

# 39:2A-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2003                    **CHAPTER:** 13  
**NJSA:** 39:2A-1                    (“Motor Vehicle Security and Customer Service Act”)  
**BILL NO:** A3058                    (Substituted for S2121)

**SPONSOR(S):** Sires and Wisniewski

**DATE INTRODUCED:** November 25, 2002

**COMMITTEE:**                    **ASSEMBLY:** Appropriations

**SENATE:** Budget

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** January 23, 2003

**SENATE:** January 23, 2003

**DATE OF APPROVAL:** January 28, 2003

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute (1R) enacted)  
(Amendments during passage denoted by superscript numbers)

#### A3058

[SPONSOR’S STATEMENT](#): (Begins on page 96 of original bill)                    [Yes](#)

**COMMITTEE STATEMENT:**                    [ASSEMBLY:](#)                    [Yes](#)

[SENATE:](#)                    [Yes](#)

**FLOOR AMENDMENT STATEMENT:**                    No

[LEGISLATIVE FISCAL ESTIMATE:](#)                    [Yes](#)

#### S2121

[SPONSOR’S STATEMENT](#): (Begins on page 96 of original bill)                    [Yes](#)

Bill and Sponsors Statement identical to A3058

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**                    No

**SENATE:**                    Yes                    [12/12/2002 \(Trans.\)](#)  
   [01/16/2003 \(Budget\)](#)

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    Yes                    [01/06/2003](#)  
Identical to Fiscal Note to A3058  
   [02/19/2003](#)

(continued)

**VETO MESSAGE:**

No

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

Yes

**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:**

Yes

974.90 New Jersey. Fix DMV Commission.

T764 Final report to the Governor James E. McGreevey. November 7, 2002.

2002e Trenton, 2002

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"McGreevey signs DMV reform bill," 1-29-2003 Courier-Post p.9A

"McGreevey revs up plans to overhaul DMV," 1-29-2003 Star Ledger, p.17

"McGreevey signs law to overhaul DMV," 1-29-2003 TheTimes, pA5

"McGreevey signs DMV reform bill, vows action," 1-29-2003 The Record, p.A3

"Reform of motor-vehicle system becomes law," 1-29-2003 Homes News and Tribune, pA3

Title 39.  
Chapter 2A.(New)  
New Jersey Motor  
Vehicle Commission  
§§1-30,32,33,35,40,  
41,105,109,110,120,  
122,123  
C.39:2A-1  
to 39:2A-41  
§34 - C.39:3-10.17a  
§121 - C.39:3-37.1  
§126 - Repealer  
§127 - Note to all §§

P.L. 2003, CHAPTER 13, *approved January 28, 2003*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 3058

1 **AN ACT** concerning motor vehicles, abolishing the Division of Motor  
2 Vehicles in the Department of Transportation, establishing the  
3 New Jersey Motor Vehicle Commission and revising parts of the  
4 statutory law.

5

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

8

9 1. (New section) Sections 1 through 30, 32 through 35, 40, 41,  
10 105, 109, 110 and 120 through 123 of this act shall be known and  
11 may be cited as "The Motor Vehicle Security and Customer Service  
12 Act."

13

14 2. (New section) The Legislature finds and declares that:

15 a. The Division of Motor Vehicle Services (DMV) is one of the  
16 State's principal customer service agencies with regular and direct  
17 contact with virtually every citizen;

18 b. The DMV has over 15 million contacts a year with the public,  
19 including 39 million transactions, more than any other State agency;

20 c. The DMV has responsibility for issuing and certifying motor  
21 vehicle driver's licenses, ensuring the proper registration of motor  
22 vehicles, as well as conducting safety and emissions inspections of  
23 motor vehicles;

24 d. The public expects courteous, efficient and accessible service  
25 from government agencies, including the DMV;

26 e. The DMV's failed security systems are contributing to a growing  
27 national problem of identity theft that is costing New Jersey and the  
28 nation millions of dollars each week;

29 f. In the past, the DMV has been unable to deal with fraud and

**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> Senate SBA committee amendments adopted January 16, 2003.

- 1 corruption because of inadequate funding, training, security, internal  
2 controls and oversight;
- 3 g. The DMV must improve its security system and equipment, and  
4 its fraud detection, training and monitoring so that fraudulent driver's  
5 licenses, such as those used in the furtherance of terroristic activities,  
6 will be eliminated;
- 7 h. Internal audits and controls and investigations are also needed  
8 to detect patterns of fraud, theft, corruption, identity theft and  
9 mismanagement in the issuance of driver's licenses, registrations, and  
10 titles because DMV documents must be more resistant to compromise;
- 11 i. Criminals have used counterfeit passports, Social Security cards,  
12 county identification cards, pay stubs and W-2 forms to obtain  
13 fraudulent driver's licenses and identification cards in furtherance of  
14 identity-theft schemes;
- 15 j. Proper identification must be required at all phases of the  
16 licensing and driver testing process to assure that only those persons  
17 qualified to legally obtain licenses do so;
- 18 k. It is essential that DMV records be matched with Social Security  
19 Administration records in order to verify the validity of Social Security  
20 numbers in DMV databases;
- 21 l. Cameras, armed security guards, panic buttons, alarms, safety  
22 upgrades, card access systems and door replacements are needed in  
23 order to prevent fraud;
- 24 m. Employees or agents of the DMV should be required to  
25 undergo background checks and fingerprinting;
- 26 n. Cleaning crews and maintenance workers at DMV facilities must  
27 be supervised by DMV employees to ensure the security of DMV  
28 records;
- 29 o. In a time of rapidly changing information technology and  
30 Internet communications, the DMV lacks an information technology  
31 plan to bring it to the 21st Century and still operates on a decades-old  
32 computer network with patchwork hardware, antiquated software and  
33 obsolete display terminals that lack processing abilities;
- 34 p. Previous DMV efforts to implement complex technological  
35 mandates have failed, due to bureaucratic mismanagement, inefficient  
36 planning and inadequate oversight, as characterized by reports of the  
37 State Commission of Investigation;
- 38 q. The DMV has become a reactive agency, struggling to keep up  
39 with the demands of newly legislated responsibilities, and without the  
40 necessary resources to prevent fraud and corruption at its front-line  
41 agencies and without the ability to provide even adequate service to  
42 its six million customers;
- 43 r. The DMV needs a strategic business plan, which is a key to the  
44 operation of an agency, and must work within the confines of such  
45 plan in an effort to adopt best practices, improve customer service and  
46 gain back the confidence of New Jersey citizens and the Legislature;

- 1 s. The DMV's privatization of some of its agencies in July 1995  
2 has created poor, disjointed and confused service delivery without  
3 consistency among the agencies in terms of policies and procedures,  
4 which has led to confusion and frustration in the minds of New Jersey  
5 citizens;
- 6 t. The DMV privatization has also resulted in poorly paid  
7 employees who have received inadequate benefits, resulting in a high  
8 turnover rate at DMV agencies;
- 9 u. A major benefit to a State-operated DMV system is the ability  
10 to centralize anti-fraud policies and procedures;
- 11 v. Historically, the privately-operated local motor vehicle agencies  
12 have been plagued with long lines, poor customer service and  
13 inadequate business practices that have routinely caused network  
14 delays and failures for hours at a time;
- 15 w. The DMV would be in a better position to plan for long-term  
16 improvements, replacements and daily operations if it had a dedicated  
17 and consistent source of funding;
- 18 x. In order to address the various problems with the DMV, a "FIX  
19 DMV Commission" was formed on April 25, 2002, by Governor's  
20 Executive Order Number 19 to conduct a comprehensive review of the  
21 DMV and to make recommendations on the restructuring and  
22 reorganization of the agency;
- 23 y. The "FIX DMV Commission" has reported that the DMV is in  
24 crisis and has recommended that a New Jersey Motor Vehicle  
25 Commission be formed in, but not of, the Department of  
26 Transportation to replace the current New Jersey Division of Motor  
27 Vehicles with the purposes of: (1) identifying and regulating drivers  
28 and motor vehicles to deter unlawful and unsafe acts; (2) identifying  
29 and correcting vehicle defects and limiting the amount of vehicle-  
30 produced air pollution; (3) focusing on and responding to customer  
31 service and security issues; and (4) effectuating change by bringing  
32 greater attention and resources to the needs of the organization;
- 33 z. It is therefore in the public interest to create a New Jersey  
34 Motor Vehicle Commission, the duties of which would include, but not  
35 be limited to: (1) addressing the multitude of functions assigned to it  
36 while curtailing fraudulent and criminal activities that present threats  
37 to the State's security system; (2) following a multi-year strategic  
38 business plan that is constantly reviewed and updated, thus avoiding  
39 the need for the cyclical reforms that have characterized its history;  
40 and (3) conducting operations on a fiscal year budget, controlling fees  
41 sufficient to fund the budget, adopting regulations regarding processes  
42 and fees; and implementing an annual strategic business plan.
- 43
- 44 3. (New section). As used in this act:
- 45 "Agency" or "motor vehicle agency" means that enterprise run by  
46 an agent designated by the commission to be the commission's agent

1 for the registering of motor vehicles, issuing registration certificates  
2 and licensing of drivers, as provided in R.S.39:3-3 and R.S.39:10-25.

3 "Agent" or "Motor Vehicle Agent" means a person designated as  
4 agent in R.S.39:3-3 and R.S.39:10-25.

5 "Chair" means the chair of the commission.

6 "Chief Administrator" or "administrator" means the chief  
7 administrator of the commission.

8 "Commission" means the New Jersey Motor Vehicle Commission  
9 established and created by section 4 of this act.

10 "Commissioner" means the Commissioner of Transportation of this  
11 State.

12 "Department" means the Department of Transportation of this  
13 State.

14 "Deputy Chief Administrator" or "deputy administrator" means the  
15 deputy chief administrator of the commission <sup>1</sup>and all references in any  
16 law, rule, regulation or order to the Deputy Director of the division  
17 shall mean and refer to the deputy administrator<sup>1</sup>.

18 "Director" means the Director of the Division of Motor Vehicles.

19 "Division" or "DMV" means the Division of Motor Vehicles in the  
20 Department of Transportation.

21 "Service charge" means an amount charged by the commission for  
22 services rendered, which includes all new fees and surcharges,  
23 increases in existing <sup>1</sup>[statutory]<sup>1</sup> fees and surcharges <sup>1</sup>[as set by  
24 regulation]<sup>1</sup>, and such amounts as provided in section 105 of P.L. ,  
25 c. (C. )(now before the Legislature as this bill). Service charges  
26 are revenue of the commission and are not subject to appropriation as  
27 Direct State Services by the Legislature.

28

29 4. (New section) a. There is hereby established a body corporate  
30 and politic, with corporate succession, to be known as the "New  
31 Jersey Motor Vehicle Commission." The commission shall be  
32 established in the Executive Branch of the State Government and for  
33 the purposes of complying with the provisions of Article V, Section  
34 IV, paragraph 1 of the New Jersey Constitution<sup>1</sup>[. The], the<sup>1</sup>  
35 commission is allocated, in but not of, the Department of  
36 Transportation, but notwithstanding this allocation, the commission  
37 shall be independent of any supervision and control by the department  
38 or by any board or officer thereof. The commission is hereby  
39 constituted as an instrumentality of the State exercising public and  
40 essential governmental functions, and the exercise by the commission  
41 of the powers conferred by this act shall be deemed and held to be an  
42 essential governmental function of the State. <sup>1</sup>[The commission shall  
43 be treated and accounted for as a separate legal entity with its separate  
44 purposes as set forth in this act.]<sup>1</sup>

45 b. The Division of Motor Vehicles, transferred to the Department  
46 of Transportation pursuant to Reorganization Plan No. 002-1995, is

1 abolished as a division in the Department of Transportation, and all of  
2 its functions, powers and duties, except as herein otherwise provided,  
3 are transferred to, and are continued in the commission and shall be  
4 exercised by the chief administrator of the commission. Unless  
5 otherwise specified in this act, this transfer shall be subject to the  
6 provisions of the "State Agency Transfer Act," P.L.1971, c.375  
7 (C.52:14D-1 et seq.). All records, equipment and other personal<sup>1</sup>  
8 property, appropriations, and any unexpended balances of funds  
9 appropriated or otherwise available to the division, shall be transferred  
10 to the commission pursuant to the "State Agency Transfer Act."

11 c. Whenever any law, rule, regulation, order, contract, tariff,  
12 document, reorganization plan, judicial, or administrative proceeding  
13 or otherwise thereunder, refers to the Division of Motor Vehicles in  
14 the Department of Law and Public Safety or in the Department of  
15 Transportation, or to the director thereof, the reference shall mean and  
16 refer to the commission, unless otherwise stated in this act.

17 d. Regulations adopted by the division shall continue with full force  
18 and effect until amended or repealed pursuant to law.

19 e. The commission shall operate on a fiscal year budget cycle.

20 f. The commission shall continue in existence until dissolved by act  
21 of the Legislature. However, any dissolution of the commission shall  
22 be on condition that the commission has no debts, contractual duties  
23 or obligations outstanding, or that provision has been made for the  
24 payment, discharge or retirement of these debts, contractual duties or  
25 obligations. Upon any dissolution of the commission, all property,  
26 rights, funds and assets thereof shall pass to and become vested in the  
27 State.

28

29 5. (New section) a. Upon the abolishment of the division, all  
30 career service employees serving in the division on that date shall be  
31 employees of the commission and shall be transferred to the  
32 commission pursuant to the "State Agency Transfer Act," P.L.1971,  
33 c.375 (C.52:14D-1 et seq.) and shall retain their present career service  
34 employment status and their collective bargaining status, including all  
35 rights of tenure, retirement, pension, disability, leave of absence, or  
36 similar benefits. Future employees of the commission shall be hired  
37 consistent with the provisions of Title 11A of the New Jersey Statutes  
38 and the rules promulgated thereunder.

39 b. Upon action of the commission, all agency employees shall  
40 become employees of the commission. Such employees shall be  
41 assigned to appropriate titles by the Department of Personnel. Those  
42 private motor vehicle agency employees who were employed by the  
43 agency on or before January 1, 2003 and who are assigned to career  
44 service titles upon employment with the commission shall, upon  
45 completion of the special probationary period described in section 7 of  
46 this act, attain permanent, regular appointments in their respective

1 titles. No special probationary period shall be required for those who  
2 have previously completed a probationary period during their previous  
3 State service employment. Except for managerial and confidential  
4 employees as defined by the "New Jersey Employer - Employee  
5 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), such employees  
6 shall be covered under the State of New Jersey's collective bargaining  
7 agreements and shall obtain all employment and collective bargaining  
8 rights consistent therewith.

9 c. Officers and employees of the commission shall be enrolled in  
10 the Public Employees' Retirement System and shall be eligible to  
11 participate in the State Health Benefits Program established pursuant  
12 to the "New Jersey State Health Benefits Program Act," P.L.1961,  
13 c.49 (C.52:14-17.25 et seq.)  
14

15 6. (New section) a. Notwithstanding the provisions of Title 11A  
16 of the New Jersey Statutes and rules promulgated thereunder to the  
17 contrary, employees of a private motor vehicle agency who were  
18 employed with that agency immediately after serving in the division  
19 prior to its privatization, shall, upon returning to State service as  
20 employees of the commission, receive civil service seniority credit for  
21 all years of employment service retroactive to the date upon which  
22 they commenced State employment prior to employment with the  
23 private motor vehicle agency. These employees shall also receive civil  
24 service seniority credit for all years of employment with the private  
25 motor vehicle agency as if the employment were total and continuous.

26 b. Employees employed by the private motor vehicle agency who  
27 enter State service as employees of the commission but who have no  
28 prior State service shall receive civil service seniority credit for all  
29 years of employment with the private motor vehicle agency.

30 c. Civil service seniority credit for all employees referred to in  
31 subsections a. and b. of this section shall only be used to determine  
32 seniority credit for layoff and promotional purposes and accrual of  
33 paid leave.

34 d. Accumulated sick and vacation leave for employees entering or  
35 returning to State service as provided in subsections a. and b. of this  
36 section shall be transferred and credited to their State leave accounts  
37 immediately upon their return to State service.  
38

39 7. (New section) Notwithstanding the provisions of Title 11A of  
40 the New Jersey Statutes and the rules promulgated thereunder to the  
41 contrary, all employees entering or returning to State service other  
42 than those on a Special Reemployment List as employees of the  
43 commission following employment with a private motor vehicle  
44 agency, who have been employed with the private motor vehicle  
45 agency on or before January 1, 2003, and assigned to the career  
46 service shall be subject to a special probationary period unless they



1 have already completed a probationary period during their previous  
2 State service employment. The special probationary period shall have  
3 a duration of six months from the date that the employees enter or  
4 return to State service as employees of the commission. Each  
5 employee's work performance shall be evaluated to determine whether  
6 the employee can satisfactorily perform the duties of the title to which  
7 the employee is appointed and progress reports shall be provided to  
8 the employee as provided by the rules of the Merit System Board in  
9 the Department of Personnel. An employee who is determined to have  
10 satisfactorily performed the duties of the employee's career service  
11 title shall attain permanent status in that title at the conclusion of the  
12 special probationary period. An employee who is determined not to  
13 have satisfactorily performed the duties of that title during or at the  
14 conclusion of the special probationary period shall be immediately  
15 separated from State service and shall not have any right of appeal  
16 regarding the separation to the Merit System Board.

17

18 8. (New section) Notwithstanding the provisions of Title 11A of  
19 the New Jersey Statutes and the rules promulgated thereunder to the  
20 contrary, the employees entering or returning to State service as  
21 employees of the commission in career service titles following  
22 employment with a private motor vehicle agency, shall receive a salary  
23 commensurate with total years of service as determined by the  
24 commission in the salary range assigned to the career service titles to  
25 which they have received an appointment.

26

27 9. (New section) a. Notwithstanding the provisions of Title 11A  
28 of the New Jersey Statutes and the rules promulgated thereunder to  
29 the contrary, employees entering State service other than those on a  
30 Special Reemployment List as employees of the commission in career  
31 service titles following employment after January 1, 2003 with a  
32 private motor vehicle agency shall be considered provisional  
33 employees subject to competitive testing.

34 b. Notwithstanding the provisions of Title 11A of the New Jersey  
35 Statutes and the rules promulgated thereunder, employees entering  
36 State service as provided in subsection a. of this section shall not be  
37 subject to displacement by persons on preexisting Special  
38 Reemployment Lists. Special Reemployment Lists for applicable titles  
39 shall be used only to fill vacant positions in the commission.

40

41 10. (New section) The Deputy Chief Administrator shall assist the  
42 administrator in the day-to-day administration of the commission and  
43 shall have all of the powers and duties of the administrator, as  
44 authorized and assigned by the administrator.

45 The deputy administrator shall carry out all of the administrator's  
46 duties and responsibilities during the administrator's absence,

1 disqualification or inability to serve, and shall perform such other  
2 duties and responsibilities as the administrator shall determine and  
3 assign. The deputy administrator shall serve at the pleasure of the  
4 administrator and shall receive such salary as fixed by the  
5 administrator in accordance with the table of organization. The deputy  
6 administrator shall be in the State unclassified service.

7  
8 11. (New section) Except as otherwise provided by law, the  
9 administrator shall be considered the "appointing authority" for the  
10 commission within the contemplation of the civil service laws and the  
11 table of organization. The administrator may delegate such appointing  
12 authority to the deputy administrator as he deems necessary.

13  
14 12. (New section) a. The commission shall consist of the  
15 following eight members:

16 (1) The Commissioner of Transportation, who shall serve as an ex  
17 officio voting member;

18 (2) The State Attorney General, who shall serve as an ex officio  
19 voting member;

20 (3) The Chair of the commission who shall be a nonvoting member.  
21 The Chair shall be appointed by the Governor with the advice and  
22 consent of the Senate. The Chair shall serve at the pleasure of the  
23 Governor during the Governor's term of office, and shall receive such  
24 salary as shall be fixed by the Governor which is not greater than the  
25 salary of a cabinet-level official of the State. Prior to nomination, the  
26 Governor shall cause the Attorney General to conduct an inquiry into  
27 the nominee's background, financial stability, integrity and  
28 responsibility and reputation for good character, honesty and integrity.  
29 The person appointed and serving as Chair shall also be Chief  
30 Administrator of the commission and shall devote full time to the  
31 performance of his duties. The Chief Administrator shall be in the  
32 State unclassified service.

33 Notwithstanding the provisions of this section to the contrary, the  
34 person in office as the Director of the Division of Motor Vehicles in  
35 the Department of Transportation on the effective date of this section  
36 shall be the first Chair of the commission without the further  
37 requirement of the advice and consent of the Senate and shall also be  
38 the first Chief Administrator of the commission;

39 (4) The State Treasurer, who shall serve as an ex officio voting  
40 member; and

41 (5) Four public members who shall be appointed by the Governor  
42 with the advice and consent of the Senate, not more than two of whom  
43 shall be of the same political party. The public members shall be  
44 voting members and serve for a term of four years. These members  
45 shall be New Jersey residents who shall provide appropriate  
46 geographic representation from throughout the State and who shall

1 have experience and familiarity with public safety, customer service,  
2 security, or business operations. At least one member shall reside in a  
3 northern county (Bergen, Essex, Hudson, Morris, Passaic, Union,  
4 Sussex and Warren ), at least one member shall reside in a central  
5 county (Hunterdon, Mercer, Middlesex, Monmouth and Somerset),  
6 and at least one member shall reside in a southern county (Atlantic,  
7 Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and  
8 Salem).

9 b. Initial appointments of public members to the commission shall  
10 be for terms as follows: one member for four years, one member for  
11 three years, one member for two years, and one member for one year.  
12 After the initial appointments, all public members shall be appointed  
13 for terms of four years; and may be appointed for any number of  
14 successive terms. A member's term shall be deemed to commence on  
15 January 1 of the year in which the member is appointed. The  
16 commission may elect a secretary and a treasurer, who need not be  
17 members, and the same person may be elected to serve both as  
18 secretary and treasurer.

19 c. Each ex officio member of the commission may designate two  
20 employees of the member's department or agency, who may represent  
21 the member at meetings of the commission. A designee may lawfully  
22 vote and otherwise act on behalf of the member. The designation shall  
23 be in writing delivered to the commission and shall continue in effect  
24 until revoked or amended by writing delivered to the commission.

25 d. Each public member shall continue in office after the expiration  
26 of the member's term until a successor is appointed and qualified. The  
27 successor shall be appointed in like manner for the unexpired term  
28 only.

29 e. A vacancy in the membership of the commission occurring other  
30 than by expiration of term shall be filled in the same manner as the  
31 original appointment, but for the unexpired term only.

32  
33 13. (New section) a. In addition to any powers and duties  
34 conferred upon it elsewhere in this act, the commission shall be  
35 authorized to:

36 (1) Make, amend and repeal bylaws not inconsistent with State and  
37 federal law;

38 (2) Adopt an official seal;

39 (3) Maintain an office at such place or places within the State as it  
40 may designate;

41 (4) <sup>1</sup>[ Sue and be sued;

42 (5)]<sup>1</sup> Apply for and accept grants from the State or federal  
43 government, or any agency thereof, or grants, gifts or other  
44 contributions from any foundation, corporation, association or  
45 individual, or any private source, and comply with the terms,  
46 conditions and limitations thereof, as necessary and proper to carry out

1 the purposes of this act;

2 <sup>1</sup>[(6)] (6)<sup>1</sup> Impose, revise, and collect service charges, as needed by  
3 regulation, consistent with the provisions of this act and any other  
4 provision of law;

5 (7) Set and collect rentals, fees, charges or other payments from  
6 the lease, use, occupancy or disposition of properties owned or leased  
7 by the commission; such revenues shall be available to the commission  
8 for its purposes;

9 (8)] (5)<sup>1</sup> Delegate to the administrator and any other officers of  
10 the commission such powers and duties as necessary and proper to  
11 carry out the purposes of this act;

12 <sup>1</sup>[(9)] (6)<sup>1</sup> Operate, lease, license or contract in such manner as to  
13 produce revenue for the commission, as provided in this act;

14 <sup>1</sup>[(10)] (7)<sup>1</sup> Accept and use any funds available to the commission;

15 <sup>1</sup>[(11)] (8)<sup>1</sup> Enter into agreements or contracts to pay for services  
16 rendered from any public or private entity, and receive payment for  
17 services rendered to any public or private entity;

18 <sup>1</sup>[(12)] Issue short-term notes of no more than one year in duration  
19 and pay any related costs or obligations, in order to provide for  
20 effective cash flow management. Such short-term notes shall be issued  
21 in such amounts as necessary, and on such terms and conditions, sold  
22 in such manner and at such prices, bearing interest at such fixed or  
23 variable rates, renewable at such time or times, and entitled to such  
24 security, and using such paying agents, as the commission shall  
25 determine;]<sup>1</sup> and

26 <sup>1</sup>[(13)] (9)<sup>1</sup> Enter into agreements or contracts, execute any and  
27 all instruments, and do and perform acts or things necessary,  
28 convenient or desirable for the purposes of the commission, or to carry  
29 out any power expressly or implicitly given in this act.

30 b. The commission is further authorized to:

31 (1) Review and approve a statement of the vision, mission, and  
32 goals of the commission, as submitted by the administrator;

33 (2) Review and approve the strategic business plan of the  
34 commission which shall include the commission's long-term objectives,  
35 policies, and programs, including a facilities improvement and  
36 management plan and a table of organization, as submitted by the  
37 administrator;

38 (3) Review and approve the annual budget of the commission as  
39 submitted by the administrator and ensure that projected revenues and  
40 service charges are sufficient to adequately fund the commission both  
41 in the short and long-term;

42 (4) Receive reports and recommendations from the Advisory  
43 Councils created pursuant to this act and provide policy direction  
44 related thereto to the administrator;

45 (5) Review and recommend all capital purchases and construction  
46 projects undertaken by the commission;

1 (6)<sup>1</sup> [Authorize all commission notes or other obligations; and  
2 (7)]<sup>1</sup> Review any proposed bill, joint resolution or concurrent  
3 resolution introduced in either House of the Legislature which  
4 establishes or modifies any motor vehicle statute or regulation in this  
5 State. Such a review shall include, but not be limited to, an analysis  
6 of the fiscal impact of the bill or resolution on the commission and any  
7 comments upon or recommendations concerning the legislation  
8 including rejection, modification or approval. Additionally, the  
9 commission shall suggest alternatives to the legislation which it deems  
10 may be appropriate<sup>1</sup> [.] and

11 (7) Recommend to the Governor and the Legislature any statutory  
12 changes it deems appropriate, including, but not limited to, any  
13 revisions to fees or service charges or changes to programs, in order  
14 to insure the proper functioning and operation of the commission.<sup>1</sup>

15 c. Except as provided in this section and section 21 of this act, all  
16 administrative functions, powers and duties of the commission may be  
17 exercised by the administrator and any reference to the commission in  
18 any law, rule or regulation may for this purpose be deemed to refer to  
19 the administrator.

20

21 14. (New section) The commission shall elect annually, by a  
22 majority of the full membership of the commission, one of its  
23 members, other than the Chair, to serve as Vice-Chair for the ensuing  
24 year. The Vice-Chair shall hold office until January 1 next ensuing.  
25 The Vice-Chair, acting in the capacity of presiding officer, shall carry  
26 out all of the responsibilities of the Chair of the commission during the  
27 Chair's absence, disqualification, or inability to serve.

28

29 15. (New section) Members other than those serving ex officio  
30 shall serve without compensation, but the commission shall reimburse  
31 commission members for actual expenses necessarily incurred in the  
32 discharge of their duties.

33

34 16. (New section) a. The commission shall meet monthly or at  
35 more frequent times at the discretion of the Chair or as a majority of  
36 the commission shall decide. Meetings of the commission shall be held  
37 at such times and places as the Chair may deem necessary and  
38 convenient.

39 b. The meetings shall be subject to the provisions of the "Open  
40 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

41 c. Any other law, rule or regulation to the contrary  
42 notwithstanding, the commission shall take all necessary steps to  
43 ensure that all interested persons are given adequate notice of  
44 commission meetings and the agenda of such meetings, through the  
45 utilization of media engaged in the dissemination of information.

46 d. The powers of the commission shall be vested in the members

1 thereof. Four members of the commission shall constitute a quorum  
2 at any meeting. Actions may be taken and motions and resolutions  
3 adopted by the commission by the affirmative vote of at least four  
4 members. No vacancy in the membership of the commission shall  
5 impair the right of a quorum to exercise all the rights and perform all  
6 the duties of the commission.

7  
8 17. (New section) A true copy of the minutes of every meeting of  
9 the commission shall be delivered by and under the certification of the  
10 secretary of the commission, without delay, to the Governor. No  
11 action taken at the meeting shall have force or effect until 10 days,  
12 Saturdays, Sundays, and public holidays excepted, after the minutes  
13 are delivered, unless during the 10-day period the Governor approves  
14 the minutes, in which case the action shall become effective upon  
15 approval. If, in that 10-day period, the Governor returns copies of the  
16 minutes with a veto of any action taken by the commission or any  
17 member, the action shall be null and void and of no effect.

18 <sup>1</sup>[The powers conferred in this section upon the Governor shall be  
19 exercised with due regard for the rights of the holders of notes or  
20 other obligations of the commission at any time outstanding, and  
21 nothing in, or done pursuant to, this section shall in any way limit,  
22 restrict or alter the obligation or powers of the commission or any  
23 representative or officer of the commission to carry out and perform  
24 in every detail each and every covenant, agreement or contract at any  
25 time made or entered into by or on behalf of the commission with  
26 respect to its notes or other obligations or for the benefit, protection  
27 or security of the holders thereof.]<sup>1</sup>

28  
29 18. (New section) Members of the commission shall be subject to  
30 the provisions of the "New Jersey Conflicts of Interest Law,"  
31 P.L.1971, c.182 (C.52:13D-12 et seq.).

32  
33 19. (New section) Each appointed member of the commission may  
34 be removed from office by the Governor for cause, after a public  
35 hearing and may be suspended by the Governor pending the  
36 completion of the hearing. Before assuming the duties of commission  
37 membership, each member shall take and subscribe an oath to perform  
38 the duties of the office faithfully, impartially and justly to the best of  
39 the member's ability. A record of the oaths shall be filed in the office  
40 of the Secretary of State.

41  
42 20. (New section) The commission may, in acceptance of payment  
43 of any fees, fines, penalties, surcharges, service charges or other  
44 charges, authorize the use of a credit or debit card or any other  
45 electronic payment device.

1       21. (New section) The commission shall adopt all rules and  
2 regulations in accordance with the "Administrative Procedure Act,"  
3 P.L.1968, c.410 (C.52:14B-1 et seq.) for the proper functioning of the  
4 commission, and as necessary to effectuate the purposes of this act,  
5 except for those relating to the internal governance of the commission  
6 adopted by the administrator. Current rules and regulations of the  
7 division shall remain in full force and effect until such time as they are  
8 repealed or amended by the commission or in accordance with any  
9 other law.

10  
11       22. (New section) a. On or before September 30 of each year, the  
12 commission shall file with the Governor and the presiding officer of  
13 each House of the Legislature a report setting forth the operational,  
14 capital and financial expenditures of the previous year, the operational,  
15 capital and financial plan, and the table of organization and staffing  
16 plan, for the current year and a proposed operational, capital and  
17 financial plan for the next ensuing year. <sup>1</sup>The report may include  
18 recommendations for revisions to fees or service charges which the  
19 commission deems appropriate.<sup>1</sup>

20       The commission shall include in this report the latest audited annual  
21 financial statement. In this statement, the commission shall disclose  
22 all revenues remitted to the commission and provide a detailed listing  
23 of the various categories in which it receives revenue, including any  
24 surplus revenue from the prior year.

25       b. The commission shall cause a financial audit of its books and  
26 accounts to be made at least once each year by certified public  
27 accountants and a copy thereof shall be filed with the State Treasurer.

28       c. On or before September 30 and March 30 of each year, the  
29 commission shall file with the Governor and the presiding officer of  
30 each House of the Legislature a report providing an assessment of the  
31 quality of service provided by the commission and a description of any  
32 security improvements made by the commission in the prior six month  
33 period and those anticipated in the current six month period.

34       To the extent practicable, the report also shall include data setting  
35 forth in detail the number of transactions annually performed at each  
36 commission agency or facility and by other means including, but not  
37 limited to, electronic transactions. This portion of the report also shall  
38 disclose, to the extent practicable, the average waiting time to process  
39 a transaction at each commission agency or facility and, where  
40 applicable, through other means. If the commission determines that it  
41 is not able to ascertain these data for inclusion in the six month  
42 report, the report shall set forth the reasons the data could not be  
43 included and provide a date by which the commission reasonably  
44 estimates that it will be able to provide these data.

