.1973, c.307  
4 (C.39:3C-1 et seq.) or which does not comply with the  
5 specifications for **[such]** the equipment required by the rules and  
6 regulations of the **[director]** commission, after the effective date of  
7 such rules and regulations.

8 b. A person shall not knowingly sell or offer to sell an all-terrain  
9 vehicle with an engine capacity of greater than 90 cubic centimeters  
10 for use by a person less than 16 years of age.

11 c. Retail dealers and distributors of all-terrain vehicles shall  
12 comply with those requirements of the consent decree entered into  
13 by all-terrain vehicle distributors and the United States Consumer  
14 Product Safety Commission on April 28, 1988 which require the  
15 providing of safety information on all-terrain vehicles to either the  
16 purchasers or retail dealers of **[such]** all-terrain vehicles, as  
17 appropriate.

18 (cf: P.L.1991, c.322, s.7)

19  
20 <sup>1</sup>**[25.] 27.** Section 27 of P.L.1973, c.307 (C.39:3C-27) is  
21 amended to read as follows:

22 27. Every law enforcement officer in the State, including any  
23 authorized **[officers of the Division of Motor Vehicles]** officer of  
24 the commission, conservation officers of the Division of Fish and  
25 Wildlife, and park police officers and law enforcement operation  
26 officers of the Division of Parks and Forestry within the  
27 Department of Environmental Protection, **[forest rangers and State**  
28 **park police]** , and other designated officers and employees of the  
29 department shall enforce **[this act]** P.L.1973, c.307 (C.39:3C-1 et  
30 seq.) within their respective jurisdictions.

31 (cf: P.L.1973, c.307, s.27)

32  
33 <sup>1</sup>**[26.] 28.** Section 28 of P.L.1973, c.307 (C.39:3C-28) is  
34 amended to read as follows:

35 28. Any person who shall violate any **[provisions]** provision of  
36 **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is  
37 specifically provided, or any rule or regulation promulgated  
38 pursuant to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.) shall be  
39 punished by a fine of not less than **[\$100 or]** \$250 nor more than  
40 **[\$200]** \$500. For a second or subsequent violation of section 26 of  
41 P.L.1973, c.307 (C.39:3C-26), a fine of not less than **[\$200 or]**  
42 \$500 nor more than **[\$500]** \$1,000 shall be imposed.

43 (cf: P.L.1991, c.322, s.8)

44  
45 <sup>1</sup>**[27.] 29.** Section 29 of P.L.1973, c.307 (C.39:3C-29) is  
46 amended to read as follows:

1        29. The **[director]** chief administrator shall deposit in the “Off-  
2 Road <sup>2</sup>**[<sup>1</sup>Recreational<sup>1</sup>]** <sup>2</sup>Vehicle <sup>2</sup>**[Recreational<sup>2</sup>]** Fund,” established  
3 pursuant to section <sup>1</sup>**[29]** 31<sup>1</sup> of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill) all moneys received by **[him**  
5 **from]** the chief administrator from the additional <sup>1</sup>**[\$5]** <sup>1</sup>**\$10**<sup>1</sup>  
6 payment required to be made at the time of registration of  
7 snowmobiles **[and]** , all-terrain vehicles, and dirt bikes **[**, the sale  
8 of registration information, publications, and other services  
9 provided by the department and all fees collected by him under this  
10 act to the credit of the General Treasury, except that \$5 of a  
11 registration fee paid by a resident or nonresident of this State shall  
12 be allocated to the division to defray the cost of providing all-  
13 terrain vehicle safety education and training manuals or all-terrain  
14 vehicle safety education and training programs**]** in accordance with  
15 **[section 15 of P.L.1973, c.307 (C.39:3C-15), or both]** subsection f.  
16 of section 3 of P.L.1973, c.307 (C.39:3C-3).  
17 (cf: P.L.1991, c.322, s.10)

18

19        <sup>1</sup>**[28.]** 30.<sup>1</sup> Section 30 of P.L.1973, c.307 (C.39:3C-30) is  
20 amended to read as follows:

21        30. Owners and operators of snowmobiles **[and]** , all-terrain  
22 vehicles, and dirt bikes shall, when operating such across a public  
23 highway or on public land or waters, comply with the following  
24 provisions of chapter 4 of Title 39 of the Revised Statutes:  
25 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;  
26 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through  
27 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-  
28 129 through R.S.39:4-134; R.S.39:4-203. **[The failure to comply**  
29 **with any of these provisions shall be a violation of this act and the**  
30 **penalty for such a violation shall be provided in section 28 of**  
31 **P.L.1973, c.307 (C.39:3C-28) rather than the penalty provided in**  
32 **the sections cited above.]**

33 (cf: P.L.1985, c.375, s.28)

34

35        <sup>1</sup>**[29.]** 31.<sup>1</sup> (New section) a. There is established in the  
36 General Fund a separate, non-lapsing, dedicated account to be  
37 known as the "Off-Road Vehicle <sup>1</sup>**[Recreational<sup>1</sup>]** Fund," hereinafter  
38 referred to as "the fund." Notwithstanding any provision of law to  
39 the contrary, each fiscal year the State Treasurer shall credit the  
40 revenue collected pursuant to subsection f. of section 3 of P.L.1973,  
41 c.307 (C.39:3C-3) into the fund. Each fiscal year, the State  
42 Treasurer shall allocate the monies contained in the fund to the  
43 Department of Environmental Protection. Each fiscal year, the State  
44 Treasurer shall credit all earnings received from the investment or  
45 deposit of revenue in the fund, to the fund. All revenues and

1 earnings deposited in the fund shall be appropriated in the same  
2 fiscal year to the department.

3 b. The monies credited to the fund shall be used by the  
4 Department of Environmental Protection for designating and  
5 maintaining <sup>2</sup>[a site] sites<sup>2</sup> in the State for the use of snowmobiles,  
6 all-terrain vehicles, and dirt bikes; <sup>2</sup>[the site] sites<sup>2</sup> shall be  
7 designated and shall be maintained in a manner that, to the greatest  
8 possible extent, mitigates any detrimental effects on the  
9 environment and protects public safety.

10

11 <sup>1</sup>[30.] 32.<sup>1</sup> (New section) As used in sections <sup>1</sup>[31] 33<sup>1</sup> and  
12 <sup>1</sup>[32] 34<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature  
13 as this bill):

14 “Off-road vehicle” means any motorized vehicle with two or  
15 more wheels or tracks that is capable of being operated off of  
16 regularly improved and maintained roads including, but not limited  
17 to, motorcycles as defined in R.S.39:1-1, snowmobiles and all-  
18 terrain vehicles, and dirt bikes as defined in section 5 of P.L.1991,  
19 c.496 (C.2A:42A-6.1).

20 “Public land” means all land owned, operated, managed, or  
21 maintained <sup>1</sup>[by]<sup>1</sup>, or under the jurisdiction of <sup>2</sup>[,]<sup>2</sup> the  
22 Department of Environmental Protection, including any and all land  
23 owned, operated, managed, maintained, or purchased jointly by the  
24 Department of Environmental Protection with any other party and  
25 any land so designated by municipal or county ordinance. Public  
26 land shall also mean any land used for conservation purposes,  
27 including, but not limited to, beaches, forests, greenways, natural  
28 areas, water resources, wildlife preserves, <sup>2</sup>[and]<sup>2</sup> land used for  
29 watershed protection, or biological or ecological studies <sup>2</sup>, and land  
30 exempted from taxation pursuant to section 2 of P.L.1974, c.167  
31 (C.54:4-3.64)<sup>2</sup>.

32 “Vehicle” means every device in, upon or by which a person or  
33 property is or may be transported upon a highway, excepting  
34 devices moved by human power or used exclusively upon stationary  
35 rails or tracks or motorized bicycles.

36

37 <sup>1</sup>[31.] 33.<sup>1</sup> (New section) Any person who operates any vehicle  
38 or off-road vehicle on public lands in violation of P.L.1973, c.307  
39 (C:39:3C-1 et seq.) or in violation of any law, rule, or regulation  
40 adopted pursuant thereto shall be subject to:

41 a. For a first offense, a fine of not less than \$250 nor more than  
42 \$500.

43 b. For a second offense, a fine of not less than \$500 nor more  
44 than \$1,000.

45 c. For a third or subsequent offense, a fine of not less than  
46 \$1,000.

47 d. For any offense on public lands in which the use of a vehicle

1 is found responsible for damage to or destruction of natural  
2 resources valued in excess of \$100, a fine of five times the amount,  
3 as determined by the Department of Environmental Protection, of  
4 restoration and replacement, where possible, of any natural resource  
5 damaged or destroyed by the use of the vehicle. If a person at the  
6 time of the imposition of the sentence is less than 17 years of age,  
7 the owner of the vehicle shall be liable for the fine of five times the  
8 amount, as determined by the Department of Environmental  
9 Protection, of restoration and replacement, where possible, of any  
10 natural resource damaged or destroyed by the use of the vehicle.

11

12 <sup>1</sup>[32.] <sup>1</sup>34. (New section) a. In addition to the fines set forth  
13 in section <sup>1</sup>[31] <sup>1</sup>33 of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill), any vehicle or off-road vehicle operated on  
15 public lands in violation of P.L.1973, c.307 (C.39:3C-1 et seq.),  
16 may be impounded by the law enforcing agency and held until the  
17 payment of the fee required pursuant to <sup>2</sup>[subsections] subsection<sup>2</sup>  
18 b. or c. of this section, as appropriate.

19 The prosecutor may waive the requirements of subsections b. and  
20 c. of this section for the owner of the vehicle or off-road vehicle if  
21 the owner is not a defendant in the case and did not know, or  
22 reasonably could not have known, that the vehicle or off-road  
23 vehicle would be used in violation of P.L.1973, c.307 (C.39:3C-1 et  
24 seq.), or any law, or rule or regulation adopted pursuant thereto,  
25 concerning the operation of vehicles or off-road vehicles on public  
26 lands.

27 b. (1) For a first offense, the vehicle or off-road vehicle may be  
28 impounded for not less than 48 hours and shall be released to the  
29 registered owner upon proof of registration and insurance as  
30 applicable to the type of vehicle or off-road vehicle and payment of  
31 a fee of \$500 <sup>2</sup>[payable]<sup>2</sup> to the Department of Environmental  
32 Protection, plus reasonable towing and storage costs.

33 (2) For a second offense, the vehicle or off-road vehicle may be  
34 impounded for not less than 96 hours and shall be released to the  
35 registered owner upon proof of registration and insurance as  
36 applicable to the type of vehicle or off-road vehicle and payment of  
37 a fee of \$750 <sup>2</sup>[payable]<sup>2</sup> to the Department of Environmental  
38 Protection, plus reasonable towing and storage costs.

39 (3) For a third or subsequent offense, the vehicle or off-road  
40 vehicle impounded <sup>2</sup>[in the violation]<sup>2</sup> may be forfeited and sold at  
41 auction and the registered owner shall be responsible for <sup>2</sup>[a]<sup>2</sup>  
42 payment of a fee of \$1,000 <sup>2</sup>[payable]<sup>2</sup> to the Department of  
43 Environmental Protection, plus reasonable towing and storage costs.

44 c. (1) If the owner fails to claim the impounded vehicle or off-  
45 road vehicle, and the fee required pursuant to subsection b. of this  
46 section has not been paid, by noon of the 30th day following the  
47 date of conviction, the vehicle or off-road vehicle may be sold at

1 auction. Notice of the sale shall be given by the impounding entity  
2 by certified mail to the owner of the vehicle or off-road vehicle, if  
3 the owner's name and address are known, and to the holder of any  
4 security interest filed with the chief administrator of the New Jersey  
5 Motor Vehicle Commission, and by publication in a form  
6 prescribed by the chief administrator by one insertion, at least five  
7 days before the date of the sale, in one or more newspapers  
8 published in the State and circulating in the municipality in which  
9 the vehicle or off-road vehicle is impounded.

10 (2) At any time prior to the sale, the owner or other person  
11 entitled to the vehicle or off-road vehicle may reclaim possession  
12 upon (a) showing proof of registration and insurance as applicable  
13 to the vehicle or off-road vehicle, (b) payment of the required fee,  
14 (c) payment of reasonable towing and storage costs, and (d)  
15 payment of all outstanding fees and costs associated with the  
16 impoundment.

17 The owner-lessor of an impounded vehicle or off-road vehicle  
18 shall be entitled to reclaim possession and the lessee shall be liable  
19 for all outstanding fines and restitution and fees and costs  
20 associated with the impoundment, towing and storage of the vehicle  
21 or off-road vehicle.

22 d. Any proceeds obtained from the sale of a vehicle or off-road  
23 vehicle at public auction pursuant to subsection c. of this section in  
24 excess of the amount owed to the impounding entity for the  
25 reasonable costs of towing and storage and any fees or other costs  
26 associated with the impoundment of the vehicle or off-road vehicle  
27 shall be returned to the owner of that vehicle or off-road vehicle, if  
28 the owner's name and address are known. If the owner's name and  
29 address are unknown or such person or entity cannot be located, the  
30 net proceeds shall be administered in accordance with the "Uniform  
31 Unclaimed Property Act," R.S.46:30B-1 et seq.<sup>2</sup>**[.]<sup>2</sup>**

32 e. (1) Whenever a vehicle or off-road vehicle is subject to  
33 forfeiture pursuant to paragraph (3) of subsection b. of this section,  
34 the forfeiture may be enforced by a civil action, instituted within 90  
35 days of the impoundment and commenced by the State against the  
36 property sought to be forfeited. The complaint for forfeiture shall  
37 be verified on oath or affirmation. It shall describe with reasonable  
38 accuracy the vehicle or off-road vehicle that is subject to the  
39 forfeiture action. The complaint shall contain all allegations setting  
40 forth the reason for forfeiture.

41 (2) Notice of the action shall be given to any person known to  
42 have property interest in the vehicle or off-road vehicle and the  
43 notice requirements of the Rules of Court for an in rem action shall  
44 be followed. The claimant of the vehicle or off-road vehicle that is  
45 subject to action under this subsection shall file and serve the claim  
46 in the form of an answer in accordance with the Rules of Court.  
47 The answer shall be verified on oath or affirmation and state the

1 interest in the property by virtue of which the claimant demands its  
2 restitution and the right to defend the action. If the claim is made  
3 on behalf of the person entitled to possession by an agent or  
4 attorney, it shall state that the agent or attorney is duly authorized to  
5 make the claim. If no answer is filed and served within the  
6 applicable time, the property seized shall be disposed of pursuant to  
7 N.J.S.2C:64-6 and N.J.S.2C:64-7.

8  
9 <sup>3</sup>35. Section 3 of P.L.1983, c.324 (C.13:1L-3) is amended to  
10 read as follows:

11 3. For the purposes of this act:

12 **[a.]** “All-terrain vehicle” means the same as the term is defined  
13 pursuant to section 1 of P.L.1973, c.307 (C.39:3C-1).

14 “Commissioner” means the Commissioner of Environmental  
15 Protection.

16 “Department” means the Department of Environmental  
17 Protection.

18 “Dirt bike” means any two-wheeled motorcycle that is designed  
19 and manufactured for off-road use only and that does not comply  
20 with Federal Motor Vehicle Safety Standards or United States  
21 Environmental Protection Agency on-road emissions standards.

22 **[b.]** “Forest resources” means those renewable products and  
23 reusable resources of all forest lands in the State, including but not  
24 limited to trees, timber, shrubs, and other vegetation, and the value  
25 of forest lands relating to recreation, wilderness appreciation,  
26 aesthetic appeal, and soil fertility.

27 **[c.]** “Green Acres program” means the program for the  
28 purchase of land for recreation and conservation purposes pursuant  
29 to P.L.1961, c.45 (C. 13:8A-1 et seq.), P.L.1971, c.419 (C. 13:8A-  
30 19 et seq.), [and] P.L.1975, c.155 (C. 13:8A-35 et seq.) , any Green  
31 Acres bond act, and P.L.1999, c.152 (C.13:8C-1 et seq.) .

32 **[d.]** “Recreational activities” includes, but is not limited to,  
33 fresh and salt water swimming, water skiing, boating and fishing,  
34 ice skating, snow skiing, camping, trail hiking, horseback riding,  
35 picnicking, bicycling, court and field games, track and field events,  
36 birdwatching, playground activities, and golf.

37 “Snowmobile” means the same as the term is defined pursuant to  
38 section 1 of P.L.1973, c.307 (C.39:3C-1).

39 **[e.]** “State parks and forests” means all State owned or leased  
40 lands, waters and facilities administered by the Department of  
41 Environmental Protection, including, but not limited to, parks,  
42 forests, recreational areas, marinas, historic sites, burial sites, and  
43 natural areas, but not including wildlife management areas or  
44 reservoir lands.<sup>3</sup>

45 (cf: P.L.1983, c.324, s.3)



1       <sup>3</sup>['[33.] 35.1'] <sup>3</sup>36. Section 23 of P.L.1983, c.324 (C.13:1L-23)  
2 is amended to read as follows:

3       23. a. If a person violates any provision of P.L.1983, c.324  
4 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
5 issued pursuant thereto, the department may institute a civil action  
6 in a court of competent jurisdiction for injunctive relief to prohibit  
7 and prevent the violation and the court may proceed in a summary  
8 manner.

9       b. A person who knowingly violates, or who solicits or employs  
10 any other person to violate, the provisions of subsection a. of  
11 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the  
12 following penalties: a fine of not less than \$750 nor more than  
13 \$1,500 for the first offense; a fine of not less than \$1,500 nor more  
14 than \$3,000 for the second offense; and a fine of not less than  
15 \$3,000 nor more than \$5,000 for any subsequent offense.

16       Penalties assessed pursuant to this subsection shall be collected  
17 in a civil action by a summary proceeding. Any vessel, vehicle or  
18 equipment used in the commission of the violation shall be subject  
19 to confiscation and forfeiture to the State, if warranted, as  
20 determined by the courts. Further, in addition to any penalty  
21 provided pursuant to subsection a. of this section, restitution and  
22 damages may be ordered to compensate the State for the cost of  
23 remediating any violation of this section and for the value of any  
24 lost, damaged, or destroyed archaeological findings. All fines,  
25 restitution payments, and damages collected shall be remitted to the  
26 department to be used for the preservation, remediation or  
27 protection of State archaeological sites. Any archaeological  
28 findings obtained as a result of a violation of this section shall be  
29 subject to confiscation, forfeiture, and return to the State and, upon  
30 recovery, shall be deposited with the New Jersey State Museum.

31       c. Notwithstanding any provision of this section to the contrary,  
32 examination or retrieval of artifacts, or scientific research,  
33 conducted by a State department, agency, commission, authority or  
34 corporation otherwise required or permitted by federal or State law  
35 are exempt from the provisions of this section.

36       d. A person who violates any provision of P.L.1983, c.324  
37 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
38 issued pursuant thereto, shall be liable to a civil penalty of not less  
39 than \$50 nor more than \$1,500, plus restitution if applicable, for  
40 each offense, except as otherwise provided under subsection b. of  
41 this section, to be collected in a civil action by a summary  
42 proceeding under the "Penalty Enforcement Law of 1999,"  
43 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court  
44 of competent jurisdiction wherein injunctive relief has been  
45 requested, except that any violation involving any vehicle or off-  
46 road vehicle shall be subject to the provisions of sections <sup>1</sup>[31] <sup>33</sup>  
47 and <sup>1</sup>[32] <sup>34</sup> of P.L. , c. (C. ) (pending before the

1 Legislature as this bill). The Superior Court and municipal courts  
2 shall have jurisdiction to hear and determine violations of P.L.1983,  
3 c.324 (C.13:1L-1 et seq.). If the violation is of a continuing nature,  
4 each day during which it continues shall constitute an additional,  
5 separate, and distinct offense. If the violation results in pecuniary  
6 gain to the violator, or the violator willfully or wantonly causes  
7 injury or damage to property, including but not limited to natural  
8 resources, the violator shall be liable to an additional civil penalty  
9 equal to three times the value of the pecuniary gain or injury or  
10 damage to property.

11 e. Penalties assessed pursuant to this section shall be in  
12 addition to any other civil or criminal penalties that may be  
13 applicable pursuant to law.

14 As used in this subsection, "vehicle" and "off-road vehicle"  
15 '[means] have' the '[same as the] meanings prescribed for those  
16 respective' terms '[are defined]' in section '[30] 32' of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill).  
18 (cf: P.L.2005, c.330. s.1)

19  
20 <sup>3</sup>'[34.] 36. 1] 37. 3 Section 1 of P.L.1954, c.38 (C.23:7-9) is  
21 amended to read as follows:

22 1. a. With respect to or on property under the control of the  
23 Division of Fish and Wildlife, no person may:

24 (1) remove or disturb any vegetation, soil, water, minerals, or  
25 other property of the State;

26 (2) litter, dump, or discard refuse of any kind;

27 (3) cause injury or damage to any equipment, structure, building,  
28 or other property; or

29 (4) use such property contrary to rules or regulations established  
30 by the division.

31 b. (1) If a person violates any provision of subsection a. of this  
32 section, the division may institute a civil action in a court of  
33 competent jurisdiction for injunctive relief to prohibit and prevent  
34 the violation and the court may proceed in a summary manner.