45       In addition, the report shall include the number of criminal  
46 complaints filed against any commission employee or any other person,

1 in connection with commission related activity. Complaints which are  
2 determined to be unfounded shall not be included. The report shall set  
3 forth the various crimes and offenses for which complaints were filed  
4 against any commission employee or in connection with any  
5 commission activity.

6  
7 23. (New section) Members, officers and employees of the  
8 commission shall not be liable in an action for damages to any person  
9 for any action taken or recommendation made within the scope of their  
10 employment as a member, officer or employee if the action or  
11 recommendation was taken or made without malice. The members of  
12 the commission shall be indemnified and their defense of any action  
13 provided for in the same manner and to the same extent as employees  
14 of the State under the "New Jersey Tort Claims Act," P.L.1972, c.45  
15 (C.59:1-1 et seq.) on account of acts or omissions in the scope of their  
16 employment.

17  
18 24. (New section) <sup>1</sup>[All] As the commission is a State agency, all<sup>1</sup>  
19 absolute and qualified immunities and defenses provided to public  
20 entities and public employees by the New Jersey Tort Claims Act,"  
21 P.L.1972, c.45 (C.59:1-1 et seq.), the "New Jersey Contractual  
22 Liability Act," P.L.1972, c.45 (C.59:13-1 et seq.), and any other law  
23 shall apply to all interests held and activities performed by the  
24 commission and its employees pursuant to this act.

25  
26 25. (New section) The Attorney General shall provide legal  
27 representation to the commission and its employees to the same extent  
28 as representation is provided to <sup>1</sup>other <sup>1</sup>State agencies and their  
29 employees.

30  
31 26. (New section) There are created within the commission five  
32 advisory councils, which shall provide the commission with advice,  
33 technical expertise, information, guidance, and recommendations in  
34 four general areas. The commission shall designate the appropriate  
35 State and local government representatives, interest group  
36 representatives, technical experts, and constituent representatives as  
37 appropriate to serve on the councils, with no council having more than  
38 five members. Federal government representatives and representatives  
39 of national organizations shall be asked to serve, and if willing, shall  
40 be designated by the commission to serve. All council members shall  
41 be designated by commission action and shall serve on rotating terms  
42 so as to provide stability and continuity on each council. The Chair,  
43 or the Chair's designee, shall serve on each council. The councils shall  
44 meet and report to the commission monthly, or as frequently as the  
45 commission requests. The councils are as follows:

46 a. The Safety Advisory Council, which shall advise the commission



1 regarding its policies, operating practices, regulations and standards  
2 in regard to driver, motor vehicle and traffic safety and consider new  
3 initiatives or legislation to enhance the safety of the motoring public.

4 b. The Customer Service Advisory Council, which shall advise the  
5 commission regarding its policies, operating practices, employee  
6 communications, regulations, and standards in providing appropriate  
7 customer service. The council shall: examine benchmarking  
8 performance and level of service standards for the Telephone Center;  
9 examine internal communications to ensure consistency and systematic  
10 application; make recommendations regarding marketing and the  
11 dissemination of information to the public to re-establish a robust  
12 marketing and public information program which informs and educates  
13 public consumers; and advise on all aspects of customer service at the  
14 commission.

15 c. The Security and Privacy Advisory Council, which shall: advise  
16 the commission as to how to effectively maintain its system and  
17 business processes in the securest manner; help it to address its most  
18 serious security breaches; advise as to new or modified programs  
19 needed to achieve heightened security; recommend methods to curtail  
20 fraudulent and criminal activities that present threats to the State's  
21 security as well as measures to protect the privacy of driver  
22 information, including but not limited to the Driver's Privacy  
23 Protection Act of 1994, Pub.L.103-322.

24 d. The Business Advisory Council, which shall advise the  
25 commission on improvements in the commission's business practices  
26 which affect its public and private partners, regulated entities, interest  
27 groups, businesses, and constituents in providing motor vehicle  
28 services.

29 e. The Technology Advisory Council, which shall advise the  
30 commission on the latest and best technological services and  
31 equipment to ensure continued modernization of the commission's  
32 facilities, equipment, operations, security, and customer service.

33

34 27. (New section) The administrator is directed to immediately  
35 commence a study on the location and adequacy of agency facilities.  
36 Special attention shall be paid to siting agencies which are accessible  
37 to transit and parking facilities. The study shall examine the  
38 affordability and practicality of using smaller satellite offices. The  
39 study shall reexamine the location and number of the commission's  
40 regional service centers. The study shall reevaluate the core business  
41 practices used in the administration of motor vehicle services and so  
42 report to the commission.

43

44 28. (New section) In addition to any powers and duties otherwise  
45 imposed by this act, the administrator shall have general responsibility  
46 for the implementation of this act, and shall, without limitation:

- 1 a. Perform, exercise and discharge the functions, powers and duties
- 2 of the commission through such offices as may be established by this
- 3 act or otherwise by law;
- 4 b. Administer and organize the work of the commission in such
- 5 organizational units, and from time to time alter the plan of
- 6 organization as deemed expedient, as necessary for the secure,
- 7 efficient and effective operation of the commission;
- 8 c. Appoint, remove and fix the compensation of subordinate
- 9 officers and other personnel employed by the commission in
- 10 accordance with the commission's table of organization, except as
- 11 herein otherwise specifically provided;
- 12 d. Appoint, remove, and fix the compensation and terms of
- 13 employment of the deputy administrator, who shall serve in the State
- 14 unclassified service, in accordance with the commission's table of
- 15 organization;
- 16 e. Organize and maintain an administrative office and employ
- 17 therein such secretarial, clerical and other assistants in the commission
- 18 as the internal operations of the commission may require;
- 19 f. Formulate and adopt rules and regulations for the efficient
- 20 conduct of the work and general administration of the commission, its
- 21 officers and employees;
- 22 g. Prepare an annual budget, and submit it to the commission;
- 23 h. Prepare annually, a strategic business plan and submit it to the
- 24 commission, including a facilities improvement and management plan
- 25 and a table of organization;
- 26 i. Institute or cause to be instituted such legal proceedings or
- 27 processes as may be necessary to properly enforce and give effect to
- 28 any of the powers or duties of the administrator;
- 29 j. Report as the Governor shall from time to time request or as may
- 30 be required by law;
- 31 k. Collect all fees, fines, penalties, surcharges, service charges and
- 32 other charges imposed by this act and the regulations issued pursuant
- 33 thereto or pursuant to law;
- 34 l. Develop and maintain a master list of all assets;
- 35 m. Oversee the implementation of the facilities improvement and
- 36 management plan, in consultation with the State Treasurer; and
- 37 n. Perform such other functions as may be prescribed in this act or
- 38 by any other law or by the commission.
- 39
- 40 29. (New section) The administrator, and the deputy administrator
- 41 under the direction of the administrator, shall have as their immediate
- 42 goal the improvement of the safety and security of the State's motor
- 43 vehicle licensing, registration, titling and inspection system and to this
- 44 end are authorized to:
- 45 a. Make technological improvements, including the modernization
- 46 of software and hardware, the addition of surveillance cameras,

- 1 alarms, and access systems, and the utilization of biometrics;
- 2 b. Increase the number of audit staff, security guards, and other
- 3 security-related employees;
- 4 c. Improve training and monitoring procedures;
- 5 d. Utilize document imaging from the field;
- 6 e. Integrate the New Jersey title database with the National Motor
- 7 Vehicle Title Information System;
- 8 f. Improve license plate management, including an automated
- 9 inventory system and reissuance program;
- 10 g. Acquire the ability to access State vital statistics data to
- 11 immediately update driver's license information;
- 12 h. Implement additional proofs of identity verification for a non-
- 13 driver identification card, driver's license, permits, and registrations;
- 14 i. Implement card access systems, clear visibility barriers and door
- 15 replacements where needed;
- 16 j. Replace the written driver's license knowledge test with an online
- 17 test;
- 18 k. Increase the use of credit or debit cards or any other electronic
- 19 payment device;
- 20 l. Increase the use of scanned documents;
- 21 m. Match motor vehicle records with Social Security records to
- 22 verify Social Security numbers in the motor vehicle database, to the
- 23 extent allowable; and
- 24 n. Seek the assistance of the Immigration and Naturalization
- 25 Service to verify authenticity of motor vehicle applicants and their
- 26 eligibility for documents.
- 27
- 28 30. (New section) a. There is created a task force to be known as
- 29 the "Motor Vehicles Affordability & Fairness Task Force" to study the
- 30 impact of the current point system and non-driving related suspension
- 31 of driving privileges, in particular, the Merit Rating Plan Surcharges,
- 32 on the driving public and make recommendations for the reform of the
- 33 surcharge suspension program to increase motorist safety. In addition,
- 34 the task force shall examine the "The Parking Offenses Adjudication
- 35 Act," P.L.1985, c.14 (C.39:4-139.2 et seq.) and municipal court
- 36 processes related thereto, as well as court actions on surcharge
- 37 assessments and license suspensions related to nonpayment of fines or
- 38 tickets as well as motor vehicle moving violations.
- 39 b. The task force shall consist of 19 members as follows: the
- 40 Commissioner of Transportation, ex officio, or a designated
- 41 representative; the Chair of the New Jersey Motor Vehicle
- 42 Commission, ex officio or a designated representative; a representative
- 43 of the Administrative Office of the Courts; the Director of the Office
- 44 of Highway Traffic Safety, in the Department of Law and Public
- 45 Safety, ex officio, or a designated representative; the Director of the
- 46 Division of Insurance in the Department of Banking and Insurance, ex

1 officio, or a designated representative; the Chairperson of the State  
2 Employment and Training Commission, ex officio or a designated  
3 representative; and nine public members, to be appointed by the  
4 Governor, among whom shall be included a representative of the New  
5 Jersey Highway Traffic Safety Policy Advisory Council, a  
6 representative of a not-for-profit highway safety organization, a  
7 representative of the automobile retailers industry, a representative of  
8 the automobile insurance industry, a regular operator of a motor  
9 vehicle weighing in excess of twenty-six thousand pounds, one law  
10 enforcement officer engaged in highway patrol, a representative from  
11 the New Jersey State League of Municipalities, a representative from  
12 the New Jersey Institute for Social Justice and a representative of a  
13 New Jersey based chapter of the American Automobile Association.  
14 The Speaker of the General Assembly and the President of the Senate  
15 shall each appoint two members who may be public members or  
16 members of the Legislature. No more than two of the legislative  
17 appointees shall be from the same political party. Legislative  
18 appointees shall serve during the legislative term of the appointing  
19 authority.

20 c. The members of the task force shall serve without compensation,  
21 but may be reimbursed for necessary expenses incurred in the  
22 performance of their duties.

23 d. The task force shall organize as soon as may be practicable after  
24 the appointment of a majority of its members and shall select a  
25 chairperson from among the members. The members shall select a  
26 secretary, who need not be a member of the task force.

27 e. The task force shall meet at the call of the chairperson.

28 f. The task force shall be entitled to call to its assistance and avail  
29 itself of the services of the employees of any State department, board,  
30 bureau, commission or agency, as it may require and as may be  
31 available for its purposes, and to employ stenographic and clerical  
32 assistance and incur traveling and other miscellaneous expenses as may  
33 be necessary in order to perform its duties, within the limits of funds  
34 appropriated or otherwise made available to it for its purposes.

35 g. The task force shall study and develop recommendations  
36 concerning the following issues, including but not limited to:

37 (1) the rapid growth in the number of driver's license suspensions;

38 (2) identification and regulation of drivers to deter unlawful and  
39 unsafe acts;

40 (3) establishment of a mechanism to assist low-income residents  
41 that are hard pressed to secure the restoration of driving privileges;

42 (4) reform of the parking ticket suspension system and "The  
43 Parking Offenses Adjudication Act"; and

44 (5) increasing the collection of outstanding surcharges.

45 h. The study shall include, but not be limited to, investigating  
46 issues of motor vehicle safety, insurance, finance, and socioeconomic

1 conditions. The task force shall review and analyze studies examining  
2 the social impacts of driver's license and registration suspensions. The  
3 task force shall also review and analyze studies and statistics regarding  
4 surcharges and suspensions to develop recommendations for reform.

5 i. The task force shall develop recommendations for public and  
6 private strategies and recommendations for legislative or regulatory  
7 action, if deemed appropriate, to address these issues. The  
8 recommendations shall include suggestions for the development of  
9 public information campaigns to educate and inform motorists about  
10 driver's license and registration suspensions, and methods of lessening  
11 financial and social burdens on motorists.

12 j. The task force's recommendations shall be aimed at developing  
13 and implementing an amnesty policy and a reform of the surcharge  
14 suspension. The task force shall review the impact of suspension of  
15 driving privileges upon businesses and individuals dependent upon  
16 having a valid driver's license for gainful employment and to conduct  
17 commerce in this State.

18 k. The task force shall prepare and submit a final report containing  
19 its findings and recommendations, including any recommendations for  
20 legislative or regulatory action that it deems appropriate, no later than  
21 one year after the task force organizes, to the Governor, the President  
22 of the Senate and the Speaker of the General Assembly, and the  
23 members of the Senate Transportation Committee and the Assembly  
24 Transportation Committee, or their successors.

25 l. Upon the submission of the final report the task force shall  
26 dissolve. Any and all materials, records, work products or other  
27 property of the task force shall become property of the commission.  
28

29 <sup>1</sup>[31. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to  
30 read as follows:

31 6. a. (Deleted by amendment, P.L.1997, c.151.)

32 b. There is created a New Jersey Merit Rating Plan which shall  
33 apply to all drivers and shall include, but not be limited to, the  
34 following provisions:

35 (1) (a) Plan surcharges shall be levied, beginning on or after  
36 January 1, 1984, by the [Division of Motor Vehicles] New Jersey  
37 Motor Vehicle Commission (hereafter the "commission") established  
38 by section 4 of P.L. , c. (C. ) (now before the Legislature as this  
39 bill) on any driver who, in the preceding 36 month period, has  
40 accumulated[, within the immediately preceding three-year period,  
41 beginning on or after February 10, 1983,] six or more motor vehicle  
42 points, as provided in Title 39 of the Revised Statutes [, exclusive of  
43 any points for convictions for which surcharges are levied under  
44 paragraph (2) of this subsection]; except that the allowance for a  
45 reduction of points in Title 39 of the Revised Statutes shall not apply  
46 for the purpose of determining surcharges under this paragraph.

1 [Surcharges shall be levied for each year in which the driver possesses  
2 six or more points.] The accumulation of points shall be calculated as  
3 of the date the point violation is posted to the driver history record  
4 and shall be levied pursuant to rules promulgated by the commission.  
5 Surcharges assessed pursuant to this paragraph shall be \$100.00 for  
6 six points, and \$25.00 for each additional point. No offense shall be  
7 selected for billing which occurred prior to February 10, 1983. No  
8 offense shall be considered for billing in more than three annual  
9 assessments.

10 (b) (Deleted by amendment, P.L.1984, c.1.)

11 (2) Plan surcharges shall be levied for convictions (a) under  
12 R.S.39:4-50 for violations occurring on or after February 10, 1983,  
13 and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for  
14 offenses committed in other jurisdictions of a substantially similar  
15 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512  
16 (C.39:4-50.4a), for violations occurring on or after January 26, 1984.  
17 Except as hereinafter provided, surcharges under this paragraph shall  
18 be levied annually for a three-year period, and shall be \$1,000.00 per  
19 year for each of the first two convictions, for a total surcharge of  
20 \$3,000 for each conviction, and \$1,500.00 per year for the third  
21 conviction occurring within a three-year period, for a total surcharge  
22 of \$4,500 for the third conviction. If a driver is convicted under both  
23 R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for  
24 offenses arising out of the same incident, the driver shall be assessed  
25 only one surcharge for the two offenses.

26 If, upon written notification from the [Division of Motor Vehicles]  
27 commission or its designee, mailed to the last address of record with  
28 the [division] commission, a driver fails to pay a surcharge levied  
29 under this subsection, the [license] driving privilege of the driver shall  
30 be suspended forthwith until the [surcharge] minimum payment  
31 requirement as set forth by rule by the commission is paid to the  
32 [Division of Motor Vehicles] commission; except that the [Division  
33 of Motor Vehicles] commission may authorize payment of the  
34 surcharge on an installment basis over a period not to exceed  
35 12 months for assessments under \$2,300 or 24 months for assessments  
36 of \$2,300 or more. If a driver fails to pay the surcharge or any  
37 installments on the surcharge, the total surcharge shall become due  
38 immediately, except as otherwise prescribed by rule of the commission.

39 The [director] commission may authorize any person to pay the  
40 surcharge levied under this section by use of a credit card, debit card  
41 or other electronic payment device, and the [director] administrator  
42 is authorized to require the person to pay all costs incurred by the  
43 [division] commission in connection with the acceptance of the credit  
44 card, debit card or other electronic payment device. If a surcharge or  
45 related administrative fee is paid by credit or debit cards or any other

1 electronic payment device and the amount is subsequently reversed by  
2 the credit card company or bank, the driving privilege of the  
3 surcharged driver shall be suspended and the driver shall be subject to  
4 the fee imposed for dishonored checks pursuant to section 31 of  
5 P.L.1994, c.60 (C.39:5-36.1).

6 In addition to any other remedy provided by law, the [director]  
7 commission is authorized to utilize the provisions of the SOIL (Set off  
8 of Individual Liability) program established pursuant to P.L.1981,  
9 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under this  
10 section that is unpaid on or after the effective date of this act. As an  
11 additional remedy, the [director] commission may issue a certificate  
12 to the Clerk of the Superior Court stating that the person identified in  
13 the certificate is indebted under this surcharge law in such amount as  
14 shall be stated in the certificate. The certificate shall reference the  
15 statute under which the indebtedness arises. Thereupon the clerk to  
16 whom such certificate shall have been issued shall immediately enter  
17 upon the record of docketed judgments the name of such person as  
18 debtor; the State as creditor; the address of such person, if shown in  
19 the certificate; the amount of the debt so certified; a reference to the  
20 statute under which the surcharge is assessed, and the date of making  
21 such entries. The docketing of the entries shall have the same force  
22 and effect as a civil judgment docketed in the Superior Court, and the  
23 [director] commission shall have all the remedies and may take all of  
24 the proceedings for the collection thereof which may be had or taken  
25 upon the recovery of a judgment in an action, but without prejudice to  
26 any right of appeal. Upon entry by the clerk of the certificate in the  
27 record of docketed judgments in accordance with this provision,  
28 interest in the amount specified by the court rules for post-judgment  
29 interest shall accrue from the date of the docketing of the certificate,  
30 however payment of the interest may be waived by the [director]  
31 commission or its designee. In the event that the surcharge remains  
32 unpaid following the issuance of the certificate of debt and the  
33 [director] commission takes any further collection action including  
34 referral of the matter to the Attorney General or his designee, the fee  
35 imposed, in lieu of the actual cost of collection, may be 20 percent of  
36 [the surcharge or \$200, whichever is greater] surcharges of \$1,000 or  
37 more. The administrator or his designee may establish a sliding scale,  
38 not to exceed a maximum amount of \$200, for surcharge principal  
39 amounts of less than \$1,000 at the time the certificate of debt is  
40 forwarded to the Superior Court for filing. The [director]  
41 commission shall provide written notification to a driver of the  
42 proposed filing of the certificate of debt at least 10 days prior to the  
43 proposed filing; such notice shall be mailed to the driver's last address  
44 of record with the [division] commission. If a certificate of debt is  
45 satisfied following a credit card payment, debit card payment or

1 payment by other electronic payment device and that payment is  
2 reversed, a new certificate of debt shall be filed against the surcharged  
3 driver unless the original is reinstated.

4 If the administrator or his designee approves a special payment plan  
5 for repayment of the certificate of debt, and the driver is complying  
6 with the approved plan, the plan may be continued for any new  
7 surcharge not part of the certificate of debt.

8 All moneys collectible under this subsection b. shall be billed and  
9 collected by the [Division of Motor Vehicles] commission except as  
10 provided in P.L.1997, c.280 (C.2B:19-10 et al.) for the collection of  
11 unpaid surcharges. [Of the moneys collected: 10%, or the actual cost  
12 of administering the collection of the surcharge, whichever is less,  
13 shall be retained by the Division of Motor Vehicles until August 31,  
14 1996; five percent, or the actual cost of administering the cancellation  
15 notification system established pursuant to section 50 of P.L.1990, c.8  
16 (C.17:33B-41), whichever is less, shall be retained by the Division of  
17 Motor Vehicles until August 31, 1996; and prior to October 1, 1991,  
18 the remainder shall be remitted to the New Jersey Automobile Full  
19 Insurance Underwriting Association and on or after October 1, 1991  
20 until August 31, 1996, the remainder shall be remitted to the New  
21 Jersey Automobile Insurance Guaranty Fund created pursuant to  
22 section 23 of P.L.1990, c.8 (C.17:33B-5).] Commencing on  
23 September 1, 1996, or such earlier time as the Commissioner of  
24 Banking and Insurance shall certify to the State Treasurer that  
25 amounts on deposit in the New Jersey Automobile Insurance Guaranty  
26 Fund are sufficient to satisfy the current and anticipated financial  
27 obligations of the New Jersey Automobile Full Insurance Underwriting  
28 Association, all plan surcharges collected by the [Division of Motor  
29 Vehicles] commission under this subsection b. shall be remitted to the  
30 Division of Motor Vehicles Surcharge Fund for transfer to the Market  
31 Transition Facility Revenue Fund, as provided in section 12 of  
32 P.L.1994, c.57 (C.34:1B-21.12), for the purposes of section 4 of  
33 P.L.1994, c.57 (C.34:1B-21.4) until such a time as all the Market  
34 Transition Facility bonds, notes and obligations and all Motor Vehicle  
35 Commission bonds, notes and obligations issued pursuant to that  
36 section 4 of [that act] P.L.1994, c.57 (C.34:1B-21.4) and the costs  
37 thereof are discharged and no longer outstanding. From the date of  
38 certification by the Commissioner of Banking and Insurance that the  
39 moneys collectible under this subsection are no longer needed to fund  
40 the association or at such a time as all Market Transition Facility  
41 bonds, notes and obligations issued pursuant to section 4 of P.L.1994,  
42 c.57 (C.34:1B-21.4) and the costs thereof are discharged and no  
43 longer outstanding moneys collectible under this subsection shall,  
44 subject to appropriation, be remitted to the New Jersey Property-  
45 Liability Insurance Guaranty Association created pursuant to section  
46 6 of P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans



1 made by that association to the New Jersey Automobile Insurance  
2 Guaranty Fund pursuant to paragraph (10) of subsection a. of section  
3 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments  
4 shall be subject to and dependent upon appropriation by the State  
5 Legislature.

6 (3) In addition to any other authority provided in P.L.1983, c.65  
7 (C.17:29A-33 et al.), the commissioner, after consultation with the  
8 [Director of the Division of Motor Vehicles] commission, is  
9 specifically authorized (a) (Deleted by amendment, P.L.1994, c.64),  
10 (b) to impose, in accordance with paragraph (1)(a) of this subsection,  
11 surcharges for motor vehicle violations or convictions for which motor  
12 vehicle points are not assessed under Title 39 of the Revised Statutes,  
13 or (c) to reduce the number of points for which surcharges may be  
14 assessed below the level provided in paragraph (1)(a) of this  
15 subsection, except that the dollar amount of all surcharges levied  
16 under the New Jersey Merit Rating Plan shall be uniform on a  
17 Statewide basis for each filer, without regard to classification or  
18 territory. Surcharges adopted by the commissioner on or after January  
19 1, 1984 for motor vehicle violations or convictions for which motor  
20 vehicle points are not assessable under Title 39 of the Revised Statutes  
21 shall not be retroactively applied but shall take effect on the date of  
22 the New Jersey Register in which notice of adoption appears or the  
23 effective date set forth in that notice, whichever is later.

24 c. No motor vehicle violation surcharges shall be levied on an  
25 automobile insurance policy issued or renewed on or after January 1,  
26 1984, except in accordance with the New Jersey Merit Rating Plan,  
27 and all surcharges levied thereunder shall be assessed, collected and  
28 distributed in accordance with subsection b. of this section.

29 d. (Deleted by amendment, P.L.1990, c.8.)

30 e. The Commissioner of Banking and Insurance and the [Director  
31 of the Division of Motor Vehicles] commission as may be  
32 appropriate, shall adopt any rules and regulations necessary or  
33 appropriate to effectuate the purposes of this section.

34 (cf: P.L.1997, c.280, s.5)]<sup>1</sup>

35

36 <sup>1</sup>31. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to  
37 read as follows:

38 6. a. (Deleted by amendment, P.L.1997, c.151.)

39 b. There is created a New Jersey Merit Rating Plan which shall  
40 apply to all drivers and shall include, but not be limited to, the  
41 following provisions:

42 (1) (a) Plan surcharges shall be levied, beginning on or after  
43 January 1, 1984, by the [Division of Motor Vehicles] New Jersey  
44 Motor Vehicle Commission (hereafter the "commission") established  
45 by section 4 of P.L. , c. (C. ) (now before the Legislature as  
46 this bill) on any driver who, in the preceding 36 month period, has

1 accumulated[, within the immediately preceding three-year period,  
2 beginning on or after February 10, 1983,] six or more motor vehicle  
3 points, as provided in Title 39 of the Revised Statutes [, exclusive of  
4 any points for convictions for which surcharges are levied under  
5 paragraph (2) of this subsection]; except that the allowance for a  
6 reduction of points in Title 39 of the Revised Statutes shall not apply  
7 for the purpose of determining surcharges under this paragraph.  
8 [Surcharges shall be levied for each year in which the driver possesses  
9 six or more points.] The accumulation of points shall be calculated as  
10 of the date the point violation is posted to the driver history record  
11 and shall be levied pursuant to rules promulgated by the commission.  
12 Surcharges assessed pursuant to this paragraph shall be \$100.00 for  
13 six points, and \$25.00 for each additional point. No offense shall be  
14 selected for billing which occurred prior to February 10, 1983. No  
15 offense shall be considered for billing in more than three annual  
16 assessments.

17 (b) (Deleted by amendment, P.L.1984, c.1.)

18 (2) Plan surcharges shall be levied for convictions (a) under  
19 R.S.39:4-50 for violations occurring on or after February 10, 1983,  
20 and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for  
21 offenses committed in other jurisdictions of a substantially similar  
22 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512  
23 (C.39:4-50.4a), for violations occurring on or after January 26, 1984.  
24 Except as hereinafter provided, surcharges under this paragraph shall  
25 be levied annually for a three-year period, and shall be \$1,000.00 per  
26 year for each of the first two convictions, for a total surcharge of  
27 \$3,000 for each conviction, and \$1,500.00 per year for the third  
28 conviction occurring within a three-year period, for a total surcharge  
29 of \$4,500 for the third conviction. If a driver is convicted under both  
30 R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for  
31 offenses arising out of the same incident, the driver shall be assessed  
32 only one surcharge for the two offenses.

33 If, upon written notification from the [Division of Motor Vehicles]  
34 commission or its designee, mailed to the last address of record with  
35 the [division] commission, a driver fails to pay a surcharge levied  
36 under this subsection, the [license] driving privilege of the driver shall  
37 be suspended forthwith until the [surcharge] minimum payment  
38 requirement as set forth by rule by the commission is paid to the  
39 [Division of Motor Vehicles] commission; except that the [Division  
40 of Motor Vehicles] commission may authorize payment of the  
41 surcharge on an installment basis over a period not to exceed  
42 12 months for assessments under \$2,300 or 24 months for assessments  
43 of \$2,300 or more. If a driver fails to pay the surcharge or any  
44 installments on the surcharge, the total surcharge shall become due  
45 immediately, except as otherwise prescribed by rule of the commission.

1       The [director] commission may authorize any person to pay the  
2 surcharge levied under this section by use of a credit card, debit card  
3 or other electronic payment device, and the [director] administrator  
4 is authorized to require the person to pay all costs incurred by the  
5 [division] commission in connection with the acceptance of the credit  
6 card, debit card or other electronic payment device. If a surcharge or  
7 related administrative fee is paid by credit or debit cards or any other  
8 electronic payment device and the amount is subsequently reversed by  
9 the credit card company or bank, the driving privilege of the  
10 surcharged driver shall be suspended and the driver shall be subject to  
11 the fee imposed for dishonored checks pursuant to section 31 of  
12 P.L.1994, c.60 (C.39:5-36.1).

13       In addition to any other remedy provided by law, the [director]  
14 commission is authorized to utilize the provisions of the SOIL (Set off  
15 of Individual Liability) program established pursuant to P.L.1981,  
16 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under this  
17 section that is unpaid on or after the effective date of this act. As an  
18 additional remedy, the [director] commission may issue a certificate  
19 to the Clerk of the Superior Court stating that the person identified in  
20 the certificate is indebted under this surcharge law in such amount as  
21 shall be stated in the certificate. The certificate shall reference the  
22 statute under which the indebtedness arises. Thereupon the clerk to  
23 whom such certificate shall have been issued shall immediately enter  
24 upon the record of docketed judgments the name of such person as  
25 debtor; the State as creditor; the address of such person, if shown in  
26 the certificate; the amount of the debt so certified; a reference to the  
27 statute under which the surcharge is assessed, and the date of making  
28 such entries. The docketing of the entries shall have the same force  
29 and effect as a civil judgment docketed in the Superior Court, and the  
30 [director] commission shall have all the remedies and may take all of  
31 the proceedings for the collection thereof which may be had or taken  
32 upon the recovery of a judgment in an action, but without prejudice to  
33 any right of appeal. Upon entry by the clerk of the certificate in the  
34 record of docketed judgments in accordance with this provision,  
35 interest in the amount specified by the court rules for post-judgment  
36 interest shall accrue from the date of the docketing of the certificate,  
37 however payment of the interest may be waived by the [director]  
38 commission or its designee. In the event that the surcharge remains  
39 unpaid following the issuance of the certificate of debt and the  
40 [director] commission takes any further collection action including  
41 referral of the matter to the Attorney General or his designee, the fee  
42 imposed, in lieu of the actual cost of collection, may be 20 percent of  
43 [the surcharge or \$200, whichever is greater] surcharges of \$1,000 or  
44 more. The administrator or his designee may establish a sliding scale,  
45 not to exceed a maximum amount of \$200, for surcharge principal

1 amounts of less than \$1,000 at the time the certificate of debt is  
2 forwarded to the Superior Court for filing. The [director]  
3 commission shall provide written notification to a driver of the  
4 proposed filing of the certificate of debt at least 10 days prior to the  
5 proposed filing; such notice shall be mailed to the driver's last address  
6 of record with the [division] commission. If a certificate of debt is  
7 satisfied following a credit card payment, debit card payment or  
8 payment by other electronic payment device and that payment is  
9 reversed, a new certificate of debt shall be filed against the surcharged  
10 driver unless the original is reinstated.

11 If the administrator or his designee approves a special payment  
12 plan for repayment of the certificate of debt, and the driver is  
13 complying with the approved plan, the plan may be continued for any  
14 new surcharge not part of the certificate of debt.

15 All moneys collectible under this subsection b. shall be billed and  
16 collected by the [Division of Motor Vehicles] commission except as  
17 provided in P.L.1997, c.280 (C.2B:19-10 et al.) for the collection of  
18 unpaid surcharges. [Of the moneys collected: 10%, or the actual cost  
19 of administering the collection of the surcharge, whichever is less,  
20 shall be retained by the Division of Motor Vehicles until August 31,  
21 1996; five percent, or the actual cost of administering the cancellation  
22 notification system established pursuant to section 50 of P.L.1990, c.8  
23 (C.17:33B-41), whichever is less, shall be retained by the Division of  
24 Motor Vehicles until August 31, 1996; and prior to October 1, 1991,  
25 the remainder shall be remitted to the New Jersey Automobile Full  
26 Insurance Underwriting Association and on or after October 1, 1991  
27 until August 31, 1996, the remainder shall be remitted to the New  
28 Jersey Automobile Insurance Guaranty Fund created pursuant to  
29 section 23 of P.L.1990, c.8 (C.17:33B-5).] Commencing on  
30 September 1, 1996, or such earlier time as the Commissioner of  
31 Banking and Insurance shall certify to the State Treasurer that  
32 amounts on deposit in the New Jersey Automobile Insurance Guaranty  
33 Fund are sufficient to satisfy the current and anticipated financial  
34 obligations of the New Jersey Automobile Full Insurance Underwriting  
35 Association, all plan surcharges collected by the [Division of Motor  
36 Vehicles] commission under this subsection b. shall be remitted to the  
37 Division of Motor Vehicles Surcharge Fund for transfer to the Market  
38 Transition Facility Revenue Fund, as provided in section 12 of  
39 P.L.1994, c.57 (C.34:1B-21.12), for the purposes of section 4 of  
40 P.L.1994, c.57 (C.34:1B-21.4) until such a time as all the Market  
41 Transition Facility bonds, notes and obligations and all Motor Vehicle  
42 Commission bonds, notes and obligations issued pursuant to that  
43 section 4 of [that act] P.L.1994, c.57 (C.34:1B-21.4) and the costs  
44 thereof are discharged and no longer outstanding. From the date of  
45 certification by the Commissioner of Banking and Insurance that the  
46 moneys collectible under this subsection are no longer needed to fund

1 the association or at such a time as all Market Transition Facility  
2 bonds, notes and obligations issued pursuant to section 4 of P.L.1994,  
3 c.57 (C.34:1B-21.4) and the costs thereof are discharged and no  
4 longer outstanding moneys collectible under this subsection shall,  
5 subject to appropriation, be remitted to the New Jersey Property-  
6 Liability Insurance Guaranty Association created pursuant to section  
7 6 of P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans  
8 made by that association to the New Jersey Automobile Insurance  
9 Guaranty Fund pursuant to paragraph (10) of subsection a. of section  
10 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments  
11 shall be subject to and dependent upon appropriation by the State  
12 Legislature.

13 (3) In addition to any other authority provided in P.L.1983, c.65  
14 (C.17:29A-33 et al.), the commissioner, after consultation with the  
15 [Director of the Division of Motor Vehicles] commission, is  
16 specifically authorized (a) (Deleted by amendment, P.L.1994, c.64),  
17 (b) to impose, in accordance with paragraph (1)(a) of this subsection,  
18 surcharges for motor vehicle violations or convictions for which motor  
19 vehicle points are not assessed under Title 39 of the Revised Statutes,  
20 or (c) to reduce the number of points for which surcharges may be  
21 assessed below the level provided in paragraph (1)(a) of this  
22 subsection, except that the dollar amount of all surcharges levied  
23 under the New Jersey Merit Rating Plan shall be uniform on a  
24 Statewide basis for each filer, without regard to classification or  
25 territory. Surcharges adopted by the commissioner on or after  
26 January 1, 1984 for motor vehicle violations or convictions for which  
27 motor vehicle points are not assessable under Title 39 of the Revised  
28 Statutes shall not be retroactively applied but shall take effect on the  
29 date of the New Jersey Register in which notice of adoption appears  
30 or the effective date set forth in that notice, whichever is later.

31 c. No motor vehicle violation surcharges shall be levied on an  
32 automobile insurance policy issued or renewed on or after January 1,  
33 1984, except in accordance with the New Jersey Merit Rating Plan,  
34 and all surcharges levied thereunder shall be assessed, collected and  
35 distributed in accordance with subsection b. of this section.

36 d. (Deleted by amendment, P.L.1990, c.8.)

37 e. The Commissioner of Banking and Insurance and the [Director  
38 of the Division of Motor Vehicles] commission as may be appropriate,  
39 shall adopt any rules and regulations necessary or appropriate to  
40 effectuate the purposes of this section.<sup>1</sup>

41 (cf: P.L.1997, c.280, s.5)

42

43 32. (New section) The exercise of the powers granted by this act  
44 will be in all respects for the benefit of the people of the State, for the  
45 increase of their commerce and prosperity, and for the improvement  
46 of their health and living conditions, and as the operation and

1 maintenance of facilities and assets by the commission will constitute  
2 the performance of essential governmental functions, the commission  
3 shall not be required to pay any taxes or assessments upon any facility  
4 and assets or any property acquired or used by the commission under  
5 the provisions of this act or upon the income therefrom, and any  
6 facility and assets and any property acquired or used by the  
7 commission under the provisions of this act and the income therefrom  
8 shall be exempt from taxation.

9

10 33. (New section) a. The commission shall require the  
11 fingerprinting of all prospective employees, employees of the  
12 commission, and employees of the agents of the commission, for  
13 purposes of determining employment eligibility in any title or capacity  
14 that is either directly or indirectly involved in the issuance or  
15 processing of driver's licenses, permits, business licenses, identification  
16 cards, driving records, or vehicle registrations and titles, and of all  
17 independent contractors and their employees who work on a motor  
18 vehicle premises or have access to motor vehicle records or  
19 documents. The commission is hereby authorized to exchange  
20 fingerprint data with, and receive criminal history record information  
21 from, the Federal Bureau of Investigation and the Division of State  
22 Police, consistent with the provisions of Pub.L.92-544, for use in  
23 determining employment eligibility.

24 b. The commission may, as deemed necessary by the commission,  
25 receive the results of periodic follow-ups of criminal history record  
26 checks of all employees of the commission and employees of its  
27 agents, for purposes of determining continuing employment eligibility  
28 in any title or capacity that is either directly or indirectly involved in  
29 the issuance or processing of driver's licenses, identification cards,  
30 driving records, or vehicle registrations and titles.

31 c. If the information from the criminal history record background  
32 check discloses that a prospective or current employee has a record of  
33 criminal history, the commission shall review the information with  
34 respect to the type and date of the criminal offense to determine if the  
35 person is qualified for employment with the commission. Criminal  
36 offenses which shall disqualify an individual from employment include,  
37 but are not limited to, any crime or offense, whether committed in  
38 New Jersey or in another jurisdiction, which in New Jersey would  
39 constitute murder, assault with intent to murder, espionage, treason,  
40 rape, kidnaping, unlawful possession of an explosive or weapon,  
41 extortion, armed robbery, distribution of or intent to distribute a  
42 controlled substance, possession of a controlled substance, willful  
43 destruction of property, burglary, theft, fraud, forgery, terrorism,  
44 solicitation of money or resources for a terrorist organization and  
45 aggravated assault.

46 d. Notwithstanding the provisions of subsections b. or c. of this

1 section, an individual shall not be disqualified from employment or  
2 service under this act on the basis of any conviction disclosed by a  
3 criminal record check performed pursuant to this act without an  
4 opportunity to challenge the accuracy of the disqualifying criminal  
5 history record.

6 e. An individual who has been disqualified under the provisions of  
7 this act shall be entitled to reapply for the position if the disqualifying  
8 conviction is reversed.

9 f. Notwithstanding the provisions of subsections b. or c. of this  
10 section, an individual shall not be disqualified from employment or  
11 service on the basis of any conviction disclosed by a criminal history  
12 record background check performed pursuant to this act if the  
13 individual has affirmatively demonstrated to the administrator, clear  
14 and convincing evidence of the individual's rehabilitation. In  
15 determining whether an individual has affirmatively demonstrated  
16 rehabilitation, the following factors shall be considered:

17 (1) the nature and responsibility of the position which the  
18 applicant would hold, has held or currently holds, as the case may be;

19 (2) the nature and seriousness of the offense;

20 (3) the circumstances under which the offense occurred;

21 (4) the date of the offense;

22 (5) the age of the applicant when the offense was committed;

23 (6) whether the offense was an isolated or repeated incident;

24 (7) any social conditions which may have contributed to the  
25 offense; and

26 (8) any evidence of rehabilitation, including good conduct in  
27 prison or in the community, counseling or psychiatric treatment  
28 received, acquisition of additional academic or vocational schooling,  
29 successful participation in correctional work-release programs, or the  
30 recommendation of those who have had the applicant under their  
31 supervision.

32  
33 34. (New section) a. The commission shall require the  
34 fingerprinting of all applicants for commercial driver's licenses with a  
35 hazardous material endorsement, a tank vehicle endorsement or both,  
36 at the initial application and upon renewal, in order to determine  
37 eligibility for those endorsements. The commission is hereby  
38 authorized to exchange fingerprint data with, and receive criminal  
39 history record information from the Federal Bureau of Investigation  
40 and the Division of State Police, consistent with the provisions of  
41 Pub.L.92-544, for use in determining eligibility. The commission shall  
42 require any person who, prior to the date of enactment of this act, has  
43 been issued a commercial driver's license with a hazardous material  
44 endorsement, a tanker vehicle endorsement or both, to undergo a  
45 criminal history record background check as a condition to continue  
46 to hold, use and renew such an endorsement. No criminal history

1 record check shall be performed without the applicant's written  
2 consent. The applicant shall bear the cost for the criminal history  
3 record check, including all costs for administering and processing the  
4 check. Failure or refusal to submit a disclosure and fingerprints will  
5 result in an automatic disqualification.

6 b. Upon receipt of the criminal history record information, the  
7 commission shall notify the applicant, in writing, of the applicant's  
8 qualification or disqualification for a commercial driver's license with  
9 a hazardous material endorsement, a tank vehicle endorsement or both.  
10 If the applicant is disqualified, the basis for the disqualification shall be  
11 identified in the written notice to the applicant.

12 c. The applicant shall have 30 days from the postmarked date of  
13 the written notice of disqualification to challenge the accuracy of the  
14 criminal history record information. If no challenge is filed or if the  
15 determination of the accuracy of the criminal history record  
16 information upholds the disqualification, the applicant's disqualification  
17 for a commercial driver's license, with a hazardous material  
18 endorsement, a tank vehicle endorsement or both will stand.

19 <sup>1</sup>d. The commission, in a manner not inconsistent with appropriate  
20 federal requirements, shall provide by regulation the grounds upon  
21 which an applicant may be disqualified.<sup>1</sup>

22  
23 35. (New section) a. The commission may contract for ancillary  
24 services at facilities <sup>1</sup>[owned or]<sup>1</sup> used by the commission, including  
25 but not limited to food and beverage concessions, service concessions  
26 that would be beneficial to its customers, and information services that  
27 would be of interest or informative to its customers, such as television  
28 displays, public service displays, and the like.

29 b. In entering into a contract pursuant to this section, the  
30 commission shall award a contract on the basis of competitive public  
31 bids or proposals to the responsible bidder or proposer whose bid or  
32 proposal is determined to be in the best interest of the State, price and  
33 other factors considered.

34 c. The commission is authorized to receive funds from the contract  
35 and shall have the right to use the same. The revenue shall not be  
36 subject to appropriation as Direct State Services by the Legislature.  
37 In addition, this revenue shall not be restricted from use by the  
38 commission in any manner except as provided by law. This revenue  
39 shall be used in the furtherance of commission purposes. This revenue  
40 shall be considered revenue of the commission and shall not be subject  
41 to the calculation of proportional revenue remitted to the commission  
42 pursuant to section 105 of this act.

43  
44 36. R.S.39:1-1 is amended to read as follows:

45 39:1-1. As used in this subtitle, unless other meaning is clearly  
46 apparent from the language or context, or unless inconsistent with the



1 manifest intention of the Legislature:

2 "Alley" means a public highway wherein the roadway does not  
3 exceed 12 feet in width.

4 "Authorized emergency vehicles" means vehicles of the fire  
5 department, police vehicles and such ambulances and other vehicles as  
6 are approved by the Director of the Division of Motor Vehicles in the  
7 Department of Transportation when operated in response to an  
8 emergency call.

9 "Automobile" includes all motor vehicles except motorcycles.

10 "Berm" means that portion of the highway exclusive of roadway  
11 and shoulder, bordering the shoulder but not to be used for vehicular  
12 travel.

13 "Business district" means that portion of a highway and the  
14 territory contiguous thereto, where within any 600 feet along such  
15 highway there are buildings in use for business or industrial purposes,  
16 including but not limited to hotels, banks, office buildings, railroad  
17 stations, and public buildings which occupy at least 300 feet of  
18 frontage on one side or 300 feet collectively on both sides of the  
19 roadway.

20 "Car pool" means two or more persons commuting on a daily basis  
21 to and from work by means of a vehicle with a seating capacity of nine  
22 passengers or less.

23 "Chief Administrator" or "Administrator" means the chief  
24 administrator of the New Jersey Motor Vehicle Commission.

25 "Commercial motor vehicle" includes every type of motor-driven  
26 vehicle used for commercial purposes on the highways, such as the  
27 transportation of goods, wares and merchandise, excepting such  
28 vehicles as are run only upon rails or tracks and vehicles of the  
29 passenger car type used for touring purposes or the carrying of farm  
30 products and milk, as the case may be.

31 "Commission" means the New Jersey Motor Vehicle Commission  
32 established by section 4 of P.L. , c. (C. ) (now before the  
33 Legislature as this bill).

34 "Commissioner" means the <sup>1</sup>[Director of the Division of Motor  
35 Vehicles in the Department] Commissioner<sup>1</sup> of Transportation of this  
36 State.

37 "Commuter van" means a motor vehicle having a seating capacity  
38 of not less than seven nor more than 15 adult passengers, in which  
39 seven or more persons commute on a daily basis to and from work and  
40 which vehicle may also be operated by the driver or other designated  
41 persons for their personal use.

42 "Crosswalk" means that part of a highway at an intersection  
43 included within the connections of the lateral lines of the sidewalks on  
44 opposite sides of the highway measured from the curbs or, in the  
45 absence of curbs, from the edges of the shoulder, or, if none, from the  
46 edges of the roadway; also, any portion of a highway at an intersection

1 or elsewhere distinctly indicated for pedestrian crossing by lines or  
2 other marking on the surface.

3 "Dealer" includes every person actively engaged in the business of  
4 buying, selling or exchanging motor vehicles or motorcycles and who  
5 has an established place of business.

6 <sup>1</sup>["Department" means the Division of Motor Vehicles in the  
7 Department of Transportation of this State acting directly or through  
8 its duly authorized officers or agents.

9 "Deputy commissioner" means deputy director of the Division of  
10 Motor Vehicles in the Department of Transportation.]<sup>1</sup>

11 <sup>1</sup>"Deputy Chief Administrator" means the deputy chief  
12 administrator of the commission.<sup>1</sup>

13 "Deputy director" means deputy director of the Division of Motor  
14 Vehicles in the Department of Transportation.

15 "Director" means the Director of the Division of Motor Vehicles  
16 in the Department of Transportation.

17 "Division" means the Division of Motor Vehicles in the  
18 Department of Transportation acting directly or through its duly  
19 authorized officers or agents.

20 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
21 or the driver or operator of a motor vehicle, unless otherwise  
22 specified.

23 "Explosives" means any chemical compound or mechanical mixture  
24 that is commonly used or intended for the purpose of producing an  
25 explosion and which contains any oxidizing and combustive units or  
26 other ingredients in such proportions, quantities or packing that an  
27 ignition by fire, friction, by concussion, by percussion, or by detonator  
28 of any part of the compound or mixture may cause such a sudden  
29 generation of highly heated gases that the resultant gaseous pressures  
30 are capable of producing destructive effects on contiguous objects or  
31 of destroying life or limb.

32 "Farm tractor" means every motor vehicle designed and used  
33 primarily as a farm implement for drawing plows, mowing machines,  
34 and other implements of husbandry.

35 "Flammable liquid" means any liquid having a flash point below  
36 200ø Fahrenheit, and a vapor pressure not exceeding 40 pounds.

37 "Gross weight" means the combined weight of a vehicle and a load  
38 thereon.

39 "High occupancy vehicle" or "HOV" means a vehicle which is used  
40 to transport two or more persons and shall include public  
41 transportation, car pool, van pool, and other vehicles as determined by  
42 regulation of the Department of Transportation.

43 "Highway" means the entire width between the boundary lines of  
44 every way publicly maintained when any part thereof is open to the use  
45 of the public for purposes of vehicular travel.

46 "Horse" includes mules and all other domestic animals used as

1 draught animals or beasts of burden.

2 "Inside lane" means the lane nearest the center line of the roadway.

3 "Intersection" means the area embraced within the prolongation of  
4 the lateral curb lines or, if none, the lateral boundary lines of two or  
5 more highways which join one another at an angle, whether or not one  
6 such highway crosses another.

7 "Laned roadway" means a roadway which is divided into two or  
8 more clearly marked lanes for vehicular traffic.

9 "Leased limousine" means any limousine subject to regulation in  
10 the State which:

11 a. Is offered for rental or lease, without a driver, to be operated  
12 by a limousine service as the lessee, for the purpose of carrying  
13 passengers for hire; and

14 b. Is leased or rented for a period of one year or more following  
15 registration.

16 "Leased motor vehicle" means any motor vehicle subject to  
17 registration in this State which:

18 a. Is offered for rental or lease, without a driver, to be operated  
19 by the lessee, his agent or servant, for purposes other than the  
20 transportation of passengers for hire; and

21 b. Is leased or rented for a period of one year or more following  
22 registration.

23 "Limited-access highway" means every highway, street, or roadway  
24 in respect to which owners or occupants of abutting lands and other  
25 persons have no legal right of access to or from the same except at  
26 such points only and in such manner as may be determined by the  
27 public authority having jurisdiction over such highway, street, or  
28 roadway; and includes any highway designated as a "freeway" or  
29 "parkway" by authority of law.

30 "Local authorities" means every county, municipal and other local  
31 board or body having authority to adopt local police regulations under  
32 the Constitution and laws of this State, including every county  
33 governing body with relation to county roads.

34 "Magistrate" means any municipal court and the Superior Court,  
35 and any officer having the powers of a committing magistrate and the  
36 Director of the Division of Motor Vehicles in the Department of  
37 Transportation.

38 "Manufacturer" means a person engaged in the business of  
39 manufacturing or assembling motor vehicles, who will, under normal  
40 business conditions during the year, manufacture or assemble at least  
41 10 new motor vehicles.

42 "Metal tire" means every tire the surface of which in contact with  
43 the highway is wholly or partly of metal or other hard nonresilient  
44 material.

45 "Motorized bicycle" means a pedal bicycle having a helper motor  
46 characterized in that either the maximum piston displacement is less

1 than 50 cc. or said motor is rated at no more than 1.5 brake  
2 horsepower and said bicycle is capable of a maximum speed of no  
3 more than 25 miles per hour on a flat surface.

4 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
5 motor attached and all motor-operated vehicles of the bicycle or  
6 tricycle type, except motorized bicycles as defined in this section,  
7 whether the motive power be a part thereof or attached thereto and  
8 having a saddle or seat with driver sitting astride or upon it or a  
9 platform on which the driver stands.

10 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
11 type of vehicle drawn by a motor-driven vehicle.

12 "Motor vehicle" includes all vehicles propelled otherwise than by  
13 muscular power, excepting such vehicles as run only upon rails or  
14 tracks and motorized bicycles.

15 "Noncommercial truck" means every motor vehicle designed  
16 primarily for transportation of property, and which is not a  
17 "commercial vehicle."

18 "Official traffic control devices" means all signs, signals, markings,  
19 and devices not inconsistent with this subtitle placed or erected by  
20 authority of a public body or official having jurisdiction for the  
21 purpose of regulating, warning, or guiding traffic.

22 "Omnibus" includes all motor vehicles used for the transportation  
23 of passengers for hire, except commuter vans and vehicles used in  
24 ridesharing arrangements and school buses, if the same are not  
25 otherwise used in the transportation of passengers for hire.

26 "Operator" means a person who is in actual physical control of a  
27 vehicle or street car.

28 "Outside lane" means the lane nearest the curb or outer edge of the  
29 roadway.

30 "Owner" means a person who holds the legal title of a vehicle, or  
31 if a vehicle is the subject of an agreement for the conditional sale or  
32 lease thereof with the right of purchase upon performance of the  
33 conditions stated in the agreement and with an immediate right of  
34 possession vested in the conditional vendee or lessee, or if a  
35 mortgagor of a vehicle is entitled to possession, then the conditional  
36 vendee, lessee or mortgagor shall be deemed the owner for the  
37 purpose of this subtitle.

38 "Parking" means the standing or waiting on a street, road or  
39 highway of a vehicle not actually engaged in receiving or discharging  
40 passengers or merchandise, unless in obedience to traffic regulations  
41 or traffic signs or signals.

42 "Passenger automobile" means all automobiles used and designed  
43 for the transportation of passengers, other than omnibuses and school  
44 buses.

45 "Pedestrian" means a person afoot.

46 "Person" includes natural persons, firms, copartnerships,

1 associations, and corporations.

2 "Pneumatic tire" means every tire in which compressed air is  
3 designed to support the load.

4 "Pole trailer" means every vehicle without motive power designed  
5 to be drawn by another vehicle and attached to the towing vehicle by  
6 means of a reach, or pole, or by being boomed or otherwise secured  
7 to the towing vehicle, and ordinarily used for transporting long or  
8 irregularly shaped loads, such as poles, pipes, or structural members  
9 capable, generally, of sustaining themselves as beams between the  
10 supporting connections.

11 "Private road or driveway" means every road or driveway not open  
12 to the use of the public for purposes of vehicular travel.

13 "Railroad train" means a steam engine, electric or other motor,  
14 with or without cars coupled thereto, operated upon rails, except  
15 street cars.

16 "Recreation vehicle" means a self-propelled or towed vehicle  
17 equipped to serve as temporary living quarters for recreational,  
18 camping or travel purposes and used solely as a family or personal  
19 conveyance.

20 "Residence district" means that portion of a highway and the  
21 territory contiguous thereto, not comprising a business district, where  
22 within any 600 feet along such highway there are buildings in use for  
23 business or residential purposes which occupy 300 feet or more of  
24 frontage on at least one side of the highway.

25 "Ridesharing" means the transportation of persons in a motor  
26 vehicle, with a maximum carrying capacity of not more than  
27 15 passengers, including the driver, where such transportation is  
28 incidental to the purpose of the driver. The term shall include such  
29 ridesharing arrangements known as car pools and van pools.

30 "Right-of-way" means the privilege of the immediate use of the  
31 highway.

32 "Road tractor" means every motor vehicle designed and used for  
33 drawing other vehicles and not so constructed as to carry any load  
34 thereon either independently or any part of the weight of a vehicle or  
35 load so drawn.

36 "Roadway" means that portion of a highway improved, designed,  
37 or ordinarily used for vehicular travel, exclusive of the berm or  
38 shoulder. In the event a highway includes two or more separate  
39 roadways, the term "roadway" as used herein shall refer to any such  
40 roadway separately, but not to all such roadways, collectively.

41 "Safety zone" means the area or space officially set aside within a  
42 highway for the exclusive use of pedestrians, which is so plainly  
43 marked or indicated by proper signs as to be plainly visible at all times  
44 while set apart as a safety zone.

45 "School bus" means every motor vehicle operated by, or under  
46 contract with, a public or governmental agency, or religious or other

1 charitable organization or corporation, or privately operated for  
2 compensation for the transportation of children to or from school for  
3 secular or religious education, which complies with the regulations of  
4 the Department of Education affecting school buses, including "School  
5 Vehicle Type I" and "School Vehicle Type II" as defined below:

6 "School Vehicle Type I" means any vehicle with a seating capacity  
7 of 17 or more, used to transport enrolled children, and adults only  
8 when serving as chaperones, to or from a school, school connected  
9 activity, day camp, summer day camp, nursery school, child care  
10 center, preschool center or other similar places of education. Such  
11 vehicle shall comply with the regulations of the Division of Motor  
12 Vehicles and either the Department of Education or the Department  
13 of Human Services, whichever is the appropriate supervising agency.

14 "School Vehicle Type II" means any vehicle with a seating capacity  
15 of 16 or less, used to transport enrolled children, and adults only when  
16 serving as chaperones, to or from a school, school connected activity,  
17 day camp, summer day camp, nursery school, child care center,  
18 preschool center or other similar places of education. Such vehicle  
19 shall comply with the regulations of the Division of Motor Vehicles  
20 and either the Department of Education or the Department of Human  
21 Services, whichever is the appropriate supervising agency.

22 "School zone" means that portion of a highway which is either  
23 contiguous to territory occupied by a school building or is where  
24 school crossings are established in the vicinity of a school, upon which  
25 are maintained appropriate "school signs" in accordance with  
26 specifications adopted by the director and in accordance with law.

27 "School crossing" means that portion of a highway where school  
28 children are required to cross the highway in the vicinity of a school.

29 "Semitrailer" means every vehicle with or without motive power,  
30 other than a pole trailer, designed for carrying persons or property and  
31 for being drawn by a motor vehicle and so constructed that some part  
32 of its weight and that of its load rests upon or is carried by another  
33 vehicle.

34 "Shipper" means any person who shall deliver, or cause to be  
35 delivered, any commodity, produce or article for transportation as the  
36 contents or load of a commercial motor vehicle. In the case of a  
37 sealed ocean container, "shipper" shall not be construed to include any  
38 person whose activities with respect to the shipment are limited to the  
39 solicitation or negotiation of the sale, resale, or exchange of the  
40 commodity, produce or article within that container.

41 "Shoulder" means that portion of the highway, exclusive of and  
42 bordering the roadway, designed for emergency use but not ordinarily  
43 to be used for vehicular travel.

44 "Sidewalk" means that portion of a highway intended for the use  
45 of pedestrians, between the curb line or the lateral line of a shoulder,  
46 or if none, the lateral line of the roadway and the adjacent right-of-way

1 line.

2 "Sign." See "Official traffic control devices."

3 "Slow-moving vehicle" means a vehicle run at a speed less than the  
4 maximum speed then and there permissible.

5 "Solid tire" means every tire of rubber or other resilient material  
6 which does not depend upon compressed air for the support of the  
7 load.

8 "Street" means the same as highway.

9 "Street car" means a car other than a railroad train, for  
10 transporting persons or property and operated upon rails principally  
11 within a municipality.

12 "Stop," when required, means complete cessation from movement.

13 "Stopping or standing," when prohibited, means any cessation of  
14 movement of a vehicle, whether occupied or not, except when  
15 necessary to avoid conflict with other traffic or in compliance with the  
16 directions of a police officer or traffic control sign or signal.

17 "Suburban business or residential district" means that portion of  
18 highway and the territory contiguous thereto, where within any 1,320  
19 feet along that highway there is land in use for business or residential  
20 purposes and that land occupies more than 660 feet of frontage on one  
21 side or collectively more than 660 feet of frontage on both sides of  
22 that roadway.

23 "Through highway" means every highway or portion thereof at the  
24 entrances to which vehicular traffic from intersecting highways is  
25 required by law to stop before entering or crossing the same and when  
26 stop signs are erected as provided in this chapter.

27 "Trackless trolley" means every motor vehicle which is propelled  
28 by electric power obtained from overhead trolley wires but not  
29 operated upon rails.

30 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
31 street cars, and other conveyances either singly, or together, while  
32 using any highway for purposes of travel.

33 "Traffic control signal" means a device, whether manually,  
34 electrically, mechanically, or otherwise controlled, by which traffic is  
35 alternately directed to stop and to proceed.

36 "Trailer" means every vehicle with or without motive power, other  
37 than a pole trailer, designed for carrying persons or property and for  
38 being drawn by a motor vehicle and so constructed that no part of its  
39 weight rests upon the towing vehicle.

40 "Truck" means every motor vehicle designed, used, or maintained  
41 primarily for the transportation of property.

42 "Truck tractor" means every motor vehicle designed and used  
43 primarily for drawing other vehicles and not so constructed as to carry  
44 a load other than a part of the weight of the vehicle and load so drawn.

45 "Van pooling" means seven or more persons commuting on a daily  
46 basis to and from work by means of a vehicle with a seating

1 arrangement designed to carry seven to 15 adult passengers.

2 "Vehicle" means every device in, upon or by which a person or  
3 property is or may be transported upon a highway, excepting devices  
4 moved by human power or used exclusively upon stationary rails or  
5 tracks or motorized bicycles.

6 (cf: P.L.2001, c.416, s.3)

7

8 37. R.S.39:3-10 is amended to read as follows:

9 39:3-10. No person shall drive a motor vehicle on a public  
10 highway in this State unless the person is under supervision while  
11 participating in a behind-the-wheel driving course pursuant to section  
12 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated  
13 permit, or a provisional or basic driver's license issued to him in  
14 accordance with this article.

15 No person under 18 years of age shall be issued a basic license to  
16 drive motor vehicles, nor shall a person be issued a validated permit,  
17 including a validated examination permit, until he has passed a  
18 satisfactory examination and other requirements as to his ability as an  
19 operator. The examination shall include a test of the applicant's vision,  
20 his ability to understand traffic control devices, his knowledge of safe  
21 driving practices and of the effects that ingestion of alcohol or drugs  
22 has on a person's ability to operate a motor vehicle, his knowledge of  
23 such portions of the mechanism of motor vehicles as is necessary to  
24 insure the safe operation of a vehicle of the kind or kinds indicated by  
25 the applicant and of the laws and ordinary usages of the road. No  
26 person shall sit for an examination for any permit without exhibiting  
27 photo identification deemed acceptable by the [director] commission,  
28 unless that person is a high school student participating in a course of  
29 driving education approved by the State Department of Education and  
30 conducted in a public, parochial or private school of this State,  
31 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The  
32 commission may waive the written law knowledge examination for any  
33 person 18 years of age or older possessing a valid driver's license  
34 issued by any other state, the District of Columbia or the United States  
35 Territories of American Samoa, Guam, Puerto Rico or the Virgin  
36 Islands. The commission shall be required to provide that person with  
37 a booklet that highlights those motor vehicle laws unique to New  
38 Jersey. A road test shall be required for a provisional license and  
39 serve as a demonstration of the applicant's ability to operate a vehicle  
40 of the class designated. No person shall sit for a road test unless that  
41 person exhibits photo identification deemed acceptable by the  
42 [director] commission. A high school student who has completed a  
43 course of behind-the-wheel automobile driving education approved by  
44 the State Department of Education and conducted in a public,  
45 parochial or private school of this State, who has been issued a special  
46 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1)



1 prior to January 1, 2003, shall not be required to exhibit photo  
2 identification in order to sit for a road test. The commission may  
3 waive the road test for any person 18 years of age or older possessing  
4 a valid driver's license issued by any other state, the District of  
5 Columbia or the United States Territories of American Samoa, Guam,  
6 Puerto Rico or the Virgin Islands. The road test shall be given on  
7 public streets, where practicable and feasible, but may be preceded by  
8 an off-street screening process to assess basic skills. The [director]  
9 commission shall approve locations for the road test which pose no  
10 more than a minimal risk of injury to the applicant, the examiner and  
11 other motorists. No new locations for the road test shall be approved  
12 unless the test can be given on public streets.

13 The [director] commission shall issue a basic driver's license to  
14 operate a motor vehicle other than a motorcycle to a person over 18  
15 years of age who previously has not been licensed to drive a motor  
16 vehicle in this State or another jurisdiction only if that person has: (1)  
17 operated a passenger automobile in compliance with the requirements  
18 of this title for not less than one year, not including any period of  
19 suspension or postponement, from the date of issuance of a provisional  
20 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not  
21 been assessed more than two motor vehicle points; (3) not been  
22 convicted in the previous year for a violation of R.S.39:4-50, section  
23 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14),  
24 R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any  
25 other motor vehicle-related violation the [director] commission  
26 determines to be significant and applicable pursuant to regulation; and  
27 (4) passed an examination of his ability to operate a motor vehicle  
28 pursuant to this section.

29 The [director] commission shall expand the driver's license  
30 examination by 20%. The additional questions to be added shall  
31 consist solely of questions developed in conjunction with the State  
32 Department of Health and Senior Services concerning the use of  
33 alcohol or drugs as related to highway safety. The [director]  
34 commission shall develop in conjunction with the State Department of  
35 Health and Senior Services supplements to the driver's manual which  
36 shall include information necessary to answer any question on the  
37 driver's license examination concerning alcohol or drugs as related to  
38 highway safety.

39 Up to 20 questions may be added to the examination on subjects  
40 to be determined by the [director] commission that are of particular  
41 relevance to youthful drivers, after consultation with the Director of  
42 the Office of Highway Traffic Safety.

43 The [director] commission shall expand the driver's license  
44 examination to include a question asking whether the applicant is  
45 aware of the provisions of the "Uniform Anatomical Gift Act,"  
46 P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating

1 on the driver's license the intention to make a donation of body organs  
2 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

3 Any person applying for a driver's license to operate a motor  
4 vehicle or motorized bicycle in this State shall surrender to the  
5 [director] commission any current driver's license issued to him by  
6 another state or jurisdiction upon his receipt of a driver's license for  
7 this State. The [director] commission shall refuse to issue a driver's  
8 license if the applicant fails to comply with this provision. An  
9 applicant for a permit or license who is less than 18 years of age, and  
10 who holds a permit or license for a passenger automobile issued by  
11 another state or country that is valid or has expired within a time  
12 period designated by the [director] commission, shall be subject to the  
13 permit and license requirements and penalties applicable to State  
14 permit and license applicants who are of the same age; except that if  
15 the other state or country has permit or license standards substantially  
16 similar to those of this State, the credentials of the other state or  
17 country shall be acceptable.