35 (2) (a) A person who violates any provision of subsection a. of  
36 this section shall be liable to a civil penalty of not less than \$50 nor  
37 more than \$1,500, plus restitution if applicable, for each offense, to  
38 be collected in a civil action by a summary proceeding under the  
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
40 et seq.) or in any case before a court of competent jurisdiction  
41 wherein injunctive relief has been requested, except that any  
42 violation involving a vehicle or off-road vehicle shall be subject to  
43 the provisions of sections '[31] 33' and '[32] 34' of P.L. , c.  
44 (C. ) (pending before the Legislature as this bill) and any fees  
45 or fines collected thereunder shall be subject to the provisions of  
46 R.S.23:10-3. The Superior Court and municipal courts shall have  
47 jurisdiction to hear and determine violations of subsection a. of this

1 section. If the violation is of a continuing nature, each day during  
2 which it continues shall constitute an additional, separate, and  
3 distinct offense. If the violation results in pecuniary gain to the  
4 violator, or the violator willfully or wantonly causes injury or  
5 damage to property, including but not limited to natural resources,  
6 the violator shall be liable to an additional civil penalty equal to  
7 three times the value of the pecuniary gain or injury or damage to  
8 property.

9 As used in this subparagraph, "vehicle" and "off-road vehicle"  
10 shall have the '[meaning] meanings' prescribed for those  
11 'respective' terms in section '[30] 32' of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill).

13 (b) In addition, for each subsequent violation, all license  
14 certificates required, and all privileges, to take or possess wildlife  
15 shall be suspended for a period of five years. A license certificate  
16 or privilege suspended pursuant to this subparagraph shall not be  
17 reinstated until the holder thereof has first completed, to the  
18 satisfaction of the Division of Fish and Wildlife, the approved  
19 remedial sportsmen education program established and conducted  
20 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-  
21 22.3).

22 (3) Penalties assessed pursuant to this subsection shall be in  
23 addition to any other civil or criminal penalties that may be  
24 applicable pursuant to law.

25 (cf: P.L.2005, c.330, s.2)

26

27 <sup>38.</sup> (New section) a. Within three years after the date of  
28 enactment of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill), the Commissioner of Environmental Protection shall:

30 (1) designate and make available three sites on State-owned land  
31 for the use of snowmobiles, all-terrain vehicles, and dirt bikes, one  
32 each in the northern, central, and southern part of the State; and

33 (2) adopt, pursuant to the "Administrative Procedure Act,"  
34 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
35 governing the use of the sites designated pursuant to paragraph (1)  
36 of this subsection. These rules and regulations shall seek to  
37 minimize any detrimental effects on the environment that may be  
38 caused by snowmobiles, all-terrain vehicles, and dirt bikes, and  
39 shall protect public safety.

40 b. In designating the sites for the use of snowmobiles, all-  
41 terrain vehicles, and dirt bikes pursuant to subsection a. of this  
42 section, the commissioner shall determine the most suitable location  
43 for the sites. The preferred location shall be on lands that are not  
44 State parks and forests, wildlife management areas, or reservoir  
45 lands. The commissioner shall consider: impacts to wildlife, biota,  
46 natural resources and forest resources, and water quality; the  
47 potential impacts on other authorized recreational activities that

1 occur within State parks and forests, wildlife management areas,  
2 and reservoir lands; and public safety.

3 c. The sites designated pursuant to subsection a. of this section  
4 may be the same sites as the commissioner may designate pursuant  
5 to section 14 of P.L.1973, c.307 (C.39:3C-14).

6 d. If the commissioner is unable to designate and make  
7 available three sites for the use of snowmobiles, all-terrain vehicles,  
8 and dirt bikes pursuant to subsection a. of this section, the  
9 commissioner shall submit a report to the Governor and, pursuant to  
10 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature  
11 detailing the reasons why sites have not been designated.<sup>3</sup>

12  
13 <sup>3</sup>39. (New section) If the commissioner has not made  
14 substantial progress in designating and making available three sites  
15 on State-owned land for the use of snowmobiles, all-terrain  
16 vehicles, and dirt bikes within three years of the date of enactment  
17 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
18 the increase in the fees established pursuant to section 3 of  
19 P.L.1973, c.307 (C.39:3C-3) shall expire on the first day of the  
20 fourth year and revert to the fee amounts established prior to the  
21 enactment of P.L. , c. (C. ) (pending before the Legislature  
22 as this bill).<sup>3</sup>

23  
24 <sup>3</sup>[<sup>1</sup>[35.] 37.<sup>1</sup>] 40.<sup>3</sup> <sup>2</sup>(New section)<sup>2</sup> The chief administrator  
25 <sup>1</sup>[shall] and the commissioner may<sup>1</sup> promulgate rules and  
26 regulations pursuant to the "Administrative Procedure Act,"  
27 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the  
28 purposes of <sup>2</sup>[this <sup>1</sup>[section] act<sup>1</sup>] P.L. , c. (C. ) (pending  
29 before the Legislature as this bill)<sup>2</sup>.

30  
31 <sup>1</sup>[36. The following section is repealed:  
32 Section 4 of P.L.1973, c.307 (C.39:3C-4).]<sup>1</sup>

33  
34 <sup>1</sup>[37.] <sup>3</sup>[38.<sup>1</sup> This] 41. Sections 14, 35, 38, 40, and 41 of this<sup>3</sup>  
35 act shall take effect <sup>3</sup>[on the first day of the <sup>2</sup>[eighteenth] 18th<sup>2</sup>  
36 month following the date of enactment <sup>2</sup>of \_\_\_\_\_ P.L. ,  
37 c. (pending before the Legislature as Assembly Bill No. 2796 (2R)  
38 of 2008 or Senate Bill No. 1059 (SCS) of 2008)<sup>2</sup>] immediately;  
39 sections 1 through 13, 15 through 34, 36, 37, and 39 shall take  
40 effect on the 1<sup>st</sup> day of the third month after the commissioner has  
41 designated the first of the three sites pursuant to paragraph (1) of  
42 subsection a. of section 38 of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill)<sup>3</sup> , but the commission and the  
44 department may take such anticipatory administrative action in  
45 advance as shall be necessary for the implementation of this act.

# ASSEMBLY, No. 823

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**SYNOPSIS**

Regulates operation of snowmobiles, all-terrain vehicles, dirt bikes, and certain other vehicles and off-road vehicles.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the operation of snowmobiles, all-terrain  
2 vehicles, and dirt bikes, establishing new penalties for the  
3 operation of certain vehicles and off-road vehicles, amending  
4 and supplementing P.L.1973, c.307, and amending P.L.1983,  
5 c.324 and P.L.1954, c.38.

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

9  
10 1. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read  
11 as follows:

12 1. As used in this act:

13 **[a.]** "All-terrain vehicle" means a motor vehicle, designed to  
14 travel over any terrain, of a type possessing between three and six  
15 rubber tires and powered by a gasoline engine not exceeding 600  
16 cubic centimeters, but shall not include golf carts.

17 "Chief Administrator" means the Chief Administrator of the  
18 New Jersey Motor Vehicle Commission.

19 "Commission" means the New Jersey Motor Vehicle  
20 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
21 4).

22 "Commissioner" means the Commissioner of **[the Department**  
23 **of]** Environmental Protection.

24 **[b.]** "Director" means the Director of the Division of Motor  
25 Vehicles in the Department of Law and Public Safety.

26 **c.]** "Dirt bike" means a motor powered vehicle possessing two  
27 or more tires, designed to travel over any terrain and capable of  
28 traveling off of paved roads.

29 "Natural resources" means all land, fish, shellfish, wildlife,  
30 biota, air, waters, and other such resources owned, managed, held in  
31 trust, or otherwise controlled by the State.

32 "Public lands" means all lands owned, operated, managed,  
33 maintained, or under the jurisdiction of the Department of  
34 Environmental Protection, including any and all lands owned,  
35 operated, managed, maintained, or purchased jointly by the  
36 Department of Environmental Protection with any other party and  
37 any land so designated by municipal or county ordinance.

38 "Snowmobile" means any motor vehicle, designed primarily to  
39 travel over ice or snow, of a type which uses sled type runners, skis,  
40 an endless belt tread, cleats or any combination of these or other  
41 similar means of contact with the surface upon which it is operated,  
42 but does not include any farm tractor, highway or other construction  
43 equipment, or any military vehicle.

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

**Matter underlined thus is new matter.**

1       **[d.]** "Special event" means an organized race, exhibition or  
2 demonstration of limited duration which is conducted according to a  
3 prearranged schedule and in which general public interest is  
4 manifested.

5       **[e.]** "All-terrain vehicle" means a motor vehicle, designed to  
6 travel over any terrain, of a type possessing between three and six  
7 rubber tires and powered by a gasoline engine not exceeding 600  
8 cubic centimeters, but shall not include golf carts**].**

9 (cf: P.L.1991, c.496, s.7)

10

11       2. Section 2 of P.L.1973, c.307 (C.39:3C-2) is amended to read  
12 as follows:

13       2. For the purpose of carrying out the provisions of **[this act]**  
14 P.L.1973, c.307 (C.39:3C-1 et seq.):

15       a. The **[director]** chief administrator shall have the power, duty,  
16 and authority to administer and enforce all statutes, rules, and  
17 regulations, except as otherwise provided by statute, relating to the  
18 operation and use of snowmobiles **[and]** all-terrain vehicles, and  
19 dirt bikes on or across a public highway or on public lands or  
20 waters, including but not limited to the following:

21       (1) Registration, identification, numbering, and classification;

22       (2) Equipment;

23       (3) Standards of safety;

24       (4) Educational programs; and

25       (5) Promulgate rules and regulations to effectuate the purposes of  
26 **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.).

27       b. The Commissioner of Environmental Protection shall have  
28 the power, duty, and authority to administer and enforce all other  
29 statutes, permits, rules, and regulations**[, except as otherwise**  
30 **provided by statute,]** relating to snowmobiles **[and]** all-terrain  
31 vehicles, and dirt bikes on the public lands and waters owned,  
32 operated, managed, maintained, or otherwise under the jurisdiction  
33 of the Department of Environmental Protection, including any and  
34 all lands owned, operated, managed, maintained, or purchased  
35 jointly with any other party such that:

36       (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
37 operated only on highways and roads designated and marked for  
38 such operation, unless specifically authorized by the commissioner;  
39 and

40       (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
41 operated only in areas designated and marked for such operation  
42 and only with a special use permit issued by the Department of  
43 Environmental Protection.

44 (cf: P.L.1985, c.375, s.3)

45

46       3. Section 3 of P.L.1973, c.307 (C.39:3C-3) is amended to read  
47 as follows:

1       3. Except as otherwise provided, no snowmobile ~~【or】~~ all-  
2 terrain vehicle, or dirt bike shall be operated or permitted to be  
3 operated on or across a public highway or on public lands or waters  
4 of this State unless registered by the owner thereof as provided by  
5 ~~【this act】~~ P.L.1973, c.307 (C.39:3C-1 et seq.) and displaying the  
6 proper identification number required pursuant to section 8 of  
7 P.L.1973, c.307 (C.39:3C-8). The ~~【Director of the Division of~~  
8 ~~Motor Vehicles in the Department of Law and Public Safety】~~ chief  
9 administrator is authorized to register and assign ~~【a registration】~~ a  
10 corresponding identification number to snowmobiles ~~【and】~~ all-  
11 terrain vehicles, and dirt bikes upon application and payment of the  
12 appropriate fee in accordance with the following schedule:

13       a. For each individual resident snowmobile registration, ~~【\$5.00,~~  
14 ~~and for each individual resident】~~ all-terrain vehicle registration,  
15 ~~【\$10.00】~~ and dirt bike registration, \$30, annually【;】 .

16       b. For each individual nonresident snowmobile registration,  
17 ~~【\$7.00, and for each individual nonresident】~~ all-terrain vehicle  
18 registration, ~~【\$12.00】~~ and dirt bike registration, \$30, annually【;】 .

19       c. For replacement of a lost, mutilated or destroyed certificate,  
20 ~~【\$5【;】】~~ .

21       d. For a duplicate registration, \$5 at the time of issuance【;】 .

22       e. For an amended registration, \$5.

23       All such registrations shall be ~~【issued on or after September 1 in~~  
24 ~~any year and shall be】~~ valid ~~【through September 30 of the~~  
25 ~~following year】~~ for a period of 12 months from the date on which  
26 the registration was issued, except that the 【director】 chief  
27 administrator may suspend or revoke such registration for any  
28 violations of this act or of the rules promulgated hereunder.

29       Nothing in this section shall require the registering of any  
30 snowmobile, all-terrain vehicle, or dirt bike operated for use on a  
31 farm. Appropriate proof shall be in the possession of the operator  
32 of the snowmobile, all-terrain vehicle, or dirt bike at all times when  
33 the snowmobile, all-terrain vehicle, or dirt bike is in operation and  
34 shall be subject to inspection by any law enforcement officer on  
35 demand.

36 (cf: P.L.1994, c.60, s.22)

37

38       4. Section 4 of P.L.1973, c.307 (C.39:3C-4) is amended to read  
39 as follows:

40       4. ~~【Once a registration number is assigned, it shall remain with~~  
41 ~~the registered snowmobile or all-terrain vehicle until the~~  
42 ~~snowmobile or all-terrain vehicle is destroyed, abandoned or~~  
43 ~~permanently removed from the State, or until changed or terminated~~  
44 ~~by the director】~~ Every person in the business of selling  
45 snowmobiles, all-terrain vehicles, and dirt bikes shall provide  
46 written notice at the time of sale to every purchaser of a



1 snowmobile, all-terrain vehicle, or dirt bike that the snowmobile,  
2 all-terrain vehicle, or dirt bike shall be properly registered with the  
3 commission pursuant to section 3 of P.L.1973, c.307 (C.39:3C-3)  
4 within 30 days of the date of purchase.

5 The chief administrator shall promulgate rules and regulations  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.) in order to effectuate the purposes of this  
8 section.

9 (cf: P.L.1985, c.375, s.5)

10

11 5. Section 5 of P.L.1973, c.307 (39:3C-5) is amended to read as  
12 follows:

13 5. **【Such registration shall be issued by the director or by agents**  
14 **as designated by him when a snowmobile or all-terrain vehicle is**  
15 **operated across a public highway or on public lands or waters and**  
16 **shall be in such form as the director shall prescribe.】** The chief  
17 administrator shall issue a certificate of registration, identifying the  
18 name and address of the owner of the snowmobile, all-terrain  
19 vehicle or dirt bike. The registration certificate shall be subject to  
20 inspection by any law enforcement officer on demand and shall be  
21 on the vehicle in possession of the operator of the snowmobile, all-  
22 terrain vehicle, or dirt bike at all times when the snowmobile, all-  
23 terrain vehicle, or dirt bike is in operation.

24 **【The registration number assigned shall be displayed on each**  
25 **side of the vehicle in such form, location and manner as prescribed**  
26 **by the director.】**

27 Whenever ownership is transferred or the use of a snowmobile  
28 **【or】**, all-terrain vehicle, or dirt bike for which a registration  
29 certificate has already been issued is discontinued, the **【old】**  
30 registration shall be properly signed and executed by the owner,  
31 showing that the ownership has been transferred or its use  
32 discontinued, and returned to the **【director】** chief administrator  
33 within 10 days of **【said】** the event. If there is a change of ownership  
34 for which a registration certificate has been previously issued, the  
35 new owner shall apply for a new registration certificate and set  
36 forth the original number in the application. **【He】** The owner is  
37 required to provide a notarized bill of sale, assignable certificate of  
38 origin, or other formal proof of ownership when transferring  
39 ownership or selling a snowmobile, all-terrain vehicle, or dirt bike.  
40 The owner shall pay the regular fee for the particular snowmobile  
41 **【or】**, all-terrain vehicle, or dirt bike involved. The owner of any  
42 registration certificate issued under this section may obtain a  
43 duplicate from the **【division】** commission upon application and  
44 payment of the fee prescribed.

45 (cf: P.L.1985, c.375, s.6)

1       6. Section 6 of P.L.1973, c.307 (C.39:3C-6) is amended to read  
2 as follows:

3       6. a. **[No registration shall be required for a snowmobile or all-**  
4 **terrain vehicle operated on private property.]** Initial registration  
5 shall be required for a snowmobile, all-terrain vehicle, or dirt bike  
6 operated exclusively on private property. Notwithstanding the  
7 provisions of section 3 of P.L.1973, c.307 (C.39:3C-3), subsequent  
8 registration renewals shall not be required so long as the  
9 snowmobile, all-terrain vehicle, or dirt bike remains in the  
10 exclusive possession of the original owner or owners and the  
11 registered snowmobile, all-terrain vehicle, or dirt bike continues to  
12 be operated exclusively on private property.

13       b. No registration fee shall be charged for a snowmobile **[or]** ,  
14 all-terrain vehicle, or dirt bike owned by the federal government,  
15 the State, county or municipal government or subdivision thereof.  
16 (cf; P.L.1985, c.375, s.7)

17

18       7. Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended to read  
19 as follows:

20       7. The registration provisions of **[this act]** P.L.1973, c.307  
21 (C.39:3C-1 et seq.) shall not apply to nonresident owners who have  
22 complied with the registration and licensing laws of the state or  
23 country of residence, provided that the snowmobile **[or]** , all-  
24 terrain vehicle , or dirt bike is appropriately identified in accordance  
25 with the laws of the state or country of residence and conspicuously  
26 displays the registration number issued by the state or country of  
27 residence. Nothing in this section shall be construed to authorize  
28 the operation of any snowmobile **[or]** , all-terrain vehicle , or dirt  
29 bike contrary to the provisions of **[this act]** P.L.1973, c.307  
30 (C.39:3C-1 et seq.).

31 (cf: P.L.1985, c.375, s.8)

32

33       8. Section 8 of P.L.1973, c.307 (C.39:3C-8) is amended to read  
34 as follows:

35       8. The **[registration]** identification number assigned to a  
36 snowmobile **[or]** , all-terrain vehicle, or dirt bike and required to be  
37 displayed pursuant to section 3 of P.L.1973, c.307 (C.39:3C-3) shall  
38 be displayed on the **[vehicle]** snowmobile, all-terrain vehicle, and  
39 dirt bike at all times in such manner as the **[director]** chief  
40 administrator may, by regulation, prescribe. No identification  
41 number other than the number assigned by the **[director]** chief  
42 administrator, or **[the]** a comparable identification number of the  
43 **[registration]** snowmobile, all-terrain vehicle or dirt bike properly  
44 registered in another state, shall be painted, attached, or otherwise  
45 displayed on either side of the cowling, except that racing numbers  
46 on a snowmobile **[or]**, all-terrain vehicle, or dirt bike being

1 operated in prearranged organized special events may be  
2 temporarily displayed for the duration of the race.  
3 (cf: P.L.1985, c.375, s.9)

4  
5 9. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read  
6 as follows:

7 9. a. Every person operating a snowmobile **[or]**, all-terrain  
8 vehicle, or dirt bike registered or transferred in accordance with any  
9 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
10 shall, upon demand of any **[peace officer,]** law enforcement officer,  
11 duly authorized **[official of the Department of Environmental**  
12 **Protection]** conservation officer of the Division of Fish and  
13 Wildlife or park police officer or law enforcement operation officer  
14 of the Division of Parks and Forestry within the Department of  
15 Environmental Protection, or **[a]** any other police officer, produce  
16 for inspection the certificate of registration and shall furnish to  
17 **[such]** the officer any information necessary for the identification  
18 of **[such]** the snowmobile **[or]** , all-terrain vehicle, or dirt bike and  
19 its owner. The failure to produce the certificate of registration  
20 when operating a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
21 on public lands and waters, or when crossing a public highway,  
22 shall be presumptive evidence in any court of competent  
23 jurisdiction of operating a snowmobile **[or]** , all-terrain vehicle, or  
24 dirt bike which is not registered as required by **[this act]** P.L.1973,  
25 c.307 (C.39:3C-1 et seq.).

26 b. A person less than 18 years of age who operates an all-terrain  
27 vehicle which is registered in this State shall produce upon demand  
28 a certificate indicating that person's successful completion of an all-  
29 terrain vehicle safety education and training course established or  
30 certified by the **[director]** chief administrator in accordance with  
31 section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to produce  
32 the certificate when operating an all-terrain vehicle on public lands  
33 or waters, or when crossing a public highway, shall be presumptive  
34 evidence in any court of competent jurisdiction of the operation of  
35 the all-terrain vehicle in violation of the requirement in subsection  
36 c. of section 16 of P.L.1973, c.307 (C.39:3C-16).

37 (cf: P.L.1991, c.322, s.2)

38  
39 10. Section 10 of P.L.1973, c.307 (C.39:3C-10) is amended to  
40 read as follows:

41 10. It shall be the duty of every owner holding a certificate of  
42 registration to notify the **[division]** commission, in writing, of any  
43 change of residence of such person within **[7]** seven days after such  
44 change occurs.

45 (cf: P.L.1973, c.307, s.10)

1        11. Section 11 of P.L.1973, c.307 (C.39:3C-11) is amended to  
2 read as follows:

3        11. Whenever the ownership of a snowmobile **[or]** , all-terrain  
4 vehicle, or dirt bike is transferred or the use for which a registration  
5 certificate has already been issued is discontinued, the old  
6 registration certificate shall be properly signed and executed by the  
7 owner, showing that the ownership of the snowmobile **[or]**, all-  
8 terrain vehicle, or dirt bike has been transferred or its use  
9 discontinued, and returned to the **[division]** commission within 10  
10 days after transfer or discontinuance. If there is a change of  
11 ownership for which a registration certificate has previously been  
12 issued, the new owner shall apply for a new certificate. He shall set  
13 forth the original number issued in the application accompanied by  
14 the old registration properly signed by the previous owner and with  
15 the required fee submitted to the **[division]** commission, for  
16 registration. The owner is required to show a notarized bill of sale,  
17 assignable certificate of origin, or other formal proof of ownership  
18 when transferring ownership or selling a snowmobile, all-terrain  
19 vehicle, or dirt bike.