18 The [director] commission shall create classified licensing of  
19 drivers covering the following classifications:

20 a. Motorcycles, except that for the purposes of this section,  
21 motorcycle shall not include any three-wheeled motor vehicle equipped  
22 with a single cab with glazing enclosing the occupant, seats similar to  
23 those of a passenger vehicle or truck, seat belts and automotive  
24 steering.

25 b. Omnibuses as classified by R.S.39:3-10.1 and school buses  
26 classified under N.J.S.18A:39-1 et seq.

27 c. (Deleted by amendment, P.L.1999, c.28).

28 d. All motor vehicles not included in classifications a. and b. A  
29 license issued pursuant to this classification d. shall be referred to as  
30 the "basic driver's license."

31 Every applicant for a license under classification b. shall be a  
32 holder of a basic driver's license. Any issuance of a license under  
33 classification b. shall be by endorsement on the basic driver's license.

34 A driver's license for motorcycles may be issued separately, but if  
35 issued to the holder of a basic driver's license, it shall be by  
36 endorsement on the basic driver's license.

37 The [director] commission, upon payment of the lawful fee and  
38 after [he] it or a person authorized by [him] it has examined the  
39 applicant and is satisfied of the applicant's ability as an operator, may,  
40 in [his] its discretion, issue a license to the applicant to drive a motor  
41 vehicle. The license shall authorize him to drive any registered  
42 vehicle, of the kind or kinds indicated, and shall expire, except as  
43 otherwise provided, on the last day of the 48th calendar month  
44 following the calendar month in which such license was issued.

45 The [director] commission may, at [his] its discretion and for  
46 good cause shown, issue licenses which shall expire on a date fixed by

1 [him] it. If the [director] commission issues a license to a person who  
2 has demonstrated authorization to be present in the United States for  
3 a period of time shorter than the standard period of the license, the  
4 [director] commission shall fix the expiration date of the license at a  
5 date based on the period in which the person is authorized to be  
6 present in the United States under federal immigration laws. The  
7 [director] commission may renew such a license only if it is  
8 demonstrated that the person's continued presence in the United States  
9 is authorized under federal law. The fee for licenses with expiration  
10 dates fixed by the [director] commission shall be fixed by the  
11 [director] commission in amounts proportionately less or greater than  
12 the fee herein established.

13 The required fee for a license for the 48-month period shall be as  
14 follows:

15 Motorcycle license or endorsement: \$18<sup>1</sup> [.] <sup>1</sup>

16 Omnibus or school bus endorsement: \$18<sub>2</sub>

17 Basic driver's license: \$18<sub>2</sub>

18 The [director] commission shall waive the payment of fees for  
19 issuance of omnibus endorsements whenever an applicant establishes  
20 to the <sup>1</sup>[director's] commission's<sup>1</sup> satisfaction that said applicant will  
21 use the omnibus endorsement exclusively for operating omnibuses  
22 owned by a nonprofit organization duly incorporated under Title 15 or  
23 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

24 The [director] commission shall issue licenses for the following  
25 license period on and after the first day of the calendar month  
26 immediately preceding the commencement of such period, such  
27 licenses to be effective immediately.

28 All applications for renewals of licenses shall be made in a manner  
29 prescribed by the [director] commission and in accordance with  
30 procedures established by [him] it.

31 The [director] commission in [his] its discretion may refuse to  
32 grant a permit or license to drive motor vehicles to a person who is,  
33 in [his] its estimation, not a proper person to be granted such a permit  
34 or license, but no defect of the applicant shall debar him from  
35 receiving a permit or license unless it can be shown by tests approved  
36 by the [Director of the Division of Motor Vehicles] commission that  
37 the defect incapacitates him from safely operating a motor vehicle.

38 In addition to requiring an applicant for a driver's license to submit  
39 satisfactory proof of identity and age, the [director] commission also  
40 shall require the applicant to provide, as a condition for obtaining a  
41 permit and license, satisfactory proof that the applicant's presence in  
42 the United States is authorized under federal law.

43 If the [director] commission has reasonable cause to suspect that  
44 any document presented by an applicant as proof of identity, age or  
45 legal residency is altered, false or otherwise invalid, the [director]

1 commission shall refuse to grant the permit or license until such time  
2 as the document may be verified by the issuing agency to the  
3 **[director's]** commission's satisfaction.

4 A person violating this section shall be subject to a fine not  
5 exceeding \$500 or imprisonment in the county jail for not more than  
6 60 days, but if that person has never been licensed to drive in this  
7 State or any other jurisdiction, he shall be subject to a fine of not less  
8 than \$200 and, in addition, the court shall issue an order to the  
9 **[Director of the Division of Motor Vehicles]** commission requiring  
10 the **[director]** commission to refuse to issue a license to operate a  
11 motor vehicle to the person for a period of not less than 180 days.  
12 The penalties provided for by this paragraph shall not be applicable in  
13 cases where failure to have actual possession of the operator's license  
14 is due to an administrative or technical error by the **[Division of Motor**  
15 **Vehicles]** commission.

16 Nothing in this section shall be construed to alter or extend the  
17 expiration of any license issued prior to the date this amendatory and  
18 supplementary act becomes operative.

19 (cf: P.L.2001, c.420, s.3)

20

21 38. Section 15 of P.L.2001, c.391 (C.39:3-10f5) is amended to  
22 read as follows:

23 15. a. **[There is established in the General Fund a separate special**  
24 **non-lapsing account to be known as the "Secure Driver's License**  
25 **Fund."]** Revenues from the fees collected for the digitized picture  
26 provided for in this act shall be **[credited to the fund]** revenues of the  
27 commission upon enactment of P.L. , c. (C. ) (now before the  
28 Legislature as this bill) and used for the purposes of the commission.

29 b. **[Moneys in the fund shall be appropriated to the Department**  
30 **of Transportation for the purposes of ensuring secure driver's license**  
31 **documents and the handling thereof including the review, processing,**  
32 **production and distribution of a secure driver's license, identification**  
33 **card, or any related support documents required by or in relation to**  
34 **this act.]** (Deleted by amendment, P.L. , c. (now before the  
35 Legislature as this bill)

36 c. Any revenue credited to the fund **[but not appropriated to the**  
37 **department]** shall remain in the fund exclusively for the purposes **[set**  
38 **forth in this act]** of the commission.

39 (cf: P.L.2001, c.391, s.15)

40

41 39. Section 14 of P.L.1995, c.112 (C.39:8-54) is amended to read  
42 as follows:

43 14. A person who displays or causes or permits to be displayed  
44 any sign, mark, or advertisement, or otherwise identifies that person  
45 as a private inspection facility, a registered motor vehicle repair facility  
46 or an emission inspector when not holding a valid license or

1 registration issued by the director, or who inspects a motor vehicle  
2 without being licensed as a private inspection facility, or who conducts  
3 an emission inspection without being licensed as an emission inspector,  
4 or who performs <sup>1</sup>for compensation<sup>1</sup> an emission-related repair on a  
5 motor vehicle that has failed an emission test without being registered  
6 as a motor vehicle emission repair facility, or who transfers or  
7 attempts to transfer a valid license or registration, shall be subject to  
8 a fine of not less than \$1,000 or imprisonment for not more than 30  
9 days, or both. Any fine collected under the provisions of this section  
10 shall be paid to the State Treasurer and deposited in the "Motor  
11 Vehicle Inspection Fund" established pursuant to subsection j. of  
12 R.S.39:8-2.

13 (cf: P.L.1995, c.112, s.14)

14

15 40. (New section) To the extent that Reorganization Plans Nos.  
16 002-1995 and 005-1998 are inconsistent with any provisions of this  
17 act, they are superseded to the extent of such inconsistencies and any  
18 reference in such Plans to the Division of Motor Vehicles in the  
19 Department of Transportation shall mean and refer to the commission.

20

21 41. (New section) The Commercial Bus Unit in the Department  
22 of Transportation, together with all of its functions, powers and duties  
23 is transferred to and vested in the commission. This transfer shall be  
24 subject to the provisions of the "State Agency Transfer Act,"  
25 P.L.1971, c.375 (C.52:14D-1 et seq.). All career service employees  
26 who serve in the Commercial Bus Unit shall be employees of the  
27 commission and shall retain their present civil service employment  
28 status and their collective bargaining status, including all rights of  
29 tenure, retirement pension, disability, leave of absence, or similar  
30 benefits. All records, property appropriations, and any unexpended  
31 balance of funds appropriated or otherwise available to the  
32 Commercial Bus Unit, shall be transferred to the commission pursuant  
33 to the "State Agency Transfer Act."

34

35 42. R.S.39:2-3 is amended to read as follows:

36 39:2-3. The [commissioner] commission shall:

37 a. Have all the powers and perform all the duties conferred or  
38 imposed upon [him or the department] it by this [subtitle] Title;

39 b. Have [personal] charge and supervision of the administration  
40 and enforcement of this [subtitle] Title and attend to the enforcement  
41 thereof, and for the purpose of enforcement may communicate with  
42 the police departments and police officers in the state;

43 c. Collect such data with respect to the proper restrictions to be  
44 placed upon motor vehicles and their use upon the public roads,  
45 turnpikes and thoroughfares as shall seem for the public good;

46 d. Execute all contracts entered into by the [department]

1 commission and approve all bills for disbursement of money under any  
2 provision of this chapter and chapter 3 of this title (s. 39:3-1 et seq.),  
3 which bills shall be paid by the state treasurer upon the warrant of the  
4 comptroller out of any appropriation regularly made therefor.

5 (cf: R.S.39:2-3)

6  
7 43. R.S.39:3-3 is amended to read as follows:

8 39:3-3. A Motor Vehicle Agent (hereafter "agent") shall  
9 administer and ensure the efficient operations of a local commission  
10 office. The [director] commission shall designate at least 1 person in  
11 each county for each 300,000 inhabitants or fraction thereof to be  
12 <sup>1</sup>[his] its<sup>1</sup> agent for the registering of motor vehicles, issuing  
13 registration certificates and licensing of drivers, subject to the  
14 requirements of this subtitle and to any rules and regulations the  
15 [director] commission imposes. The agent shall so act until his  
16 authority is revoked by the [director] commission. All moneys  
17 received by such agents for registrations and licenses granted under  
18 the provisions of this chapter shall forthwith be deposited as received  
19 with the State Treasurer. Notwithstanding any provision of law to the  
20 contrary, all current agent contracts shall remain in effect until their  
21 expiration. [The] Until the agent contract expires, the fee allowed the  
22 agent for registration certificates issued by him and for every license  
23 granted by him shall be fixed by the [director] commission on the  
24 basis of the registration or license fees collected by the agent. The  
25 [director] commission may limit the fee so paid to a maximum. Such  
26 fee shall be paid to the agent by the State Treasurer upon the voucher  
27 of the [director] commission in the same manner as other State  
28 expenses are paid until the agent contract expires. At such time as the  
29 agent becomes a State employee, the agent shall receive a salary as  
30 fixed by the administrator in accordance with the commission table of  
31 organization. Future agent appointments shall be in the State  
32 unclassified service and <sup>1</sup>the agents shall<sup>1</sup> serve at the pleasure of the  
33 administrator. <sup>1</sup>To determine suitability for appointment, all agents  
34 shall undergo a background check prior to appointment based upon an  
35 examination of State, federal and financial records. No person shall be  
36 appointed as an agent who has contributed \$1,000 or more to any  
37 gubernatorial or State party committee in any one year during the five  
38 years preceding appointment. All agents appointed pursuant to this  
39 section shall be qualified by education and experience to administer  
40 and ensure the efficient operation of a local commission office. As  
41 used in this section, education and experience shall include a  
42 background in law enforcement, security services, customer relations  
43 or services; business administration, finance or management; or public  
44 administration or finance.<sup>1</sup>

45 (cf: P.L.1959, c.145, s.1)

1       44. R.S.39:3-47 is amended to read as follows:

2       39:3-47. No person shall drive, move, park or be in custody of any  
3 vehicle or combination of vehicles on any street or highway unless  
4 such vehicle or combination of vehicles is equipped with lamps and  
5 illuminating devices as hereinafter in this article respectively required  
6 for different classes of vehicles.

7       a. No person shall drive, move, park or be in custody of any  
8 vehicle or combination of vehicles on any street or highway during the  
9 times when lighted lamps are required unless such vehicle or  
10 combination of vehicles displays lighted lamps and illuminating devices  
11 as hereinafter in this article required. Failure to use lighted lamps  
12 when lighted lamps are required may result in a fine not to exceed  
13 \$50.00. In no case shall motor vehicle points or automobile insurance  
14 eligibility points pursuant to section 26 of P.L.1990, c.8 (C:17:33B-  
15 14) be assessed against any person for a violation of this subsection.  
16 A person who is fined under this subsection for a violation of this  
17 subsection shall not be subject to a surcharge under the New Jersey  
18 Merit Rating Plan as provided in section 6 of P.L.1983, c.65  
19 (C:17:29A-35).

20       b. No person shall use on any vehicle any approved electric lamp  
21 or similar device unless the light source of such lamp or device  
22 complies with the conditions of approval as to focus and rated  
23 candlepower.

24       c. No person shall alter the equipment or performance of  
25 equipment of any vehicle which has been approved at an official  
26 inspection station designated by the [commissioner] commission with  
27 intent to defeat the purpose of such inspection, and no person shall  
28 drive or use any vehicle with equipment so altered.

29 (cf: P.L.1995, c.305, s.2)

30

31       45. R.S.39:3-69 is amended to read as follows:

32       39:3-69. Every motor vehicle except a motor-drawn vehicle when  
33 operated upon a highway shall be equipped with a horn in good  
34 working order and capable of emitting sound audible under normal  
35 conditions from a distance of not less than 200 feet, but no horn or  
36 other warning device shall emit an unreasonably loud or harsh sound  
37 or a whistle. The driver of a motor vehicle shall, when reasonably  
38 necessary to insure safe operation, give audible warning with his horn  
39 but shall not otherwise use such horn when upon a highway.

40       No vehicle shall be equipped with nor shall any person use upon a  
41 vehicle any siren, whistle or bell except as otherwise permitted in this  
42 section. It is permissible but not required that any vehicle be equipped  
43 with a theft alarm signal device which is so arranged that it cannot be  
44 used by the driver as an ordinary warning signal. Any emergency  
45 vehicle authorized by the [commissioner] commission may be  
46 equipped with a siren, whistle, or bell capable of emitting sound

1 audible under normal conditions from a distance of not less than 500  
2 feet and of a type approved by the [commissioner] commission, but  
3 such siren, whistle or bell shall not be used except when such vehicle  
4 is operated in response to an emergency call or in the immediate  
5 pursuit of an actual or suspected violator of the law, in which said  
6 latter events the driver of such vehicle shall sound said siren, whistle  
7 or bell when necessary to warn pedestrians and other drivers of the  
8 approach thereof.

9 No person shall install or use on the exhaust system of any motor  
10 vehicle any device which emits an audible sound unless authorized to  
11 do so by the [commissioner] commission.

12 No bicycle shall be equipped with nor shall any person use upon a  
13 bicycle any siren or whistle.

14 The [commissioner] commission is hereby authorized in [his] its  
15 discretion to promulgate standards concerning the audibility of audible  
16 warning devices.

17 (cf: P.L.1968, c.97, s.1)

18

19 46. Section 2 of P.L.1938, c.352 (C.39:3-85.2) is amended to read  
20 as follows:

21 2. Every chief of police or other peace officer in the State of New  
22 Jersey, upon receiving reliable information that any motor vehicle has  
23 been stolen or any registration plates have been lost or stolen, shall  
24 within twenty-four hours report this information to the Superintendent  
25 of State Police and the [Commissioner of Motor Vehicles]  
26 commission.

27 Any chief of police or other peace officer, upon receiving reliable  
28 information that any motor vehicle or registration plates, which he  
29 previously reported as stolen or lost has been recovered, shall within  
30 twenty-four hours report the fact of such recovery to the  
31 Superintendent of State Police and the [Commissioner of Motor  
32 Vehicles] commission.

33 (cf: P.L.1938, c.352, s.2)

34

35 47. Section 3 of P.L.1938, c.352 (C.39:3-85.3) is amended to read  
36 as follows:

37 3. The Superintendent of State Police and the [Commissioner of  
38 Motor Vehicles] commission having been notified of the theft of a  
39 motor vehicle or the loss or theft of registration plates by a chief of  
40 police or other peace officer, shall index and file this information in  
41 such a manner that a motor vehicle or registration plates can be  
42 properly identified. These records shall be available to all police  
43 officers and other interested agencies. The Superintendent of State  
44 Police and the [Commissioner of Motor Vehicles] commission shall  
45 co-operate with and assist all peace officers and other agencies in



1 tracing or examining any questionable automobiles to determine the  
2 ownership thereof.

3 (cf: P.L.1938, c.352, s.3)

4

5 48. R.S.39:4-6 is amended to read as follows:

6 39:4-6. The **[director]** commissioner shall investigate traffic  
7 conditions, means for their improvement and the enforcement of laws  
8 and regulations relating to traffic, including pedestrian travel on the  
9 public streets and highways. **[He shall report annually to the**  
10 **Governor and the Legislature the result of his investigations together**  
11 **with his recommendations.]** He may determine, regulate and control  
12 the character, type, location, placing of and operation of all official  
13 traffic control devices on the streets, highways and public places in the  
14 State, or cause the removal of such devices determined to be  
15 unnecessary. He shall see that the laws relating to such devices are  
16 enforced, investigate the manner of enforcing the laws regarding the  
17 parking of vehicles on public highways, the use of streets by  
18 pedestrians, investigate the location of "stop" signs and cause the  
19 removal of those which in his opinion are installed in violation of this  
20 chapter, and cause the removal of all colored lights so located as to be  
21 confused with traffic signals. He shall also enforce the provisions of  
22 this chapter and promulgate rules and regulations for the enforcement  
23 of his duties hereunder.

24 This section shall not be construed to in any way curtail the powers  
25 of actual enforcement vested by law in the local authorities.

26 (cf: P.L.1951, c.23, s.6)

27

28 49. Section 2 of P.L.1975, c.250 (C.39:4-14.3) is amended to read  
29 as follows:

30 2. a. Motorized bicycles shall not be operated upon interstate  
31 highways or upon public highways divided by a grass or concrete  
32 median or highways with posted speed limits in excess of 50 miles per  
33 hour or upon the railroad or right-of-way of an operating railroad  
34 within the State of New Jersey or upon any public land where  
35 expressly prohibited by the governing body, department or agency  
36 having jurisdiction thereof.

37 The **[Director of the Division of Motor Vehicles]** commissioner  
38 is authorized to adopt regulations either prohibiting the operation of  
39 motorized bicycles on any, public road or highway with a speed limit  
40 in excess of 40 miles per hour, which in his discretion are hazardous  
41 for the operation of motorized bicycles or permitting the operation of  
42 motorized bicycles on any public road or highway, upon which the  
43 operation of motorized bicycles is otherwise prohibited by the  
44 provisions of this section, which in his discretion are safe for the  
45 operation of motorized bicycles. In no case, however, shall the  
46 **[director]** commissioner adopt a regulation permitting motorized

1 bicycles to be operated on any highway with a posted speed in excess  
2 of 50 miles per hour.

3 b. No municipality shall limit or otherwise restrict the operation  
4 of motorized bicycles on any public roads or highways under its  
5 jurisdiction in contravention of the provisions of this act or any  
6 regulations adopted by the director pursuant thereto.

7 c. Motorized bicycles shall not be operated by a person under 15  
8 years of age.

9 d. No person shall operate a motorized bicycle unless he is in  
10 possession of a valid driver's license of any class or a motorized  
11 bicycle license, which shall be issued by the [director] commission to  
12 any person 15 years of age or older, upon proof of identity and date  
13 of birth, and after he has passed a satisfactory examination as to his  
14 ability as an operator. Such examination shall include a test of the  
15 applicant's knowledge of such portions of the mechanism of motorized  
16 bicycles as is necessary to insure their safe operation and of the laws  
17 and ordinary usages of the road and a demonstration of his ability to  
18 operate a motorized bicycle.

19 The demonstration of an applicant's ability to operate a motorized  
20 bicycle shall be administered at such municipalities that the [director]  
21 commission shall designate, under the supervision of the [director]  
22 commission, or an officer, employee, or authorized agent of the  
23 [Division of Motor Vehicles] commission, in accordance with rules  
24 and regulations promulgated by the [division] commission.

25 The [director] administrator may, in his discretion, issue a  
26 learner's permit to a person 15 years of age or older, upon proof of  
27 identity and date of birth, allowing such person, for the purpose of  
28 fitting himself to become a motorized bicycle driver, to operate a  
29 motorized bicycle during daylight hours without supervision for a  
30 period not to exceed 45 days. The permit shall be sufficient license for  
31 the person to operate a motorized bicycle. No permit shall be issued  
32 unless the person applying therefor shall pay the sum of \$5.00 to the  
33 [director] commission, or an officer, employee or agent of the  
34 [division] commission.

35 e. The valid driver's license, the insurance identification card, and  
36 the registration certificate shall be in the possession of the operator at  
37 all times when he is operating a motorized bicycle with motor engaged  
38 on the highways of this State. The operator shall exhibit his driver's  
39 license when requested to do so by any police officer or magistrate,  
40 while in the performance of the duties of his office and shall write his  
41 name in the presence of the officer, so that the officer may thereby  
42 determine the identity of the licensee and at the same time determine  
43 the correctness of the registration certificate, as it relates to the  
44 registration number and number plates of the motorized bicycle for  
45 which it was issued and the correctness of the evidence of a policy of  
46 insurance, as it relates to the coverage of the motorized bicycle for

1 which it was issued. Any person violating this subsection shall be  
2 subject to a fine not exceeding \$50.00.

3 If a person charged with a violation of this subsection can exhibit  
4 his valid driver's license, insurance identification card, and registration  
5 certificate, which were valid on the day he was charged, to the judge  
6 of the municipal court before whom he is summoned to answer to the  
7 charge, the judge may dismiss the charge; however, the judge may  
8 impose court costs.

9 f. Unless otherwise determined by the [director] commissioner,  
10 statutes, rules and regulations applicable to bicycles shall apply  
11 whenever a motorized bicycle is operated upon any highway or upon  
12 any public land.

13 Every person operating a motorized bicycle upon a public road or  
14 highway shall be subject to all of the duties applicable to the driver of  
15 a vehicle by chapter 4 of Title 39 and N.J.S.2C:11-5 and all  
16 amendments and supplements thereto.

17 (cf: P.L.1983, c.105, s.7)

18

19 50. Section 42 of P.L.1951, c.23 (C.39:4-85.1) is amended to read  
20 as follows:

21 42. The [State Highway Commissioner] commissioner with  
22 respect to highways under his jurisdiction may by regulation, and local  
23 and county authorities with respect to highways under their  
24 jurisdiction may by ordinance or resolution[, subject to the approval  
25 of the Director of the Division of Motor Vehicles,] designate any such  
26 highway or any separate roadway of such highway for one-way traffic  
27 and shall erect appropriate signs giving notice thereon.

28 Upon a highway or roadway properly designated and signed for  
29 one-way traffic, a vehicle shall be driven only in the direction  
30 designated.

31 (cf: P.L.1951, c.23, s.42)

32

33 51. R.S.39:4-120 is amended to read as follows:

34 39:4-120. The [director] commissioner may determine the  
35 character, type, location, placing and operation of all traffic control  
36 signal devices on the highways of this State. The [director]  
37 commissioner may adopt a manual and specifications for a uniform  
38 system of traffic control signals consistent with the provisions of this  
39 act for use upon public highways within the State. Such uniform  
40 system shall correlate with and so far as possible conform to the  
41 system then current as specified in the "Manual on Uniform Traffic  
42 Control Devices for Streets and Highways."

43 (cf: P.L.1951, c.23, s.61)

44

45 52. Section 1 of P.L.1948, c.342 (C.39:4-138.1) is amended to  
46 read as follows:

1       1. The [State Highway Commissioner] commissioner, by  
2 regulations [subject to the approval of the Director of the Division of  
3 Motor Vehicles], shall have authority to establish and maintain “no  
4 parking” zones on portions of State highways where parking is deemed  
5 hazardous or inimical to the proper flow of traffic.

6       “No parking” zones so established shall be clearly marked by  
7 appropriate signs of a type and design according to specifications  
8 adopted by the [Director of the Division of Motor Vehicles]  
9 commissioner.

10 (cf: P.L.1951, c.23, s.78)

11  
12       53. Section 7 of P.L.1941, c.345 (C.39:4-183.6) is amended to  
13 read as follows:

14       7. The [Director of the Division of Motor Vehicles] commissioner  
15 may determine the character, type, location, wording or symbol, and  
16 use of all traffic signs on the highways of this State; may adopt a  
17 manual and specifications for a uniform system of traffic signs  
18 consistent with the provisions of this act for use upon public highways  
19 within the State. Such uniform system shall correlate with and so far  
20 as possible conform to the system then current as specified in the  
21 “Manual on Uniform Traffic Control Devices for Streets and  
22 Highways.”

23 (cf: P.L.1951, c.23, s.82)

24  
25       54. Section 10 of P.L.1941, c.345 (C.39:4-183.9) is amended to  
26 read as follows:

27       10. The design of all traffic signs shall conform to and have the  
28 minimum dimensions of the specifications adopted by the [Director of  
29 the Division of Motor Vehicles] commissioner, except as otherwise  
30 approved by the [director] commissioner. Where conditions require  
31 greater visibility necessitating a larger sign, standard shapes and colors  
32 shall be used, and standard proportions shall be retained, so far as  
33 practicable.

34       This is not to be deemed to prohibit the erection of enlarged bridge  
35 type signs or narrow longitudinal type signs suspended from mast  
36 arms, over the roadway.

37 (cf: P.L.1956, c.107, s.7)

38  
39       55. Section 3 of P.L.1971, c.393 (C.39:4-183.21a) is amended to  
40 read as follows:

41       3. The [Director of the Division of Motor Vehicles] commissioner  
42 shall, upon receiving notice from a railroad company that it has  
43 abandoned a particular line and the grade crossings thereon, order the  
44 removal of any advance warning signs erected pursuant to section 22

1 of P.L.1941, c.345 (C.39:4-183.21).  
2 (cf: P.L.1971, c.393, s.3)

3

4 56. Section 25 of P.L.1941, c.345 (C.39:4-183.24) is amended to  
5 read as follows:

6 25. Standard location and information signs shall conform to the  
7 design and specifications adopted by the [Director of the Division of  
8 Motor Vehicles] commissioner.

9 (cf: P.L.1951, c.23, s.98)

10

11 57. Section 114 of P.L.1951, c.23 (C.39:4-201.1) is amended to  
12 read as follows:

13 114. With respect to highways under his jurisdiction the [State  
14 Highway Commissioner] commissioner, by regulations [subject to the  
15 approval of the Director of the Division of Motor Vehicles], shall have  
16 authority to establish and maintain as “no passing” zones portions of  
17 such highways where overtaking and passing, or driving to the left of  
18 the roadway is deemed especially hazardous. Notice to the public of  
19 the establishment of said “no-passing” zones, shall be given in the  
20 manner provided in section 39:4-198 of the Revised Statutes.

21 (cf: P.L.1951, c.23, s.114)

22

23 58. Section 5 of P.L.1950, c.16 (C.39:4-212) is amended as  
24 follows:

25 5. The said division and any such board, body or officer is  
26 authorized to consult and co-operate with the [Division of Motor  
27 Vehicles in the said department] commissioner, and the county and  
28 municipal officials having jurisdiction over the highways and traffic  
29 regulations and enforcement in the city of Trenton, or in the  
30 municipality in which the State institution may be located, as the case  
31 may be, in making and enforcing the said regulations.

32 (cf: P.L.1956, c.47, s.4)

33

34 59. R.S.39:5-32 is amended as follows:

35 39:5-32. The [commissioner] commission shall, at all times, have  
36 the power to validate a driver’s license that has been revoked, or to  
37 grant a new license to any person whose license to drive motor  
38 vehicles shall have been revoked.

39 (cf: R.S.39:5-32)

40

41 60. R.S.39:5-33 is amended to read as follows:

42 39:5-33. If a driver of motor vehicles shall have had his license  
43 suspended or revoked, a new license granted to him shall be void and  
44 of no effect, unless it shall be granted by the [commissioner in person]  
45 commission.

46 (cf: R.S.39:5-33)

1       61. R.S.39:5-34 is amended to read as follows:

2       39:5-34. If a registration or registration certificate shall have been  
3 suspended or revoked, a new registration or registration certificate  
4 issued shall be void and of no effect, unless the new registration shall  
5 be made and the new certificate issued under the [personal] direction  
6 of the [commissioner] commission.

7 (cf: R.S.39:5-34)

8

9       62. R.S.39:5-46 is amended to read as follows:

10       39:5-46. The clerk of every court wherein a person licensed to  
11 operate a motor vehicle in this or another state is convicted of stealing  
12 produce from a farm in this state, shall, within three days after the  
13 conviction, make a report in writing to the [commissioner]  
14 commission of all such cases heard before the court, upon blanks  
15 provided by the [commissioner] commission for the purpose. The  
16 report shall state the name and address of the person convicted, the  
17 date thereof, the sentence imposed by the court and any  
18 recommendations the court may deem of value to the [commissioner]  
19 commission in determining whether action should be taken against the  
20 convicted person's license.

21 (cf: R.S.39:5-46)

22

23       63. R.S.39:5-47 is amended to read as follows:

24       39:5-47. The [commissioner] commission may authorize the  
25 seizure of a motor vehicle operated over the highways of this state  
26 when [he] it has reason to believe that the motor vehicle has been  
27 stolen or is otherwise being operated under suspicious circumstances  
28 and may retain it in the name of the [department] commission until  
29 such time as the identity of ownership is established, whereupon [he]  
30 it shall order the release of the motor vehicle to its owner.

31       After the expiration of ninety days from the date the motor vehicle  
32 came into the possession of the [commissioner] commission by  
33 seizure or otherwise, [he] it shall sell it at public sale, upon notice of  
34 the sale being first published for the space of two weeks in one or  
35 more newspapers published and circulating in this state, and also by  
36 posting the notice in five public places in this state. The newspapers  
37 and places of posting shall be designated by the [commissioner]  
38 commission. Upon the sale of the motor vehicle all claims for interest  
39 therein shall be forever barred and the proceeds realized therefrom  
40 shall become the sole property of the state, to be used as other moneys  
41 received under chapter 3 of this title (§ 39:3-1 et seq.).

42 (cf: R.S.39:5-47)

43

44       64. R.S.39:10-4 is amended to read as follows:

45       39:10-4. The enforcement of this chapter shall be intrusted to the  
46 [commissioner] commission and [he] it may make rules and

1 regulations necessary in [his] its judgment for the administration and  
2 enforcement thereof in addition thereto but not inconsistent therewith.  
3 [He] The commission may employ and discharge any person [he] it  
4 requires for the administration and enforcement of this chapter and fix  
5 their compensation.

6 (cf: R.S.39:10-4)

7

8 65. R.S.39:11-2 is amended to read as follows:

9 39:11-2. The terms “motor vehicle junk business” or “motor  
10 vehicle junk yard” shall mean and describe any business and any place  
11 of storage or deposit adjacent to or visible from a state highway,  
12 which displays, or in or upon which there are displayed, to the public  
13 view, two or more unregistered motor vehicles which, in the opinion  
14 of the [commissioner] commission, are unfit for reconditioning for use  
15 for highway transportation, or used parts of motor vehicles or material  
16 which has been a part of a motor vehicle, the sum of which parts or  
17 material shall, in the opinion of the [commissioner] commission, be  
18 equal in bulk to two or more motor vehicles.

19 (cf: R.S.39:11-2)

20

21 66. R.S.39:11-3 is amended to read as follows:

22 39:11-3. The [commissioner] commission may, in [his] its  
23 discretion, issue licenses permitting the establishment and maintenance  
24 of a motor vehicle junk yard or business, and no such business shall be  
25 established or maintained unless it is licensed in accordance with this  
26 chapter.

27 (cf: R.S.39:11-3)

28

29 67. R.S.39:11-4 is amended to read as follows:

30 39:11-4. Before making application to the [commissioner]  
31 commission for a license for the motor vehicle junk business or motor  
32 vehicle junk yard, the applicant shall first obtain a permit or certificate  
33 approving its proposed location from the governing body or zoning  
34 commission of the municipality in which it is proposed to establish or  
35 maintain the junk yard or business.

36 (cf: R.S.39:11-4)

37

38 68. R.S.39:11-6 is amended to read as follows:

39 39:11-6. Upon request of the governing body or zoning  
40 commission, as the case may be, of the municipality in which the yard  
41 or business is proposed to be located, the [commissioner] commission  
42 shall hold a public hearing within the municipality not less than three  
43 nor more than five weeks from the date of the application. Notice of  
44 the hearing shall be given to the applicant and to the council or mayor,  
45 by mail, postage prepaid, and be published once in a newspaper having  
46 a circulation within the municipality, not less than seven days before

1 the date of the hearing. The hearing shall be conducted by the  
2 [commissioner] commission or [his] its authorized representative,  
3 and the applicant shall pay to the [commissioner] commission or [his]  
4 its representative a fee of twenty-five dollars, the costs of the notices  
5 and the expenses of the hearing. Upon the conclusion of the hearing,  
6 the [commissioner] commission shall, within five days, recommend in  
7 writing to the governing body or the zoning commission, as the case  
8 may be, the granting or refusal of the local permit or certificate of  
9 approval, giving [his] its reasons for the recommendation.

10 (cf: R.S.39:11-6)

11

12 69. R.S.39:11-7 is amended to read as follows:

13 39:11-7. Application for a state license for the motor vehicle junk  
14 yard or business shall be made to the [commissioner] commission, in  
15 writing, upon a form to be supplied by [him] it. With the application  
16 there shall be submitted a local permit or certificate of approval, as  
17 hereinbefore described, and the application shall be accompanied by  
18 the amount of the fees herein fixed for the license applied for. The  
19 [commissioner] commission or [his] its representative, upon receipt  
20 of the application, shall examine the location of the motor vehicle junk  
21 yard or business proposed to be established or maintained, and shall  
22 grant the license if in [his] its judgment there is no valid reason why  
23 it should not be granted. The [commissioner] commission in granting  
24 the license, may impose upon the establishment or maintenance of the  
25 yard or business, such conditions as [he] it deems advisable, having  
26 regard to the depreciation of surrounding property and the health,  
27 safety and general welfare of the public, and no license for the junk  
28 yard or business shall be issued until these conditions have been  
29 complied with.

30 (cf: R.S.39:11-7)

31

32 70. R.S.39:11-8 is amended to read as follows:

33 39:11-8. An applicant for the license shall pay to the [director]  
34 commission a fee of \$50.00 for the examination of the proposed  
35 location of each motor vehicle junk yard or business and a license fee  
36 therefor [to the director] of \$100.00. No license shall be effective for  
37 more than 1 year from the date of issue.

38 (cf: P.L.1975, c.180, s.20)

39

40 71. R.S.39:11-9 is amended to read as follows:

41 39:11-9. Every person holding a license issued in accordance with  
42 this chapter and a dealer's license issued in accordance with subtitle 1  
43 of this title (s.39:1-1 et seq.), shall certify to the [commissioner]  
44 commission, upon the sale by him of a motor vehicle, that, at the time  
45 of the sale, the motor vehicle was or was not, as the case may be, in  
46 suitable condition to be operated on the highways.



1 (cf: R.S.39:11-9)

2

3 72. R.S.39:11-10 is amended to read as follows:

4 39:11-10. A person aggrieved by the action of the governing body  
5 or zoning commission of a municipality under this chapter, or a person  
6 aggrieved by an action of the [director] commission or [his] its  
7 authorized representative under this chapter, may obtain a review in  
8 the Superior Court by a proceeding in lieu of prerogative writ.

9 (cf: P.L.1953, c.36, s.36)

10

11 73. R.S.39:11-11 is amended to read as follows:

12 39:11-11. A person who violates any provision of R.S.39:11-3 or  
13 R.S.39:11-9 of this Title shall be fined not less than \$25.00 nor more  
14 than \$100.00 or be imprisoned not more than 90 days, or both.

15 The provisions of said sections shall be enforced and all penalties  
16 for the violation thereof shall be recovered in accordance with the  
17 provisions of ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.),]  
18 "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-  
19 10 et seq.) and in addition to the provisions and remedies therein  
20 contained, the following provisions and remedies shall be applicable in  
21 any proceeding brought for a violation of any of the provisions of said  
22 sections:

23 a. The several municipal courts shall have jurisdiction of any such  
24 proceeding, in addition to the courts prescribed in <sup>1</sup>["the penalty  
25 enforcement law;"] "The Penalty Enforcement Law of 1999;"<sup>1</sup>

26 b. The complaint in any such proceeding may be made on  
27 information and belief by the [director] commission, or any police or  
28 peace officer of any municipality, any county or the State;

29 c. A warrant may issue in lieu of summons;

30 d. Any police or peace officer shall be empowered to serve and  
31 execute process in any such proceeding;

32 e. The hearing in any such proceeding shall be without a jury;

33 f. Any such proceeding may be brought in the name of the  
34 [Director of the Division of Motor Vehicles in the Department of Law  
35 and Public Safety] commission or in the name of the State of New  
36 Jersey;

37 g. Any sums received in payment of any fines imposed in any such  
38 proceeding shall be paid to the [Director of the Division of Motor  
39 Vehicles] commission and shall be paid by [him] it into the State  
40 treasury;

41 h. The director or judge before whom any hearing under said  
42 sections is had may revoke the license of any person to maintain a  
43 motor vehicle junk yard when such person shall have been guilty of  
44 such willful violation of any of the said provisions as shall in the  
45 discretion of the [director] commission or judge justify such  
46 revocation.

1 (cf: P.L.1983, c.403, s.34)

2

3 74. Section 2 of P.L.1983, c.360 (C.39:13-2) is amended to read  
4 as follows:

5 2. a. The [director] commission shall establish a system for the  
6 licensure of auto body repair facilities. This system may provide for  
7 licenses based upon the type or types of motor vehicles repaired by the  
8 facility and the equipment required for repair of the vehicles. At a  
9 minimum, the [director] commission shall provide for a full service  
10 auto body repair facility license, the qualifications for which are  
11 established under section 7 of this amendatory and supplementary act,  
12 and an automobile dealer sublet license, the qualifications for which  
13 are established under section 8 of this amendatory and supplementary  
14 act. All facilities licensed pursuant to this section may hold themselves  
15 out to the public as licensed auto body repair facilities.

16 b. No person may engage in the business of an auto body repair  
17 facility unless it is licensed by the [director] commission. An auto  
18 body repair facility shall be licensed by the [director] commission  
19 upon submission and approval of an application and payment of a  
20 reasonable application fee sufficient to cover the cost of implementing  
21 the provisions of this act and to be prescribed by the [director]  
22 commission. The [director] commission may require biennial renewal  
23 of applications for licensure and may stagger the renewal dates and  
24 adjust the application fees accordingly. [Revenue received from  
25 application fees and renewals shall be annually appropriated to the  
26 Department of Transportation for the use of the Division of Motor  
27 Vehicles in implementing and administering the provisions of  
28 P.L.1983, c.360 (C.39:13-1 et seq.), as amended and supplemented.]

29 (cf: P.L.2001, c.53, s.2)

30

31 75. R.S.39:8-1 is amended to read as follows:

32 39:8-1. a. Every motor vehicle registered in this State which is  
33 used over any public road, street, or highway or any public or quasi-  
34 public property in this State, and every vehicle subject to enhanced  
35 inspection and maintenance programs pursuant to 40 C.F.R. § 51.356,  
36 except historic motor vehicles registered as such, collector motor  
37 vehicles designated as such pursuant to this subsection, and those  
38 vehicles over 8,500 pounds gross weight that are under the inspection  
39 jurisdiction of the [Department of Transportation] commission  
40 pursuant to Titles 27 and 48 (as amended by this legislation) of the  
41 Revised Statutes, shall be inspected by designated examiners or at  
42 official inspection facilities to be designated by the [director]  
43 commission or at licensed private inspection facilities. The [director]  
44 commission shall adopt rules and regulations establishing a procedure  
45 for the designation of motor vehicles as collector motor vehicles,  
46 which designation shall include consideration by the [director]

1 commission of one or more of the following factors: the age of the  
2 vehicle, the number of such vehicles originally manufactured, the  
3 number of such vehicles that are currently in use, the total number of  
4 miles the vehicle has been driven, the number of miles the vehicle has  
5 been driven during the previous year or other period of time  
6 determined by the [director] commission, and whether the vehicle has  
7 a collector classification for insurance purposes.

8 b. The [director] commission shall determine the official  
9 inspection facility or private inspection facility at which a motor  
10 vehicle, depending upon its characteristics, shall be inspected. The  
11 [director] commission, with the concurrence of the Department of  
12 Environmental Protection, may exclude by regulation from this  
13 inspection requirement any category of motor vehicle if good cause for  
14 such exclusion exists, unless the exclusion is likely to prevent this  
15 State from meeting the applicable performance standard established by  
16 the United States Environmental Protection Agency. The [director]  
17 commission may determine that a vehicle is in compliance with the  
18 inspection requirements of this section if the vehicle has been  
19 inspected and passed under a similar inspection program of another  
20 state, district, or territory of the United States.

21 (cf: P.L.1995, c.112, s.19)

22

23 76. Section 2 of P.L.1995, c.157 (C.39:8-60) is amended to read  
24 as follows:

25 2. As used in this act:

26 “Diesel bus” means any diesel-powered autobus or motorbus of  
27 any size or configuration, whether registered in this State or  
28 elsewhere, that is designed or used for intrastate or interstate  
29 transportation of passengers for hire or otherwise on a public road,  
30 street or highway or any public or quasi-public property in this State,  
31 and shall include, but need not be limited to: autobuses under the  
32 jurisdiction of the [Department of Transportation] commission  
33 pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the  
34 New Jersey Transit Corporation and its contract carriers that are under  
35 the inspection jurisdiction of the [Department of Transportation]  
36 commission; autobuses that are subject to federal motor carrier safety  
37 regulations; autobuses under the authority of the Interstate Commerce  
38 Commission or its successor agency; school buses, as defined pursuant  
39 to R.S.39:1-1; hotel, casino, charter, and special buses; and any other  
40 diesel-powered autobus or motorbus as determined by rule or  
41 regulation adopted by the [Division of Motor Vehicles] commission  
42 in consultation with the Department of Transportation;

43 “Diesel-powered motor vehicle” means a vehicle, whether  
44 registered in this State or elsewhere, that is self-propelled by a  
45 compression ignition type of internal combustion engine using diesel  
46 fuel and that (1) is designed or used for transporting persons or

1 property on any public road, street or highway or any public or quasi-  
2 public property in this State, (2) is greater than 8,500 pounds gross  
3 vehicle weight, (3) is not a diesel bus or heavy-duty diesel truck, and  
4 (4) is not a heavy-duty diesel truck or other diesel-powered motor  
5 vehicle owned and operated by a county, municipality, fire district, or  
6 duly incorporated nonprofit organization for first aid, emergency,  
7 ambulance, rescue, or fire-fighting purposes. Diesel-powered motor  
8 vehicle shall also mean a vehicle that is designed or used for  
9 construction or farming purposes and is greater than 8,500 pounds  
10 gross vehicle weight, except that the [Division of Motor Vehicles]  
11 commission, in consultation with the Department of Environmental  
12 Protection, may exempt from the requirements of this act diesel-  
13 powered motor vehicles that are registered as construction vehicles  
14 under Titles 39 and 41 of the Revised Statutes or that are greater than  
15 8,500 pounds gross vehicle weight and are designed or used for  
16 construction or farming purposes;

17 ["Director" means the Director of the Division of Motor Vehicles;

18 "Division" means the Division of Motor Vehicles;]

19 "EPA" means the United States Environmental Protection Agency;

20 "Gross vehicle weight rating" or "GVWR" means the value  
21 specified by the manufacturer as the loaded weight of a single or  
22 combination (articulated) vehicle. The GVWR of a combination  
23 (articulated) vehicle, commonly referred to as the "gross combination  
24 weight rating" or "GCWR," is the GVWR of the power unit plus the  
25 GVWR of the towed unit or units;

26 "Heavy-duty diesel truck" means any diesel-powered motor  
27 vehicle, whether registered in this State or elsewhere, with a GVWR  
28 of 18,000 or more pounds that is designed or used for the transporting  
29 of property on any public road, street or highway or any public or  
30 quasi-public property in this State. Heavy-duty diesel truck shall not  
31 mean a heavy-duty diesel truck owned and operated by a county,  
32 municipality, fire district, or duly incorporated nonprofit organization  
33 for first aid, emergency, ambulance, rescue, or fire-fighting purposes;

34 "Periodic inspection program" or "periodic inspection" means a  
35 program in which diesel buses, heavy-duty diesel trucks, and other  
36 diesel-powered motor vehicles registered in this State are periodically  
37 inspected in accordance with the provisions of this act;

38 "Person" means a corporation, company, association, society, firm,  
39 partnership, or joint stock company, or an individual, and shall also  
40 include the State and all of its political subdivisions and any agencies,  
41 authorities, corporations, or instrumentalities of the State or any  
42 political subdivision thereof; and

43 "Roadside enforcement program" or "roadside inspection" means  
44 a roadside examination program conducted pursuant to this act for the  
45 inspection of exhaust emissions, emission control apparatus and such  
46 other items as the Department of Environmental Protection, in  
47 consultation with the [Director of the Division of Motor Vehicles]

1 commission and the Commissioner of Transportation, prescribes, of  
2 diesel buses, heavy-duty diesel trucks, and other diesel-powered motor  
3 vehicles along any public road, street or highway or any public or  
4 quasi-public property in this State or at such other locations as may be  
5 designated by the [director] commission in consultation with the  
6 Commissioner of Transportation.

7 (cf: P.L.1995, c.157, s.2)

8

9 77. Section 3 of P.L.1995, c.157 (C.39:8-61) is amended to read  
10 as follows:

11 3. The Department of Environmental Protection, in consultation  
12 with the [Division of Motor Vehicles] commission and the  
13 Department of Transportation, shall adopt rules and regulations  
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
15 (C.52:14B-1 et seq.) establishing exhaust emissions standards and test  
16 methods, and standards for emission control apparatus and related  
17 items, in accordance with P.L.1966, c.16 (C.26:2C-8.1 et seq.) or as  
18 may be authorized or provided otherwise by federal law, rule or  
19 regulation, for diesel buses, heavy-duty diesel trucks, and other diesel-  
20 powered motor vehicles. The test methods shall be accurate,  
21 objective, and capable of being performed routinely in the periodic  
22 inspection program and the roadside enforcement program. In  
23 adopting such standards and test methods, the Department of  
24 Environmental Protection may consider, but need not necessarily  
25 adopt, exhaust control technology current at the time of adoption of  
26 the rules and regulations, as well as guidance, standards, directives,  
27 and other information issued by the EPA, any other state, or any  
28 governmental agency, scientific research entity, or industry. The  
29 Department of Environmental Protection may provide that the  
30 standards and test methods vary according to the age of the vehicle or  
31 according to other relevant factors, and the department may provide  
32 exemptions based upon good cause, including, but not limited to,  
33 whether the vehicle has been tested within the previous six months or  
34 other reasonable period of time in accordance with the law of another  
35 state or jurisdiction and has been found to be in compliance with the  
36 exhaust emissions standards of the state or jurisdiction in which the  
37 vehicle was tested. The provisions of this act shall not apply to any  
38 heavy-duty diesel truck or other diesel-powered motor vehicle owned  
39 and operated by a county, municipality, fire district, or duly  
40 incorporated nonprofit organization for first aid, emergency,  
41 ambulance, rescue, or fire-fighting purposes.

42 (cf: P.L.1995, c.157, s.3)

43

44 78. Section 5 of P.L.1995, c.157 (C.39:8-63) is amended to read  
45 as follows:

46 5. a. The owner and the lessee, if any, of a heavy-duty diesel  
47 truck operated in violation of section 4 of this act shall be jointly and

1 severally liable for a civil penalty of: \$700 for the first violation,  
2 except as otherwise provided in this subsection; and \$1,300 for the  
3 second or subsequent violation, except as otherwise provided in this  
4 subsection. A second or subsequent violation is one that occurs within  
5 one year of the occurrence of a previous violation committed with  
6 respect to the same heavy-duty diesel truck, without regard to the date  
7 of the hearing that adjudicated the violation and without regard to the  
8 identity of the defendant against whom it was adjudicated. The  
9 complaint and summons shall state whether the charges pertain to a  
10 first violation or to a second or subsequent violation, but if the  
11 complaint and summons fail to allege a second or subsequent violation,  
12 the civil penalty imposed shall be that for a first violation. The penalty  
13 for a first violation may be reduced to \$150 and the penalty for a  
14 second or subsequent violation may be reduced to \$500 if the  
15 defendant provides a certification of the repairs to the vehicle that is  
16 satisfactory to the court and in compliance with emissions standards.  
17 The [director] commission may specify by rule or regulation the  
18 manner of the repairs and the certification necessary to effect a  
19 reduction of penalty. The [director] commission may, by rule or  
20 regulation, provide that information pertaining to penalties, the repairs  
21 that may effect a reduction of penalty, and the certification necessary  
22 to substantiate those repairs and compliance with emissions standards  
23 be served with the complaint and summons. The [director]  
24 commission may, by rule or regulation, prescribe a form for certifying  
25 repairs and compliance with emissions standards, with instructions as  
26 to how the form should be completed and certified. The [director]  
27 commission may provide that the form be served with the complaint  
28 and summons.

29 Notwithstanding any other provision of law or any rule or  
30 regulation adopted pursuant thereto to the contrary, repairs to effect  
31 a reduction of penalty under the provisions of this subsection shall be  
32 made before the hearing date or within 45 days of the occurrence of  
33 the violation, whichever is sooner. A defendant who is permitted to  
34 waive appearance and plead guilty by mail shall also be permitted to  
35 submit the certification of repairs by mail; provided that if the court  
36 deems the certification to be inadequate, it shall afford the defendant  
37 the option to withdraw the defendant's guilty plea.

38 b. The owner and the lessee, if any, of a diesel bus operated in  
39 violation of section 4 of this act shall be jointly and severally liable for  
40 a civil penalty determined by a penalty schedule that the [director]  
41 commission, in consultation with the Commissioner of Transportation,  
42 shall adopt by rule or regulation pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but in no event  
44 shall the penalties established thereby exceed the penalties established  
45 by subsection a. of this section for heavy-duty diesel trucks. The  
46 penalty schedule may provide for a reduction of penalty if the  
47 defendant provides a certification of the repairs to the vehicle that is

1 satisfactory to the court and in compliance with emissions standards.  
2 The [director] commission, in consultation with the Commissioner of  
3 Transportation, may, by rule or regulation, specify the timing and  
4 manner of the repairs and compliance with emissions standards, and  
5 the certification necessary to effect a reduction of penalty. The  
6 [director] commission, in consultation with the Commissioner of  
7 Transportation, may, by rule or regulation, provide whether  
8 information pertaining to repairs and compliance with emissions  
9 standards, and whether a form to certify those repairs and that  
10 compliance, should be served with the complaint and summons.

11 Notwithstanding the provisions of this subsection to the contrary,  
12 the New Jersey Transit Corporation shall not be liable for any civil  
13 penalty assessed for a violation of section 4 or a violation of any other  
14 provision of this act if the diesel bus that is the subject of the violation  
15 is operated by a lessee or contractor, or an employee or agent of a  
16 lessee or contractor, of the New Jersey Transit Corporation.  
17 However, if a diesel bus that is the subject of a violation is leased by  
18 the New Jersey Transit Corporation from another person, and the  
19 diesel bus is operated by the New Jersey Transit Corporation or an  
20 employee thereof, the New Jersey Transit Corporation as lessee, and  
21 not the owner of the diesel bus, shall be liable for any civil penalty  
22 assessed for the violation.

23 c. The owner and the lessee, if any, of a diesel-powered motor  
24 vehicle operated in violation of section 4 of this act shall be jointly and  
25 severally liable for a civil penalty determined by a penalty schedule that  
26 the [director] commission shall adopt by rule or regulation pursuant  
27 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
28 et seq.), but in no event shall the penalties established thereby exceed  
29 the penalties established by subsection a. of this section for heavy-duty  
30 diesel trucks. The penalty schedule may provide for a reduction of  
31 penalty if the defendant provides a certification of the repairs to the  
32 vehicle that is satisfactory to the court and in compliance with  
33 emissions standards. The [director] commission may, by rule or  
34 regulation, specify the timing and manner of the repairs and  
35 compliance with emissions standards, and the certification necessary  
36 to effect a reduction of penalty. The [director] commission may, by  
37 rule or regulation, provide whether information pertaining to repairs  
38 and compliance with emissions standards, and whether a form to  
39 certify those repairs and that compliance, should be served with the  
40 complaint and summons.

41 (cf: P.L.1995, c.157, s.5)

42

43 79. Section 6 of P.L.1995, c.157 (C.39:8-64) is amended to read  
44 as follows:

45 6. a. The [director] commission, in consultation with the  
46 Department of Environmental Protection and the Department of  
47 Transportation and with the approval of the Attorney General, shall

1 establish and implement a periodic inspection program and a roadside  
2 enforcement program to implement the standards and test methods  
3 adopted pursuant to section 3 of this act. These programs shall be  
4 designed to measure exhaust emissions and to inspect emission control  
5 apparatus and related items on diesel buses, heavy-duty diesel trucks,  
6 and other diesel-powered motor vehicles. The programs shall include,  
7 at a minimum, diesel buses and heavy-duty diesel trucks subject to the  
8 rules and regulations adopted pursuant to section 3 of this act;  
9 provided that the [director] commission, in consultation with the  
10 Department of Transportation, may exempt vehicles from either  
11 program for good cause, which may include that vehicles belonging to  
12 an exempted class are, by law, subject to emissions testing in another  
13 program. The [director] commission, in consultation with the  
14 Department of Environmental Protection and with the approval of the  
15 Attorney General, may, by rule or regulation, expand the periodic  
16 inspection program and the roadside enforcement program to include  
17 other diesel-powered motor vehicles that are subject to the rules and  
18 regulations adopted pursuant to section 3 of this act. The [director]  
19 commission, in consultation with the Commissioner of Transportation,  
20 may, by rule or regulation, impose upon every owner and lessee of a  
21 diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
22 vehicle subject to periodic inspection the obligation to have the vehicle  
23 periodically inspected in a manner determined by the [director]  
24 commission in consultation with the Commissioner of Transportation,  
25 to effect repairs or to abstain from operating or to limit the operation  
26 of a rejected vehicle or a vehicle overdue for inspection, and may take  
27 other action necessary or appropriate for implementation of the  
28 periodic inspection program. The [director] commission, in  
29 consultation with the Commissioner of Transportation, may, by rule or  
30 regulation, impose upon every owner and lessee of a diesel bus, heavy-  
31 duty diesel truck, or other diesel-powered motor vehicle subject to  
32 roadside inspection the obligation to abstain from operating or to limit  
33 the operation of a vehicle that has been tested and found to be in  
34 violation of the rules and regulations adopted pursuant to section 3 of  
35 this act, or to effect repairs, and may take other action necessary or  
36 appropriate for implementation of the roadside enforcement program.  
37 A school bus, as defined pursuant to R.S.39:1-1, shall be exempt from  
38 the roadside enforcement program. However, nothing in this  
39 subsection allowing or mandating exemptions from the periodic  
40 inspection program or the roadside enforcement program shall be  
41 construed to limit any other enforcement actions permitted by law.

42 b. The [Department of Transportation] commission shall exercise  
43 all authority, including but not limited to administrative,  
44 implementation, enforcement, and penalty authority, [of the director  
45 and the division for the purposes of this act] in connection with the  
46 periodic inspection program for diesel buses and the roadside



1 enforcement program for diesel buses that are under the jurisdiction of  
2 the [Department of Transportation] commission pursuant to Titles 27  
3 and 48 of the Revised Statutes or any other law, rule, or regulation.  
4 The [Department of Transportation] commission shall consult with  
5 [the division and] the Department of Environmental Protection and  
6 the Department of Transportation in conducting the periodic  
7 inspection program for diesel buses and the roadside enforcement  
8 program for diesel buses that are under the jurisdiction of the  
9 [Department of Transportation] commission. Any periodic inspection  
10 that may be required pursuant to this act for a diesel bus under the  
11 jurisdiction of the [Department of Transportation] commission shall  
12 be conducted only in conjunction with any periodic safety inspection  
13 required for that diesel bus pursuant to law, rule, or regulation. Any  
14 suspension of registration privileges with respect to diesel buses  
15 [requested by the Department of Transportation] for a violation of  
16 this act or any rule or regulation adopted pursuant thereto shall be  
17 implemented by the [division] commission.

18 (cf: P.L.1995, c.157, s.6)

19

20 80. Section 7 of P.L.1995, c.197 (C.39:8-65) is amended to read  
21 as follows:

22 7. In implementing the roadside enforcement program, the  
23 [director] commission, in consultation with the Commissioner of  
24 Transportation, shall phase in roadside inspections by establishing a  
25 pilot roadside enforcement program providing a six-month grace  
26 period in which warnings shall be issued in lieu of the civil penalties  
27 established by this act or any rule or regulation adopted pursuant  
28 thereto. Notwithstanding the provisions of the "Administrative  
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), procedures for  
30 the pilot program may be adopted immediately.

31 (cf: P.L.1995, c.157, s.7)

32

33 81. Section 8 of P.L.1995, c.157 (C.39:8-66) is amended to read  
34 as follows:

35 8. a. The [director] commission, in consultation with the  
36 Department of Environmental Protection and the Department of  
37 Transportation, shall establish procedures by which test methods  
38 established pursuant to section 3 of this act shall be conducted in the  
39 periodic inspection program and in the roadside enforcement program.

40 b. The [director] commission, in consultation with the Department  
41 of Transportation and with the approval of the Attorney General, may,  
42 by rule or regulation, require that personnel from, and agents of, the  
43 [division] commission and the Department of Transportation, and  
44 personnel from the Division of State Police, who perform the test  
45 methods utilized in the roadside enforcement program, and licensees  
46 and persons employed by licensees who perform the tests and test

1 methods utilized in the periodic inspection program in accordance with  
2 the provisions of section 11 of this act, be trained to do so and be  
3 examined, periodically if the rule or regulation so provides, to ensure  
4 that their training and competence are adequate. Testing in the  
5 roadside enforcement program may be conducted by personnel from  
6 the [division, the Department of Transportation] commission, or the  
7 Division of State Police, or by agents appointed by or under contract  
8 with the [director or the Department of Transportation] commission.

9 c. The [director] commission, in consultation with the  
10 Department of Environmental Protection and the Department of  
11 Transportation and with the approval of the Attorney General, shall  
12 designate one or more test methods among those established pursuant  
13 to section 3 of this act that shall be utilized in the roadside  
14 enforcement program established pursuant to section 6 of this act.  
15 The [director] commission, in consultation with the Department of  
16 Transportation and with the approval of the Attorney General, shall  
17 establish a form or forms upon which the results of these designated  
18 tests or test methods shall be reported in the ordinary course. The  
19 form shall contain a statement or statements establishing the following:  
20 the type of test performed; the result achieved; that the person  
21 completing the form is the person who performed the test; that the  
22 tester has been certified by the [director] commission as having  
23 adequate training and competence to perform the test; that the tester  
24 is an employee or agent of the State and was acting in an official  
25 capacity when the tester performed the test; and any other information  
26 that the [director] commission may prescribe. The form shall contain  
27 a certification subscribed by the person performing the test and  
28 certifying that that person did perform the test in a proper manner and  
29 believes the test results to be valid and accurate. The presentation of  
30 a form prepared in accordance with the provisions of this subsection  
31 to a court by any party to a proceeding shall be evidence that all of the  
32 requirements and provisions of this subsection have been met and that  
33 the form has been prepared in accordance with the provisions of this  
34 subsection. The form shall be admissible evidence as proof of the  
35 statements contained therein in any civil penalty proceeding brought  
36 pursuant to the provisions of this act or any rule or regulation adopted  
37 pursuant thereto. A copy of the form shall be served, if practicable,  
38 with the complaint and summons upon the defendant or the  
39 defendant's agent for service of process; and, in any event, shall be  
40 served upon such person at least 20 days before the hearing.  
41 Whenever the form is served upon a defendant or a defendant's agent,  
42 together with the complaint and summons, the law enforcement officer  
43 serving the form shall execute and file with the court a proof of service  
44 on a form prescribed by the Administrative Director of the Courts and  
45 in a manner consistent with the Rules Governing the Courts of the  
46 State of New Jersey. The form shall not be admissible if it is not  
47 served at least 20 days before the hearing, provided that the court,

1 upon a showing of good cause and that the defendant is not  
2 prejudiced, may postpone the hearing, subject to the Rules Governing  
3 the Courts of the State of New Jersey.

4 d. A roadside inspection of a diesel bus to enforce standards  
5 adopted pursuant to section 3 of this act shall be conducted only in  
6 conjunction with a roadside safety inspection that is conducted  
7 pursuant to law, rule or regulation.

8 (cf: P.L.1995, c.157, s.8)

9

10 82. Section 9 of P.L.1995, c.157 (C.39:8-67) is amended to read  
11 as follows:

12 9. The Superintendent of the State Police, in consultation with and  
13 subject to the approval of the Attorney General, shall provide State  
14 Police officers to assist the [director and the Department of  
15 Transportation] commission in conducting the roadside enforcement  
16 program and the pilot roadside enforcement program. The State  
17 Police officers shall have authority to direct diesel buses, heavy-duty  
18 diesel trucks, or other diesel-powered motor vehicles from the  
19 roadway for the purpose of inspection, and shall perform other police  
20 duties necessary for or helpful to the implementation of the programs.

21 (cf: P.L.1995, c.157, s.9)

22

23 83. Section 10 of P.L.1995, c.157 (C.39:8-68) is amended to read  
24 as follows:

25 10. In addition to any other penalties that may be applicable, the  
26 operator of a diesel bus, heavy-duty diesel truck, or other diesel-  
27 powered motor vehicle who fails to comply with any direction given  
28 pursuant to section 9 of this act, or who refuses to submit or resists  
29 submitting a vehicle under the operator's control for roadside  
30 inspection, or who fails to comply with any other obligation imposed  
31 upon that person as part of the roadside enforcement program shall be  
32 jointly and severally liable with the owner and the lessee, if any, of the  
33 vehicle for a civil penalty of \$500. The owner and the lessee, if any,  
34 of a diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
35 vehicle subject to periodic inspections who violates any rule or  
36 regulation adopted pursuant to section 6 of this act pertaining to  
37 periodic inspections shall be liable for a civil penalty determined by a  
38 penalty schedule that the [director] commission, in consultation with  
39 the Commissioner of Transportation, shall adopt by rule or regulation  
40 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
41 (C.52:14B-1 et seq.), but in no event shall a penalty established  
42 thereby exceed \$500.

43

44 Notwithstanding the provisions of this section to the contrary, the  
45 New Jersey Transit Corporation shall not be liable for any civil penalty  
46 assessed for a violation of this section if the diesel bus that is the  
47 subject of the violation is operated by a lessee or contractor, or an  
employee or agent of a lessee or contractor, of the New Jersey Transit

1 Corporation. However, if a diesel bus that is the subject of a violation  
2 of this section is leased by the New Jersey Transit Corporation from  
3 another person, and the diesel bus is operated by the New Jersey  
4 Transit Corporation or an employee thereof, the New Jersey Transit  
5 Corporation as lessee, and not the owner of the diesel bus, shall be  
6 liable for any civil penalty assessed for the violation.  
7 (cf: P.L.1995, c.157, s.10)

8  
9 84. Section 11 of P.L.1995, c.157 (C.39:8-69) is amended to read  
10 as follows:

11 11. a. The **[director]** commission, in consultation with the  
12 Department of Transportation and after appropriate inquiry and  
13 investigation, shall issue licenses to operate diesel emission inspection  
14 centers to as many qualified and properly equipped persons, including  
15 owners or lessees of diesel buses, heavy-duty diesel trucks, or other  
16 diesel-powered motor vehicles, as the **[director]** commission  
17 determines shall be necessary to conduct periodic inspections. A  
18 licensee shall inspect and pass or reject a diesel bus, heavy-duty diesel  
19 truck, or other diesel-powered motor vehicle presented to the licensee  
20 for inspection. Passing shall indicate that the licensee or the licensee's  
21 employee has inspected the diesel bus, heavy-duty diesel truck, or  
22 other diesel-powered motor vehicle as prescribed by the **[director]**  
23 commission and has found that the vehicle conforms to the standards  
24 established by law and rule or regulation. The **[director]** commission,  
25 in consultation with the Department of Transportation and with the  
26 approval of the Attorney General, may establish by rule or regulation  
27 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
28 c.410 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
29 emission inspection centers, which fee shall not exceed \$250 per year.