20 (cf: P.L.1985, c.375, s.11)

21

22        12. Section 12 of P.L.1973, c.307 (C.39:3C-12) is amended to  
23 read as follows:

24        12. It shall be the duty of every owner of a snowmobile **[or]** ,  
25 all-terrain vehicle, or dirt bike registered pursuant to **[this act]**  
26 P.L.1973, c.307 (C.39:3C-1 et seq.) to notify the **[division]**  
27 commission, in writing, of the destruction, theft, or permanent  
28 removal of **[such]** the snowmobile, all-terrain vehicle, or dirt bike  
29 from the State, within 10 days thereafter; and in the event of the  
30 destruction or theft of **[such]** the snowmobile, all-terrain vehicle,  
31 or dirt bike, shall surrender the certificate of registration **[with**  
32 **such]** within the notice period required pursuant to this section.

33 (cf: P.L.1985, c.375, s.12)

34

35        13. Section 13 of P.L.1973, c.307 (C.39:3C-13) is amended to  
36 read as follows:

37        13. No political subdivision of the State shall require additional  
38 licensing or registration of snowmobiles **[or]**, all-terrain vehicles,  
39 or dirt bikes which are covered by the provisions of **[this act]**  
40 P.L.1973, c.307 (C.39:3C-1 et seq.).

41        Nothing herein shall **[however]** prohibit the requirement of a  
42 permit by State or local parks for use of snowmobiles on park lands  
43 or in any way affect the authority of the Department of  
44 Environmental Protection, the commissioner thereof, or those  
45 responsible for the operation of a park from adopting rules and

1 regulations concerning the use of snowmobiles **【and】** , all-terrain  
2 vehicles, or dirt bikes.

3 (cf: P.L.1985, c.375, s.13)

4

5 14. Section 14 of P.L.1973, c.307 (C.39:3C-14) is amended to  
6 read as follows:

7 14. The commissioner, with a view towards minimizing  
8 detrimental effects on the environment and protecting public safety,  
9 shall adopt rules and regulations relating to and including, but not  
10 limited to, the following:

11 a. Use of snowmobiles **【and】**, all-terrain vehicles, and dirt  
12 bikes, insofar as fish, wildlife, and plantlife resources or public  
13 safety are affected;

14 b. Use of snowmobiles **【and】**, all-terrain vehicles, and dirt bikes  
15 on public lands and waters under the jurisdiction of the Department  
16 of Environmental Protection.

17 The commissioner may locate, designate, and make available by  
18 the effective date of **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.)  
19 appropriate areas of public lands upon which snowmobile, all-  
20 terrain vehicle , and dirt bike safety education and training  
21 programs established or certified by the **【Director of the Division of**  
22 **Motor Vehicles】** chief administrator in accordance with section 15  
23 of P.L.1973, c.307 (C.39:3C-15) may be conducted. The  
24 commissioner shall report to the Legislature and the Governor  
25 within one year after the effective date of **【this act】** P.L.1973, c.307  
26 (C.39:3C-1 et seq.) on the size and location of the public lands  
27 located, designated, and made available; on the frequency of the  
28 use, or the estimated frequency of use, of these public lands for  
29 safety education and training programs; and the environmental  
30 impact of this use on the lands.

31 (cf: P.L.1991, c.322, s.3)

32

33 15. Section 15 of P.L.1973, c.307 (C.39:3C-15) is amended to  
34 read as follows:

35 15. The **【Director of the Division of Motor Vehicles】** chief  
36 administrator shall adopt rules and regulations relating to and  
37 including, but not limited to:

38 a. Specifications relating to equipment required for safety as  
39 provided herein.

40 b. Establishment of a comprehensive snowmobile **【and】** , all-  
41 terrain vehicle, and dirt bike information and safety education and  
42 training program.

43 c. The regulations pertaining to and the granting of permits for  
44 the conduct of all prearranged special events as provided in **【this**  
45 **act】** P.L.1973, c.307 (C.39:3C-1 et seq.), except that in the case of  
46 those special events conducted on public lands and waters under the

1 jurisdiction of the Department of Environmental Protection any  
2 regulations must be approved jointly by the **[director]** chief  
3 administrator and the commissioner.

4 In accordance with the requirement in **[paragraph]** subsection b.  
5 of this section, the **[director]** chief administrator shall establish an  
6 all-terrain vehicle safety education and training program to be  
7 offered by the **[division]** commission, or shall certify other all-  
8 terrain vehicle safety education and training programs to be offered  
9 by public or private agencies or organizations, the successful  
10 completion of which shall satisfy the training requirements in  
11 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16). A  
12 person less than 16 years of age participating in an all-terrain  
13 vehicle safety education and training course established or certified  
14 by the **[director]** chief administrator shall operate during the  
15 training only an all-terrain vehicle with an engine capacity of 90  
16 cubic centimeters or less.

17 (cf: P.L.1991, c.322, s.4)

18

19 16. Section 16 of P.L.1973, c.307 (C.39:3C-16) is amended to  
20 read as follows:

21 16. a. A person under the age of 14 years shall not operate or be  
22 permitted to operate any snowmobile **[or]** , all-terrain vehicle, or  
23 dirt bike on public lands or waters or across a public highway.

24 b. A person less than 16 years of age shall not operate on public  
25 lands or waters or across a public highway of this State an all-  
26 terrain vehicle with an engine capacity greater than 90 cubic  
27 centimeters.

28 c. A person less than 18 years of age shall not operate an all-  
29 terrain vehicle registered in this State on public lands or waters or  
30 across a public highway of this State unless the person has  
31 completed an all-terrain vehicle safety education and training  
32 course established or certified by the **[director]** chief administrator  
33 pursuant to section 15 of P.L.1973, c.307 (C.39:3C-15). At all  
34 times during the operation of the all-terrain vehicle, the person shall  
35 **[have in his possession]** possess a certificate indicating successful  
36 completion of the course.

37 (cf: P.L.1991, c.322, s.5)

38

39 17. Section 17 of P.L.1973, c.307 (C.39:3C-17) is amended as  
40 follows:

41 17. a. No person shall operate a snowmobile **[or]**, all-terrain  
42 vehicle, or dirt bike upon limited access highways or within the  
43 right-of-way limits thereof.

44 b. No person shall operate a snowmobile **[or]** , all-terrain  
45 vehicle, or dirt bike upon the main traveled portion or the plowed

1 snowbanks of any public street or highway or within the right-of-  
2 way limits thereof except as follows:

3 (1) Properly registered snowmobiles **[or]**, all-terrain vehicles,  
4 and dirt bikes may cross, as directly as possible, public streets or  
5 highways, except limited access highways, provided that such  
6 crossing can be made in safety and that it does not interfere with the  
7 free movement of vehicular traffic approaching from either  
8 direction on **[such]** the public street or highway. Prior to making  
9 any such crossing, the operator shall bring the snowmobile **[or]**,  
10 all-terrain vehicle, or dirt bike to a complete stop. It shall be the  
11 responsibility of the operator of a snowmobile **[or]**, all-terrain  
12 vehicle, or dirt bike to yield the right-of-way to all vehicular traffic  
13 upon any public street or highway before crossing **[same]** the  
14 public street or highway.

15 (2) Whenever it is impracticable to gain immediate access to an  
16 area adjacent to a public highway where a snowmobile **[or]**, all-  
17 terrain vehicle, or dirt bike is to be operated, **[it]** the snowmobile,  
18 all-terrain vehicle, or dirt bike may be operated adjacent and  
19 parallel to **[such]** the public highway for the purpose of gaining  
20 access to the area of operation. This subsection shall apply to the  
21 operation of a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
22 from the point where **[it]** the snowmobile, all-terrain vehicle, or  
23 dirt bike is unloaded from a motorized conveyance to the area  
24 where it is to be operated, or from the area where operated to a  
25 motorized conveyance, when **[such]** the loading or unloading  
26 cannot be effected in the immediate vicinity of the area of  
27 operation without causing a hazard to vehicular traffic approaching  
28 from either direction on **[said]** the public highway. **[Such]** The  
29 loading or unloading must be accomplished with due regard to  
30 safety, at the nearest possible point to the area of operation.

31 (cf: P.L.1985, c.375, s.17)

32

33 18. Section 18 of P.L.1973, c.307 (C.39:3C-18) is amended to  
34 read as follows:

35 18. a. No person shall operate a snowmobile **[or]** , all-terrain  
36 vehicle, or dirt bike on the property of another without receiving the  
37 consent of the owner of the property and the person who has a  
38 contractual right to the use of **[such]** the property.

39 b. No person shall continue to operate a snowmobile **[or]**, all-  
40 terrain vehicle, or dirt bike on the property of another after consent,  
41 as provided in subsection a. above, has been withdrawn.

42 c. No owner of real property and no person or entity having a  
43 contractual right to the use of real property, no matter where **[such]**  
44 the property is situate in this State, shall assume responsibility or  
45 incur liability for any injury or damage to an owner, operator, or  
46 occupant of a snowmobile **[or]**, all terrain vehicle, or dirt bike

1 where **[such]** the injury or damage occurs during, or arises out of  
2 the operation or use of **[such]** the snowmobile, all-terrain vehicle,  
3 or dirt bike unless: (1) the operation or use is with the express  
4 consent of the owner and contractual user of the property and (2)  
5 the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985,  
6 c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection  
7 shall not limit the liability which would otherwise exist for the  
8 willful or malicious creation of a hazardous condition.

9 (cf: P.L.1991, c.496, s.8)

10

11 19. Section 19 of P.L.1973, c.307 (C.39:3C-19) is amended to  
12 read as follows:

13 19. It shall be unlawful for:

14 a. Any person to operate or ride as a passenger on any  
15 snowmobile **[or]** , all-terrain vehicle, or dirt bike without wearing a  
16 protective helmet approved by the **[director]** chief administrator.  
17 Any **[such]** helmet shall be of a type acceptable for use in  
18 conjunction with motorcycles as provided in sections 6 to 9 of  
19 P.L.1967, c.237 (C.39:3-76.7 through 39:3-76.10).

20 b. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
21 or dirt bike that is not equipped with working headlights, taillights,  
22 brakes, and proper mufflers as supplied by the motor manufacturer  
23 for the particular model, without modifications, nor shall any  
24 person operate any snowmobile **[or]** , all-terrain vehicle, or dirt bike  
25 in **[such a]** any manner as to cause a harsh, objectionable, or  
26 unreasonable noise.

27 c. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
28 or dirt bike at any time and in any manner intended or reasonably to  
29 be expected to harass, drive, or pursue any wildlife.

30 d. Any person to operate any snowmobile **[or]** , all-terrain  
31 vehicle, or dirt bike during the hours from 1/2 hour before sunset to  
32 1/2 hour after sunrise without having lighted headlights and lighted  
33 taillights.

34 e. Any person to operate any snowmobile **[or]** , all-terrain  
35 vehicle, or dirt bike on the land of another without first securing the  
36 permission of the landowner or **[his]** the landowner's duly  
37 authorized representative.

38 f. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
39 or dirt bike upon railroad or right-of-way of an operating railroad,  
40 except railroad personnel in the performance of their duties.

41 g. Any person to violate any provision of **[this act]** P.L.1973,  
42 c.307 (C.39:3C-1 et seq.) or any rule or regulation adopted pursuant  
43 to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.).

44 (cf: P.L.1985, c.375, s.19)



1       20. Section 20 of P.L.1973, c.307 (C.39:3C-20) is amended to  
2 read as follows:

3       20. a. No snowmobile ~~【or】~~ all-terrain vehicle, or dirt bike  
4 shall be operated or permitted to be operated unless the owner  
5 thereof has obtained a policy of insurance, in such language and  
6 form as shall be determined by the Commissioner of ~~【the~~  
7 ~~Department of】~~ Banking and Insurance, from an insurance carrier  
8 authorized to do business in this State, the terms of which policy  
9 shall indemnify an amount or limit of ~~【\$15,000.00】~~ \$15,000,  
10 exclusive of interest and costs, on account of injury to, or death of,  
11 one person, in any one accident; and an amount or limit, subject to  
12 such limit for any one person so injured, or killed, of ~~【\$30,000.00】~~  
13 \$30,000, exclusive of interest and costs, on account of injury to or  
14 death of, more than one person, in any one accident; and an amount  
15 or limit of ~~【\$5,000.00】~~ \$5,000, exclusive of interest and costs, for  
16 damage to property in any one accident, for damages arising out of  
17 the negligent operation of ~~【said】~~ the snowmobile ~~【or】~~ all-terrain  
18 vehicle, or dirt bike. In lieu of ~~【such】~~ the insurance coverage as  
19 hereinabove provided, the ~~【director】~~ chief administrator, in ~~【his】~~  
20 the chief administrator's discretion and upon application of the  
21 State or a municipality having registered in its name one or more  
22 snowmobiles ~~【or】~~ all-terrain vehicles, or dirt bikes, may waive the  
23 requirement of insurance by a private insurance carrier and issue a  
24 certificate of self-insurance, when ~~【he】~~ the chief administrator is  
25 satisfied of financial ability to respond to judgments obtained  
26 against it or them, arising out of the ownership, use or operation of  
27 the snowmobiles ~~【or】~~ all-terrain vehicles, or dirt bikes.

28       b. Proof of insurance as hereinabove required shall be produced  
29 and displayed by the owner or operator of ~~【such】~~ the snowmobile  
30 ~~【or】~~ all-terrain vehicle, or dirt bike upon request to any law  
31 enforcement officer or to any person who has suffered or claims to  
32 have suffered either personal injury or property damage as a result  
33 of the operation of ~~【it】~~ the snowmobile, all-terrain vehicle, or dirt  
34 bike by the owner or operator.

35       c. An owner of a snowmobile ~~【or】~~ all-terrain vehicle, or dirt  
36 bike who shall operate or permit the ~~【same】~~ the snowmobile, all-  
37 terrain vehicle, or dirt bike to be operated without having in effect  
38 the required liability insurance coverage, and any other person who  
39 shall operate any snowmobile ~~【or】~~ all-terrain vehicle, or dirt bike  
40 with the knowledge that the owner thereof does not have in effect  
41 ~~【such】~~ the insurance coverage shall be guilty of a violation of this  
42 act and be subject to a fine of not less than ~~【\$25.00】~~ \$25 nor more  
43 than ~~【\$100.00】~~ \$100.

44       d. The ~~【director】~~ chief administrator is hereby authorized to  
45 promulgate reasonable regulations to provide effective

1 administration and enforcement of the provisions of this section in  
2 accordance with the purposes thereof.  
3 (cf: P.L.1985, c.375, s.20)  
4

5 21. Section 22 of P.L.1973, c.307 (C.39:3C-22) is amended to  
6 read as follows:

7 22. The **【director】** chief administrator may authorize the holding  
8 of organized special events. **【He】** The chief administrator shall  
9 adopt and may, from time to time, amend rules and regulations  
10 determining the special events which shall be subject to **【division】**  
11 a permit and designating the equipment and facilities necessary for  
12 safe operation of snowmobiles **【and】** , all-terrain vehicles, and dirt  
13 bikes and for the safety of operators, participants, and observers in  
14 such special events. Whenever **【such】** a special event requiring  
15 permit of the **【division】** commission is proposed to be held in the  
16 State of New Jersey, the person in charge thereof shall, at least 20  
17 days prior thereto, file an application with the **【director】** chief  
18 administrator to hold **【such】** the special event. The application shall  
19 set forth the date of and location where it is proposed to hold  
20 **【such】** the rally, race, exhibition, or organized event, and **【such】**  
21 any other information as the **【director】** chief administrator may  
22 require, and it shall not be conducted without written authorization  
23 of the **【director】** chief administrator and, if the event is desired to  
24 be held upon public lands or waters, a written authorization of the  
25 commissioner. Copies of such regulations shall be furnished by the  
26 **【division】** chief administrator to any person making an application  
27 therefor.

28 Any person sponsoring the event who shall violate any  
29 regulation adopted pursuant to this section shall for every **【such】**  
30 violation be subject to a fine not to exceed **【\$250.00】** \$250.  
31 (cf: P.L.1985, c.375, s.22)  
32

33 22. Section 23 of P.L.1973, c.307 (C.39:3C-23) is amended to  
34 read as follows:

35 23. Snowmobiles **【and】** , all-terrain vehicles, and dirt bikes  
36 operated at special events shall be exempt from the provisions of  
37 this chapter concerning registration and lights during the time of  
38 **【such】** operation of the special event, including all prerace practice  
39 at the location of the meet. In addition, all-terrain vehicles operated  
40 at special events shall be exempt from the provisions of subsection  
41 c. of section 16 of P.L.1973, c.307 (C.39:3C-16) and subsection b.  
42 of section 9 of P.L.1973, c.307 (C.39:3C-9); however, subsection b.  
43 of section 16 of P.L.1973, c.307 (C.39:3C-16) shall apply to  
44 persons operating **【all terrain】** all-terrain vehicles at special events  
45 and prerace practice.  
46 (cf: P.L.1991, c.322, s.6)

1       23. Section 24 of P.L.1973, c.307 (C.39:3C-24) is amended to  
2 read as follows:

3       24. All snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
4 operating within the State of New Jersey shall be equipped with:

5       a. Headlights. At least one white or amber headlamp having a  
6 minimum candlepower of sufficient intensity to reveal persons and  
7 vehicles at a distance of at least 100 feet ahead during hours of  
8 darkness under normal atmospheric conditions.

9       b. Taillights. At least one red taillamp having a minimum  
10 candlepower of sufficient intensity to exhibit a red light plainly  
11 visible from a distance of 500 feet to the rear during hours of  
12 darkness under normal atmospheric conditions.

13       c. Brakes. A brake system in good mechanical condition.

14       d. Reflector **[material]** material. Reflector material of a  
15 minimum area of 16 square inches mounted on each side of the  
16 cowling. Registration numbers or other decorative material may be  
17 included in computing the required 16-square-inch area.

18       e. Mufflers. An adequate muffler system in good working  
19 condition.

20 (cf: P.L.1985, c.375, s.24)

21

22       24. Section 25 of P.L.1973, c.307 (C.39:3C-25) is amended to  
23 read as follows:

24       25. The **[director]** chief administrator may adopt rules and  
25 regulations with respect to the inspection of snowmobiles **[and]** ,  
26 all-terrain vehicles, and dirt bikes and the testing of mufflers for  
27 those vehicles.

28 (cf: P.L.1985, c.375, s.25)

29

30       25. Section 26 of P.L.1973, c.307 (C.39:3C-26) is amended to  
31 read as follows:

32       26. a. No person shall have for sale, sell, or offer for sale in this  
33 State any snowmobile **[or]** , all-terrain vehicle, or dirt bike which  
34 fails to comply with the provisions of **[this act]** P.L.1973, c.307  
35 (C.39:3c-1 et seq.) or which does not comply with the specifications  
36 for **[such]** the equipment required by the rules and regulations of  
37 the **[director]** commission, after the effective date of such rules and  
38 regulations.

39       b. A person shall not knowingly sell or offer to sell an all-terrain  
40 vehicle with an engine capacity of greater than 90 cubic centimeters  
41 for use by a person less than 16 years of age.

42       c. Retail dealers and distributors of all-terrain vehicles shall  
43 comply with those requirements of the consent decree entered into  
44 by all-terrain vehicle distributors and the United States Consumer  
45 Product Safety Commission on April 28, 1988 which require the  
46 providing of safety information on all-terrain vehicles to either the

1 purchasers or retail dealers of **[such]** all-terrain vehicles, as  
2 appropriate.

3 (cf: P.L.1991, c.322, s.7)

4

5 26. Section 27 of P.L.1973, c.307 (C.39:3C-27) is amended to  
6 read as follows:

7 27. Every law enforcement officer in the State, including any  
8 authorized **[officers of the Division of Motor Vehicles]** officer of  
9 the commission, conservation officers of the Division of Fish and  
10 Wildlife, and park police officers and law enforcement operation  
11 officers of the Division of Parks and Forestry within the  
12 Department of Environmental Protection, **[forest rangers and State**  
13 **park police]** , and other designated officers and employees of the  
14 department shall enforce **[this act]** P.L.1973, c.307 (C.39:3C-1 et  
15 seq.) within their respective jurisdictions.

16 (cf: P.L.1973, c.307, s.27)

17

18 27. Section 28 of P.L.1973, c.307 (C.39:3C-28) is amended to  
19 read as follows:

20 28. Any person who shall violate any **[provisions]** provision of  
21 **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is  
22 specifically provided, or any rule or regulation promulgated  
23 pursuant to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.) shall be  
24 punished by a fine of not less than **[\$100 or]** \$250 nor more than  
25 **[\$200]** \$500. For a second or subsequent violation of section 26 of  
26 P.L.1973, c.307 (C.39:3C-26), a fine of not less than **[\$200]** \$500  
27 or more than **[\$500]** \$1,000 shall be imposed.