30 b. For the purpose of documenting compliance with periodic  
31 inspection requirements, the **[director]** commission shall furnish  
32 official inspection forms to licensed diesel emission inspection centers.  
33 The **[director]** commission shall require each diesel emission  
34 inspection center and each owner or lessee of a diesel bus, heavy-duty  
35 diesel truck, or other diesel-powered motor vehicle subject to periodic  
36 inspection to keep such records and file such reports regarding these  
37 inspections as the **[director]** commission shall deem necessary. The  
38 **[director]** commission may conduct such audits or inspections of  
39 these centers as the **[director]** commission deems appropriate.

40 c. The **[director]** commission may deny, suspend or revoke a  
41 diesel emission inspection center license or refuse renewal thereof for  
42 cause, including, but not limited to, one or more of the following:

43 (1) Violation of any provision of this act or of any rule or  
44 regulation adopted pursuant thereto; or

45 (2) Fraud or misrepresentation in securing a license or in the  
46 conduct of the licensed activity; or

1 (3) Conviction of a crime demonstrating that the applicant or  
2 licensee is unfit; or

3 (4) Improper, negligent, or fraudulent inspection of a diesel bus,  
4 heavy-duty diesel truck, or other diesel-powered motor vehicle; or

5 (5) Other good cause.

6 d. In addition to any other civil or criminal penalties that may be  
7 applicable, a person licensed by the [director] commission to operate  
8 a diesel emission inspection center who commits fraud or  
9 misrepresentation in securing a license or in the conduct of the  
10 licensed activity or who improperly or negligently or fraudulently  
11 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
12 other diesel-powered motor vehicle shall be liable for a civil penalty of  
13 \$1,500. In addition to any other civil or criminal penalties that may be  
14 applicable, a person licensed by the [director] commission to operate  
15 a diesel emission inspection center who otherwise violates any  
16 provision of this act or of any rule or regulation adopted pursuant  
17 thereto shall be liable for a civil penalty of \$500.

18 (cf: P.L.1995, c.157, s.11)

19

20 85. Section 12 of P.L.1995, c.157 (C.39:8-70) is amended to read  
21 as follows:

22 12. Any person who violates any provision of sections 2 through  
23 20 of this act or any rule or regulation adopted pursuant thereto shall  
24 be liable for a civil penalty. The amount of the penalty shall be that  
25 specified in the other sections of this act or in the rules or regulations  
26 adopted pursuant to this act; but if no amount is otherwise specified,  
27 then the amount shall be \$200. Additionally, the [director]  
28 commission may suspend the registration privileges of a vehicle  
29 registered in this State that is operated in violation of this act or any  
30 rule or regulation adopted pursuant thereto.

31 (cf: P.L.1995, c.157, s.12)

32

33 86. Section 13 of P.L.1995, c.157 (C.39:8-71) is amended to read  
34 as follows:

35 13. a. A complaint and summons charging a violation of this act  
36 or any rule or regulation adopted pursuant thereto and seeking the  
37 imposition of a civil penalty in accordance with the provisions of this  
38 act or any rule or regulation adopted pursuant to this act shall be a  
39 ticket in the form prescribed by the Administrative Director of the  
40 Courts pursuant to the Rules Governing the Courts of the State of  
41 New Jersey and may contain information advising the persons to  
42 whom it is issued of the manner in which and time within which an  
43 answer to the alleged violation is required. The ticket may also advise  
44 that penalties may result from a failure to answer, that the failure to  
45 answer or appear shall be considered an admission of liability, and that  
46 a default judgment may be entered. Service of the ticket shall be  
47 subject to the Rules Governing the Courts of the State of New Jersey.

1 The ticket may be served personally upon the operator of a vehicle,  
2 and the owner's or the lessee's name may be recorded on the ticket,  
3 together with the plate number and state or jurisdiction as shown by  
4 the registration plates of the vehicle and the make or model of the  
5 vehicle. A ticket may be served upon the owner or the lessee of the  
6 vehicle by affixing the ticket to the vehicle in a conspicuous place. A  
7 ticket may be served by mail upon the owner or the lessee of the  
8 vehicle on file with the [division, the Department of Transportation]  
9 commission, or the licensing authority of another jurisdiction by  
10 mailing the ticket to the vehicle owner or lessee by regular or certified  
11 mail to the address on file with the [division, the Department of  
12 Transportation] commission, or the licensing authority of another  
13 jurisdiction. Service of a ticket by regular or certified mail shall have  
14 the same effect as if the ticket were served personally, subject to the  
15 Rules Governing the Courts of the State of New Jersey.

16 b. Subject to the Rules Governing the Courts of the State of New  
17 Jersey, the ticket shall contain sufficient information to identify the  
18 person or persons charged and to inform them of the nature, date, time  
19 and location of the alleged violation. Subject to the Rules Governing  
20 the Courts of the State of New Jersey, the original of the ticket shall  
21 be signed by the complaining witness, who shall certify to the truth of  
22 the facts set forth therein. Any person may serve as the complaining  
23 witness. For the purposes of the certification, the complaining witness  
24 may rely upon information from the [division, the Department of  
25 Transportation] commission, or the Division of State Police, upon  
26 official reports, and upon any form prepared in accordance with  
27 subsection c. of section 8 of this act. The original ticket or a true copy  
28 of the ticket shall be considered a record kept in the ordinary business  
29 of the [division] commission and shall be prima facie evidence of the  
30 facts contained therein.

31 c. Any operator who drives a vehicle in this State when the owner  
32 or lessee of that vehicle causes, authorizes, or otherwise permits such  
33 operation shall be the owner's or lessee's agent for service of any  
34 ticket, process, or penalty or other notice against the owner or lessee  
35 arising out of any alleged violation of this act or any rule or regulation  
36 adopted pursuant thereto. The owner and the lessee, if any, of a  
37 vehicle driven by any operator in this State shall be the operator's  
38 agent or agents for service of any ticket, process, or penalty or other  
39 notice arising out of any alleged violation of section 10 of this act  
40 pertaining to a roadside inspection. Subject to the Rules Governing  
41 the Courts of the State of New Jersey, any service of ticket, process,  
42 or penalty or other notice served on an operator who operates in this  
43 State, or on an owner or lessee of the vehicle, shall also constitute  
44 service upon the remaining persons, so long as the ticket, process, or  
45 penalty or other notice advises the person actually served of that  
46 person's responsibility to notify the remaining persons.

47 d. Subject to the Rules Governing the Courts of the State of New

1 Jersey, judicial proceedings under this act may be instituted on any day  
2 of the week, and the institution of the proceedings on a Sunday or a  
3 holiday shall not be a bar to the successful prosecution thereof.  
4 Subject to the Rules Governing the Courts of the State of New Jersey,  
5 any process served on a Sunday or holiday shall be as valid as if served  
6 on any other day of the week.

7 e. A municipal court before which proceedings pursuant to this act  
8 are instituted shall, subject to the Rules Governing the Courts of the  
9 State of New Jersey, immediately, upon expiration of the time for a  
10 defendant to answer or appear: (1) with respect to a resident of New  
11 Jersey, mail notice as provided in the Rules Governing the Courts of  
12 the State of New Jersey; or (2) with respect to a non-resident of New  
13 Jersey, mail notice as provided in the Rules Governing the Courts of  
14 the State of New Jersey. The notice shall be upon a form approved by  
15 the Administrative Director of the Courts that informs the defendant  
16 of the following: the infraction charged; the time and date of the  
17 infraction; the amount of penalties due; the defendant's right to have  
18 a hearing; and that a civil judgment may be entered against the  
19 defendant for failure to answer or appear or pay the amount of  
20 penalties due. Upon failure to answer or appear in response to the  
21 notice, the court shall give notice of that fact to the [division]  
22 commission in a manner prescribed by the [director] commission, and  
23 money judgment shall be entered and execution shall issue in  
24 accordance with the Rules Governing the Courts of the State of New  
25 Jersey. If the judgment has been docketed in the Superior Court  
26 pursuant to section 15 of this act, execution shall be under the  
27 jurisdiction of that court. In no case of an unsatisfied judgment shall  
28 an arrest warrant or execution against the body of the defendant issue  
29 unless otherwise provided by the Rules Governing the Courts of the  
30 State of New Jersey. If notice has been given under this subsection of  
31 a person's failure to respond to a failure to appear notice and if the  
32 person appears or if the case is dismissed or otherwise disposed of, the  
33 court shall promptly give notice to that effect to the [division]  
34 commission.

35 f. If the defendant is the owner or lessee of a vehicle that is the  
36 subject of the violation and if the defendant fails to respond to a failure  
37 to appear notice, the judge or the [division] commission may suspend  
38 the registration privileges of the defendant in this State. The [division]  
39 commission shall keep a record of a suspension ordered by the court  
40 pursuant to this subsection. If the registration privileges of the  
41 defendant have been suspended pursuant to this subsection and if the  
42 defendant appears or the case is disposed of and if the defendant  
43 satisfies all penalties and costs that are owing, the court shall forward  
44 to the [division] commission a notice to restore the defendant's  
45 registration privileges. Upon receiving a notice to restore and upon the  
46 defendant's payment of the restoration fee in accordance with section

1 23 of P.L.1975, c.180 (C.39:3-10a), the [division] commission shall  
2 record the restoration and notify the defendant of the restoration.  
3 (cf: P.L.1995, c.157, s.13)

4

5 87. Section 14 of P.L.1995, c.157 (C.39:8-72) is amended to read  
6 as follows:

7 14. An action for the recovery of a civil penalty for violation of  
8 this act or any rule or regulation adopted pursuant to this act shall be  
9 within the jurisdiction of and may be brought before the municipal  
10 court in the municipality where the offense was committed or where  
11 the defendant may be found, or where the measurement of emissions  
12 was physically made. The municipal prosecutor shall proceed in the  
13 matter on behalf of the State, unless the county prosecutor or the  
14 Attorney General assumes responsibility for the prosecution. The civil  
15 penalties provided by this act or any rule or regulation adopted  
16 pursuant thereto shall be recovered in the name of the [division or the  
17 Department of Transportation] commission, as appropriate, and any  
18 money collected by the court in payment of a civil penalty shall be  
19 conveyed to the State Treasurer for deposit into the State General  
20 Fund. The civil penalties provided by this act or any rule or regulation  
21 adopted pursuant thereto shall be collected and enforced by summary  
22 proceedings pursuant to ["the penalty enforcement law," N.J.S.2A:58-  
23 1 et seq.] "The Penalty Enforcement Law of 1999" P.L.1999, c.274  
24 (C.2A:58-10 et seq.). If the ticket has not been marked to indicate  
25 that a court appearance is required, the defendant shall have the option  
26 to waive trial, enter a plea of guilty, and pay the penalty, either by mail  
27 or in person, to the violations clerk, subject to the Rules Governing  
28 the Courts of the State of New Jersey.  
29 (cf: P.L.1995, c.157, s.14)

30

31 88. Section 15 of P.L.1995, c.157 (C.39:8-73) is amended to read  
32 as follows:

33 15. a. The court administrator of the municipal court shall docket  
34 in the Superior Court a municipal court judgment imposing a civil  
35 penalty pursuant to this act, or any rule or regulation adopted pursuant  
36 thereto, that remains unpaid at the time of the judgment's entry in the  
37 municipal court. The court administrator shall give notice of the  
38 docketing to the [division] commission in a manner prescribed by the  
39 [director] commission. The provisions and procedures of  
40 N.J.S.2B:12-26 shall apply to the docketing, except that the court  
41 administrator of the municipal court, rather than the [division]  
42 commission, shall effect the docketing; provided that nothing in this  
43 act shall be construed to prohibit the [director or the director's  
44 designee] commission or its designee from docketing the judgment on  
45 behalf of the [division] commission and in accordance with  
46 N.J.S.2B:12-26 if the court administrator of the municipal court fails



1 to do so or if the [director or the director's designee] commission or  
2 its designee chooses to do so for any other reason. No fee shall be  
3 charged to docket the judgment. The docketing shall have the same  
4 force and effect as a civil judgment docketed in the Superior Court,  
5 and the [director and the director's designees] commission and its  
6 designee shall have all of the remedies and may take all of the  
7 proceedings for the collection thereof that may be had or taken upon  
8 recovery of a judgment in an action, but without prejudice to any right  
9 of appeal.

10 b. If the defendant is the owner or lessee of a vehicle that is the  
11 subject of the violation, and if the defendant fails to pay a civil penalty  
12 imposed pursuant to this act or any rule or regulation adopted  
13 pursuant thereto, the [director] commission may suspend the  
14 registration privileges of the defendant in this State.

15 c. Any vehicle that is registered or present in this State and for  
16 which a civil penalty has been assessed pursuant to this act or any rule  
17 or regulation adopted pursuant thereto may be placed out of service  
18 by the [division] commission or the Division of State Police if the civil  
19 penalty remains unpaid after the date on which it became due and  
20 owing. A vehicle placed out of service pursuant to this act by either  
21 the [division] commission or the Division of State Police shall not be  
22 operated until all civil penalties that are due and owing are paid to the  
23 [division] commission. When a vehicle is placed out of service  
24 pursuant to this act, an administrative out-of-service order shall be  
25 prepared on a form or forms specified by the [director] commission  
26 and a copy served upon the operator of the vehicle or upon the owner  
27 or lessee of the vehicle. The operator of a vehicle served with an out-  
28 of-service order pursuant to this act shall report the issuance of the  
29 out-of-service order to the owner and the lessee, if any, of the vehicle  
30 within 24 hours. When a vehicle is placed out of service pursuant to  
31 this act it shall be the responsibility of the owner or lessee of that  
32 vehicle to arrange for the prompt removal of that vehicle, by means  
33 other than operating the vehicle, and to pay all costs associated  
34 therewith. The vehicle shall be removed to a secure storage place  
35 where the [division] commission and the Division of State Police can  
36 readily confirm its non-operation. If the owner or lessee fails to  
37 comply, or is otherwise incapable of complying with this subsection,  
38 the [division] commission or the Division of State Police may make  
39 such arrangements for the removal of the vehicle to a secure storage  
40 place where the [division] commission and the Division of State  
41 Police can readily confirm its non-operation, with all attendant charges  
42 and expenses to be paid by the owner, lessee, or bailee. No entity of  
43 government of this State or any political subdivision thereof shall be  
44 held liable for costs associated with or incurred in the enforcement of  
45 this subsection. Upon payment by cashier's check or money order, or  
46 in such other form as may be determined by the [director]

1 commission, subject to law or the Rules Governing the Courts of the  
2 State of New Jersey, of all unpaid civil penalties and attendant storage  
3 charges and expenses for a vehicle that has been placed out of service,  
4 the [director] commission shall remove the out-of-service order. Any  
5 person who operates, and any owner or lessee who causes or allows  
6 to be operated, a vehicle in violation of an out-of-service order  
7 prepared and served in accordance with the provisions of this  
8 subsection shall be liable for a civil penalty of \$1,500, and, if the  
9 person has the vehicle registered in this State, the [director]  
10 commission may suspend the registration privileges of the vehicle.

11 d. The [Department of Transportation shall exercise the duties,  
12 powers, and responsibilities of the director and the division]  
13 commission shall exercise all duties, powers and responsibilities set  
14 forth in this section with respect to the periodic inspection program for  
15 diesel buses and the roadside enforcement program for diesel buses  
16 under the jurisdiction of the [department] commission as set forth in  
17 subsection b. of section 6 of this act.

18 (cf: P.L.1995, c.157, s.15)

19

20 89. Section 16 of P.L.1995, c.157 (C.39:8-74) is amended to read  
21 as follows:

22 16. Notwithstanding any other provisions of this title to the  
23 contrary, all fees and other monies that the [division, the Department  
24 of Transportation] commission, or the State Treasurer receives  
25 pursuant to the provisions of this act or any rule or regulation adopted  
26 pursuant thereto shall be paid to the Commercial Vehicle Enforcement  
27 Fund established pursuant to section 17 of this act; except that monies  
28 received for attendant storage charges and expenses as provided in  
29 subsection c. of section 15 of this act shall be paid to the entity that  
30 incurred those charges and expenses.

31 (cf: P.L.1995, c.157, s.16)

32

33 90. Section 19 of P.L.1995, c.157 (C.39:8-77) is amended to read  
34 as follows:

35 19. Except as otherwise provided in this act, the [division]  
36 commission, the Department of Environmental Protection, and the  
37 Department of Transportation may adopt rules and regulations  
38 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
39 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

40 (cf: P.L.1995, c.157, s.19)

41

42 91. Section 20 of P.L.1995, c.157 (C.39:8-78) is amended to read  
43 as follows:

44 20. On the first day of the forty-eighth month after this act takes  
45 effect, the Attorney General, in consultation with the Commissioner of  
46 Environmental Protection, the commission, and the Commissioner of

1 Transportation, shall submit to the Governor and to the members of  
2 the Legislature a report assessing the effectiveness of the programs  
3 required by this act and the necessity and feasibility of providing for  
4 periodic centralized emissions inspections of diesel buses, heavy-duty  
5 diesel trucks, and other diesel-powered motor vehicles.

6 (cf: P.L.1995, c.157, s.20)

7

8 92. Section 90 of P.L.1962, c.198 (C.48:4-2.1a) is amended to  
9 read as follows:

10 90. a. The [Commissioner of Transportation] commission may  
11 make rules, regulations and orders applicable to the construction,  
12 equipment and insurance required of every motor vehicle within the  
13 jurisdiction of the [Department of Transportation] commission, and  
14 shall inspect, through [the department's] its agents, inspectors and  
15 employees, any such motor vehicle to determine the manner of  
16 compliance with such rules, regulations and orders.

17 b. In the event of noncompliance with such rules, regulations and  
18 orders, or with statutory requirements, the [commissioner]  
19 commission may, through [the department's] its agents, inspectors and  
20 employees, cause the immediate discontinuance of the operation of  
21 such motor vehicle, and no such motor vehicle shall be restored to  
22 service without the express approval of the [commissioner]  
23 commission.

24 c. Any person who shall remove or deface any notice of  
25 discontinuance that has been affixed or otherwise attached to the  
26 motor vehicle without approval of the [commissioner] commission is  
27 guilty of a crime of the fourth degree. In addition to any other  
28 penalties or remedies provided by law, a person who violates this  
29 subsection is subject to a civil penalty of \$1,000.

30 d. Any person who owns or causes to be operated a motor vehicle  
31 subject to this section without a valid certificate of inspection issued  
32 by the [commissioner] commission, or in violation of rules or orders  
33 made by the [commissioner] commission concerning insurance  
34 requirements of that vehicle, is a disorderly person. In addition to any  
35 other penalties or remedies provided by law, a person who violates this  
36 subsection is subject to a civil penalty of \$500 per day for each vehicle  
37 so operated.

38 e. Any person who operates a motor vehicle subject to this section  
39 without a valid certificate of inspection issued by the [commissioner]  
40 commission, or in violation of rules or orders made by the  
41 [commissioner] commission concerning insurance requirements of  
42 that vehicle, is a petty disorderly person.

43 f. Any inspection conducted pursuant to this section relating to  
44 emissions from a motor vehicle powered with diesel fuel that is also  
45 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
46 conducted in accordance with the provisions of that act.

1 (cf: P.L.1995, c.157, s.36)

2

3 93. Section 1 of P.L.1987, c.373 (C.48:4-2.1b) is amended to read  
4 as follows:

5 1. The **[Commissioner of Transportation]** commission may, in  
6 conjunction with any program of self-inspection established to ensure  
7 compliance with regulations adopted under section 90 of P.L.1962,  
8 c.198 (C.48:4-2.1a), and at the request of any owner or operator of a  
9 motor vehicle required to be self-inspected, authorize **[Department of**  
10 **Transportation]** commission personnel to conduct vehicle emission  
11 tests and brake tests. The **[commissioner]** commission may adopt  
12 regulations setting the amount of and providing for the charging and  
13 collecting of a fee for each vehicle emission test and each brake test  
14 conducted pursuant to this section, which fee shall be in an amount  
15 necessary to cover only the actual costs of the program.

16 Any inspection conducted pursuant to this section relating to  
17 emissions from a motor vehicle powered with diesel fuel that is also  
18 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
19 conducted in accordance with the provisions of that act.

20 (cf: P.L.1995, c.157, s.37)

21

22 94. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to read  
23 as follows:

24 3. As used in this act:

25 "Bus" or "buses" means and includes all autobuses, of whatever  
26 size or configuration, under the jurisdiction of the **[Department of**  
27 **Transportation]** commission; all autobuses of NJ Transit and its  
28 contract carriers which are under the inspection jurisdiction of the  
29 **[department]** commission; all autobuses of whatever size or  
30 configuration, that are subject to Federal Motor Carrier Safety  
31 Regulations, operated on public highways or in public places in this  
32 State; and all autobuses operated on public highways or in public  
33 places in this State under the authority of the Interstate Commerce  
34 Commission, or its successor agency.

35 "Bus safety out-of-service violation" means any serious  
36 mechanical, electrical or vehicular condition that is determined to be  
37 so unsafe as to potentially cause an accident or breakdown, or would  
38 potentially contribute to loss of control of the vehicle by the driver.

39 "Category 1 violation" means any bus safety out-of-service  
40 violation that should have been detected during the daily pre-trip  
41 inspection or during periodic repair and maintenance procedures  
42 conducted by the driver or the operator.

43 "Category 2 violation" means any bus safety out-of-service  
44 violation that may have occurred after the daily pre-trip inspection and  
45 therefore might not have been detected by the operator or driver  
46 during the daily pre-trip inspection or during periodic repair and

1 maintenance procedures.

2 "Operator" means the person responsible for the day to day  
3 maintenance and operation of buses.

4 (cf: P.L.1995, c.225, s.3)

5

6 95. Section 4 of P.L.1995, c.225 (C.48:4-2.1f) is amended to read  
7 as follows:

8 4. a. The [Commissioner of Transportation] commission shall  
9 establish by regulation, in accordance with the "Administrative  
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of  
11 bus safety out-of-service violations and applicable sanctions and  
12 penalties for buses operating with bus safety out-of-service violations.  
13 The regulations shall promote uniformity with national safety  
14 standards. The regulations shall establish penalties for category 1 and  
15 category 2 safety violations which shall be proportional with the  
16 severity of such violations as determined by the [commissioner]  
17 commission. The bus operator shall be responsible for all penalties.

18 b. The schedule of bus safety out-of-service violations shall  
19 establish and specify those violations which the [commissioner]  
20 commission determines to be category 1 violations, and shall further  
21 establish and specify the monetary civil penalty for category 1  
22 violations. The monetary civil penalties established and specified by  
23 the [commissioner] commission in the schedule shall be proportional  
24 to the nature, severity and repetition of the violation. The minimum  
25 monetary civil penalty for a category 1 violation shall be \$300 and the  
26 maximum monetary civil penalty for a category 1 violation shall be  
27 \$5,000.

28 c. The schedule of bus safety out-of-service violations shall  
29 establish and specify those violations which the [commissioner]  
30 commission determines to be category 2 violations, and shall further  
31 establish and specify the monetary civil penalty for category 2  
32 violations. The monetary civil penalties established and specified by  
33 the [commissioner] commission in the schedule shall be proportional  
34 to the nature, severity and repetition of the violation. The maximum  
35 monetary civil penalty for a category 2 violation shall be \$500.

36 (cf: P.L.1995, c.225, s.4)

37

38 96. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to read  
39 as follows:

40 7. a. The [commissioner] commission or any duly authorized  
41 representative of the [commissioner] commission is authorized to  
42 direct any bus operated in this State to immediately proceed to a  
43 designated facility for inspection. If a driver fails to immediately report  
44 as directed to the designated facility, the operator shall be subject to  
45 a penalty of \$1,000.

46 b. At the time of inspection, the [commissioner] commission or

1 any duly authorized representative of the [commissioner] commission  
2 is authorized to demand and examine the driver's operating credentials.  
3 (cf: P.L.1995, c.225, s.7)

4

5 97. Section 9 of P.L.1995, c.225 (C.48:4-2.1k) is amended to read  
6 as follows:

7 9. Any penalty imposed pursuant to this act may be collected, with  
8 costs, in a summary proceeding pursuant to ["the penalty enforcement  
9 law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement Law of 1999,"  
10 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or  
11 Municipal Court of the county or municipality, respectively, wherein  
12 the violation occurs, or wherein the operator resides or has a place of  
13 business or principal office in this State, shall have jurisdiction to  
14 enforce the provisions of ["the penalty enforcement law,"] the  
15 "Penalty Enforcement Law," in connection with this act. The  
16 [Commissioner of Transportation] commission or any duly authorized  
17 representative of the [commissioner] commission may issue a  
18 summons and complaint returnable in a municipal court or other court  
19 of competent jurisdiction for a violation of this act and any rule or  
20 regulation adopted pursuant thereto, except that when conducting an  
21 inspection at the site of an owner or operator's business, the  
22 [commissioner] commission or [the commissioner's representative]  
23 a representative of the commission shall not issue a summons and  
24 complaint for a violation of this act, but shall take any other  
25 enforcement action authorized by law for that violation. Municipal,  
26 county, and State prosecutors are authorized to assist the  
27 [commissioner] commission in the enforcement of this act. The  
28 [commissioner] commission may institute an action in the Superior  
29 Court for injunctive relief to prevent or restrain any violation of this  
30 act, or any order issued, or rule of regulation adopted, pursuant to this  
31 act.

32 (cf: P.L.1995, c.225, s.9)

33

34 98. Section 2 of P.L.1983, c.517 (C.48:4-2.21) is amended to read  
35 as follows:

36 2. The [Commissioner of Transportation] commission shall  
37 establish annually a "zone of rate freedom" which will provide for a  
38 maximum permitted percentage adjustment to any rate, fare or charge  
39 for regular route autobus service. The [commissioner] commission  
40 shall promulgate this percentage within 60 days after the effective date  
41 of this act for the time remaining in the 1984 calendar year, and shall  
42 thereafter promulgate a percentage for each calendar year 60 days  
43 prior to the commencement of the calendar year. The [commissioner]  
44 commission shall consider all relevant factors, including but not limited  
45 to the availability of alternative modes of transportation, increases or  
46 decreases of the costs of bus operations, the interests of the consumers

1 or users of bus services, and the rates, fares and charges prevailing in  
2 the bus industry, as well as in other related transportation services,  
3 such as rail services, in establishing the "zone of rate freedom" for  
4 each period. [Prior to the promulgation of the percentage the  
5 commissioner shall hold a public hearing pursuant to subsections (a)  
6 and (g) of section 4 of the "Administrative Procedure Act," P.L.1968,  
7 c.410 (C.52:14B-4).]

8 (cf: P.L.1983, c.517, s.2)

9

10 99. R.S.48:4-11 is amended to read as follows:

11 48:4-11. a. Any person who shall operate an autobus, charter bus  
12 operation or special bus operation within the State of New Jersey  
13 without complying with the provisions of this article shall be subject  
14 to the penalties provided herein.

15 Proceedings to prevent a person from operating an autobus  
16 without a valid certificate of public convenience and necessity, and to  
17 recover damages for lost revenues caused by those operations, may be  
18 instituted by an autobus public utility, the business or revenues of  
19 which are adversely affected thereby.

20 Except for proceedings instituted by an autobus public utility,  
21 every civil penalty for violation of any provision of this article and for  
22 a violation of section 90 of P.L.1962, c.198 (C.48:4-2.1a) shall be  
23 sued for and recovered by and in the name of the [Commissioner of  
24 Transportation] commission and shall be collected and enforced by  
25 summary proceedings pursuant to ["the penalty enforcement law"  
26 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
27 P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall issue at the suit  
28 of the [commissioner] commission, as plaintiff, and shall be in the  
29 nature of a summons and complaint returnable in the Law or Chancery  
30 Division of the Superior Court or in the various municipal courts.  
31 Every day that a violation exists shall be a separate violation for which  
32 a penalty may be recovered. Proceedings may be instituted on any day  
33 of the week including Sunday or upon a holiday, and any process  
34 issued pursuant to this article or pursuant to section 90 of P.L.1962,  
35 c.198 (C.48:4-2.1a) shall be deemed valid as if served or issued on any  
36 other day.

37 b. The [commissioner] commission may, in addition to seeking a  
38 civil penalty, seek injunctive relief in the Chancery Division of the  
39 Superior Court as to any person found to have violated any provision  
40 of this article or any provision of section 90 of P.L.1962, c.198  
41 (C.48:4-2.1a).

42 (cf: P.L.1987, c.452, s.3)

43

44 100. Section 24 of P.L.1995, c.157 (C.39:3-6.14) is amended to  
45 read as follows:

46 24. a. The registration fee for an apportioned vehicle shall be

1 determined by the number of in-jurisdiction miles an apportioned  
2 vehicle drives in the State of New Jersey and in each of the  
3 jurisdictions in which it is authorized to travel by its registration. The  
4 formula used for the registration fee shall be in accord with the  
5 International Registration Plan and shall be set forth in regulation.

6 b. In addition to the registration fee, the [Division of Motor  
7 Vehicles] commission shall set by regulation an administrative fee  
8 which will be collected from each registrant to subsidize the cost of  
9 the administration of the program.

10 c. The administrative fee collected pursuant to this act shall be  
11 forwarded to the State Treasurer and be deposited into the  
12 Commercial Vehicle Enforcement Fund established pursuant to section  
13 17 of this act.

14 (cf: P.L.1995, c.157, s.24)

15

16 101. R.S.39:3-21 is amended to read as follows:

17 39:3-21. The applicant for registration for a motorcycle shall pay  
18 to the [commissioner] commission for each registration a fee of  
19 \$10.00.

20 (cf: P.L.1968, c.130, s.7)

21

22 102. Section 3 of P.L.1942, c.227 (C.39:3-23.1) is amended to  
23 read as follows:

24 3. The [commissioner] commission may in [his] its discretion  
25 approve the use of any particular type of tire, of a material other than  
26 rubber, on vehicles operated upon the highways of this State, if [he]  
27 it finds the said tire will not damage the public highways and that the  
28 use of said tire is not likely to be hazardous to the public safety.

29 (cf: P.L.1942, c.227, s.3)

30

31 103. R.S.39:3-43 is amended to read as follows:

32 39:3-43. The [commissioner of motor vehicles] commission is  
33 hereby given authority to pass upon the construction and equipment  
34 of any vehicle, motor vehicle or motor-drawn vehicle with a view to  
35 its safety for use on a street or highway and it shall be lawful for the  
36 [commissioner] commission to refuse registration to any vehicle that  
37 in [his] its estimation is not a proper vehicle to be used upon a  
38 highway. The [commissioner] commission is hereby authorized to  
39 promulgate regulations, not inconsistent with this chapter, concerning  
40 the construction and equipment of any vehicle, motor vehicle or  
41 motor-drawn vehicle. The [commissioner] commission may require  
42 the approval of any equipment or device and may set up the procedure  
43 which shall be followed when any equipment or device is submitted for  
44 approval. The [commissioner] commission may revoke or suspend  
45 for cause and after hearing any certificate of approval that may be  
46 issued under this article. The [commissioner] commission at [his] its



1 discretion is hereby authorized to disapprove any equipment or device.  
2 (cf: R.S.39:3-43)

3

4 104. R.S.39:3-46 is amended to read as follows:

5 39:3-46. As used in this article, unless the context requires  
6 another or different construction:

7 "Approved" means approved by the [commissioner of motor  
8 vehicles] commission and when applied to lamps and other  
9 illuminating devices means that such lamps and devices must be in  
10 good working order and capable of operating at least 50% of their  
11 designed efficiency.

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

16 "When lighted lamps are required" means at any time from a half-  
17 hour after sunset to a half-hour before sunrise; whenever rain, mist,  
18 snow or other precipitation or atmospheric moisture requires the use  
19 of windshield wipers by motorists; and during any time when, due to  
20 smoke, fog, unfavorable atmospheric conditions or for any other cause  
21 there is not sufficient light to render clearly discernible persons and  
22 vehicles on the highway at a distance of 500 feet ahead.

23 "Headlamp" means a major lighting device capable of providing  
24 general illumination ahead of a vehicle.

25 "Auxiliary driving lamp" means an additional lighting device on a  
26 motor vehicle used primarily to supplement the headlamps in providing  
27 general illumination ahead of a vehicle.

28 "Single beam headlamps" means headlamps or similar devices  
29 arranged so as to permit the driver of the vehicle to use but one  
30 distribution of light on the road.

31 "Multiple-beam headlamps" means headlamps or similar devices  
32 arranged so as to permit the driver of the vehicle to use one of two or  
33 more distributions of light on the road.

34 "Asymmetric headlamps" means headlamps or similar devices  
35 arranged so as to permit the driver of the vehicle to use one of several  
36 distributions of light on the road, at least one of which is asymmetric  
37 about the median vertical axis.

38 "Clear road beam" means the beam from multiple-beam headlamps  
39 designed to be used when not approaching other vehicles and designed  
40 to provide sufficient candlepower ahead to reveal obstacles at a safe  
41 distance ahead under ordinary conditions of road contour and of  
42 vehicle loading.

43 "Meeting beam" means the beam from multiple beam or  
44 asymmetric headlamps designed to be used when other vehicles are  
45 approaching within 500 feet or when signaled and designed so that the  
46 illumination on the left side of the road is reduced sufficiently to avoid  
47 dangerous glare for the approaching driver.

1 "Lower beam" means the beam from multiple beam or asymmetric  
2 headlamps designed to be directed low enough to avoid dangerous  
3 glare on both sides of the roadway.

4 "Reflector" means an approved device designed and used to give  
5 an indication by reflected light.

6 (cf: P.L.1995, c.305, s.1)

7

8 105. (New section) a. The first \$200,000,000 of fees and  
9 surcharges thereon collected pursuant to the following statutes shall  
10 be considered service charges which are revenues to be remitted to the  
11 New Jersey Motor Vehicle Commission and the remainder shall be  
12 remitted to the General Fund, provided that if the total amount of such  
13 fees and surcharges collected, as verified by the relevant fiscal year  
14 New Jersey Comprehensive Annual Financial Report, produce more or  
15 less revenue than the sum of \$200,000,000 and the amount anticipated  
16 in the fiscal year 2004 Appropriations Act for those statutes, then the  
17 \$200,000,000 in revenue from those service charges to the commission  
18 shall be increased or lowered proportionately.

19

20 Section 4 of P.L.1995, c.401 (C.12:7-73); section 24 of P.L.1984,  
21 c.152 (C.12:7A-24); section 28 of P.L.1984, c.152 (C.12:7A-28);  
22 section 1 of P.L.1983, c.65 (C.17:29A-33); section 6 of P.L.1983,  
23 c.65 (C.17:29A-35); section 9 of P.L.1998, c.108 (C.27:5F-42);  
24 R.S.39:2-10; section 1 of P.L.1969, c.301 (C.39:3-4b); section 2 of  
25 P.L.1969, c.301 (C.39:3-4c); R.S.39:3-8; section 2 of P.L.1968, c.439  
26 (C.39:3-8.1); section 1 of P.L.1992, c.87 (C.39:3-8.2); R.S.39:3-10;  
27 section 23 of P.L.1975, c.180 (C.39:3-10a); section 1 of P.L.1977,  
28 c.23 (C.39:3-10b); section 1 of P.L.1979, c.261 (C.39:3-10f); section  
29 22 of P.L.1990, c.103 (C.39:3-10.30); R.S.39:3-13; R.S.39:3-18;  
30 R.S.39:3-19; section 2 of P.L.1974, c.162 (C.39:3-19.2); section 12  
31 of P.L.1979, c.224 (C.39:3-19.5); R.S.39:3-20; section 1 of P.L.1973,  
32 c.319 (C.39:3-20.1); R.S.39:3-21; R.S.39:3-24; R.S.39:3-25;  
33 R.S.39:3-26; section 2 of P.L.1964, c.195 (C.39:3-27.4); section 2 of  
34 P.L.1968, c.247 (C.39:3-27.6); section 2 of P.L.1977, c.369 (C.39:3-  
35 27.9); section 2 of P.L.1979, c.457 (C.39:3-27.16); section 2 of  
36 P.L.1981, c.139 (C.39:3-27.19); R.S.39:3-28; R.S.39:3-30; R.S.39:3-  
37 31; section 1 of P.L.1961, c.77 (C.39:3-31.1); R.S.39:3-32; section 1  
38 of P.L.1999, c.192 (C.38:3-33a); section 1 of P.L.2001, c.35 (C.39:3-  
39 33b); section 2 of P.L.1959, c.56 (C.39:3-33.4); section 4 of  
40 P.L.1959, c.56 (C.39:3-33.6); R.S.39:3-36; section 1 of P.L.1979,  
41 c.314 (C.39:3-54.14); section 2 of P.L.1999, c.308 (C.39:3-75.2);  
42 R.S.39:3-84; section 2 of P.L.1999, c.396 (C.39:3-84.7); section 3 of  
43 P.L.1973, c.307 (C.39:3C-3); section 10 of P.L. 1983, c.105 (C.39:4-  
44 14.3j); section 23 of P.L.1983, c.105 (C.39:4-14.3w); R.S.39:4-26;  
45 R.S.39:4-30; section 11 of P.L.1985, c.14 (C.39:4-139.12); section  
46 1 of P.L.1972, c.38 (C.39:5-30.4); section 31 of P.L.1994, c.60  
47 (C.39:5-36.1); section 20 of P.L.1952, c.173 (C.39:6-42); section 2 of

1 P.L.1983, c.141 (C.39:6B-3); R.S.39:7-3; section 3 of P.L.1975,  
 2 c.156 (C.39:8-11); section 8 of P.L.1975, c.156 (C.39:8-16); section  
 3 9 of P.L.1975, c.156 (C.39:8-17); section 15 of P.L.1975, c.156  
 4 (C.39:8-23); section 5 of P.L.1995, c.112 (C.39:8-45); section 7 of  
 5 P.L.1995, c.112 (C.39:8-47); section 12 of P.L.1995, c.112 (C.39:8-  
 6 52); section 11 of P.L.1995, c.157 (C.39:8-69); section 13 of  
 7 P.L.1995, c.112 (C.39:8-53); section 14 of P.L. 1995, c.112 (C.39:8-  
 8 54); R.S.39:10-11; R.S.39:10-12; R.S.39:10-14; R.S.39:10-16;  
 9 R.S.39:10-19; R.S.39:10-25; section 5 of P.L.1983, c.323 (C.39:10-  
 10 35); section 8 of P.L.1983, c.455 (C.39:10A-15); R.S.39:11-8; section  
 11 2 of P.L.1951, c.216 (C.39:12-2); section 5 of P.L.1951, c.216  
 12 (C.39:12-5); and section 2 of P.L.1983, c.360 (C.39:13-2).

13

14 Proportional revenues remitted to the commission for the fiscal  
 15 years beginning July 1, 2004 and thereafter shall have the same  
 16 proportion as the proportional revenues remitted to the commission  
 17 for the fiscal year beginning July 1, 2003.

18 b. In addition to the proportionately increased or lowered revenue  
 19 provided for in subsection a. of this section, the commission shall  
 20 receive 100 percent of the revenues collected from any new service  
 21 charge and 100 percent of the increased revenues collected from any  
 22 existing service charge increased by <sup>1</sup>[regulation of the commission  
 23 pursuant to P.L. , c. (C. ) (now before the Legislature as this  
 24 bill)] law<sup>1</sup>. Any new or increased service charge shall not be included  
 25 in the calculation of the proportional revenue remitted to the  
 26 commission.

27 c. In addition to the revenues provided for in subsections a. and  
 28 b. of this section, all fees collected pursuant to Chapter 3 of Title 39  
 29 of the Revised Statutes required to defray the costs of the commission  
 30 with respect to producing, issuing, renewing, and publicizing license  
 31 plates, or related computer programming shall be considered revenues  
 32 of the commission notwithstanding any other provision of law.

33 d. Revenues of the commission shall not be subject to  
 34 appropriation as direct State services by the Legislature. In addition,  
 35 the revenues of the commission shall not be restricted from use by the  
 36 commission in any manner except as provided by law. Revenues of the  
 37 commission may be used in the furtherance of any purpose of the  
 38 commission or as otherwise provided for by law.

39

40 106. Section 17 of P.L.1995, c.157 (C.39:8-75) is amended to  
 41 read as follows:

42 17. a. There is established in the General Fund a separate,  
 43 nonlapsing, dedicated account to be known as the "Commercial  
 44 Vehicle Enforcement Fund." The Commercial Vehicle Enforcement  
 45 Fund shall be administered by the [division] commission [in  
 46 consultation with the Department of Transportation]. All fees and  
 47 other monies collected pursuant to this act or any rule or regulation

1 adopted pursuant thereto shall be forwarded to the State Treasury for  
2 deposit into the Commercial Vehicle Enforcement Fund account. The  
3 commission shall receive 40 percent of this fund annually, which  
4 monies shall be considered revenue of the commission. All remaining  
5 fees and other monies deposited in the Commercial Vehicle  
6 Enforcement Fund account shall be used to fund the costs of  
7 administering the programs and activities of the Department of Law  
8 and Public Safety, the Department of Transportation, the commission  
9 and the Department of Environmental Protection established or  
10 specified in this act and in subsection f. of R.S.39:3-20, subject to the  
11 approval of the Director of the Division of Budget and Accounting in  
12 the Department of the Treasury.

13 b. A municipality may be eligible for periodic grants from the fund  
14 in such amounts as the [director] commission, in consultation with the  
15 Commissioner of Transportation, may determine pursuant to rule or  
16 regulation to subsidize costs of prosecuting and trying actions  
17 pursuant to this act.

18 (cf: P.L.1995, c.157, s.17)

19

20 <sup>1</sup>[107. R.S.39:8-2 is amended to read as follows:

21 39:8-2 a. The [director] commission may designate and appoint,  
22 subject to existing laws, competent examiners of motor vehicles to  
23 conduct examinations, other than the periodic inspections required  
24 pursuant to subsection b. of this section, of motor vehicles required to  
25 be inspected in accordance with the provisions of this chapter. The  
26 examiners may be delegated to enforce the provisions of the motor  
27 vehicle and traffic law.

28 b. (1) The [director] commission shall adopt, pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-  
31 8.1 et seq.) and with the requirements of the federal Clean Air Act  
32 with respect to the type and character of the inspections to be made,  
33 the facility at which the vehicle shall be inspected, the frequency of  
34 inspections of motor vehicles and the approval or rejection of motor  
35 vehicles as a result of these inspections. These rules and regulations  
36 shall require the use of inspection tests that are designed to meet the  
37 enhanced inspection and maintenance requirements of the federal  
38 Clean Air Act and that have been proven to be feasible and effective  
39 for the inspection of large numbers of motor vehicles, except that  
40 these tests shall not include the "I/M 240" test. Nothing in this  
41 subsection shall preclude the use of the "I/M 240" test in sampling for  
42 performance evaluations only or the use of the test at the option of a  
43 private inspection facility. The rules and regulations may distinguish  
44 between vehicles based on model year, type, or other vehicle  
45 characteristics in order to facilitate inspections or to comply with the  
46 federal Clean Air Act. A low mileage vehicle shall not be subject to  
47 a tailpipe inspection test utilizing a dynamometer but may be subject

1 to an idle test and a purge and pressure test. For the purpose of this  
2 paragraph, "low mileage vehicle" means a motor vehicle that is driven  
3 less than 10,000 miles during the biennial inspection period, except  
4 that the [director] commission may set the qualifying number of miles  
5 for this exemption at a lower number in order to meet the federal  
6 enhanced inspection and maintenance performance standard.

7 (2) The Department of Environmental Protection and the  
8 [director] commission shall investigate advanced testing technologies,  
9 including but not limited to remote sensing and onboard diagnostics,  
10 and shall, to the extent permitted by law, pursue the use of such  
11 technologies, other than the "I/M 240" test, in motor vehicle emission  
12 inspections required by the United States Environmental Protection  
13 Agency pursuant to the federal Clean Air Act. The [director]  
14 commission shall adopt, to the extent practicable, advanced  
15 technologies to facilitate the retrieval of testing and other information  
16 concerning motor vehicles, which technologies shall include but not be  
17 limited to the use of computer bar codes and personal cards containing  
18 encoded information, such as a person's operating license, motor  
19 vehicle registration, and motor vehicle insurance, the inspection status  
20 of a motor vehicle, and mass transit fares, that can be accessed quickly  
21 by a computer.

22 c. Except as modified by the [director] commission to distribute  
23 evenly the volume of inspections, all motor vehicles required by the  
24 [director] commission, in accordance with the provisions of R.S.39:8-  
25 1, to be inspected under this chapter shall be inspected biennially,  
26 except that (i) after certification by the [director] commission of the  
27 federal approval by the Environmental Protection Agency of the State  
28 waiver request, model year 2000 and newer motor vehicles shall be  
29 inspected no later than four years from the last day of the month in  
30 which they were initially registered and thereafter biennially; and (ii)  
31 classes of vehicles that require more frequent inspections, such as  
32 school buses, shall be inspected at such shorter intervals as may be  
33 established by the [director] commission after consultation with the  
34 Department of Environmental Protection. At any time, the [director]  
35 commission may require the owner, lessee, or operator of a motor  
36 vehicle to submit the vehicle for inspection.

37 d. The [director] commission shall furnish to designated  
38 examiners or to other persons authorized to conduct inspections or to  
39 grant waivers official certificates of approval, rejection stickers or  
40 waiver certificates, the form, content and use of which [he] it shall  
41 establish. The certificates of approval, rejection stickers and waiver  
42 certificates shall be of a type, such as a windshield sticker or license  
43 plate decal, that can be attached to the vehicle or license plate in a  
44 location that is readily visible to anyone viewing the vehicle. If a  
45 certificate of approval cannot be issued, the driver shall be provided  
46 with a written inspection report describing the reasons for rejection

1 and, if appropriate, the repairs needed or likely to be needed to bring  
2 the vehicle into compliance with applicable standards.

3 e. The [director] commission may, with the approval of the State  
4 House Commission, purchase, lease or acquire by the exercise of the  
5 power of eminent domain any property for the purpose of assisting  
6 [him] it in carrying out the provisions of this chapter. This property  
7 may also be used by the [director] commission for the exercise of the  
8 duties and powers conferred upon [him] it by the other chapters of  
9 this Title.

10 f. For the purpose of implementing the motor vehicle inspection  
11 requirements of the federal Clean Air Act and subject to the approval  
12 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
13 may:

14 (1) Purchase, lease or acquire by eminent domain any property for  
15 vehicle inspection purposes. Any other provision of law to the  
16 contrary notwithstanding, no further approval shall be required for  
17 transactions authorized by this paragraph, except that a proposed  
18 purchase, lease or acquisition by eminent domain shall require the  
19 approval of the Joint Budget Oversight Committee, and shall be  
20 submitted to the Joint Budget Oversight Committee, which shall  
21 review the proposed purchase, lease or acquisition by eminent domain  
22 within 15 business days; and

23 (2) Sell or lease, or grant an easement in, any property acquired,  
24 held or used for vehicle inspection purposes or any other suitable  
25 property held by the State that is not currently in use or dedicated to  
26 another purpose. For the purpose of this paragraph and  
27 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
28 the sale or lease of, or the granting of an easement in, real property  
29 owned by the State shall be subject to the approval of the State House  
30 Commission, which shall meet at the call of the Governor to act on a  
31 proposed sale or lease or grant of an easement pursuant to this  
32 paragraph. A member of the State House Commission may permit a  
33 representative to act on that member's behalf in considering and voting  
34 on a sale or lease or grant of an easement pursuant to this paragraph.  
35 Any other provision of law to the contrary notwithstanding, any  
36 moneys derived from a sale, lease or granting of an easement by the  
37 State pursuant to this paragraph shall not be expended unless approved  
38 by the Joint Budget Oversight Committee for the purpose of  
39 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
40 this subsection, except that any moneys derived therefrom and not  
41 approved for that purpose shall be appropriated to the Department of  
42 Transportation to provide for mass transit improvements.

43 g. The [director] commission shall conduct roadside examinations  
44 of motor vehicles required to be inspected, using such inspection  
45 equipment and procedures, and standards established pursuant to  
46 section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited  
47 to, remote sensing technology, as the [director] commission shall

1 deem appropriate to provide for the monitoring of motor vehicles  
 2 pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of  
 3 the total number of motor vehicles required to be inspected under this  
 4 chapter, whichever is less, shall be inspected during each inspection  
 5 cycle by roadside examination teams under the supervision of the  
 6 [director] commission. The [director] commission may require any  
 7 vehicle failing a roadside examination to be inspected at an official  
 8 inspection facility or a private inspection facility within a time period  
 9 fixed by the [director] commission. Failure to appear and pass  
 10 inspection within the time period fixed by the [director] commission  
 11 shall result in registration suspension in addition to any other penalties  
 12 provided in this Title. The [director] commission shall conduct an  
 13 aggressive roadside inspection program to ensure that all motor  
 14 vehicles that are required to be inspected in this State are in  
 15 compliance with State law.

16 h. The [director] commission, and, when appropriate, the  
 17 Department of Environmental Protection, shall conduct inspections  
 18 and audits of licensed private inspection facilities, official inspection  
 19 facilities and designated examiners to ensure accurate test equipment  
 20 calibration and use, and compliance with proper inspection procedures  
 21 and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any  
 22 regulations adopted pursuant thereto by the [Division of Motor  
 23 Vehicles] commission or by the Department of Environmental  
 24 Protection. These inspections and audits shall be conducted at such  
 25 times and in such manner as the [director] commission, upon  
 26 consultation with the Department of Environmental Protection, shall  
 27 determine in order to provide quality assurance in the performance of  
 28 the inspection and maintenance program.

29 i. (1) The [director] commission shall make a charge of \$2.50 for  
 30 the initial inspection for each vehicle subject to inspection, which  
 31 amount shall be paid to the [director] commission or [his] its  
 32 representative when payment of the registration fees fixed in chapter  
 33 3 of this Title is made which inspection charge shall be considered a  
 34 service charge and shall be subject to the calculation of proportional  
 35 revenue remitted to the commission pursuant to section 105 of P.L. ,  
 36 c. (C. ) (now before the Legislature as this bill); provided however,  
 37 that on and after January 1, 1999, a school bus as defined pursuant to  
 38 section 3 of P.L.1999, c.5 (C.39:3B-20) and having a registration  
 39 period commencing on or after January 1, 1999, shall be subject to an  
 40 inspection fee for each in-terminal or in-lieu-of terminal inspection in  
 41 accordance with the following schedule:

42		
43	School Bus Specification Inspection	\$50
44	per bus	
45	School Bus Inspection	
46	\$25 per bus	

1       The specification inspection is required when a school bus is put  
2 into service in New Jersey, whether a new bus or a bus from another  
3 state. The specification inspection is conducted to ensure that the  
4 school bus meets New Jersey specification standards. The school bus  
5 inspection fee shall be charged to the operator for each in-terminal or  
6 in-lieu-of terminal inspection. School Vehicle Type I and School  
7 Vehicle Type II buses shall be inspected semiannually. Retired school  
8 buses shall be inspected annually. No school bus inspection fee shall  
9 be charged for any reinspection conducted by the [division]  
10 commission if the reinspection is conducted on the same day as the  
11 inspection that necessitated the reinspection. If an additional trip is  
12 required by the [division's] commission's inspectors for a reinspection  
13 for out of service criteria, a fee of \$25 per bus shall be charged.  
14 [Inspection] School bus inspection fees shall be paid to the [director]  
15 commission or the [director's] commission's designee subject to the  
16 terms and conditions prescribed by the [director] commission and  
17 shall be considered service charges of the commission and not subject  
18 to the calculation of proportional revenue remitted to the commission  
19 pursuant to subsection a. of section 105 of P.L. , c. (C. ) (now  
20 before the Legislature as this bill). Any law or rule or regulation  
21 adopted pursuant thereto to the contrary notwithstanding, a  
22 registration fee authorized pursuant to chapter 3 of Title 39 of the  
23 Revised Statutes shall not be increased for the purpose of paying any  
24 costs associated in any manner with the establishment, implementation  
25 or operation of the motor vehicle inspection and maintenance program  
26 established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

27       (2) The [director] commission shall establish by regulation a fee  
28 to cover the costs of inspecting any vehicle that is required, or has the  
29 option, under federal law to be inspected in this State but is registered  
30 in another state or is owned or leased by the federal government. In  
31 determining these costs, the [director] commission shall include all  
32 capital and direct and indirect operating costs associated with the  
33 inspection of these vehicles including, but not limited to, the costs of  
34 the actual inspection, the creation and maintenance of the vehicle  
35 inspection record, administrative, oversight and quality assurance costs  
36 and the costs associated with reporting inspection information to the  
37 owner, the federal government and agencies of other states. All fees  
38 collected pursuant to this subsection shall be paid to the State  
39 Treasurer and deposited in the "Motor Vehicle Inspection Fund"  
40 established pursuant to subsection j. of this section.

41       j. There is established in the General Fund a special dedicated,  
42 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
43 which shall be administered by the State Treasurer. The State  
44 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
45 \$11.50 from each motor vehicle registration fee received by the State  
46 after June 30, 1995. This fee shall be considered a service charge of



1 the commission and shall be subject to the calculation of proportional  
2 revenue remitted to the commission pursuant to section 105 of P.L. ,  
3 c. (C. ) (now before the Legislature as this bill.) The Legislature  
4 shall annually appropriate from the fund an amount necessary to pay  
5 the reasonable and necessary expenses of the implementation and  
6 operation of the motor vehicle inspection program. The State  
7 Treasurer shall:

8 (1) Pay to a private contractor or contractors contracted to  
9 design, construct, renovate, equip, establish, maintain and operate  
10 official inspection facilities under a contract or contracts entered into  
11 with the State Treasurer pursuant to subsection a. of section 4 of  
12 P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to  
13 meet the costs agreed to under the contract or contracts; and

14 (2) Transfer from the fund to the **[Division of Motor Vehicles]**  
15 commission as provided pursuant to section 105 of P.L. , c. (C. )  
16 (now before the Legislature as this bill) and the Department of  
17 Environmental Protection the amounts necessary to finance the costs  
18 of administering and implementing all aspects of the inspection and  
19 maintenance program, and to the Office of Telecommunications and  
20 Information Systems in the Department of the Treasury the amount  
21 necessary for computer support upgrades;

22 Moneys remaining in the fund and any unexpended balance of  
23 appropriations from the fund at the end of each fiscal year shall be  
24 reappropriated for the purposes of the fund. Any interest earned on  
25 moneys in the fund shall be credited to the fund.

26 (cf: P.L.2002, c.34, s.15)]<sup>1</sup>

27

28 <sup>1</sup>107. R.S.39:8-2 is amended to read as follows:

29 39:8-2 a. The **[director]** commission may designate and appoint,  
30 subject to existing laws, competent examiners of motor vehicles to  
31 conduct examinations, other than the periodic inspections required  
32 pursuant to subsection b. of this section, of motor vehicles required to  
33 be inspected in accordance with the provisions of this chapter. The  
34 examiners may be delegated to enforce the provisions of the motor  
35 vehicle and traffic law.

36 b. (1) The **[director]** commission shall adopt, pursuant to the  
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-  
39 8.1 et seq.) and with the requirements of the federal Clean Air Act  
40 with respect to the type and character of the inspections to be made,  
41 the facility at which the vehicle shall be inspected, the frequency of  
42 inspections of motor vehicles and the approval or rejection of motor  
43 vehicles as a result of these inspections. These rules and regulations  
44 shall require the use of inspection tests that are designed to meet the  
45 enhanced inspection and maintenance requirements of the federal  
46 Clean Air Act and that have been proven to be feasible and effective  
47 for the inspection of large numbers of motor vehicles, except that

1 these tests shall not include the "I/M 240" test. Nothing in this  
2 subsection shall preclude the use of the "I/M 240" test in sampling for  
3 performance evaluations only or the use of the test at the option of a  
4 private inspection facility. The rules and regulations may distinguish  
5 between vehicles based on model year, type, or other vehicle  
6 characteristics in order to facilitate inspections or to comply with the  
7 federal Clean Air Act. A low mileage vehicle shall not be subject to  
8 a tailpipe inspection test utilizing a dynamometer but may be subject  
9 to an idle test and a purge and pressure test. For the purpose of this  
10 paragraph, "low mileage vehicle" means a motor vehicle that is driven  
11 less than 10,000 miles during the biennial inspection period, except  
12 that the [director] commission may set the qualifying number of miles  
13 for this exemption at a lower number in order to meet the federal  
14 enhanced inspection and maintenance performance standard.

15 (2) The Department of Environmental Protection and the  
16 [director] commission shall investigate advanced testing technologies,  
17 including but not limited to remote sensing and onboard diagnostics,  
18 and shall, to the extent permitted by law, pursue the use of such  
19 technologies, other than the "I/M 240" test, in motor vehicle emission  
20 inspections required by the United States Environmental Protection  
21 Agency pursuant to the federal Clean Air Act. The [director]  
22 commission shall adopt, to the extent practicable, advanced  
23 technologies to facilitate the retrieval of testing and other information  
24 concerning motor vehicles, which technologies shall include but not be  
25 limited to the use of computer bar codes and personal cards containing  
26 encoded information, such as a person's operating license, motor  
27 vehicle registration, and motor vehicle insurance, the inspection status  
28 of a motor vehicle, and mass transit fares, that can be accessed quickly  
29 by a computer.

30 c. Except as modified by the [director] commission to distribute  
31 evenly the volume of inspections, all motor vehicles required by the  
32 [director] commission, in accordance with the provisions of R.S.39:8-  
33 1, to be inspected under this chapter shall be inspected biennially,  
34 except that (i) after certification by the [director] commission of the  
35 federal approval by the Environmental Protection Agency of the State  
36 waiver request, model year 2000 and newer motor vehicles shall be  
37 inspected no later than four years from the last day of the month in  
38 which they were initially registered and thereafter biennially; and (ii)  
39 classes of vehicles that require more frequent inspections, such as  
40 school buses, shall be inspected at such shorter intervals as may be  
41 established by the [director] commission after consultation with the  
42 Department of Environmental Protection. At any time, the [director]  
43 commission may require the owner, lessee, or operator of a motor  
44 vehicle to submit the vehicle for inspection.

45 d. The [director] commission shall furnish to designated  
46 examiners or to other persons authorized to conduct inspections or to

1 grant waivers official certificates of approval, rejection stickers or  
2 waiver certificates, the form, content and use of which [he] it shall  
3 establish. The certificates of approval, rejection stickers and waiver  
4 certificates shall be of a type, such as a windshield sticker or license  
5 plate decal, that can be attached to the vehicle or license plate in a  
6 location that is readily visible to anyone viewing the vehicle. If a  
7 certificate of approval cannot be issued, the driver shall be provided  
8 with a written inspection report describing the reasons for rejection  
9 and, if appropriate, the repairs needed or likely to be needed to bring  
10 the vehicle into compliance with applicable standards.

11 e. The [director] commission may, with the approval of the State  
12 House Commission, purchase, lease or acquire by the exercise of the  
13 power of eminent domain any property for the purpose of assisting  
14 [him] it in carrying out the provisions of this chapter. This property  
15 may also be used by the [director] commission for the exercise of the  
16 duties and powers conferred upon [him] it by the other chapters of  
17 this Title.

18 f. For the purpose of implementing the motor vehicle inspection  
19 requirements of the federal Clean Air Act and subject to the approval  
20 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
21 may:

22 (1) Purchase, lease or acquire by eminent domain any property for  
23 vehicle inspection purposes. Any other provision of law to the  
24 contrary notwithstanding, no further approval shall be required for  
25 transactions authorized by this paragraph, except that a proposed  
26 purchase, lease or acquisition by eminent domain shall require the  
27 approval of the Joint Budget Oversight Committee, and shall be  
28 submitted to the Joint Budget Oversight Committee, which shall  
29 review the proposed purchase, lease or acquisition by eminent domain  
30 within 15 business days; and

31 (2) Sell or lease, or grant an easement in, any property acquired,  
32 held or used for vehicle inspection purposes or any other suitable  
33 property held by the State that is not currently in use or dedicated to  
34 another purpose. For the purpose of this paragraph and  
35 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
36 the sale or lease of, or the granting of an easement in, real property  
37 owned by the State shall be subject to the approval of the State House  
38 Commission, which shall meet at the call of the Governor to act on a  
39 proposed sale or lease or grant of an easement pursuant to this  
40 paragraph. A member of the State House Commission may permit a  
41 representative to act on that member's behalf in considering and voting  
42 on a sale or lease or grant of an easement pursuant to this paragraph.  
43 Any other provision of law to the contrary notwithstanding, any  
44 moneys derived from a sale, lease or granting of an easement by the  
45 State pursuant to this paragraph shall not be expended unless approved  
46 by the Joint Budget Oversight Committee for the purpose of  
47 purchasing, leasing or acquiring property pursuant to paragraph (1) of

1 this subsection, except that any moneys derived therefrom and not  
2 approved for that purpose shall be appropriated to the Department of  
3 Transportation to provide for mass transit improvements.

4 g. The [director] commission shall conduct roadside examinations  
5 of motor vehicles required to be inspected, using such inspection  
6 equipment and procedures, and standards established pursuant to  
7 section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited  
8 to, remote sensing technology, as the [director] commission shall  
9 deem appropriate to provide for the monitoring of motor vehicles  
10 pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of  
11 the total number of motor vehicles required to be inspected under this  
12 chapter, whichever is less, shall be inspected during each inspection  
13 cycle by roadside examination teams under the supervision of the  
14 [director] commission. The [director] commission may require any  
15 vehicle failing a roadside examination to be inspected at an official  
16 inspection facility or a private inspection facility within a time period  
17 fixed by the [director] commission. Failure to appear and pass  
18 inspection within the time period fixed by the [director] commission  
19 shall result in registration suspension in addition to any other penalties  
20 provided in this Title. The [director] commission shall conduct an  
21 aggressive roadside inspection program to ensure that all motor  
22 vehicles that are required to be inspected in this State are in  
23 compliance with State law.

24 h. The [director] commission, and, when appropriate, the  
25 Department of Environmental Protection, shall conduct inspections  
26 and audits of licensed private inspection facilities, official inspection  
27 facilities and designated examiners to ensure accurate test equipment  
28 calibration and use, and compliance with proper inspection procedures  
29 and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any  
30 regulations adopted pursuant thereto by the [Division of Motor  
31 Vehicles] commission or by the Department of Environmental  
32 Protection. These inspections and audits shall be conducted at such  
33 times and in such manner as the [director] commission, upon  
34 consultation with the Department of Environmental Protection, shall  
35 determine in order to provide quality assurance in the performance of  
36 the inspection and maintenance program.

37 i. (1) The [director] commission shall make a charge of \$2.50 for  
38 the initial inspection for each vehicle subject to inspection, which  
39 amount shall be paid to the [director] commission or [his] its  
40 representative when payment of the registration fees fixed in chapter  
41 3 of this Title is made which inspection charge shall be considered a  
42 service charge and shall be subject to the calculation of proportional  
43 revenue remitted to the commission pursuant to section 105 of P.L. ,  
44 c. (C. ) (now before the Legislature as this bill); provided  
45 however, that on and after January 1, 1999, a school bus as defined  
46 pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a

1 registration period commencing on or after January 1, 1999, shall be  
2 subject to an inspection fee for each in-terminal or in-lieu-of terminal  
3 inspection in accordance with the following schedule:

4		
5	School Bus Specification Inspection	\$50 per bus
6	School Bus Inspection	\$25 per bus
7	School Bus Reinspection	\$25 per bus subject
8		to the conditions set
9		forth below

10  
11 The specification inspection is required when a school bus is put  
12 into service in New Jersey, whether a new bus or a bus from another  
13 state. The specification inspection is conducted to ensure that the  
14 school bus meets New Jersey specification standards. The school bus  
15 inspection fee shall be charged to the operator for each in-terminal or  
16 in-lieu-of terminal inspection. School Vehicle Type I and School  
17 Vehicle Type II buses shall be inspected semiannually. Retired school  
18 buses shall be inspected annually. No school bus inspection fee shall  
19 be charged for any reinspection conducted by the [division]  
20 commission if the reinspection is conducted on the same day as the  
21 inspection that necessitated the reinspection. If an additional trip is  
22 required by the [division's] commission's inspectors, a fee of \$25 per  
23 bus shall be charged. [Inspection] School bus inspection fees shall be  
24 paid to the [director] commission or the [director's] commission's  
25 designee subject to the terms and conditions prescribed by the  
26 [director] commission and shall be considered service charges of the  
27 commission and not subject to the calculation of proportional revenue  
28 remitted to the commission pursuant to section 105 of P.L. \_\_\_\_\_, c.  
29 (C. \_\_\_\_\_) (now before the Legislature as this bill). Any law or rule or  
30 regulation adopted pursuant thereto to the contrary notwithstanding,  
31 a registration fee authorized pursuant to chapter 3 of Title 39 of the  
32 Revised Statutes shall not be increased for the purpose of paying any  
33 costs associated in any manner with the establishment, implementation  
34 or operation of the motor vehicle inspection and maintenance program  
35 established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

36 (2) The [director] commission shall establish by regulation a fee  
37 to cover the costs of inspecting any vehicle that is required, or has the  
38 option, under federal law to be inspected in this State but is registered  
39 in another state or is owned or leased by the federal government. In  
40 determining these costs, the [director] commission shall include all  
41 capital and direct and indirect operating costs associated with the  
42 inspection of these vehicles including, but not limited to, the costs of  
43 the actual inspection, the creation and maintenance of the vehicle  
44 inspection record, administrative, oversight and quality assurance costs  
45 and the costs associated with reporting inspection information to the  
46 owner, the federal government and agencies of other states. All fees

1 collected pursuant to this subsection shall be paid to the State  
2 Treasurer and deposited in the "Motor Vehicle Inspection Fund"  
3 established pursuant to subsection j. of this section.