28 (cf: P.L.1991, c.322, s.8)

29

30 28. Section 29 of P.L.1973, c307 (C.39:3C-29) is amended to  
31 read as follows:

32 29. The **[director]** chief administrator shall deposit in the “Off-  
33 Road Vehicle Fund,” established pursuant to section 30 of P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill) all moneys  
35 received **[by him]** from the registration of snowmobiles **[and]** , all-  
36 terrain vehicles, and dirt bikes, the sale of registration information,  
37 publications, and other services provided by the **[department]**  
38 commission and all fees collected **[by him]** under **[this act to the**  
39 **credit of the General Treasury, except that \$5 of a registration fee**  
40 **paid by a resident or nonresident of this State shall be allocated to**  
41 **the division to defray the cost of providing all-terrain vehicle safety**  
42 **education and training manuals or all-terrain vehicle safety**  
43 **education and training programs in accordance with section 15 of**  
44 **P.L.1973, c.307 (C.39:3C-15), or both]** P.L.1973, c.307 (C.39:3C-1  
45 et seq.) to be used by the commission,

46 (cf: P.L.1991, c.322, s.10)

1       29. Section 30 of P.L.1973, c.307 (C.39:3C-30) is amended to  
2 read as follows:

3       30. Owners and operators of snowmobiles **[and]** , all-terrain  
4 vehicles, and dirt bikes shall, when operating such across a public  
5 highway or on public land or waters, comply with the following  
6 provisions of chapter 4 of Title 39 of the Revised Statutes:  
7 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;  
8 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through  
9 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-  
10 129 through R.S.39:4-134; R.S.39:4-203. **[The failure to comply**  
11 **with any of these provisions shall be a violation of this act and the**  
12 **penalty for such a violation shall be provided in section 28 of**  
13 **P.L.1973,c.307 (C.39:3C-28) rather than the penalty provided in the**  
14 **sections cited above.]**

15 (cf: P.L.1985, c.375, s.28)

16

17       30. (New section) a. There is established in the General Fund a  
18 separate, non-lapsing, dedicated account to be known as the "Off-  
19 Road Vehicle Fund," hereinafter referred to as "the fund."  
20 Notwithstanding any provisions of law to the contrary, each fiscal  
21 year the State Treasurer shall credit all fee revenue generated  
22 pursuant to P.L.1973, c.307 (C.39:3C-1 et seq.) into the fund. Each  
23 fiscal year, the State Treasurer shall allocate the monies contained  
24 in the fund in equal amounts to the New Jersey Motor Vehicle  
25 Commission for the following purposes:

26       (1) The New Jersey Motor Vehicle Commission shall use these  
27 funds to defray the cost of any or all of the following activities:

28       (a.) registering snowmobiles, all-terrain vehicles, and dirt bikes  
29 pursuant to P.L.1973, c.307 (C.39:3C-1 et seq.);

30       (b.) enforcing the provisions of P.L.1973, c.307 (C.39:3C-1 et  
31 seq.);

32       (c.) providing snowmobile, all-terrain, and dirt bike safety  
33 education and training manuals; and

34       (d.) preparing and conducting safety education and training  
35 programs in accordance with section 15 of P.L.1973, c.307  
36 (C.39:3C-15).

37       b. Each fiscal year, the State Treasurer shall credit all earnings  
38 received from the investment or deposit of revenue in the fund, to  
39 the fund.

40       c. All revenues and earnings deposited in the fund shall be  
41 appropriated in the same fiscal year to the New Jersey Motor  
42 Vehicle Commission.

43

44       31. (New section) As used in sections 32 and 33 of P.L.       ,       ,  
45 c. (C.       ) (pending before the Legislature as this bill):

46       "Off-road vehicle" means any motorized vehicle with two or  
47 more wheels or tracks that is capable of being operated off of

1 regularly improved and maintained roads including, but not limited  
2 to, motorcycles as defined in R.S.39:1-1, and all-terrain vehicles,  
3 snowmobiles, and dirt bikes as defined in section 5 of P.L.1991,  
4 c.496 (C.2A:42A-6.1).

5 “Public lands” means all lands owned, operated, managed,  
6 maintained or under the jurisdiction of the Department of  
7 Environmental Protection, including any and all lands owned,  
8 operated, managed, maintained or purchased jointly by the  
9 Department of Environmental Protection with any other party and  
10 any land so designated by municipal or county ordinance.

11 “Vehicle” means every device in, upon or by which a person or  
12 property is or may be transported upon a highway, excepting  
13 devices moved by human power or used exclusively upon stationary  
14 rails or tracks or motorized bicycles.

15

16 32. (New section) Any person who operates any vehicle or off-  
17 road vehicle on public lands in violation of P.L.1973, c.307  
18 (C:39:3C-1 et seq.) or in violation of any law, rule, or regulation  
19 adopted pursuant thereto shall be subject to:

20 a. For a first offense, be subject to a fine of not less than \$250  
21 nor more than \$500 and may be subject to a suspension of their  
22 driving privileges for 30 days. Upon conviction, the court shall  
23 forward a report to the commission stating the first and last day of  
24 the suspension period imposed by the court under this section. If a  
25 person at the time of the imposition of the sentence is less than 17  
26 years of age, the period of license suspension, including a  
27 suspension of the privilege of operating a motorized bicycle, shall  
28 commence on the day the sentence is imposed and shall run for a  
29 period of 30 days after the person reaches the age of 17 years.

30 b. For a second offense, be subject to a fine of not less than  
31 \$500 nor more than \$1,000 and be subject to a suspension of their  
32 driving privileges for a period of not more than six months. Upon  
33 conviction, the court shall forward a report to the commission  
34 stating the first and last day of the suspension period imposed by  
35 the court under this section. If a person at the time of the  
36 imposition of the sentence is less than 17 years of age, the period of  
37 license suspension, including a suspension of the privilege of  
38 operating a motorized bicycle, shall commence on the day the  
39 sentence is imposed and shall run for a period of six months after  
40 the person reaches the age of 17 years.

41 c. For a third or subsequent offense, be subject to a fine of not  
42 less than \$1,000 and the suspension of their driving privileges for  
43 two years. Upon conviction, the court shall forward a report to the  
44 commission stating the first and last day of the suspension period  
45 imposed by the court under this section. If a person at the time of  
46 the imposition of the sentence is less than 17 years of age, the  
47 period of license suspension, including a suspension of the privilege

1 of operating a motorized bicycle, shall commence on the day the  
2 sentence is imposed and shall run for a period of two years after the  
3 person reaches the age of 17 years.

4 d. For any offense on public lands in which the use of a vehicle  
5 is found responsible for damage to or destruction of natural  
6 resources valued in excess of \$100, be subject to a fine of five times  
7 the amount, as determined by the Department of Environmental  
8 Protection, of restoration and replacement, where possible, of any  
9 natural resource damaged or destroyed by the use of the vehicle. If  
10 a person at the time of the imposition of the sentence is less than 17  
11 years of age, the owner of the vehicle shall be liable for the fine of  
12 five times the amount, as determined by the Department of  
13 Environmental Protection, of restoration and replacement, where  
14 possible, of any natural resource damaged or destroyed by the use  
15 of the vehicle.

16

17 33. (New section) a. In addition to the fines set forth in section  
18 32 of P.L. , c. (C. ) (pending before the Legislature as this  
19 bill), any person who operates any vehicle or off-road vehicle on  
20 public lands in violation of P.L.1973, c.307 (C.39:3C-1 et seq.),  
21 may have the vehicle or off-road vehicle impounded by the law  
22 enforcing agency and held until the payment of the fee required  
23 pursuant to subsection b.(1) of this section or until the posting of a  
24 bond in an amount equal to the fee, and reasonable towing and  
25 storage costs pending disposition of the case. Pursuant to  
26 subsection b.(2) of this section, for a second offense, the vehicle or  
27 off-road vehicle shall be impounded by the law enforcing agency  
28 and held until the payment of the fee required or until the posting of  
29 a bond in an amount equal to the fee, and reasonable towing and  
30 storage costs pending disposition of the case.

31 The vehicle or off-road vehicle shall be released to the owner  
32 thereof only upon (1) showing proof of registration and insurance as  
33 applicable to the type of vehicle or off-road vehicle (2) payment of  
34 the required fee and restitution or upon the posting of the bond  
35 authorized pursuant to this subsection, and (3) payment of  
36 reasonable towing and storage costs. The prosecutor may waive the  
37 requirements of subsections b. and c. of this section for the owner  
38 of the vehicle or off-road vehicle if the owner is not a defendant in  
39 the case and did not know, or reasonably could not have known,  
40 that the vehicle or off-road vehicle would be used in violation of  
41 P.L.1973, c.307 (C.39:3C-1 et seq.), or any law, or rule or  
42 regulation adopted pursuant thereto, concerning the operation of  
43 vehicles or off-road vehicles on public lands.

44 b. (1) For a first offense, the vehicle or off-road vehicle may be  
45 impounded for not less than 48 hours and shall be released to the  
46 registered owner upon proof of registration and insurance as  
47 applicable to the type of vehicle or off-road vehicle and payment of

1 a fee of \$500 payable to the Department of Environmental  
2 Protection, plus reasonable towing and storage costs.

3 (2) For a second offense, the vehicle or off-road vehicle shall be  
4 impounded for not less than 96 hours and shall be released to the  
5 registered owner upon proof of registration and insurance as  
6 applicable to the type of vehicle or off-road vehicle and payment of  
7 a fee of \$750 payable to the Department of Environmental  
8 Protection, plus reasonable towing and storage costs.

9 (3) For a third or subsequent offense, the vehicle or off-road  
10 vehicle impounded in the violation shall be forfeited and sold at  
11 auction and the registered owner shall be responsible for a payment  
12 of a fee of \$1,000 payable to the Department of Environmental  
13 Protection, plus reasonable towing and storage costs.

14 c. (1) If the owner fails to claim the impounded vehicle or off-  
15 road vehicle, and the fee required pursuant to subsection b. of this  
16 section has not been paid, by noon of the 30th day following the  
17 date of conviction, the vehicle or off-road vehicle may be sold at  
18 auction. Notice of the sale shall be given by the impounding entity  
19 by certified mail to the owner of the vehicle or off-road vehicle, if  
20 the owner's name and address are known, and to the holder of any  
21 security interest filed with the chief administrator of the New Jersey  
22 Motor Vehicle Commission, and by publication in a form  
23 prescribed by the chief administrator by one insertion, at least five  
24 days before the date of the sale, in one or more newspapers  
25 published in the State and circulating in the municipality in which  
26 the vehicle or off-road vehicle is impounded.

27 (2) At any time prior to the sale, the owner or other person  
28 entitled to the vehicle or off-road vehicle may reclaim possession  
29 upon (a) showing proof of registration and insurance as applicable  
30 to the vehicle or off-road vehicle, (b) payment of the required fee,  
31 (c) payment of reasonable towing and storage costs, and (d)  
32 payment of all outstanding fees and costs associated with the  
33 impoundment.

34 The owner-lessor of an impounded vehicle or off-road vehicle  
35 shall be entitled to reclaim possession and the lessee shall be liable  
36 for all outstanding fines and restitution and fees and costs  
37 associated with the impoundment, towing and storage of the vehicle  
38 or off-road vehicle.

39 d. Any proceeds obtained from the sale of a vehicle or off-road  
40 vehicle at public auction pursuant to subsection c. of this section in  
41 excess of the amount owed to the impounding entity for the  
42 reasonable costs of towing and storage and any fees or other costs  
43 associated with the impoundment of the vehicle or off-road vehicle  
44 shall be returned to the owner of that vehicle or off-road vehicle, if  
45 the owner's name and address are known. If the owner's name and  
46 address are unknown or such person or entity cannot be located, the  
47 net proceeds shall be administered in accordance with the "Uniform  
48 Unclaimed Property Act," R.S.46:30B-1 et seq., P.L.1989, c.58.



1 e. (1) Whenever a vehicle or off-road vehicle is subject to  
2 forfeiture pursuant to paragraph (3) of subsection b. of this section,  
3 the forfeiture may be enforced by a civil action, instituted within 90  
4 days of the impoundment and commenced by the State against the  
5 property sought to be forfeited. The complaint for forfeiture shall  
6 be verified on oath or affirmation. It shall describe with reasonable  
7 accuracy the vehicle or off-road vehicle that is subject to the  
8 forfeiture action. The complaint shall contain all allegations setting  
9 forth the reason for forfeiture.

10 (2) Notice of the action shall be given to any person known to  
11 have property interest in the vehicle or off-road vehicle and the  
12 notice requirements of the Rules of Court for an in rem action shall  
13 be followed. The claimant of the vehicle or off-road vehicle that is  
14 subject to action under this subsection shall file and serve their  
15 claim in the form of an answer in accordance with the Rules of  
16 Court. The answer shall be verified on oath or affirmation and state  
17 the interest of the property by virtue of which the claimant demands  
18 its restitution and the right to defend the action. If the claim is  
19 made on behalf of the person entitled to possession by an agent or  
20 attorney, it shall state that the agent or attorney is duly authorized to  
21 make the claim. If no answer is filed and served within the  
22 applicable time, the property seized shall be disposed of pursuant to  
23 N.J.S.2C:64-6 and N.J.S.2C:64-7.

24  
25 34. Section 23 of P.L.1983, c.324 (C.13:1L-23) is amended to  
26 read as follows:

27 23. a. If a person violates any provision of P.L.1983, c.324  
28 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
29 issued pursuant thereto, the department may institute a civil action  
30 in a court of competent jurisdiction for injunctive relief to prohibit  
31 and prevent the violation and the court may proceed in a summary  
32 manner.

33 b. A person who knowingly violates, or who solicits or employs  
34 any other person to violate, the provisions of subsection a. of  
35 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the  
36 following penalties: a fine of not less than \$750 nor more than  
37 \$1,500 for the first offense; a fine of not less than \$1,500 nor more  
38 than \$3,000 for the second offense; and a fine of not less than  
39 \$3,000 nor more than \$5,000 for any subsequent offense.

40 Penalties assessed pursuant to this subsection shall be collected  
41 in a civil action by a summary proceeding. Any vessel, vehicle or  
42 equipment used in the commission of the violation shall be subject  
43 to confiscation and forfeiture to the State, if warranted, as  
44 determined by the courts. Further, in addition to any penalty  
45 provided pursuant to subsection a. of this section, restitution and  
46 damages may be ordered to compensate the State for the cost of  
47 remediating any violation of this section and for the value of any

1 lost, damaged, or destroyed archaeological findings. All fines,  
2 restitution payments, and damages collected shall be remitted to the  
3 department to be used for the preservation, remediation or  
4 protection of State archaeological sites. Any archaeological  
5 findings obtained as a result of a violation of this section shall be  
6 subject to confiscation, forfeiture, and return to the State and, upon  
7 recovery, shall be deposited with the New Jersey State Museum.

8 c. Notwithstanding any provision of this section to the contrary,  
9 examination or retrieval of artifacts, or scientific research,  
10 conducted by a State department, agency, commission, authority or  
11 corporation otherwise required or permitted by federal or State law  
12 are exempt from the provisions of this section.

13 d. A person who violates any provision of P.L.1983, c.324  
14 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
15 issued pursuant thereto, shall be liable to a civil penalty of not less  
16 than \$50 nor more than \$1,500, plus restitution if applicable, for  
17 each offense, except as otherwise provided under subsection b. of  
18 this section, to be collected in a civil action by a summary  
19 proceeding under the "Penalty Enforcement Law of 1999,"  
20 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court  
21 of competent jurisdiction wherein injunctive relief has been  
22 requested, except that any violation involving any vehicle or off-  
23 road vehicle shall be subject to the provisions of sections 32 and 33  
24 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
25 bill). The Superior Court and municipal courts shall have  
26 jurisdiction to hear and determine violations of P.L.1983, c.324  
27 (C.13:1L-1 et seq.). If the violation is of a continuing nature, each  
28 day during which it continues shall constitute an additional,  
29 separate, and distinct offense. If the violation results in pecuniary  
30 gain to the violator, or the violator willfully or wantonly causes  
31 injury or damage to property, including but not limited to natural  
32 resources, the violator shall be liable to an additional civil penalty  
33 equal to three times the value of the pecuniary gain or injury or  
34 damage to property.

35 As used in this subsection, "vehicle" and "off-road vehicle"  
36 means the same as the terms are defined in section 31 of P.L. \_\_\_\_\_,  
37 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
38

39 35. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as  
40 follows:

41 1. a. With respect to or on property under the control of the  
42 Division of Fish and Wildlife, no person may:

43 (1) remove or disturb any vegetation, soil, water, minerals, or  
44 other property of the State;

45 (2) litter, dump, or discard refuse of any kind;

46 (3) cause injury or damage to any equipment, structure, building,  
47 or other property; or

1 (4) use such property contrary to rules or regulations established  
2 by the division.

3 b. (1) If a person violates any provision of subsection a. of this  
4 section, the division may institute a civil action in a court of  
5 competent jurisdiction for injunctive relief to prohibit and prevent  
6 the violation and the court may proceed in a summary manner.

7 (2) (a) A person who violates any provision of subsection a. of  
8 this section shall be liable to a civil penalty of not less than \$50 nor  
9 more than \$1,500, plus restitution if applicable, for each offense, to  
10 be collected in a civil action by a summary proceeding under the  
11 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
12 et seq.) or in any case before a court of competent jurisdiction  
13 wherein injunctive relief has been requested, except that any  
14 violation involving a vehicle or off-road vehicle shall be subject to  
15 the provisions of sections 32 and 33 of P.L. , c. (C. )  
16 (pending before the Legislature as this bill) and any fees or fines  
17 collected thereunder shall be subject to the provisions of R.S.23:10-  
18 3 . The Superior Court and municipal courts shall have jurisdiction  
19 to hear and determine violations of subsection a. of this section. If  
20 the violation is of a continuing nature, each day during which it  
21 continues shall constitute an additional, separate, and distinct  
22 offense. If the violation results in pecuniary gain to the violator, or  
23 the violator willfully or wantonly causes injury or damage to  
24 property, including but not limited to natural resources, the violator  
25 shall be liable to an additional civil penalty equal to three times the  
26 value of the pecuniary gain or injury or damage to property.

27 As used in this subparagraph, "vehicle" and "off-road vehicle"  
28 means the same as the terms are defined in section 31 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill).

30 (b) In addition, for each subsequent violation, all license  
31 certificates required, and all privileges, to take or possess wildlife  
32 shall be suspended for a period of five years. A license certificate  
33 or privilege suspended pursuant to this subparagraph shall not be  
34 reinstated until the holder thereof has first completed, to the  
35 satisfaction of the Division of Fish and Wildlife, the approved  
36 remedial sportsmen education program established and conducted  
37 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-  
38 22.3).

39 (3) Penalties assessed pursuant to this subsection shall be in  
40 addition to any other civil or criminal penalties that may be  
41 applicable pursuant to law.

42 (cf: P.L.2005, c.330, s.2)

43  
44 36. This act shall take effect on the first day of the eighteenth  
45 month following the date of enactment but the commission and the  
46 department may take such anticipatory administrative action in  
47 advance as shall be necessary for the implementation of this act.

## STATEMENT

1

2

3 This bill changes various provisions of the motor vehicle statutes  
4 concerning the regulation of snowmobiles and all-terrain vehicles  
5 and requires the New Jersey Motor Vehicle Commission (MVC) to  
6 regulate dirt bikes in the same manner as snowmobiles and all-  
7 terrain vehicles. Likewise, this bill subjects operators of dirt bikes  
8 to the same regulation as operators of snowmobiles and all-terrain  
9 vehicles.

10 This bill increases the fees for registration of snowmobiles and  
11 all-terrain vehicles and requires that dirt bikes be registered with the  
12 MVC. This bill provides an exception to the registration  
13 requirements for snowmobiles, all-terrain vehicles, and dirt bikes  
14 operated for use on a farm. This bill requires that every person in  
15 the business of selling snowmobiles, all-terrain vehicles, and dirt  
16 bikes provide written notice at the time of sale to every purchaser of  
17 a snowmobile, all-terrain vehicle, or dirt bike that the snowmobile,  
18 all-terrain vehicle, or dirt bike shall be properly registered with  
19 commission within 30 days of the date of purchase.

20 This bill provides that whenever ownership of a snowmobile,  
21 all-terrain vehicle, or dirt bike is transferred, the owner is required  
22 to provide a notarized bill of sale, assignable certificate of origin, or  
23 other formal proof of ownership.

24 This bill also provides for the creation and requires the use of an  
25 identification number to be displayed on the snowmobile, all-terrain  
26 vehicle, or dirt bike in a manner as prescribed the Chief  
27 Administrator of the MVC.

28 This bill creates an "Off-Road Vehicle Fund" to be credited with  
29 the fees collected by the MVC for the registration of snowmobiles,  
30 all-terrain vehicles, and dirt bikes. The monies in the fund are to be  
31 used by the MVC for education and enforcement purposes.

32 This bill establishes two new penalties for any vehicle or off-  
33 road vehicle operated on public lands in violation of P.L.1973,  
34 c.307 (C.39:3C-1 et seq.) or in violation of any law, or rule or  
35 regulation adopted pursuant thereto.

36 The first new penalty applies to the operators of these vehicles or  
37 off-road vehicles. For a first offense, the operator is subject to a  
38 fine of \$250 to \$500 and may be subject to a 30-day license  
39 suspension. For a second offense, the operator is subject to a fine  
40 of \$500 to \$1,000 and may be subject to a to a license suspension  
41 for a period no more than six months. For a third or subsequent  
42 offense, the operator is subject to a fine of not less than \$1,000  
43 and a two year license suspension.

44 The second new penalty authorizes the enforcing agencies to  
45 impound vehicles and off-road vehicles. For a first offense, the  
46 vehicle or off-road vehicle may be impounded for at least 48 hours.  
47 The owner may reclaim it by showing proof of registration and  
48 insurance and paying a fee of \$500 payable to the Department of

1 Environmental Protection (DEP), plus reasonable towing and  
2 storage costs. For a second offense, the vehicle or off-road vehicle  
3 is to be impounded for not less than 96 hours. The owner may  
4 reclaim it by showing proof of registration and insurance and  
5 paying a fee of \$750 to the DEP, plus reasonable towing and  
6 storage costs. If the owner fails to reclaim the vehicle or off-road  
7 vehicle within 30 days it may be sold at auction. For a third offense,  
8 the impounded vehicle or off-road vehicle shall be forfeited and  
9 sold at auction, and the owner shall be responsible for a fee of  
10 \$1,000 payable to the DEP, plus reasonable towing and storage  
11 costs. The net proceeds of the auction are to be returned to the  
12 owner or administered in accordance with the "Uniform Unclaimed  
13 Property Act." The bill includes protections for lessors.

14 This bill revises the responsibilities of the Commissioner of  
15 Environmental Protection provided in section 2 of P.L.1973, c.307  
16 (C.39:3C-2), to provide the commissioner with the responsibility to  
17 administer and enforce all statutes, permits, rules and regulations  
18 relating to snowmobiles, all-terrain vehicles, and dirt bikes on the  
19 public lands and waters owned, operated, managed, or maintained  
20 by, or under the jurisdiction of, the DEP, including any and all  
21 lands owned, operated, managed, or maintained by, or purchased  
22 jointly with, any other party such that: (1) snowmobiles, all-terrain  
23 vehicles, and dirt bikes shall be operated only on highways and  
24 roads designated and marked for such operation, unless specifically  
25 authorized by the commissioner, and (2) snowmobiles, all-terrain  
26 vehicles, and dirt bikes shall be operated only in areas designated  
27 and marked for such operation and only with a special use permit.

28 The bill also enhances the existing penalties concerning the  
29 operation of snowmobiles and all-terrain vehicles, as provided in  
30 P.L.1973, c.307 (C.39:3C-1 et seq.) and creates the same penalties  
31 concerning the operation of dirt bikes. Snowmobile and all-terrain  
32 vehicle operators are required to comply with certain provisions of  
33 the motor vehicle laws, specifically sections of chapter 4 of Title 39  
34 of the Revised Statutes when operating across a public highway or  
35 on public land or waters. For example, these operators are subject  
36 to the drunk driving statutes and the reckless and careless driving  
37 laws. The penalties imposed under current law for violations of  
38 those statutes, however, are significantly downgraded for  
39 snowmobile and all-terrain vehicle operators. For instance, a first  
40 time offender convicted of operating a motor vehicle while under  
41 the influence is subject to a fine of \$250 to \$400; detainment for 12  
42 to 48 hours; imprisonment for up to 30 days, if so ordered by the  
43 court and a license suspension for six month to one year. A person  
44 found guilty of operating a snowmobile or all-terrain vehicle while  
45 under the influence is subject to a fine of \$100 to \$200. This bill  
46 eliminates those downgraded penalties, making snowmobile, all-  
47 terrain vehicle and dirt bike operators subject to the same penalties  
48 as motor vehicle operators.

1       The bill amends the general penalty section of the law  
2 concerning the operation of snowmobiles and all-terrain vehicles,  
3 and includes penalties concerning the operation of dirt bikes. This  
4 section establishes the scope of the fines which may be imposed for  
5 violations that do not set forth their own specific penalties. At  
6 present, the maximum fine for these types of violation is \$200. The  
7 bill increases that amount to \$500.  
8       Lastly, this bill updates the statutory text of P.L.1973, c.307  
9 (C.39:3C-1 et seq.) to reflect the establishment of the MVC and to  
10 delete outdated references to the Division of Motor Vehicles.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 823**

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably the Assembly Committee Substitute for Assembly No. 823.

As reported, this substitute bill changes various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the New Jersey Motor Vehicle Commission (“the commission”) to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. Likewise, this substitute bill subjects operators of dirt bikes to the same regulation as operators of snowmobiles and all-terrain vehicles.

Specifically, concerning the functions of the commission, this substitute bill:

- Requires all snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, to be properly registered and numbered with the commission and requires all current owners of snowmobiles, all-terrain vehicles, and dirt bikes to register and number their vehicles no later than six months after this bill’s effective date.
- Requires all snowmobiles, all-terrain vehicles, and dirt bikes purchased on or after this bill’s effective date to be properly registered and numbered with the commission through the retail dealer or distributor.
- Increases the registration fees for snowmobiles and all-terrain vehicles and newly imposes a registration fee on dirt bikes.
- Establishes an “Off-Road Vehicle Recreation Fund,” supported by an additional \$5 fee imposed and collected by the Chief Administrator of the Motor Vehicle Commission (“chief administrator”) at the time of registration, to be used by the Department of Environmental Protection (“DEP”) for designating and maintaining a site in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes.

- Provides for the designation and requires the display of numbers on snowmobiles, all-terrain vehicles, or dirt bikes in a manner as prescribed by the chief administrator.
- Requires the owner to demonstrate to the commission a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of current law or rule or regulation adopted pursuant thereto.

The first new penalty applies to the operators of these vehicles or off-road vehicles. For a first offense, the operator is subject to a fine of \$250 to \$500. For a second offense, the operator is subject to a fine of \$500 to \$1,000. For a third or subsequent offense, the operator is subject to a fine of not less than \$1,000.

The second new penalty authorizes the enforcing agencies to impound vehicles and off-road vehicles. For a first offense, the vehicle or off-road vehicle may 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 to the Department of Environmental Protection (DEP), plus reasonable towing and storage costs. For a second offense, the vehicle or off-road vehicle may 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 to the DEP, plus reasonable towing and storage costs. For a third offense, the impounded vehicle or off-road vehicle may be forfeited and sold at auction, and the owner shall be responsible for a fee of \$1,000 payable to the DEP, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle or off-road 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.

This substitute bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on the public lands and waters owned, operated, managed, or maintained by, or under the jurisdiction of, the DEP, including any and all lands owned, operated, managed, or maintained by, or purchased jointly with, any other party such that: (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only on highways and roads designated and marked for such operation, unless specifically authorized by the commissioner, and (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only in areas designated and marked for such operation and only with a special use permit.

The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same



penalties concerning the operation of dirt bikes. In doing so, this bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators.

The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

Lastly, this bill updates the statutory text to reflect the establishment of the MVC and to delete outdated references to the Division of Motor Vehicles.

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 823**

with Assembly Floor Amendments  
(Proposed By Assemblyman GUSCIORA)

ADOPTED: FEBRUARY 5, 2009

These amendments make various changes to the bill. Specifically, the amendments:

- Change the definition of “all-terrain vehicle” to provide that the engine can not be powered by more than 600, rather than 1,000, cubic centimeters and provide an exemption for all-terrain vehicles used by a State employee while in the performance of the employee’s official duties. The amendments also change the definition of “dirt bike” to now mean that a dirt bike is a two-wheeled motorcycle designed and manufactured for off-road use only and does not comply with federal standards concerning safety or pollution.
- Change the registration fee for all-terrain vehicles, snowmobiles, and dirt bikes from a fee of \$45 to be paid annually to a fee of \$50 to be paid for a period not to exceed 24 months. The amendments also reduce the fee for a replacement, duplicate, or amended registration from \$11 to \$5.
- Increase the fee the chief administrator shall impose, collect, and deposit in the “Off-Road Vehicle Recreational Fund” from \$5 to \$10. This fee is in addition to the registration fees set forth above.
- Increase the period of validity for all-terrain, snowmobile, and dirt bike registrations from 12 months to a period not to exceed 24 months and make the registration process consistent with other registration processes of the commission.
- Remove provisions requiring dealers to register all-terrain vehicles, snowmobiles, and dirt bikes and provide that dealers shall require proof of registration before transferring actual physical possession of the vehicle to a purchaser.
- Provide that when the ownership of an all-terrain vehicle, snowmobile, or dirt bike is transferred, the new owner shall obtain a new registration certificate from the MVC.
- Require that in the event that a vehicle is destroyed, stolen, or permanently removed, the owner shall notify the MVC

in writing and surrender the certificate of registration within 10 days of such event.

- Revise the authority of DEP over certain matters relating to all-terrain vehicles, snowmobiles, and dirt bikes to provide DEP with the authority to grant permits for special events and to establish safety education and training programs.
- Require that application for permits for special events be made to DEP 90, rather than 20, days prior to the event.
- Make various technical amendments to correct grammar, properly renumber the sections of the bill, correct the name of the fund established in section 29 of the bill, and correct the internal references in the bill.

# STATEMENT TO

[First Reprint]

## ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 823**

with Assembly Floor Amendments  
(Proposed by Assemblyman GUSCIORA)

ADOPTED: MAY 21, 2009

These amendments would make this bill identical to Senate Bill No. 2055 (SCS). The amendments would change the definition of "public land" to include those lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64). The amendments would change the effective date of the bill to provide that it takes effect upon the enactment of Assembly Bill No. 2796 (2R) of 2008 or Senate Bill No. 1059 (1R) of 2008. Finally, the amendments would make technical corrections to the bill.

# STATEMENT TO

[Second Reprint]

## ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 823**

with Assembly Floor Amendments  
(Proposed by Assemblyman GUSCIORA)

ADOPTED: DECEMBER 7, 2009

This amendment incorporates the provisions of Assembly Bill No. 2796(1R) into this bill to provide a comprehensive scheme of regulation concerning the use of snowmobiles, all-terrain vehicles, and dirt bikes. The amendment requires, within three years after enactment, the Commissioner of Environmental Protection to designate and make available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, one each in the southern, central, and northern part of the State. The amendment also provides for a preference for locations of the sites on lands that are not State parks and forests, wildlife management areas, or reservoir lands. The amendment directs the commissioner to consider: impacts to wildlife, biota, natural resources and forest resources, and water quality; the potential impacts on other authorized recreational activities that occur within the designated State park or forest; and public safety. If the commissioner is unable to designate the sites, the commissioner is required to submit a report to the Governor and the Legislature detailing the reasons why.

The amendment provides that the increase in the fees: 1) for the registration of snowmobiles, all-terrain vehicles, and dirt bikes, and 2) deposited into the "Off-Road Vehicle Recreational Fund" collected by the New Jersey Motor Vehicle Commission shall expire if the commissioner has not made substantial progress on designating and making available three sites for the use of these vehicles within three years of the bill's enactment. The amendment provides that these fees do not take effect until the first day of the third month after the commissioner has designated the first of the three sites. Likewise, the amendment delays implementation of the bill's provisions, except for the requirement that the commissioner designate and make available the aforementioned three sites on State-owned land.

The amendment also incorporates definitions of snowmobiles, all-terrain vehicles, and dirt bikes into the Department of Environmental Protection's statutes and makes technical amendments to the bill's title and synopsis to accurately reflect the new requirements placed upon the commissioner.

**LEGISLATIVE FISCAL ESTIMATE**  
 [Third Reprint]  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 823**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: JANUARY 15, 2010

**SUMMARY**

- Synopsis:** Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles; requires DEP to designate three sites on State-owned land where snowmobiles, all-terrain vehicles, and dirt bikes may be used.
- Type of Impact:** Minimal cost increase offset by revenue increase to the General Fund
- Agencies Affected:** Motor Vehicle Commission, Department of Environmental Protection, Department of the Treasury

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate
<b>State Revenue</b>	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) is unable to quantify and determine with any certainty the fiscal impact that this substitute bill will have on the State due to the fact that the number of off-road vehicles in the State subject to registration either currently or under the bill, is unknown. Based on Motor Vehicle Commission (MVC) estimates approximately 4 percent of off-road vehicles are legally registered.
- This amended bill, if enacted, provides that the increase in registration fees will expire if substantial progress is not made by the Department of Environmental Protection (DEP) on designating and making available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land.
- The State would incur some additional costs associated with the designation and maintenance of these three sites by the DEP that would be offset by the \$10 fee collected by the MVC and deposited into the “Off-Road Vehicle Recreational Fund”.

## **BILL DESCRIPTION**

This third reprint of the Assembly Committee Substitute for A-823 of 2008 would change various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the MVC to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. The committee substitute imposes upon operators of dirt bikes the same regulation as operators of snowmobiles and all-terrain vehicles. All snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, would be required to be properly registered and numbered with the MVC no later than six months after this bill's effective date. The owner would be required to demonstrate to the MVC a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred. A dealer would have to require proof of registration before transferring physical possession to a purchaser. The committee substitute would increase the registration fees for snowmobiles and all-terrain vehicles and impose a registration fee on dirt bikes.

The "Off-Road Vehicle Recreational Fund" would be created, supported by an additional \$10 fee imposed and collected by the Chief Administrator of the MVC at the time of registration, to be used by the Department of Environmental Protection for designating and maintaining sites in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes in a manner prescribed by the chief administrator.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of any law or any rule or regulation adopted pursuant thereto. The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same penalties concerning the operation of dirt bikes. In doing so, the bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators. The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

The bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on public lands and waters owned, operated, managed, or maintained by, or purchased jointly with, any other party, and any lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64). The bill also incorporates the definitions of snowmobiles, all-terrain vehicles, and dirt bikes into the DEP's statutes.

The Commissioner of Environmental Protection is also required to designate and make available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, one each in the southern, central, and northern part of the State. The bill provides that if substantial progress on designating and making the three sites available for the use of these vehicles is not made within three years of the bill's enactment the increase in fees will expire. The fees will not take effect until the first day of the third month after the first of the three sites has been designated. Finally, the bill provides that implementation of the bill's other provisions would be delayed if substantial progress has not been made by the commissioner on designating and making the three sites available.

**FISCAL ANALYSIS**

***EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

Due to the very limited information available for legally registered off-road vehicles in the State, the OLS is unable to properly estimate the fiscal impact of this bill. However, the State may expect an increase in revenue since the annual registration fees of \$17 and \$12 for resident all-terrain and snowmobile vehicles, respectively, will increase to \$50 for both for a 2-year registration period. Dirt bikes, which are currently exempt from registration, would now be required to be registered for the same \$50 fee. The OLS notes that the MVC's assumption of responsibility for registering potentially thousands of currently unregistered off-road vehicles will entail substantial new costs for the commission. An additional \$10 fee imposed on all off-road vehicles to be credited to the "Off-Road Vehicle Recreational Fund" may also be expected to increase State revenue. The establishment of two new penalties and the increase in existing penalties applied to all off-road vehicles should further increase revenue to some extent.

It is expected that the MVC will incur a minimal cost increase of approximately \$86,000 for the production of registration stickers and fee processing that will be offset by the increase in fee and penalty revenues. However, since the increase in fees is contingent upon the Commissioner of Environmental Protection making substantial progress on designating and making available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, there could be a delay in the receipt of this offsetting revenue.

The OLS also notes that the State would incur some additional costs associated with the designation and maintenance of these three sites by the DEP that would be defrayed by the \$10 fee collected by the MVC and deposited into the "Off-Road Vehicle Recreational Fund". In addition, those additional costs should be offset by savings realized through reduction of the need for maintenance and restoration of other public lands from which off-road vehicle operations would be diverted due to the availability of these designated sites.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
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. 2055

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 19, 2008

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/3/2009)**

1 AN ACT concerning the operation of snowmobiles, all-terrain  
2 vehicles, and dirt bikes, establishing new penalties for the  
3 operation of certain vehicles and off-road vehicles, amending  
4 and supplementing P.L.1973, c.307, amending P.L.1983, c.324  
5 and P.L.1954, c.38, and repealing section 4 of P.L.1973, c.307  
6 (C.39:3C-4).

7  
8 **BE IT ENACTED** by the Senate and General Assembly of the State  
9 of New Jersey:

10  
11 1. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read  
12 as follows:

13 1. As used in this act:

14 **[a.]** "All-terrain vehicle" means a motor vehicle, designed to  
15 travel over any terrain, of a type possessing between three and six  
16 rubber tires and powered by a gasoline engine not exceeding 1,000  
17 cubic centimeters, but shall not include golf carts.

18 "Chief Administrator" means the Chief Administrator of the  
19 New Jersey Motor Vehicle Commission.

20 "Commission" means the New Jersey Motor Vehicle  
21 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
22 4).

23 "Commissioner" means the Commissioner of **[the Department**  
24 **of]** Environmental Protection.

25 **[b.]** "Director" means the Director of the Division of Motor  
26 Vehicles in the Department of Law and Public Safety.

27 **c.]** "Dirt bike" means a motor powered vehicle possessing two  
28 or more tires, designed to travel over any terrain and capable of  
29 traveling off of paved roads.

30 "Natural resource" means all land, fish, shellfish, wildlife, biota,  
31 air, waters, and other such resources owned, managed, held in trust,  
32 or otherwise controlled by the State.

33 "Public land" means all land owned, operated, managed,  
34 maintained, or under the jurisdiction of the Department of  
35 Environmental Protection, including any and all land owned,  
36 operated, managed, maintained, or purchased jointly by the  
37 Department of Environmental Protection with any other party and  
38 any land so designated by municipal or county ordinance. Public  
39 land shall also mean any land used for conservation purposes,  
40 including, but not limited to, beaches, forests, greenways, natural  
41 areas, water resources, wildlife preserves, and land used for  
42 watershed protection, or biological or ecological studies.

43 "Snowmobile" means any motor vehicle, designed primarily to  
44 travel over ice or snow, of a type which uses sled type runners, skis,

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

Matter underlined thus is new matter.

1 an endless belt tread, cleats or any combination of these or other  
2 similar means of contact with the surface upon which it is operated,  
3 but does not include any farm tractor, highway or other construction  
4 equipment, or any military vehicle.

5 **[d.]** "Special event" means an organized race, exhibition or  
6 demonstration of limited duration which is conducted according to a  
7 prearranged schedule and in which general public interest is  
8 manifested.

9 **[e.]** "All-terrain vehicle" means a motor vehicle, designed to  
10 travel over any terrain, of a type possessing between three and six  
11 rubber tires and powered by a gasoline engine not exceeding 600  
12 cubic centimeters, but shall not include golf carts**].**

13 (cf: P.L.1991, c.496, s.7)

14

15 2. Section 2 of P.L.1973, c.307 (C.39:3C-2) is amended to read  
16 as follows:

17 2. For the purpose of carrying out the provisions of **[this act]**  
18 P.L.1973, c.307 (C.39:3C-1 et seq.):

19 a. The **[director]** chief administrator shall have the power, duty,  
20 and authority to administer and enforce all statutes, rules, and  
21 regulations, except as otherwise provided by statute, relating to the  
22 operation and use of snowmobiles **[and]** all-terrain vehicles, and  
23 dirt bikes on or across a public highway or on public lands or  
24 waters, including but not limited to the following:

25 (1) Registration, identification, numbering, and classification;

26 (2) Equipment;

27 (3) Standards of safety;

28 (4) Educational programs; and

29 (5) **[Promulgate]** Promulgation of rules and regulations to  
30 effectuate the purposes of [this act] P.L.1973, c.307 (C.39:3C-1 et  
31 seq.).

32 b. The Commissioner of Environmental Protection shall have  
33 the power, duty, and authority to administer and enforce all other  
34 statutes, permits, rules, and regulations **[, except as otherwise**  
35 **provided by statute,]** relating to snowmobiles **[and]** all-terrain  
36 vehicles, and dirt bikes on the public lands and waters under the  
37 jurisdiction of the Department of Environmental Protection such  
38 that:

39 (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
40 operated only on highways and roads designated and marked for  
41 such operation, unless specifically authorized by the commissioner;  
42 and

43 (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
44 operated only in areas designated and marked for such operation  
45 and only with a special use permit issued by the Department of  
46 Environmental Protection.

47 (cf: P.L.1985, c.375, s.3)

1       3. Section 3 of P.L.1973, c.307 (C.39:3C-3) is amended to read  
2 as follows:

3       3. Except as otherwise provided, no snowmobile **[or]** all-  
4 terrain vehicle, or dirt bike shall be operated or permitted to be  
5 operated on or across a public highway or on public lands or waters  
6 of this State unless registered and numbered by the owner thereof as  
7 provided by **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.). The  
8 **[Director of the Division of Motor Vehicles in the Department of**  
9 **Law and Public Safety]** chief administrator is authorized to register  
10 and assign a **[registration]** number to snowmobiles **[and]** all-  
11 terrain vehicles, and dirt bikes upon application and payment of the  
12 appropriate fee in accordance with the following schedule:

13       a. For each individual resident snowmobile registration, **[\$5.00,**  
14 **and for each individual resident]** all-terrain vehicle registration,  
15 **[\$10.00]** and dirt bike registration, \$45, annually **[:]** in  
16 accordance with the provisions of section 29 of P.L.1973, c.307  
17 (C.39:3C-29).

18       b. For each individual nonresident snowmobile registration,  
19 **[\$7.00, and for each individual nonresident]** all-terrain vehicle  
20 registration, **[\$12.00]** and dirt bike registration, \$45, annually **[:]**,  
21 in accordance with the provisions of section 29 of P.L.1973, c.307  
22 (C.39:3C-29).

23       c. For replacement of a lost, mutilated or destroyed certificate,  
24 **[\$5 ;]** \$11.

25       d. For a duplicate registration, **[\$5]** \$11 at the time of  
26 issuance**[:]** .

27       e. For an amended registration, **[\$5]** \$11.

28       f. In addition to the registration fees imposed pursuant to this  
29 section, the chief administrator shall impose and collect an  
30 additional fee of \$5 to be deposited in the "Off-Road Vehicle  
31 Recreational Fund" created by section 29 of P.L. , c. (C. )  
32 (pending before the Legislature as this bill).

33       All **[such]** registrations shall be **[issued on or after September 1**  
34 **in any year and shall be]** valid **[through September 30 of the**  
35 **following year]** for a period of 12 months from the date on which  
36 the registration was issued, except that the **[director]** chief  
37 administrator may suspend or revoke such registration for any  
38 violations of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.) or of the  
39 rules promulgated hereunder.

40 (cf: P.L.1994, c.60, s.22)

41

42       4. Section 5 of P.L.1973, c.307 (39:3C-5) is amended to read as  
43 follows:

44       5. **[Such registration shall be issued by the director or by agents**  
45 **as designated by him when a snowmobile or all-terrain vehicle is**  
46 **operated across a public highway or on public lands or waters and**

1 shall be in such form as the director shall prescribe. The registration  
2 certificate shall be subject to inspection by any law enforcement  
3 officer on demand and shall be on the vehicle at all times when in  
4 operation.

5 The registration number assigned shall be displayed on each side  
6 of the vehicle in such form, location and manner as prescribed by  
7 the director.】

8 The owner of a snowmobile, all-terrain vehicle, or dirt bike  
9 required to be registered and numbered in this State shall do so with  
10 the commission no later than six months after the effective date of  
11 P.L. , c. (C. ) ( pending before the Legislature as this bill).

12 Any snowmobile, all-terrain vehicle, or dirt bike purchased at a  
13 retail dealer or distributor in this State on or after the effective date  
14 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 shall be properly registered and numbered with the commission  
16 through the retail dealer or distributor. The chief administrator  
17 shall promulgate rules and regulations concerning the manner in  
18 which a retail dealer or distributor shall register and number a  
19 snowmobile, all-terrain vehicle or dirt bike.

20 Whenever ownership is transferred or the use of a snowmobile  
21 **【or】**, all-terrain vehicle, or dirt bike for which a registration  
22 certificate has already been issued is discontinued, the **【old】**  
23 registration shall be properly signed and executed by the owner,  
24 showing that the ownership has been transferred or its use  
25 discontinued, and returned to the **【director】** chief administrator  
26 within 10 days of **【said】** the event. If there is a change of ownership  
27 for which a registration certificate has been previously issued, the  
28 new owner shall apply for a new registration certificate and set  
29 forth the original number in the application. **【He】** The owner shall  
30 demonstrate to the commission a notarized bill of sale, assignable  
31 certificate of origin, or other formal proof of ownership when  
32 transferring ownership or selling a snowmobile, all-terrain vehicle,  
33 or dirt bike. The owner shall pay the regular fee for the particular  
34 snowmobile **【or】** , all-terrain vehicle, or dirt bike involved. The  
35 owner of any registration certificate issued under this section may  
36 obtain a duplicate from the **【division】** commission upon application  
37 and payment of the fee prescribed.

38 (cf: P.L.1985, c.375, s.6)

39

40 5. Section 6 of P.L.1973, c.307 (C.39:3C-6) is amended to read  
41 as follows:

42 6. a. **【No registration shall be required for a snowmobile or all-**  
43 **terrain vehicle operated on private property】** Any snowmobile, all-  
44 terrain vehicle, or dirt bike solely operated for use on a farm shall  
45 be exempt from the registration and numbering requirements of  
46 P.L.1973, c.307 (C.39:3C-1 et seq.).

47 b. No registration fee shall be charged for a snowmobile **【or】** ,

1 all-terrain vehicle, or dirt bike owned by the federal government,  
2 the State, county or municipal government or subdivision thereof.  
3 (cf: P.L.1985, c.375, s.7)

4  
5 6. Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended to read  
6 as follows:

7 7. The registration provisions of **[this act]** P.L.1973, c.307  
8 (C.39:3C-1 et seq.) shall not apply to nonresident owners who have  
9 complied with the registration and licensing laws of the state or  
10 country of residence, provided that the snowmobile **[or]** , all-  
11 terrain vehicle , or dirt bike is appropriately identified in accordance  
12 with the laws of the state or country of residence and conspicuously  
13 displays the **[registration]** number issued by the state or country of  
14 residence. Nothing in this section shall be construed to authorize  
15 the operation of any snowmobile **[or]** , all-terrain vehicle , or dirt  
16 bike contrary to the provisions of **[this act]** P.L.1973, c.307  
17 (C.39:3C-1 et seq.).  
18 (cf: P.L.1985, c.375, s.8)

19  
20 7. Section 8 of P.L.1973, c.307 (C.39:3C-8) is amended to read  
21 as follows:

22 8. The **[registration]** number assigned to a snowmobile **[or]** ,  
23 all-terrain vehicle, or dirt bike and required to be displayed pursuant  
24 P.L.1973, c.307 (C.39:3C-3) shall be displayed on the **[vehicle]**  
25 snowmobile, all-terrain vehicle, or dirt bike at all times in such  
26 manner as the **[director]** chief administrator may, by regulation,  
27 prescribe. No number other than the number assigned by the  
28 **[director]** chief administrator, or **[the]** a comparable identification  
29 number of the **[registration]** snowmobile, all-terrain vehicle, or dirt  
30 bike properly registered in another state, shall be painted, attached,  
31 or otherwise displayed on either side of the cowling, except that  
32 racing numbers on a snowmobile **[or]**, all-terrain vehicle, or dirt  
33 bike being operated in prearranged organized special events may be  
34 temporarily displayed for the duration of the race.  
35 (cf: P.L.1985, c.375, s.9)

36  
37 8. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read  
38 as follows:

39 9. a. Every person operating a snowmobile **[or]**, all-terrain  
40 vehicle, or dirt bike registered or transferred in accordance with any  
41 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
42 shall, upon demand of any **[peace officer,]** law enforcement officer,  
43 duly authorized **[official of the Department of Environmental**  
44 **Protection]** conservation officer of the Division of Fish and  
45 Wildlife or park police officer or law enforcement operation officer  
46 of the Division of Parks and Forestry within the Department of

1 Environmental Protection, or **[a]** any other police officer, produce  
2 for inspection the certificate of registration and shall furnish to  
3 **[such]** the officer any information necessary for the identification  
4 of **[such]** the snowmobile **[or]** , all-terrain vehicle, or dirt bike and  
5 its owner. The failure to produce the certificate of registration  
6 when operating a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
7 on public lands and waters, or when crossing a public highway,  
8 shall be presumptive evidence in any court of competent  
9 jurisdiction of operating a snowmobile **[or]** , all-terrain vehicle, or  
10 dirt bike which is not registered as required by **[this act]** P.L.1973,  
11 c.307 (C.39:3C-1 et seq.).

12 b. A person less than 18 years of age who operates **[an]** a  
13 snowmobile, all-terrain vehicle , or a dirt bike which is registered in  
14 this State shall produce upon demand a certificate indicating that  
15 person's successful completion of **[an all-terrain vehicle]** a safety  
16 education and training course established or certified by the  
17 **[director]** chief administrator in accordance with section 15 of  
18 P.L.1973, c.307 (C.39:3C-15). The failure to produce the  
19 certificate when operating **[an]** a snowmobile, all-terrain vehicle ,  
20 or dirt bike on public lands or waters, or when crossing a public  
21 highway, shall be presumptive evidence in any court of competent  
22 jurisdiction of the operation of the all-terrain vehicle in violation of  
23 the requirement in subsection c. of section 16 of P.L.1973, c.307  
24 (C.39:3C-16).

25 (cf: P.L.1991, c.322, s.2)

26  
27 9. Section 11 of P.L.1973, c.307 (C.39:3C-11) is amended to  
28 read as follows:

29 11. **[Whenever]** In accordance with the provisions of P.L.1973,  
30 c.307 (C.39:3C-1 et seq.), whenever the ownership of a snowmobile  
31 **[or]** , all-terrain vehicle, or dirt bike is transferred , or the use for  
32 which a registration certificate has already been issued is  
33 discontinued, the old registration certificate shall be properly signed  
34 and executed by the owner, showing that the ownership of the  
35 snowmobile **[or]**, all-terrain vehicle, or dirt bike has been  
36 transferred or its use discontinued, and returned to the **[division]**  
37 commission within 10 days after transfer or discontinuance. If  
38 there is a change of ownership for which a registration certificate  
39 has previously been issued, the new owner shall apply for a new  
40 certificate. He shall set forth the original number issued in the  
41 application accompanied by the old registration properly signed by  
42 the previous owner and with the required fee submitted to the  
43 **[division]** commission, for registration. The owner shall  
44 demonstrate to the commission a notarized bill of sale, assignable  
45 certificate of origin, or other formal proof of ownership when

1 transferring ownership or selling a snowmobile, all-terrain vehicle,  
2 or dirt bike.

3 (cf: P.L.1985, c.375, s.11)

4

5 10. Section 12 of P.L.1973, c.307 (C.39:3C-12) is amended to  
6 read as follows:

7 12. It shall be the duty of every owner of a snowmobile **【or】** ,  
8 all-terrain vehicle, or dirt bike registered pursuant to **【this act】**  
9 P.L.1973, c.307 (C.39:3C-1 et seq.) to notify the **【division】**  
10 commission, in writing, of the destruction, theft, or permanent  
11 removal of **【such】** the snowmobile, all-terrain vehicle, or dirt bike  
12 from the State, within 10 days thereafter; and in the event of the  
13 destruction or theft of **【such】** the snowmobile, all-terrain vehicle,  
14 or dirt bike, shall surrender the certificate of registration **【with**  
15 **such】** within the notice period prescribed by this section.

16 (cf: P.L.1985, c.375, s.12)

17

18 11. Section 13 of P.L.1973, c.307 (C.39:3C-13) is amended to  
19 read as follows:

20 13. No political subdivision of the State shall require additional  
21 licensing or registration of snowmobiles **【or】**, all-terrain vehicles,  
22 or dirt bikes which are covered by the provisions of **【this act】**  
23 P.L.1973, c.307 (C.39:3C-1 et seq.).

24 Nothing herein shall **【however】** prohibit the requirement of a  
25 permit by State or local parks for use of snowmobiles , all-terrain  
26 vehicles, or dirt bikes on park lands or in any way affect the  
27 authority of the Department of Environmental Protection, the  
28 commissioner thereof, or those responsible for the operation of a  
29 park from adopting rules and regulations concerning the use of  
30 snowmobiles **【and】** , all-terrain vehicles, and dirt bikes.

31 (cf: P.L.1985, c.375, s.13)

32

33 12. Section 14 of P.L.1973, c.307 (C.39:3C-14) is amended to  
34 read as follows:

35 14. The commissioner, with a view towards minimizing  
36 detrimental effects on the environment and protecting public safety,  
37 shall adopt rules and regulations relating to and including, but not  
38 limited to, the following:

39 a. Use of snowmobiles **【and】**, all-terrain vehicles, and dirt  
40 bikes, insofar as fish, wildlife, and plantlife resources , and public  
41 safety are affected;

42 b. Use of snowmobiles **【and】**, all-terrain vehicles, and dirt bikes  
43 on public lands and waters under the jurisdiction of the Department  
44 of Environmental Protection.

45 The commissioner may locate, designate, and make available by  
46 the effective date of **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.)  
47 appropriate areas of public lands upon which snowmobile, all-



1 terrain vehicle, and dirt bike safety education and training programs  
2 established or certified by the **【Director of the Division of Motor**  
3 **Vehicles】** chief administrator in accordance with section 15 of  
4 P.L.1973, c.307 (C.39:3C-15) may be conducted. The  
5 commissioner shall report to the Legislature and the Governor  
6 within one year after the effective date of **【this act】** P.L.1973, c.307  
7 (C.39:3C-1 et seq.) on the size and location of the public lands  
8 located, designated, and made available; on the frequency of the  
9 use, or the estimated frequency of use, of these public lands for  
10 safety education and training programs; and the environmental  
11 impact of this use on the lands.

12 (cf: P.L.1991, c.322, s.3)

13

14 13. Section 15 of P.L.1973, c.307 (C.39:3C-15) is amended to  
15 read as follows:

16 15. The **【Director of the Division of Motor Vehicles】** chief  
17 administrator shall adopt rules and regulations relating to and  
18 including, but not limited to:

19 a. Specifications relating to equipment required for safety as  
20 provided herein.

21 b. Establishment of a comprehensive snowmobile **【and】** , all-  
22 terrain vehicle, and dirt bike information and safety education and  
23 training program.

24 c. The regulations pertaining to and the granting of permits for  
25 the conduct of all prearranged special events as provided in **【this**  
26 **act】** P.L.1973, c.307 (C.39:3C-1 et seq.), except that in the case of  
27 those special events conducted on public lands and waters under the  
28 jurisdiction of the Department of Environmental Protection any  
29 regulations must be approved jointly by the **【director】** chief  
30 administrator and the commissioner.

31 In accordance with the requirement in **【paragraph】** subsection b.  
32 of this section, the **【director】** chief administrator shall establish an  
33 all-terrain vehicle safety education and training program to be  
34 offered by the **【division】** commission, or shall certify other all-  
35 terrain vehicle safety education and training programs to be offered  
36 by public or private agencies or organizations, the successful  
37 completion of which shall satisfy the training requirements in  
38 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16). A  
39 person less than 16 years of age participating in an all-terrain  
40 vehicle safety education and training course established or certified  
41 by the **【director】** chief administrator shall operate during the  
42 training only an all-terrain vehicle with an engine capacity of 90  
43 cubic centimeters or less.

44 (cf: P.L.1991, c.322, s.4)

45

46 14. Section 16 of P.L.1973, c.307 (C.39:3C-16) is amended to  
47 read as follows:

1       16. a. A person under the age of 14 years shall not operate or be  
2 permitted to operate any snowmobile **[or]** , all-terrain vehicle, or  
3 dirt bike on public lands or waters or across a public highway.

4       b. A person less than 16 years of age shall not operate on public  
5 lands or waters or across a public highway of this State an all-  
6 terrain vehicle with an engine capacity greater than 90 cubic  
7 centimeters.

8       c. A person less than 18 years of age shall not operate **[an]** a  
9 snowmobile, all-terrain vehicle , or dirt bike registered in this State  
10 on public lands or waters or across a public highway of this State  
11 unless the person has completed **[an all-terrain vehicle]** a safety  
12 education and training course established or certified by the  
13 **[director]** chief administrator pursuant to section 15 of P.L.1973,  
14 c.307 (C.39:3C-15). At all times during the operation of the  
15 snowmobile, all-terrain vehicle , or dirt bike the person shall **[have**  
16 **in his possession]** possess a certificate indicating successful  
17 completion of the course.  
18 (cf: P.L.1991, c.322, s.5)

19

20       15. Section 17 of P.L.1973, c.307 (C.39:3C-17) is amended as  
21 follows:

22       17. a. No person shall operate a snowmobile **[or]**, all-terrain  
23 vehicle, or dirt bike upon limited access highways or within the  
24 right-of-way limits thereof.

25       b. No person shall operate a snowmobile **[or]** , all-terrain  
26 vehicle, or dirt bike upon the main traveled portion or the plowed  
27 snowbanks of any public street or highway or within the right-of-  
28 way limits thereof except as follows:

29       (1) Properly registered snowmobiles **[or]**, all-terrain vehicles,  
30 and dirt bikes may cross, as directly as possible, public streets or  
31 highways, except limited access highways, provided that such  
32 crossing can be made in safety and that it does not interfere with the  
33 free movement of vehicular traffic approaching from either  
34 direction on **[such]** the public street or highway. Prior to making  
35 any such crossing, the operator shall bring the snowmobile **[or]**,  
36 all-terrain vehicle, or dirt bike to a complete stop. It shall be the  
37 responsibility of the operator of a snowmobile **[or]**, all-terrain  
38 vehicle, or dirt bike to yield the right-of-way to all vehicular traffic  
39 upon any public street or highway before crossing **[same]** the  
40 public street or highway.

41       (2) Whenever it is impracticable to gain immediate access to an  
42 area adjacent to a public highway where a snowmobile **[or]**, all-  
43 terrain vehicle, or dirt bike is to be operated, **[it]** the snowmobile,  
44 all-terrain vehicle, or dirt bike may be operated adjacent and  
45 parallel to **[such]** the public highway for the purpose of gaining  
46 access to the area of operation. This subsection shall apply to the

1 operation of a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
2 from the point where **[it]** the snowmobile, all-terrain vehicle, or  
3 dirt bike is unloaded from a motorized conveyance to the area  
4 where it is to be operated, or from the area where operated to a  
5 motorized conveyance, when **[such]** the loading or unloading  
6 cannot be effected in the immediate vicinity of the area of  
7 operation without causing a hazard to vehicular traffic approaching  
8 from either direction on **[said]** the public highway. **[Such]** The  
9 loading or unloading must be accomplished with due regard to  
10 safety, at the nearest possible point to the area of operation.

11 (cf: P.L.1985, c.375, s.17)

12

13 16. Section 18 of P.L.1973, c.307 (C.39:3C-18) is amended to  
14 read as follows:

15 18. a. No person shall operate a snowmobile **[or]** , all-terrain  
16 vehicle, or dirt bike on the property of another without receiving the  
17 consent of the owner of the property and the person who has a  
18 contractual right to the use of **[such]** the property.

19 b. No person shall continue to operate a snowmobile **[or]**, all-  
20 terrain vehicle, or dirt bike on the property of another after consent,  
21 as provided in subsection a. above, has been withdrawn.

22 c. No owner of real property and no person or entity having a  
23 contractual right to the use of real property, no matter where **[such]**  
24 the property is situate in this State, shall assume responsibility or  
25 incur liability for any injury or damage to an owner, operator, or  
26 occupant of a snowmobile **[or]**, all terrain vehicle, or dirt bike  
27 **[where such]** if the injury or damage occurs during, or arises out of  
28 the operation or use of **[such]** , the snowmobile, all-terrain vehicle,  
29 or dirt bike unless: (1) the operation or use is with the express  
30 consent of the owner and contractual user of the property , and (2)  
31 the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985,  
32 c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection  
33 shall not limit the liability which would otherwise exist for the  
34 willful or malicious creation of a hazardous condition.

35 (cf: P.L.1991, c.496, s.8)

36

37 17. Section 19 of P.L.1973, c.307 (C.39:3C-19) is amended to  
38 read as follows:

39 19. It shall be unlawful for:

40 a. Any person to operate or ride as a passenger on any  
41 snowmobile **[or]** , all-terrain vehicle, or dirt bike without wearing a  
42 protective helmet approved by the **[director]** chief administrator.  
43 Any **[such]** helmet shall be of a type acceptable for use in  
44 conjunction with motorcycles as provided in sections 6 to 9 of  
45 P.L.1967, c.237 (C.39:3-76.7 through 39:3-76.10).

1 b. Any person to operate a snowmobile **[or]**, all-terrain vehicle,  
2 or dirt bike that is not equipped with working headlights, taillights,  
3 brakes, and proper mufflers as supplied by the motor manufacturer  
4 for the particular model, without modifications, nor shall any  
5 person operate any snowmobile **[or]**, all-terrain vehicle, or dirt bike  
6 in **[such a]** any manner as to cause a harsh, objectionable, or  
7 unreasonable noise.

8 c. Any person to operate a snowmobile **[or]**, all-terrain vehicle,  
9 or dirt bike at any time and in any manner intended or reasonably to  
10 be expected to harass, drive, or pursue any wildlife.

11 d. Any person to operate any snowmobile **[or]**, all-terrain  
12 vehicle, or dirt bike during the hours from 1/2 hour before sunset to  
13 1/2 hour after sunrise without having lighted headlights and lighted  
14 taillights.

15 e. Any person to operate any snowmobile **[or]**, all-terrain  
16 vehicle, or dirt bike on the land of another without first securing the  
17 permission of the landowner or **[his]** the landowner's duly  
18 authorized representative.

19 f. Any person to operate a snowmobile **[or]**, all-terrain vehicle,  
20 or dirt bike upon railroad or right-of-way of an operating railroad,  
21 except railroad personnel in the performance of their duties.

22 g. Any person to violate any provision of **[this act]** P.L.1973,  
23 c.307 (C.39:3C-1 et seq.) or any rule or regulation adopted pursuant  
24 to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.).  
25 (cf: P.L.1985, c.375, s.19)

26  
27 18. Section 20 of P.L.1973, c.307 (C.39:3C-20) is amended to  
28 read as follows:

29 20. a. No snowmobile **[or]**, all-terrain vehicle, or dirt bike  
30 shall be operated or permitted to be operated unless the owner  
31 thereof has obtained a policy of insurance, in such language and  
32 form as shall be determined by the Commissioner of **[the**  
33 **Department of]** Banking and Insurance, from an insurance carrier  
34 authorized to do business in this State, the terms of which policy  
35 shall indemnify an amount or limit of **[\$15,000.00]** \$15,000,  
36 exclusive of interest and costs, on account of injury to, or death of,  
37 one person, in any one accident; and an amount or limit, subject to  
38 such limit for any one person so injured, or killed, of **[\$30,000.00]**  
39 \$30,000, exclusive of interest and costs, on account of injury to or  
40 death of, more than one person, in any one accident; and an amount  
41 or limit of **[\$5,000.00]** \$5,000, exclusive of interest and costs, for  
42 damage to property in any one accident, for damages arising out of  
43 the negligent operation of **[said]** the snowmobile **[or]**, all-terrain  
44 vehicle, or dirt bike. In lieu of **[such]** the insurance coverage as  
45 hereinabove provided, the **[director]** chief administrator, in **[his]**  
46 the chief administrator's discretion and upon application of the

1 State or a municipality having registered in its name one or more  
2 snowmobiles **[or]** , all-terrain vehicles, or dirt bikes, may waive the  
3 requirement of insurance by a private insurance carrier and issue a  
4 certificate of self-insurance, when **[he]** the chief administrator is  
5 satisfied of financial ability to respond to judgments obtained  
6 against it or them, arising out of the ownership, use or operation of  
7 the snowmobiles **[or]** , all-terrain vehicles, or dirt bikes.

8 b. Proof of insurance as hereinabove required shall be produced  
9 and displayed by the owner or operator of **[such]** the snowmobile  
10 **[or]** , all-terrain vehicle, or dirt bike upon request to any law  
11 enforcement officer or to any person who has suffered or claims to  
12 have suffered either personal injury or property damage as a result  
13 of the operation of **[it]** the snowmobile, all-terrain vehicle, or dirt  
14 bike by the owner or operator.

15 c. An owner of a snowmobile **[or]** , all-terrain vehicle, or dirt  
16 bike who shall operate or permit the **[same]** the snowmobile, all-  
17 terrain vehicle, or dirt bike to be operated without having in effect  
18 the required liability insurance coverage, and any other person who  
19 shall operate any snowmobile **[or]** , all-terrain vehicle, or dirt bike  
20 with the knowledge that the owner thereof does not have in effect  
21 **[such]** the insurance coverage shall be guilty of a violation of this  
22 act and be subject to a fine of not less than **[\$25.00]** \$25 nor more  
23 than **[\$100.00]** \$100.

24 d. The **[director]** chief administrator is hereby authorized to  
25 promulgate reasonable regulations to provide effective  
26 administration and enforcement of the provisions of this section in  
27 accordance with the purposes thereof.

28 (cf: P.L.1985, c.375, s.20)

29

30 19. Section 21 of P.L.1973, c.307 (C.39:3C-21) is amended to  
31 read as follows:

32 21. The operator of any snowmobile **[or]** , all-terrain vehicle, or  
33 dirtbike involved in an accident resulting in injuries or death of any  
34 person or property damage shall comply with the procedures in R.S.  
35 39:4-129 and R.S. 39:4-130.

36 (cf: P.L.1985, c.375, s.21)

37

38 20. Section 22 of P.L.1973, c.307 (C.39:3C-22) is amended to  
39 read as follows:

40 22. The **[director]** chief administrator may authorize the holding  
41 of organized special events. **[He]** The chief administrator shall  
42 adopt and may, from time to time, amend rules and regulations  
43 determining the special events which shall be subject to **[division]**  
44 a permit and designating the equipment and facilities necessary for  
45 safe operation of snowmobiles **[and]** , all-terrain vehicles, and dirt  
46 bikes and for the safety of operators, participants, and observers in

1 such special events. Whenever **[such]** a special event requiring  
2 permit of the **[division]** commission is proposed to be held in the  
3 State of New Jersey, the person in charge thereof shall, at least 20  
4 days prior thereto, file an application with the **[director]** chief  
5 administrator to hold **[such]** the special event. The application shall  
6 set forth the date of and location where it is proposed to hold  
7 **[such]** the rally, race, exhibition, or organized event, and **[such]**  
8 any other information as the **[director]** chief administrator may  
9 require, and it shall not be conducted without written authorization  
10 of the **[director]** chief administrator and, if the event is desired to  
11 be held upon public lands or waters, a written authorization of the  
12 commissioner. Copies of such regulations shall be furnished by the  
13 **[division]** chief administrator to any person making an application  
14 therefor.

15 Any person sponsoring the event who shall violate any  
16 regulation adopted pursuant to this section shall for every **[such]**  
17 violation be subject to a fine not to exceed **[\$250.00]** \$250.

18 (cf: P.L.1985, c.375, s.22)

19

20 21. Section 23 of P.L.1973, c.307 (C.39:3C-23) is amended to  
21 read as follows:

22 23. Snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
23 operated at special events shall be exempt from the provisions of  
24 this chapter concerning registration and lights during the time of  
25 **[such]** operation of the special event, including all prerace practice  
26 at the location of the meet. In addition, snowmobiles, all-terrain  
27 vehicles , and dirt bikes operated at special events shall be exempt  
28 from the provisions of subsection c. of section 16 of P.L.1973,  
29 c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973,  
30 c.307 (C.39:3C-9); however, subsection b. of section 16 of  
31 P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **[all**  
32 **terrain]** snowmobiles, all-terrain vehicles , and dirt bikes at special  
33 events and prerace practice.

34 (cf: P.L.1991, c.322, s.6)

35

36 22. Section 24 of P.L.1973, c.307 (C.39:3C-24) is amended to  
37 read as follows:

38 24. All snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
39 operating within the State of New Jersey shall be equipped with:

40 a. Headlights. At least one white or amber headlamp having a  
41 minimum candlepower of sufficient intensity to reveal persons and  
42 vehicles at a distance of at least 100 feet ahead during hours of  
43 darkness under normal atmospheric conditions.

44 b. Taillights. At least one red taillamp having a minimum  
45 candlepower of sufficient intensity to exhibit a red light plainly

1 visible from a distance of 500 feet to the rear during hours of  
2 darkness under normal atmospheric conditions.

3 c. Brakes. A brake system in good mechanical condition.

4 d. Reflector ~~material~~ material. Reflector material of a  
5 minimum area of 16 square inches mounted on each side of the  
6 cowling. Registration numbers or other decorative material may be  
7 included in computing the required 16-square-inch area.

8 e. Mufflers. An adequate muffler system in good working  
9 condition.

10 (cf: P.L.1985, c.375, s.24)

11

12 23. Section 25 of P.L.1973, c.307 (C.39:3C-25) is amended to  
13 read as follows:

14 25. The ~~director~~ chief administrator may adopt rules and  
15 regulations with respect to the inspection of snowmobiles ~~and~~ ,  
16 all-terrain vehicles, and dirt bikes and the testing of mufflers for  
17 those vehicles.

18 (cf: P.L.1985, c.375, s.25)

19

20 24. Section 26 of P.L.1973, c.307 (C.39:3C-26) is amended to  
21 read as follows:

22 26. a. No person shall have for sale, sell, or offer for sale in this  
23 State any snowmobile ~~or~~ , all-terrain vehicle, or dirt bike which  
24 fails to comply with the provisions of ~~this act~~ P.L.1973, c.307  
25 (C.39:3C-1 et seq.) or which does not comply with the  
26 specifications for ~~such~~ the equipment required by the rules and  
27 regulations of the ~~director~~ commission, after the effective date of  
28 such rules and regulations.

29 b. A person shall not knowingly sell or offer to sell an all-terrain  
30 vehicle with an engine capacity of greater than 90 cubic centimeters  
31 for use by a person less than 16 years of age.

32 c. Retail dealers and distributors of all-terrain vehicles shall  
33 comply with those requirements of the consent decree entered into  
34 by all-terrain vehicle distributors and the United States Consumer  
35 Product Safety Commission on April 28, 1988 which require the  
36 providing of safety information on all-terrain vehicles to either the  
37 purchasers or retail dealers of ~~such~~ all-terrain vehicles, as  
38 appropriate.

39 (cf: P.L.1991, c.322, s.7)

40

41 25. Section 27 of P.L.1973, c.307 (C.39:3C-27) is amended to  
42 read as follows:

43 27. Every law enforcement officer in the State, including any  
44 authorized [officers of the Division of Motor Vehicles] officer of  
45 the commission, conservation officers of the Division of Fish and  
46 Wildlife, and park police officers and law enforcement operation  
47 officers of the Division of Parks and Forestry within the

1 Department of Environmental Protection, [forest rangers and State  
2 park police] , and other designated officers and employees of the  
3 department shall enforce [this act] P.L.1973, c.307 (C.39:3C-1 et  
4 seq.) within their respective jurisdictions.

5 (cf: P.L.1973, c.307, s.27)

6

7 26. Section 28 of P.L.1973, c.307 (C.39:3C-28) is amended to  
8 read as follows:

9 28. Any person who shall violate any [provisions] provision of  
10 [this act] P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is  
11 specifically provided, or any rule or regulation promulgated  
12 pursuant to [this act] P.L.1973, c.307 (C.39:3C-1 et seq.) shall be  
13 punished by a fine of not less than [~~\$100 or~~] \$250 nor more than  
14 [~~\$200~~] \$500. For a second or subsequent violation of section 26 of  
15 P.L.1973, c.307 (C.39:3C-26), a fine of not less than [~~\$200 or~~]  
16 \$500 nor more than [~~\$500~~] \$1,000 shall be imposed.

17 (cf: P.L.1991, c.322, s.8)

18

19 27. Section 29 of P.L.1973, c.307 (C.39:3C-29) is amended to  
20 read as follows:

21 29. The [director] chief administrator shall deposit in the "Off-  
22 Road Vehicle Fund," established pursuant to section 29 of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill) all moneys  
24 received by [him from] the chief administrator from the additional  
25 \$5 payment required to be made at the time of registration of  
26 snowmobiles [and] , all-terrain vehicles, and dirt bikes [, the sale  
27 of registration information, publications, and other services  
28 provided by the department and all fees collected by him under this  
29 act to the credit of the General Treasury, except that \$5 of a  
30 registration fee paid by a resident or nonresident of this State shall  
31 be allocated to the division to defray the cost of providing all-  
32 terrain vehicle safety education and training manuals or all-terrain  
33 vehicle safety education and training programs] in accordance with  
34 [section 15 of P.L.1973, c.307 (C.39:3C-15), or both] subsection f.  
35 of section 3 of P.L.1973, c.307 (C.39:3C-3).

36 (cf: P.L.1991, c.322, s.10)

37

38 28. Section 30 of P.L.1973, c.307 (C.39:3C-30) is amended to  
39 read as follows:

40 30. Owners and operators of snowmobiles [and] , all-terrain  
41 vehicles, and dirt bikes shall, when operating such across a public  
42 highway or on public land or waters, comply with the following  
43 provisions of chapter 4 of Title 39 of the Revised Statutes:  
44 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;  
45 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through  
46 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-



1 129 through R.S.39:4-134; R.S.39:4-203. [The failure to comply  
2 with any of these provisions shall be a violation of this act and the  
3 penalty for such a violation shall be provided in section 28 of  
4 P.L.1973, c.307 (C.39:3C-28) rather than the penalty provided in  
5 the sections cited above.]

6 (cf: P.L.1985, c.375, s.28)

7  
8 29. (New section) a. There is established in the General Fund a  
9 separate, non-lapsing, dedicated account to be known as the "Off-  
10 Road Vehicle Fund," hereinafter referred to as "the fund."  
11 Notwithstanding any provision of law to the contrary, each fiscal  
12 year the State Treasurer shall credit the revenue collected pursuant  
13 to subsection f. of section 3 of P.L.1973, c.307 (C.39:3C-3) into the  
14 fund. Each fiscal year, the State Treasurer shall allocate the monies  
15 contained in the fund to the Department of Environmental  
16 Protection. Each fiscal year, the State Treasurer shall credit all  
17 earnings received from the investment or deposit of revenue in the  
18 fund, to the fund. All revenues and earnings deposited in the fund  
19 shall be appropriated in the same fiscal year to the department.

20 b. The monies credited to the fund shall be used by the  
21 Department of Environmental Protection for designating and  
22 maintaining a site in the State for the use of snowmobiles, all-  
23 terrain vehicles, and dirt bikes; the site shall be designated and shall  
24 be maintained in a manner that, to the greatest possible extent,  
25 mitigates any detrimental effects on the environment and protects  
26 public safety.

27  
28 30. (New section) As used in sections 31 and 32 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill):

30 "Off-road vehicle" means any motorized vehicle with two or  
31 more wheels or tracks that is capable of being operated off of  
32 regularly improved and maintained roads including, but not limited  
33 to, motorcycles as defined in R.S.39:1-1, snowmobiles and all-  
34 terrain vehicles, and dirt bikes as defined in section 5 of P.L.1991,  
35 c.496 (C.2A:42A-6.1).

36 "Public land" means all land owned, operated, managed, or  
37 maintained by, or under the jurisdiction of, the Department of  
38 Environmental Protection, including any and all land owned,  
39 operated, managed, maintained, or purchased jointly by the  
40 Department of Environmental Protection with any other party and  
41 any land so designated by municipal or county ordinance. Public  
42 land shall also mean any land used for conservation purposes,  
43 including, but not limited to, beaches, forests, greenways, natural  
44 areas, water resources, wildlife preserves, and land used for  
45 watershed protection, or biological or ecological studies.

46 "Vehicle" means every device in, upon or by which a person or  
47 property is or may be transported upon a highway, excepting

1 devices moved by human power or used exclusively upon stationary  
2 rails or tracks or motorized bicycles.

3

4 31. (New section) Any person who operates any vehicle or off-  
5 road vehicle on public lands in violation of P.L.1973, c.307  
6 (C:39:3C-1 et seq.) or in violation of any law, rule, or regulation  
7 adopted pursuant thereto shall be subject to:

8 a. For a first offense, a fine of not less than \$250 nor more than  
9 \$500.

10 b. For a second offense, a fine of not less than \$500 nor more  
11 than \$1,000.

12 c. For a third or subsequent offense, a fine of not less than  
13 \$1,000.

14 d. For any offense on public lands in which the use of a vehicle  
15 is found responsible for damage to or destruction of natural  
16 resources valued in excess of \$100, a fine of five times the amount,  
17 as determined by the Department of Environmental Protection, of  
18 restoration and replacement, where possible, of any natural resource  
19 damaged or destroyed by the use of the vehicle. If a person at the  
20 time of the imposition of the sentence is less than 17 years of age,  
21 the owner of the vehicle shall be liable for the fine of five times the  
22 amount, as determined by the Department of Environmental  
23 Protection, of restoration and replacement, where possible, of any  
24 natural resource damaged or destroyed by the use of the vehicle.

25

26 32. (New section) a. In addition to the fines set forth in section  
27 31 of P.L. , c. (C. ) (pending before the Legislature as this  
28 bill), any vehicle or off-road vehicle operated on public lands in  
29 violation of P.L.1973, c.307 (C.39:3C-1 et seq.), may be  
30 impounded by the law enforcing agency and held until the payment  
31 of the fee required pursuant to subsections b. or c. of this section, as  
32 appropriate.

33 The prosecutor may waive the requirements of subsections b. and  
34 c. of this section for the owner of the vehicle or off-road vehicle if  
35 the owner is not a defendant in the case and did not know, or  
36 reasonably could not have known, that the vehicle or off-road  
37 vehicle would be used in violation of P.L.1973, c.307 (C.39:3C-1 et  
38 seq.), or any law, or rule or regulation adopted pursuant thereto,  
39 concerning the operation of vehicles or off-road vehicles on public  
40 lands.

41 b. (1) For a first offense, the vehicle or off-road vehicle may be  
42 impounded for not less than 48 hours and shall be released to the  
43 registered owner upon proof of registration and insurance as  
44 applicable to the type of vehicle or off-road vehicle and payment of  
45 a fee of \$500 payable to the Department of Environmental  
46 Protection, plus reasonable towing and storage costs.

47 (2) For a second offense, the vehicle or off-road vehicle may be  
48 impounded for not less than 96 hours and shall be released to the

1 registered owner upon proof of registration and insurance as  
2 applicable to the type of vehicle or off-road vehicle and payment of  
3 a fee of \$750 payable to the Department of Environmental  
4 Protection, plus reasonable towing and storage costs.

5 (3) For a third or subsequent offense, the vehicle or off-road  
6 vehicle impounded in the violation may be forfeited and sold at  
7 auction and the registered owner shall be responsible for a payment  
8 of a fee of \$1,000 payable to the Department of Environmental  
9 Protection, plus reasonable towing and storage costs.

10 c. (1) If the owner fails to claim the impounded vehicle or off-  
11 road vehicle, and the fee required pursuant to subsection b. of this  
12 section has not been paid, by noon of the 30th day following the  
13 date of conviction, the vehicle or off-road vehicle may be sold at  
14 auction. Notice of the sale shall be given by the impounding entity  
15 by certified mail to the owner of the vehicle or off-road vehicle, if  
16 the owner's name and address are known, and to the holder of any  
17 security interest filed with the chief administrator of the New Jersey  
18 Motor Vehicle Commission, and by publication in a form  
19 prescribed by the chief administrator by one insertion, at least five  
20 days before the date of the sale, in one or more newspapers  
21 published in the State and circulating in the municipality in which  
22 the vehicle or off-road vehicle is impounded.

23 (2) At any time prior to the sale, the owner or other person  
24 entitled to the vehicle or off-road vehicle may reclaim possession  
25 upon (a) showing proof of registration and insurance as applicable  
26 to the vehicle or off-road vehicle, (b) payment of the required fee,  
27 (c) payment of reasonable towing and storage costs, and (d)  
28 payment of all outstanding fees and costs associated with the  
29 impoundment.

30 The owner-lessor of an impounded vehicle or off-road vehicle  
31 shall be entitled to reclaim possession and the lessee shall be liable  
32 for all outstanding fines and restitution and fees and costs  
33 associated with the impoundment, towing and storage of the vehicle  
34 or off-road vehicle.

35 d. Any proceeds obtained from the sale of a vehicle or off-road  
36 vehicle at public auction pursuant to subsection c. of this section in  
37 excess of the amount owed to the impounding entity for the  
38 reasonable costs of towing and storage and any fees or other costs  
39 associated with the impoundment of the vehicle or off-road vehicle  
40 shall be returned to the owner of that vehicle or off-road vehicle, if  
41 the owner's name and address are known. If the owner's name and  
42 address are unknown or such person or entity cannot be located, the  
43 net proceeds shall be administered in accordance with the "Uniform  
44 Unclaimed Property Act," R.S.46:30B-1 et seq..

45 e. (1) Whenever a vehicle or off-road vehicle is subject to  
46 forfeiture pursuant to paragraph (3) of subsection b. of this section,  
47 the forfeiture may be enforced by a civil action, instituted within 90  
48 days of the impoundment and commenced by the State against the

1 property sought to be forfeited. The complaint for forfeiture shall  
2 be verified on oath or affirmation. It shall describe with reasonable  
3 accuracy the vehicle or off-road vehicle that is subject to the  
4 forfeiture action. The complaint shall contain all allegations setting  
5 forth the reason for forfeiture.

6 (2) Notice of the action shall be given to any person known to  
7 have property interest in the vehicle or off-road vehicle and the  
8 notice requirements of the Rules of Court for an in rem action shall  
9 be followed. The claimant of the vehicle or off-road vehicle that is  
10 subject to action under this subsection shall file and serve the claim  
11 in the form of an answer in accordance with the Rules of Court.  
12 The answer shall be verified on oath or affirmation and state the  
13 interest in the property by virtue of which the claimant demands its  
14 restitution and the right to defend the action. If the claim is made  
15 on behalf of the person entitled to possession by an agent or  
16 attorney, it shall state that the agent or attorney is duly authorized to  
17 make the claim. If no answer is filed and served within the  
18 applicable time, the property seized shall be disposed of pursuant to  
19 N.J.S.2C:64-6 and N.J.S.2C:64-7.

20

21 33. Section 23 of P.L.1983, c.324 (C.13:1L-23) is amended to  
22 read as follows:

23 23. a. If a person violates any provision of P.L.1983, c.324  
24 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
25 issued pursuant thereto, the department may institute a civil action  
26 in a court of competent jurisdiction for injunctive relief to prohibit  
27 and prevent the violation and the court may proceed in a summary  
28 manner.

29 b. A person who knowingly violates, or who solicits or employs  
30 any other person to violate, the provisions of subsection a. of  
31 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the  
32 following penalties: a fine of not less than \$750 nor more than  
33 \$1,500 for the first offense; a fine of not less than \$1,500 nor more  
34 than \$3,000 for the second offense; and a fine of not less than  
35 \$3,000 nor more than \$5,000 for any subsequent offense.

36 Penalties assessed pursuant to this subsection shall be collected  
37 in a civil action by a summary proceeding. Any vessel, vehicle or  
38 equipment used in the commission of the violation shall be subject  
39 to confiscation and forfeiture to the State, if warranted, as  
40 determined by the courts. Further, in addition to any penalty  
41 provided pursuant to subsection a. of this section, restitution and  
42 damages may be ordered to compensate the State for the cost of  
43 remediating any violation of this section and for the value of any  
44 lost, damaged, or destroyed archaeological findings. All fines,  
45 restitution payments, and damages collected shall be remitted to the  
46 department to be used for the preservation, remediation or  
47 protection of State archaeological sites. Any archaeological  
48 findings obtained as a result of a violation of this section shall be

1 subject to confiscation, forfeiture, and return to the State and, upon  
2 recovery, shall be deposited with the New Jersey State Museum.

3 c. Notwithstanding any provision of this section to the contrary,  
4 examination or retrieval of artifacts, or scientific research,  
5 conducted by a State department, agency, commission, authority or  
6 corporation otherwise required or permitted by federal or State law  
7 are exempt from the provisions of this section.

8 d. A person who violates any provision of P.L.1983, c.324  
9 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
10 issued pursuant thereto, shall be liable to a civil penalty of not less  
11 than \$50 nor more than \$1,500, plus restitution if applicable, for  
12 each offense, except as otherwise provided under subsection b. of  
13 this section, to be collected in a civil action by a summary  
14 proceeding under the "Penalty Enforcement Law of 1999,"  
15 P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court  
16 of competent jurisdiction wherein injunctive relief has been  
17 requested, except that any violation involving any vehicle or off-  
18 road vehicle shall be subject to the provisions of sections 31 and 32  
19 of P.L. , c. (C. ) (pending before the Legislature as this  
20 bill). The Superior Court and municipal courts shall have  
21 jurisdiction to hear and determine violations of P.L.1983, c.324  
22 (C.13:1L-1 et seq.). If the violation is of a continuing nature, each  
23 day during which it continues shall constitute an additional,  
24 separate, and distinct offense. If the violation results in pecuniary  
25 gain to the violator, or the violator willfully or wantonly causes  
26 injury or damage to property, including but not limited to natural  
27 resources, the violator shall be liable to an additional civil penalty  
28 equal to three times the value of the pecuniary gain or injury or  
29 damage to property.

30 e. Penalties assessed pursuant to this section shall be in  
31 addition to any other civil or criminal penalties that may be  
32 applicable pursuant to law.

33 As used in this subsection, "vehicle" and "off-road vehicle"  
34 means the same as the terms are defined in section 30 of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill).  
36 (cf: P.L.2005, c.330. s.1)

37

38 34. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as  
39 follows:

40 1. a. With respect to or on property under the control of the  
41 Division of Fish and Wildlife, no person may:

42 (1) remove or disturb any vegetation, soil, water, minerals, or  
43 other property of the State;

44 (2) litter, dump, or discard refuse of any kind;

45 (3) cause injury or damage to any equipment, structure, building,  
46 or other property; or

47 (4) use such property contrary to rules or regulations established  
48 by the division.

1       b. (1) If a person violates any provision of subsection a. of this  
2 section, the division may institute a civil action in a court of  
3 competent jurisdiction for injunctive relief to prohibit and prevent  
4 the violation and the court may proceed in a summary manner.

5       (2) (a) A person who violates any provision of subsection a. of  
6 this section shall be liable to a civil penalty of not less than \$50 nor  
7 more than \$1,500, plus restitution if applicable, for each offense, to  
8 be collected in a civil action by a summary proceeding under the  
9 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
10 et seq.) or in any case before a court of competent jurisdiction  
11 wherein injunctive relief has been requested, except that any  
12 violation involving a vehicle or off-road vehicle shall be subject to  
13 the provisions of sections 31 and 32 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill) and any fees or fines  
15 collected thereunder shall be subject to the provisions of R.S.23:10-  
16 3 . The Superior Court and municipal courts shall have jurisdiction  
17 to hear and determine violations of subsection a. of this section. If  
18 the violation is of a continuing nature, each day during which it  
19 continues shall constitute an additional, separate, and distinct  
20 offense. If the violation results in pecuniary gain to the violator, or  
21 the violator willfully or wantonly causes injury or damage to  
22 property, including but not limited to natural resources, the violator  
23 shall be liable to an additional civil penalty equal to three times the  
24 value of the pecuniary gain or injury or damage to property.

25       As used in this subparagraph, "vehicle" and "off-road vehicle"  
26 shall have the meaning prescribed for those terms in section 30 of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill).

28       (b) In addition, for each subsequent violation, all license  
29 certificates required, and all privileges, to take or possess wildlife  
30 shall be suspended for a period of five years. A license certificate  
31 or privilege suspended pursuant to this subparagraph shall not be  
32 reinstated until the holder thereof has first completed, to the  
33 satisfaction of the Division of Fish and Wildlife, the approved  
34 remedial sportsmen education program established and conducted  
35 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-  
36 22.3).

37       (3) Penalties assessed pursuant to this subsection shall be in  
38 addition to any other civil or criminal penalties that may be  
39 applicable pursuant to law.

40 (cf: P.L.2005, c.330, s.2)

41

42       35. The chief administrator shall promulgate rules and  
43 regulations pursuant to the "Administrative Procedure Act,"  
44 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the  
45 purposes of this section.

46

47       36. The following section is repealed:

48       Section 4 of P.L.1973, c.307 (C.39:3C-4).



1 This bill also establishes two new penalties for any vehicle or  
2 off-road vehicle operated on public lands in violation of current law  
3 or rule or regulation adopted pursuant thereto.

4 The first new penalty applies to the operators of these vehicles or  
5 off-road vehicles. For a first offense, the operator is subject to a  
6 fine of \$250 to \$500. For a second offense, the operator is subject  
7 to a fine of \$500 to \$1,000. For a third or subsequent offense, the  
8 operator is subject to a fine of not less than \$1,000.

9 The second new penalty authorizes the enforcing agencies to  
10 impound vehicles and off-road vehicles. For a first offense, the  
11 vehicle or off-road vehicle may be impounded for at least 48 hours.  
12 The owner may reclaim it by showing proof of registration and  
13 insurance and paying a fee of \$500 to the Department of  
14 Environmental Protection (DEP), plus reasonable towing and  
15 storage costs. For a second offense, the vehicle or off-road vehicle  
16 may be impounded for not less than 96 hours. The owner may  
17 reclaim it by showing proof of registration and insurance and  
18 paying a fee of \$750 to the DEP, plus reasonable towing and  
19 storage costs. For a third offense, the impounded vehicle or off-  
20 road vehicle may be forfeited and sold at auction, and the owner  
21 shall be responsible for a fee of \$1,000 payable to the DEP, plus  
22 reasonable towing and storage costs. If the owner fails to reclaim  
23 the vehicle or off-road vehicle within 30 days it may be sold at  
24 auction. The net proceeds of the auction are to be returned to the  
25 owner or administered in accordance with the "Uniform Unclaimed  
26 Property Act." The bill includes protections for lessors.

27 This bill revises the responsibilities of the Commissioner of  
28 Environmental Protection to provide the commissioner with the  
29 responsibility to administer and enforce all statutes, permits, rules  
30 and regulations relating to snowmobiles, all-terrain vehicles, and  
31 dirt bikes on the public lands and waters owned, operated, managed,  
32 or maintained by, or under the jurisdiction of, the DEP, including  
33 any and all lands owned, operated, managed, or maintained by, or  
34 purchased jointly with, any other party such that: (1) snowmobiles,  
35 all-terrain vehicles, and dirt bikes shall be operated only on  
36 highways and roads designated and marked for such operation,  
37 unless specifically authorized by the commissioner, and (2)  
38 snowmobiles, all-terrain vehicles, and dirt bikes shall be operated  
39 only in areas designated and marked for such operation and only  
40 with a special use permit.

41 The bill also enhances the existing penalties concerning the  
42 operation of snowmobiles and all-terrain vehicles and creates the  
43 same penalties concerning the operation of dirt bikes. In doing so,  
44 this bill provides that snowmobile, all-terrain vehicle, and dirt bike  
45 operators are subject to the same penalties as motor vehicle  
46 operators.

47 The bill amends the general penalty section of the law  
48 concerning the operation of snowmobiles and all-terrain vehicles,



**S2055 GORDON, STACK**

25

1 and includes penalties concerning the operation of dirt bikes. This  
2 section establishes the scope of the fines which may be imposed for  
3 violations that do not set forth their own specific penalties. At  
4 present, the maximum fine for these types of violation is \$200. The  
5 bill increases that amount to \$500.

6 Lastly, this bill updates the statutory text to reflect the  
7 establishment of the MVC and to delete outdated references to the  
8 Division of Motor Vehicles.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2055**

# **STATE OF NEW JERSEY**

DATED: MAY 14, 2009

The Senate Environment Committee favorably reports a committee substitute for Senate Bill No. 2055.

This committee substitute would change various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the New Jersey Motor Vehicle Commission (“the commission”) to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. The committee substitute imposes upon operators of dirt bikes the same regulation as operators of snowmobiles and all-terrain vehicles. Under the committee substitute, all snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, would be required to be properly registered and numbered with the commission and all current owners of snowmobiles, all-terrain vehicles, and dirt bikes would be required to register and number their vehicles no later than six months after this bill’s effective date. A dealer would be required to require proof of registration before transferring physical possession to a purchaser. The committee substitute would increase the registration fees for snowmobiles and all-terrain vehicles and impose a registration fee on dirt bikes.

The “Off-Road Vehicle Recreational Fund,” would be created, supported by an additional \$10 fee imposed and collected by the Chief Administrator of the Motor Vehicle Commission (“chief administrator”) at the time of registration, to be used by the Department of Environmental Protection (“DEP”) for designating and maintaining sites in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes. The committee substitute provides for the designation and requires the display of numbers on snowmobiles, all-terrain vehicles, and dirt bikes in a manner prescribed by the chief administrator. The committee substitute requires the owner to demonstrate to the commission a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of any

law or any rule or regulation adopted pursuant thereto.

The first new penalty applies to the operators of these vehicles or off-road vehicles. For a first offense, the operator is subject to a fine of \$250 to \$500. For a second offense, the operator is subject to a fine of \$500 to \$1,000. For a third or subsequent offense, the operator is subject to a fine of not less than \$1,000.

The second new penalty authorizes the enforcing agencies to impound vehicles and off-road vehicles. For a first offense, the vehicle or off-road vehicle may 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 to the DEP, plus reasonable towing and storage costs. For a second offense, the vehicle or off-road vehicle may 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 to the DEP, plus reasonable towing and storage costs. For a third offense, the impounded vehicle or off-road vehicle may be forfeited and sold at auction, and the owner would be responsible for a fee of \$1,000 payable to the DEP, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle or off-road 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.

This substitute bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on the public lands and waters owned, operated, managed, or maintained by, or under the jurisdiction of, the DEP, including any and all lands owned, operated, managed, or maintained by, or purchased jointly with, any other party, and any lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64), such that: (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only on highways and roads designated and marked for such operation, unless specifically authorized by the commissioner, and (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only in areas designated and marked for such operation and only with a special use permit.

The substitute bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same penalties concerning the operation of dirt bikes. In doing so, this substitute bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators.

The committee substitute amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This

section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

This bill, if enacted into law, would take effect on the first day of the 18th month following the enactment of Senate Bill No. 1059 (SCS) of 2008.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2055**

# **STATE OF NEW JERSEY**

DATED: JUNE 22, 2009

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2055 (SCS).

Senate Bill No. 2055 (SCS) changes various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the MVC to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles.

All snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, would be required to be properly registered and numbered with the MVC no later than six months after this bill's effective date. A dealer would have to require proof of registration before transferring physical possession to a purchaser. The bill would also increase the registration fees for snowmobiles and all-terrain vehicles and impose a registration fee on dirt bikes.

The bill also establishes the "Off-Road Vehicle Recreational Fund," to be supported by an additional \$10 fee imposed and collected by the Chief Administrator of the MVC at the time of registration. The fund would be used by the Department of Environmental Protection for designating and maintaining sites in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes in a manner prescribed by the chief administrator. The owner would be required to demonstrate to the MVC a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred.

The bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of any law or any rule or regulation adopted pursuant thereto. The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same penalties concerning the operation of dirt bikes. In doing so, the bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators. The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own

specific penalties. At present, the maximum fine for these types of violations is \$200. The bill increases that amount to \$500.

The bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on public lands and waters owned, operated, managed, or maintained by, or purchased jointly with, any other party, and any lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) is unable to estimate the fiscal impact of this bill due to the fact that the number of off-road vehicles in the State subject to registration, either currently or under the bill, is unknown. Based on MVC estimates approximately 4 percent of off-road vehicles are currently legally registered.

However, the State may expect an increase in revenue since the annual registration fees of \$17 and \$12 for resident all-terrain and snowmobile vehicles, respectively, will increase to \$50 for both for a 2 year registration period. Dirt bikes, which are currently exempt from registration, would now be required to be registered for the same \$50 fee. An additional \$10 fee imposed on all off-road vehicles to be credited to the "Off-Road Vehicle Recreational Fund" should also increase State revenue. The establishment of two new penalties and the increase in existing penalties applied to all off-road vehicles should increase revenue to some extent. It is expected that the MVC will incur a minimal cost increase of approximately \$86,000 for the production of registration stickers and fee processing that will be offset by the increase in fee and penalty revenues.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2055**

with Senate Floor Amendments  
(Proposed by Senator GORDON)

ADOPTED: DECEMBER 10, 2009

This amendment incorporates the provisions of Senate Bill No. 1059 (SCS) into this bill to provide a comprehensive scheme of regulation concerning the use of snowmobiles, all-terrain vehicles, and dirt bikes. The amendment requires, within three years after enactment, the Commissioner of Environmental Protection to designate and make available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, one each in the southern, central, and northern part of the State. The amendment also provides for a preference for locations of the sites on lands that are not State parks and forests, wildlife management areas, or reservoir lands. The amendment directs the commissioner to consider: impacts to wildlife, biota, natural resources and forest resources, and water quality; the potential impacts on other authorized recreational activities that occur within the designated State park or forest; and public safety. If the commissioner is unable to designate the sites, the commissioner is required to submit a report to the Governor and the Legislature detailing the reasons why.

The amendment provides that the increase in the fees: 1) for the registration of snowmobiles, all-terrain vehicles, and dirt bikes, and 2) deposited into the "Off-Road Vehicle Recreational Fund" collected by the New Jersey Motor Vehicle Commission shall expire if the commissioner has not made substantial progress on designating and making available three sites for the use of these vehicles within three years of the bill's enactment. The amendment provides that these fees do not take effect until the first day of the third month after the commissioner has designated the first of the three sites. Likewise, the amendment delays implementation of the bill's provisions, except for the requirement that the commissioner designate the aforementioned three sites on State-owned land.

The amendment also incorporates definitions of snowmobiles, all-terrain vehicles, and dirt bikes into the Department of Environmental Protection's statutes and makes technical amendments to the bill's title and synopsis to accurately reflect the new requirements placed upon the commissioner.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 2055**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: JANUARY 12, 2010

**SUMMARY**

**Synopsis:** Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles.

**Type of Impact:** Minimal cost increase offset by revenue increase.

**Agencies Affected:** Motor Vehicle Commission, (MVC)  
 Department of the Treasury, Department of Environmental Protection

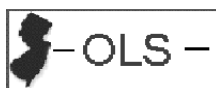
**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate - See comments below		
<b>State Revenue</b>	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) is unable to quantify and determine with any certainty the fiscal impact that this substitute bill will have on the State due to the fact that the number of off-road vehicles in the State subject to registration either currently or under the bill, is unknown. Based on MVC estimates approximately 4 percent of off-road vehicles are legally registered.
- This bill, if enacted, would take effect on the first day of the 18th month following the enactment of Senate Bill No. 1059 (SCS) of 2008.

**BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill No. 2055 of 2008 would change various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the MVC to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. The committee substitute imposes upon operators of dirt bikes the same regulation as operators of snowmobiles and all-terrain vehicles. All snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, would be required to be





properly registered and numbered with the MVC no later than six months after this bill's effective date. A dealer would have to require proof of registration before transferring physical possession to a purchaser. The committee substitute would increase the registration fees for snowmobiles and all-terrain vehicles and impose a registration fee on dirt bikes.

The "Off-Road Vehicle Recreational Fund," would be created, supported by an additional \$10 fee imposed and collected by the Chief Administrator of the MVC at the time of registration, to be used by the Department of Environmental Protection for designating and maintaining sites in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes in a manner prescribed by the chief administrator. The owner would be required to demonstrate to the MVC a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of any law or any rule or regulation adopted pursuant thereto. The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same penalties concerning the operation of dirt bikes. In doing so, the bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators. The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

The bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on public lands and waters owned, operated, managed, or maintained by, or purchased jointly with, any other party, and any lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

This proposed bill would take effect on the first day of the 18th month following the enactment of Senate Bill No. 1059 (SCS) of 2008.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Due to the very limited information available for legally registered off-road vehicles in the State, the OLS is unable to properly estimate the fiscal impact of this bill. However, the State may expect an increase in revenue since the annual registration fees of \$17 and \$12 for resident all-terrain and snowmobile vehicles, respectively, will increase to \$50 for both for a 2 year registration period. Dirt bikes, which are currently exempt from registration, would now be required to be registered for the same \$50 fee. An additional \$10 fee imposed on all off-road vehicles to be credited to the "Off-Road Vehicle Recreational Fund" should also increase State revenue. The establishment of two new penalties and the increase in existing penalties applied to all off-road vehicles should increase revenue to some extent. It is expected that the MVC will

SCS for S2055

3

incur a minimal cost increase of approximately \$86,000 for the production of registration stickers and fee processing that will be offset by the increase in fee and penalty revenues.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2055**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: JANUARY 15, 2010

**SUMMARY**

- Synopsis:** Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles; requires DEP to designate three sites on State-owned land where snowmobiles, all-terrain vehicles, and dirt bikes may be used.
- Type of Impact:** Minimal cost increase offset by revenue increase to the General Fund
- Agencies Affected:** Motor Vehicle Commission, Department of Environmental Protection, Department of the Treasury

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate
<b>State Revenue</b>	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) is unable to quantify and determine with any certainty the fiscal impact that this substitute bill will have on the State due to the fact that the number of off-road vehicles in the State subject to registration either currently or under the bill, is unknown. Based on Motor Vehicle Commission (MVC) estimates approximately 4 percent of off-road vehicles are legally registered.
- This amended bill, if enacted, provides that the increase in registration fees will expire if substantial progress is not made by the Department of Environmental Protection (DEP) on designating and making available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land.
- The State would incur some additional costs associated with the designation and maintenance of these three sites by the DEP that would be offset by the \$10 fee collected by the MVC and deposited into the “Off-Road Vehicle Recreational Fund”.

## **BILL DESCRIPTION**

This first reprint of the Senate Committee Substitute for S-2055 of 2008 would change various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the MVC to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. The committee substitute imposes upon operators of dirt bikes the same regulation as operators of snowmobiles and all-terrain vehicles. All snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, would be required to be properly registered and numbered with the MVC no later than six months after this bill's effective date. The owner would be required to demonstrate to the MVC a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred. A dealer would have to require proof of registration before transferring physical possession to a purchaser. The committee substitute would increase the registration fees for snowmobiles and all-terrain vehicles and impose a registration fee on dirt bikes.

The "Off-Road Vehicle Recreational Fund" would be created, supported by an additional \$10 fee imposed and collected by the Chief Administrator of the MVC at the time of registration, to be used by the Department of Environmental Protection for designating and maintaining sites in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes in a manner prescribed by the chief administrator.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of any law or any rule or regulation adopted pursuant thereto. The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same penalties concerning the operation of dirt bikes. In doing so, the bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators. The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

The bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on public lands and waters owned, operated, managed, or maintained by, or purchased jointly with, any other party, and any lands owned by a nonprofit organization used for recreation and conservation purposes that are exempt from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64). The bill also incorporates the definitions of snowmobiles, all-terrain vehicles, and dirt bikes into the DEP's statutes.

The Commissioner of Environmental Protection is also required to designate and make available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, one each in the southern, central, and northern part of the State. The bill provides that if substantial progress on designating and making the three sites available for the use of these vehicles is not made within three years of the bill's enactment the increase in fees will expire. The fees will not take effect until the first day of the third month after the first of the three sites has been designated. Finally, the bill provides that implementation of the bill's other provisions would be delayed if substantial progress has not been made by the commissioner on designating and making the three sites available.

## FISCAL ANALYSIS

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Due to the very limited information available for legally registered off-road vehicles in the State, the OLS is unable to properly estimate the fiscal impact of this bill. However, the State may expect an increase in revenue since the annual registration fees of \$17 and \$12 for resident all-terrain and snowmobile vehicles, respectively, will increase to \$50 for both for a 2-year registration period. Dirt bikes, which are currently exempt from registration, would now be required to be registered for the same \$50 fee. The OLS notes that the MVC's assumption of responsibility for registering potentially thousands of currently unregistered off-road vehicles will entail substantial new costs for the commission. An additional \$10 fee imposed on all off-road vehicles to be credited to the "Off-Road Vehicle Recreational Fund" may also be expected to increase State revenue. The establishment of two new penalties and the increase in existing penalties applied to all off-road vehicles should further increase revenue to some extent.

It is expected that the MVC will incur a minimal cost increase of approximately \$86,000 for the production of registration stickers and fee processing that will be offset by the increase in fee and penalty revenues. However, since the increase in fees is contingent upon the Commissioner of Environmental Protection making substantial progress on designating and making available three sites for the use of snowmobiles, all-terrain vehicles, and dirt bikes on State-owned land, there could be a delay in the receipt of this offsetting revenue.

The OLS also notes that the State would incur some additional costs associated with the designation and maintenance of these three sites by the DEP that would be defrayed by the \$10 fee collected by the MVC and deposited into the "Off-Road Vehicle Recreational Fund". In addition, those additional costs should be offset by savings realized through reduction of the need for maintenance and restoration of other public lands from which off-road vehicle operations would be diverted due to the availability of these designated sites.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
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.).