4 j. There is established in the General Fund a special dedicated,  
5 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
6 which shall be administered by the State Treasurer. The State  
7 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
8 \$11.50 from each motor vehicle registration fee received by the State  
9 after June 30, 1995. This fee shall be considered a service charge of  
10 the commission and shall be subject to the calculation of proportional  
11 revenue remitted to the commission pursuant to section 105 of P.L. ,  
12 c. (C. ) (now before the Legislature as this bill.) The  
13 Legislature shall annually appropriate from the fund an amount  
14 necessary to pay the reasonable and necessary expenses of the  
15 implementation and operation of the motor vehicle inspection  
16 program. The State Treasurer shall:

17 (1) Pay to a private contractor or contractors contracted to  
18 design, construct, renovate, equip, establish, maintain and operate  
19 official inspection facilities under a contract or contracts entered into  
20 with the State Treasurer pursuant to subsection a. of section 4 of  
21 P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to  
22 meet the costs agreed to under the contract or contracts; and

23 (2) Transfer from the fund to the [Division of Motor Vehicles]  
24 commission as provided pursuant to section 105 of P.L. , c.  
25 (C. ) (now before the Legislature as this bill) and the Department  
26 of Environmental Protection the amounts necessary to finance the  
27 costs of administering and implementing all aspects of the inspection  
28 and maintenance program, and to the Office of Telecommunications  
29 and Information Systems in the Department of the Treasury the  
30 amount necessary for computer support upgrades;

31 Moneys remaining in the fund and any unexpended balance of  
32 appropriations from the fund at the end of each fiscal year shall be  
33 reappropriated for the purposes of the fund. Any interest earned on  
34 moneys in the fund shall be credited to the fund.<sup>1</sup>

35 (cf: P.L.2002, c.34, s.15)

36

37 108. Section 2 of P.L.1993, c.124 (C.48:2-56.1) is amended to  
38 read as follows:

39 2. Moneys received from fees collected by the [Department of  
40 Transportation] commission pursuant to section 1 of P.L.1959, c.43  
41 (C.48:2-56) for the bus inspection program shall be [deposited in the  
42 General Fund and shall be disbursed to the department, subject to  
43 appropriation, to defray the expenses of the bus inspection program]  
44 revenues of the commission and shall not be subject to the calculation  
45 of proportional revenue remitted to the commission pursuant to  
46 section 105 of P.L. , c. (C. ) (now before the Legislature as this  
47 bill).

1 (cf: P.L.1993, c.124, s.2)

2

3 109. (New section) Notwithstanding any other provision of law,  
4 all fees established pursuant to P.L. 2001, c. 391 shall take effect on  
5 the enactment of P.L. , c. (C. ) (now before the Legislature as  
6 this bill). The \$6 digitized picture fee shall be charged regardless of  
7 whether the license or identification card displays a picture, and shall  
8 be revenues of the commission for use in the furtherance of any  
9 commission purpose. This fee shall be considered revenues of the  
10 commission and shall not be subject to the calculation of proportional  
11 revenue remitted to the commission pursuant to section 105 of  
12 P.L. , c. (C. ) (now before the Legislature as this bill).

13 Revenues of the commission shall not be subject to appropriation  
14 as direct State services by the Legislature. In addition, the revenues  
15 of the commission shall not be restricted from use by the commission  
16 in any manner except as provided by law. Revenues of the commission  
17 may be used in the furtherance of any purpose of the commission or as  
18 otherwise provided for in law.

19

20 110. (New section) In addition to the <sup>1</sup>[motor]<sup>1</sup> vehicle  
21 registration fees imposed pursuant to the provisions of chapters 3, 4,  
22 and 8 of Title 39 of the Revised Statutes, the commission shall impose  
23 and collect an additional <sup>1</sup>[\$8] \$7<sup>1</sup> for each new and renewal vehicle  
24 registration as a security surcharge, which surcharge shall take effect  
25 on the enactment of P.L. , c. (C. ) (now before the  
26 Legislature as this bill) and shall expire ten years thereafter. The  
27 security surcharges collected pursuant to this section shall be revenues  
28 of the commission and shall not be subject to the calculation of  
29 proportional revenue remitted to the commission pursuant to section  
30 105 of P.L. , c. (C. ) (now before the Legislature as this  
31 bill). The security surcharge shall not be imposed on the registration  
32 of passenger vehicles registered to persons possessing a valid  
33 handicapped person identification card issued pursuant to section 2 of  
34 P.L. 1949, c.280 (C.39:4-205) or to persons aged 65 years of age or  
35 older at the time of registration or registration renewal. <sup>1</sup>[These  
36 revenues shall be considered revenues of the commission and shall not  
37 be subject to the calculation of proportional revenue remitted to the  
38 commission pursuant to section 105 of P.L. , c. (C. ) (now  
39 before the Legislature as this bill).]<sup>1</sup> Revenues of the commission shall  
40 not be subject to appropriation as direct State services by the  
41 Legislature. In addition, the revenues of the commission shall not be  
42 restricted from use by the commission in any manner except as  
43 provided by law. Revenues of the commission may be used in the  
44 furtherance of any purpose of the commission or as otherwise  
45 provided for in law.

46

47 111. Section 4 of P.L.1994, c.57 (C.34:1B-21.4) is amended to

1 read as follows:

2 4. a. The authority shall have the power to issue Market  
3 Transition Facility bonds or notes in an amount not to exceed \$ 750  
4 million, pursuant to the provisions of this act, under the powers given  
5 to it by and pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for the  
6 purpose of providing funds for the payment of the current and  
7 anticipated liabilities and expenses of the facility, as such liabilities and  
8 expenses are certified by the commissioner. Bonds issued for the  
9 purpose of refinancing previously issued bonds or notes shall not be  
10 included in the calculation of the dollar amount limitation and bonds  
11 issued for the purpose of refinancing previously issued bonds or notes  
12 shall be approved by the Joint Budget Oversight Committee prior to  
13 the refinancing. The bonds or notes shall be secured wholly or in part  
14 by the monies in the Market Transition Facility Revenue Fund. The  
15 authority may establish a debt service reserve fund, which may be  
16 augmented or replenished from time to time from funds in the Facility  
17 Revenue Fund. All Market Transition Facility bonds shall have a final  
18 maturity of not later than July 1, 2011.

19 b. The authority shall also have the power to issue New Jersey  
20 Motor Vehicle Commission bonds, notes or other obligations,  
21 pursuant to P.L.1994, c.57 (C.34:1B-21.1 et seq.) and to the powers  
22 given to it by and pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for  
23 the purpose of providing funds for the payment of the costs of any and  
24 all capital improvements to or for New Jersey Motor Vehicle  
25 Commission facilities, including, but not limited to, building  
26 improvements and the acquisition and installation of furniture, fixtures,  
27 machinery, computers and electronic equipment; provided, however,  
28 that bonds, notes or other obligations shall not be issued in an amount  
29 exceeding \$160 million in the aggregate without the prior approval of  
30 the Joint Budget Oversight Committee. Bonds issued for the purpose  
31 of refinancing previously issued bonds, notes or other obligations shall  
32 not be included in the calculation of the dollar amount limitation. The  
33 bonds, notes or other obligations shall be secured wholly or in part by  
34 the monies in the Market Transition Facility Revenue Fund from and  
35 after such time as all Market Transition Facility bonds, notes and  
36 obligations issued pursuant to the section and the costs thereof are  
37 discharged and no longer outstanding. The authority may establish a  
38 debt service reserve fund, which may be augmented or replenished  
39 from time to time from monies in the Market Transition Facility  
40 Revenue Fund.

41 c. Of the aggregate amount of New Jersey Motor Vehicle  
42 Commission bonds, notes or other obligations authorized to be issued  
43 in subsection b. of this section, \$10,000,000 of the proceeds of those  
44 bonds, notes or other obligations shall be transferred by the New  
45 Jersey Motor Vehicle Commission to the Administrative Office of the  
46 Courts for improvements to the Automated Traffic System, which  
47 improvements shall be deemed included in the purpose of providing



1 for the payment of the costs of any and all capital improvements to or  
2 for the commission.

3 (cf: P.L.1994, c.57, s.4)

4  
5 112. Section 5 of P.L.1994, c.57 (C.34:1B-21.5) is amended to  
6 read as follows:

7 5. a. For the purpose of providing funds for payment of current  
8 and anticipated liabilities and expenses of the facility, the authority  
9 shall have the power to provide for the funding or refunding of any  
10 bonds or notes, incur indebtedness, borrow money and issue bonds or  
11 notes secured in whole or in part by the monies in the Facility Revenue  
12 Fund. The bonds or notes shall be payable from the monies in the  
13 Facility Revenue Fund. The bonds or notes shall be authorized by  
14 resolution, which shall stipulate the manner of execution and form of  
15 the bonds, whether the bonds are in one or more series, the date or  
16 dates of issue, time or times of maturity, which shall not exceed  
17 30 years, the rate or rates of interest payable on the bonds, the  
18 denomination or denominations in which the bonds are issued,  
19 conversion or registration privileges, the sources and medium of  
20 payment and place or places of payment, and terms of redemption. The  
21 bonds may be sold at a public or private sale at a price or prices  
22 determined by the authority.

23 b. For the purpose of providing funds for payment of any and all  
24 capital improvements to or for New Jersey Motor Vehicle Commission  
25 facilities, including, but not limited to, building improvements and the  
26 acquisition and installation of furniture, fixtures, machinery, computers  
27 and electronic equipment, the authority shall have the power to  
28 provide for the funding or refunding of any bonds or notes, incur  
29 indebtedness, borrow money and issue bonds or notes secured in  
30 whole or in part by the monies in the Facility Revenue Fund from and  
31 after such time as all Market Transition Facility bonds, notes and  
32 obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-  
33 21.4) and the costs thereof are discharged and no longer outstanding.  
34 The bonds or notes shall be payable solely from the monies in the  
35 Facility Revenue Fund. The bonds and notes shall be authorized by  
36 resolution, which shall stipulate the manner of execution and form of  
37 the bonds, whether the bonds are in one or more series, the date or  
38 dates of issue, time or times of maturity, which shall not exceed 30  
39 years, the rate or rates of interest payable on the bonds, the  
40 denomination or denominations in which the bonds are issued,  
41 conversion or registration privileges, the sources and medium of  
42 payment and place or places of payment, and terms of redemption.  
43 The bonds may be sold at a public or private sale at a price or prices  
44 determined by the authority.

45 (cf: P.L.1994, c.57, s.5)

46  
47 113. Section 6 of P.L.1994, c.57 (C.34:1B-21.6) is amended to

1 read as follows:

2 6. The authority may, in any resolution authorizing the issuance  
3 of the bonds or notes, pledge the Facility Revenue Fund or a portion  
4 thereof for payment of the redemption of the Market Transition  
5 Facility bonds or notes and, from and after such time as all Market  
6 Transition Facility bonds, notes and obligations issued pursuant to  
7 section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof are  
8 discharged and no longer outstanding, New Jersey Motor Vehicle  
9 Commission bonds or notes, and covenant as to the use and  
10 disposition of monies in the Facility Revenue Fund. All costs  
11 associated with the issuance of the bonds or notes by the authority for  
12 the purposes set forth in [this act] P.L.1994, c.57 (C.34:1B-21.1 et  
13 seq.) may be paid by the authority from the Facility Revenue Fund,  
14 which costs may include, but shall not be limited to, any costs related  
15 to the issuance of the bonds or notes, operating expenses of the  
16 authority attributable to the payment of facility current and anticipated  
17 liabilities and expenses, and costs of, and any payment due under, any  
18 agreement entered into pursuant to the provisions of subsection b. of  
19 section 8 of [this act] P.L.1994, c.57 (C.34:1B-21.8. Monies in the  
20 Facility Revenue Fund shall not be used for any other project of the  
21 authority.

22 (cf: P.L.1994, c.57, s.6)

23

24 114. Section 7 of P.L.1994, c.57 (C.34:1B-21.7) is amended to  
25 read as follows:

26 7. There is created within the authority a special nonlapsing fund,  
27 to be known as the "Market Transition Facility Revenue Fund." The  
28 Facility Revenue Fund shall consist of:

29 a. Such monies as may be transferred to the Facility Revenue Fund  
30 by the State Treasurer, upon appropriation by the Legislature,  
31 pursuant to section 14 of this act;

32 b. Such monies as may be appropriated to the Facility Revenue  
33 Fund by the Legislature from surcharges levied pursuant to the  
34 provisions of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-  
35 35), except that any such monies in excess of the amounts required to  
36 be used by the authority pursuant to any bond resolutions authorizing  
37 the issuance of Market Transition Facility bonds and notes [and] , the  
38 authority's agreement with the State Treasurer authorized by section  
39 13 of this act and any bond resolutions authorizing the issuance of  
40 Motor Vehicle Commission bonds and notes shall be at least annually  
41 remitted to the General Fund;

42 c. Interest or other income derived from the investment of monies  
43 in the Facility Revenue Fund; and

44 d. Any other monies as may be deposited from time to time,  
45 except that such monies shall not be appropriated from the General  
46 Fund.

47 Monies in the Facility Revenue Fund shall be managed and invested

1 by the Division of Investment in the Department of the Treasury.  
2 (cf: P.L.1994, c.57, s.7)

3  
4 <sup>1</sup>[115. Section 8 of P.L.1994, c.57 (C.34:1B-21.8) is amended to  
5 read as follows:

6 8. a. The authority may use the monies in the Market Transition  
7 Facility Revenue Fund to pay the principal and interest and premium,  
8 if any, on the Market Transition Facility bonds or notes issued by it  
9 pursuant to section 4 of [this act] P.L.1994, c.57 (C.34:1B-21.4) and,  
10 from and after such time as all Market Transition Facility bonds notes  
11 and obligations issued pursuant to section 4 of P.L.1994, c.57  
12 (C.34:1B-21.4) and the costs thereof are discharged and no longer  
13 outstanding, New Jersey Motor Vehicle Commission bonds or notes  
14 issued by it pursuant to section 4 of P.L.1994, c.57. The authority  
15 may create any other fund or funds by resolution of the authority  
16 which it deems necessary to further secure the Market Transition  
17 Facility bonds or notes or the New Jersey Motor Vehicle Commission  
18 bonds or notes or otherwise effectuate the purposes of this act,  
19 including a fund for the deposit of the proceeds from Market  
20 Transition Facility bonds or notes or the New Jersey Motor Vehicle  
21 Commission bonds or notes provided for in section 4 of P.L.1994,  
22 c.57.

23 b. The authority may, in connection with its duties and  
24 responsibilities under [this act] P.L.1994, c.57 (C.34:1B-21.1 et seq.),  
25 or in connection with any duties and responsibilities provided for in  
26 P.L.1974, c.80 (C.34:1B-1 et seq.), enter into any revolving credit  
27 agreement, agreement establishing a line of credit or letter of credit,  
28 reimbursement agreement, interest rate exchange agreement, insurance  
29 contract, surety bond, commitment to purchase bonds, purchase or  
30 sale agreement, or commitments or other contracts or agreements in  
31 connection with the authorization, issuance, sale or payment of bonds.

32 c. All Market Transition Facility bonds or notes and New Jersey  
33 Motor Vehicle Commission bonds or notes issued by the authority are  
34 deemed to be issued by a body corporate and politic of the State for  
35 an essential governmental purpose, and the interest thereon and the  
36 income derived from all funds, revenues, incomes and other monies  
37 received or to be received by the authority and pledged and available  
38 to pay or secure the payment on Market Transition Facility bonds or  
39 notes and the New Jersey Motor Vehicle Commission bonds or notes  
40 or pledged or available to pay or secure payment on such bonds or  
41 notes or interest thereon shall be exempt from all taxes levied pursuant  
42 to the provisions of Title 54 of the Revised Statutes or Title 54A of  
43 the New Jersey Statutes, except for transfer inheritance and estate  
44 taxes pursuant to Subtitle 5 of Title 54 of the Revised Statutes.

45 (cf: P.L.1994, c.57, s.8)]<sup>1</sup>

46

47 <sup>1</sup>115. Section 8 of P.L.1994, c.57 (C.34:1B-21.8) is amended to

1 read as follows:

2 8. a. The authority may use the monies in the Market Transition  
3 Facility Revenue Fund to pay the principal and interest and premium,  
4 if any, on the Market Transition Facility bonds or notes issued by it  
5 pursuant to section 4 of [this act] P.L.1994, c.57 (C.34:1B-21.4) and,  
6 from and after such time as all Market Transition Facility bonds notes  
7 and obligations issued pursuant to section 4 of P.L.1994, c.57  
8 (C.34:1B-21.4) and the costs thereof are discharged and no longer  
9 outstanding, New Jersey Motor Vehicle Commission bonds or notes  
10 issued by it pursuant to section 4 of P.L.1994, c.57. The authority  
11 may create any other fund or funds by resolution of the authority  
12 which it deems necessary to further secure the Market Transition  
13 Facility bonds or notes or the New Jersey Motor Vehicle Commission  
14 bonds or notes or otherwise effectuate the purposes of this act,  
15 including a fund for the deposit of the proceeds from Market  
16 Transition Facility bonds or notes or the New Jersey Motor Vehicle  
17 Commission bonds or notes provided for in section 4 of P.L.1994,  
18 c.57.

19 b. The authority may, in connection with its duties and  
20 responsibilities under [this act] P.L.1994, c.57 (C.34:1B-21.1 et seq.),  
21 or in connection with any duties and responsibilities provided for in  
22 P.L.1974, c.80 (C.34:1B-1 et seq.), enter into any revolving credit  
23 agreement, agreement establishing a line of credit or letter of credit,  
24 reimbursement agreement, interest rate exchange agreement, insurance  
25 contract, surety bond, commitment to purchase bonds, purchase or  
26 sale agreement, or commitments or other contracts or agreements in  
27 connection with the authorization, issuance, sale or payment of bonds.

28 c. All Market Transition Facility bonds or notes and New Jersey  
29 Motor Vehicle Commission bonds or notes issued by the authority are  
30 deemed to be issued by a body corporate and politic of the State for  
31 an essential governmental purpose, and the interest thereon and the  
32 income derived from all funds, revenues, incomes and other monies  
33 received or to be received by the authority and pledged and available  
34 to pay or secure the payment on Market Transition Facility bonds or  
35 notes and the New Jersey Motor Vehicle Commission bonds or notes  
36 or pledged or available to pay or secure payment on such bonds or  
37 notes or interest thereon shall be exempt from all taxes levied pursuant  
38 to the provisions of Title 54 of the Revised Statutes or Title 54A of  
39 the New Jersey Statutes, except for transfer inheritance and estate  
40 taxes pursuant to Subtitle 5 of Title 54 of the Revised Statutes.<sup>1</sup>  
41 (cf: P.L.1994, c.57, s.8)

42

43 116. Section 9 of P.L.1994, c.57 (C.34:1B-21.9) is amended to  
44 read as follows:

45 9. Market Transition Facility bonds and notes issued by the  
46 authority shall be special and limited obligations which are payable  
47 only from monies on deposit in the Facility Revenue Fund. New

1 Jersey Motor Vehicle Commission bonds and notes issued by the  
2 authority shall be special and limited obligations which are payable  
3 only from monies on deposit in the Facility Revenue Fund from and  
4 after such time as all Market Transition Facility bonds, notes and  
5 obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-  
6 21.4) and the costs thereof are discharged and no longer outstanding.  
7 Neither the members of the authority nor any other person executing  
8 the Market Transition Facility bonds or notes or the New Jersey Motor  
9 Vehicle Commission bonds or notes provided for in section 4 of [this  
10 act] P.L.1994, c.57, shall be liable personally with respect to payment  
11 of interest and principal on these bonds or notes or obligations of the  
12 facility. Market Transition Facility bonds, notes, New Jersey Motor  
13 Vehicle Commission bonds or notes, or any other obligations issued  
14 pursuant to the provisions of [this act] P.L.1994, c.57 (C.34:1B-21.1  
15 et seq.), shall not be a debt or liability of the State or any agency or  
16 instrumentality thereof, either legal, moral, or otherwise, and nothing  
17 contained in this act shall be construed to authorize the authority to  
18 incur any indebtedness on behalf of or in any way to obligate the State  
19 or any political subdivision, and all debt instruments issued by the  
20 authority shall contain a statement to that effect on their face.

21 (cf: P.L.1994, c.57, s.9)

22

23 117. Section 10 of P.L.1994, c.57 (C.34:1B-21.10) is amended to  
24 read as follows:

25 10. The State hereby pledges and covenants with the holders of  
26 any Market Transition Facility bonds, notes or other obligations and  
27 New Jersey Motor Vehicle Commission bonds, notes or other  
28 obligations issued pursuant to the provisions of [this act] P.L.1994,  
29 c.57, that it will not limit or alter the rights or powers vested in the  
30 authority by this act, nor limit or alter the rights or powers of the State  
31 Treasurer in any manner which would jeopardize the interest of the  
32 holders or any trustee of such holders, or inhibit or prevent  
33 performance or fulfillment by the authority or the State Treasurer with  
34 respect to the terms of any agreement made with the holders of these  
35 bonds, notes, or other obligations. The State also pledges and  
36 covenants with the holders of any such bonds, notes, or obligations,  
37 that it will not act to prevent the authority from obtaining any of the  
38 revenues provided for in this act, which shall be sufficient to meet all  
39 costs and expenses in connection with the issuance of such obligations,  
40 until the bonds, notes, or other obligations, together with interest  
41 thereon, are fully met and discharged or payment thereof is fully  
42 provided for, except that the failure of the State to appropriate monies  
43 for any purpose of this act shall not be deemed a violation of this  
44 section.

45 (cf: P.L.1994, c.57, s.10)

46

47 118. Section 12 of P.L.1994, c.57 (C.34:1B-21.12) is amended to

1 read as follows:

2 12. There is created within the Department of the Treasury a  
3 special nonlapsing fund to be known as the "Division of Motor  
4 Vehicles Surcharge Fund," which, beginning September 1, 1996 or  
5 earlier as provided pursuant to this section, shall be comprised of  
6 monies transferred to the DMV Surcharge Fund from the Market  
7 Transition Facility which, notwithstanding the provisions of this  
8 section to the contrary, may be appropriated, immediately upon receipt  
9 from the Market Transition Facility, by the Legislature to the Facility  
10 Revenue Fund and all monies collected pursuant to subsection b. of  
11 section 6 of P.L.1983, c.65 (C.17:29A-35) and any interest or other  
12 income earned thereon. Monies in the DMV Surcharge Fund shall be  
13 managed and invested by the Division of Investment in the Department  
14 of the Treasury. Commencing September 1, 1996, or at such earlier  
15 time as may be certified by the commissioner that monies on deposit  
16 in the New Jersey Automobile Insurance Guaranty Fund created  
17 pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5) are sufficient to  
18 satisfy the current and anticipated financial obligations of the New  
19 Jersey Automobile Full Insurance Underwriting Association, the  
20 monies in the DMV Surcharge Fund shall be disbursed from time to  
21 time by the State Treasurer, upon appropriation by the Legislature, to  
22 the Market Transition Facility Revenue Fund, for payment of principal,  
23 interest and premium on the Market Transition Facility bonds or notes  
24 and New Jersey Motor Vehicle Commission bonds or notes issued by  
25 the authority pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4).  
26 From the amounts remaining in the fund after these payments are fully  
27 defrayed, there shall be remitted to the fund created in section 2 of  
28 P.L.2001, c.48 (C.26:2B-9.2), \$ 1.5 million in Fiscal Year 2002, \$ 3  
29 million in Fiscal Year 2003, \$ 4.5 million in Fiscal Year 2004, \$ 6  
30 million in Fiscal Year 2005, and \$ 7.5 million in Fiscal Year 2006 and  
31 each fiscal year thereafter.

32 (cf: P.L.2001, c.48, s.1)

33

34 119. Section 13 of P.L.1994, c.57 (C.34:1B-21.13) is amended to  
35 read as follows:

36 13. a. The State Treasurer and the authority may enter into any  
37 agreements as may be necessary to effectuate the provisions of this  
38 act, which may include, but not be limited to, procedures for the  
39 transfer of monies from the DMV Surcharge Fund to the Market  
40 Transition Facility Revenue Fund as provided for in section 12 of this  
41 act, commencing with the fiscal year beginning July 1, 1994, with  
42 respect to the terms and conditions relative to the securing of Market  
43 Transition Facility bonds, notes, and other obligations of the authority  
44 and New Jersey Motor Vehicle Commission bonds, notes and other  
45 obligations of the authority, the pledge and assignment of any  
46 agreement or agreements authorized herein, or any payments to the  
47 trustees of these bondholders. Notwithstanding any provision of

1 P.L.1974, c.80 (C.34:1B-1 et seq.), this act or any regulation of the  
2 authority to the contrary, the authority shall be paid only such fees as  
3 shall be determined by the agreement.

4 b. The commissioner and the authority shall also enter into an  
5 agreement relative to a procedure for the transfer of monies for the  
6 purpose of paying the current and anticipated liabilities and expenses  
7 of the facility, including private passenger automobile claims and other  
8 claims against the facility. The agreement shall contain a provision  
9 that the commissioner shall certify from time to time, but not more  
10 frequently than monthly, an amount necessary to fund payments made,  
11 or anticipated to be made by or on behalf of the Market Transition  
12 Facility. The commissioner's certification shall be deemed conclusive.  
13 The authority shall cause the transfer to be made to the designated  
14 transferee within 15 days of the receipt of the commissioner's  
15 certification.

16 c. The authority is authorized to enter into an agreement with the  
17 New Jersey Motor Vehicle Commission relative to the provision by the  
18 authority to the commission of the proceeds from the sale of the New  
19 Jersey Motor Vehicle Commission bonds for the purpose of providing  
20 funds for the payment of the costs of any and all capital improvements  
21 to or for New Jersey Motor Vehicle Commission facilities, including,  
22 but not limited to, building improvements and the acquisition and  
23 installation of furniture, fixtures, machinery, computers and electronic  
24 equipment.

25 (cf: P.L.1994, c.57, s.13)

26

27 120. (New section) All monies paid to the commission pursuant  
28 to section 1 of P.L.1952, c.176 (C.39:6-58) are revenues of the  
29 commission and shall not be subject to the calculation of proportional  
30 revenues remitted to the commission pursuant to section 105 of  
31 P.L. , c. (C. )(now before the Legislature as this bill).

32

33 121. (New section) a. A person who has been issued a driver's  
34 license shall not lend that driver's license for use by another person.

35 b. A person who owns, leases or otherwise has control or custody  
36 of a motor vehicle registered under the provisions of this title shall not  
37 allow that motor vehicle to be operated by an unlicensed driver.

38 c. The penalty for a violation of this section shall be a fine of not  
39 less than \$200 or more than \$500, imprisonment for not more than 15  
40 days, or both.

41

42 122. (New section) All acts and parts of acts inconsistent with  
43 any of the provisions of this act are superseded to the extent of such  
44 inconsistencies.

45

46 123. (New section) The provisions of this act shall be deemed to  
47 be severable, and if any phrase, clause, sentence or provision of this

1 act is declared to be unconstitutional or the applicability thereof to any  
2 person is held invalid, the remainder of this act shall not thereby be  
3 deemed to be unconstitutional or invalid.

4 This act shall be liberally construed to obtain the objectives and  
5 effect the purposes thereof.

6  
7 124. Section 24 of P.L.1984, c.152 (C.12:7A-24) is amended to  
8 read as follows:

9 24. The [director] commission may designate any person to be  
10 [his] its agent for the issuing and filing of certificates of origin,  
11 certificates of registration and certificates of ownership in accordance  
12 with the provisions of this act and regulations to be prescribed by the  
13 [director] commission. The agent shall so act at the discretion of the  
14 [director] commission until [his] the agent's authority is revoked by  
15 the [director] commission. All moneys received by the agents for the  
16 issuance and filing of certificates of origin and certificates of  
17 ownership under the provisions of this act shall forthwith be deposited  
18 upon receipt with the State Treasurer.

19 The [director] commission shall prescribe the fee to be paid to the  
20 agent and the fee shall be paid to the agent by the State Treasurer  
21 upon the voucher of the [director] commission in the same manner as  
22 other State expenses are paid.

23 (cf: P.L.1984, c.152, s.24)

24  
25 125. R.S.39:10-25 is amended to read as follows:

26 39:10-25. The [director] commission may designate any person  
27 to be [his] its agent for the issuing and filing of certificates of origin,  
28 certificates of registration and certificates of ownership in accordance  
29 with the provisions of section 39:10-11 of this Title, subject to the  
30 requirements of chapter 10, and to any rules and regulations the  
31 [director] commission shall impose. The agent shall so act until [his]  
32 the agent's authority is revoked by the [director] commission. All  
33 moneys received by such agents for the issuing and filing of certificates  
34 of origin and certificates of ownership under the provisions of this  
35 section shall forthwith be deposited as received with the State  
36 Treasurer. The fee allowed the agent for issuing and filing each  
37 certificate of ownership shall be fixed by the [director] commission on  
38 the basis of the fees collected by the agent for the issuing and filing of  
39 such certificates. The [director] commission may limit the fee so paid  
40 to a maximum. Such fee shall be paid to the agent by the State  
41 Treasurer upon the voucher of the [director] commission in the same  
42 manner as other State expenses are paid.

43 (cf: P.L.1959, c.145, s.2)

44  
45 126. The following are repealed: R.S.39:2-5, R.S.39:2-12,  
46 R.S.39:4-3, R.S.39:4-4, and R.S.39:4-5.



1       127. Sections 1, 2, 3, 12, 38, 109, 110 and 121 shall take effect  
2 immediately, sections 105, 106, 107, 108, and 120 shall take effect on  
3 July 1, 2003 and the remainder of this act shall take effect on the date  
4 the Commissioner of Transportation certifies to the Governor  
5 (hereinafter the "date of certification") that a majority of the members  
6 of the commission have been appointed or are in office and that all  
7 necessary anticipatory actions have been accomplished, provided, that  
8 the amount of revenues received pursuant to sections 109 and 110  
9 prior to the date of certification are hereby appropriated to the  
10 division. Upon the date of certification, all such collected revenue  
11 shall be revenue of the commission. The Commissioner of  
12 Transportation, the Director of the Division of Motor Vehicles and the  
13 commission may take such anticipatory administrative action in  
14 advance as shall be necessary for the implementation of the act.

15

16

17

18       Entitled "The Motor Vehicle Security and Customer Service Act"

# ASSEMBLY, No. 3058

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 25, 2002

**Sponsored by:**

**Assemblyman ALBIO SIRES**

**District 33 (Hudson)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**SYNOPSIS**

Entitled "The Motor Vehicle Security and Customer Service Act."

**CURRENT VERSION OF TEXT**

As introduced.



A3058 SIRES, WISNIEWSKI

2

1 AN ACT concerning motor vehicles, abolishing the Division of Motor  
2 Vehicles in the Department of Transportation, establishing the New  
3 Jersey Motor Vehicle Commission and revising parts of the  
4 statutory law.

5

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

8

9 1. (New section) Sections 1 through 31, 33 through 37, 42, 43,  
10 109, 125 through 127, 137 and 138 of this act shall be known and may  
11 be cited as "The Motor Vehicle Security and Customer Service Act."

12

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

14 a. The Division of Motor Vehicle Services (DMV) is one of the  
15 State's principal customer service agencies with regular and direct  
16 contact with virtually every citizen;

17 b. The DMV has over 15 million contacts a year with the public,  
18 including 39 million transactions, more than any other State agency;

19 c. The DMV has responsibility for issuing and certifying motor  
20 vehicle driver's licenses, ensuring the proper registration of motor  
21 vehicles, as well as conducting safety and emissions inspections of  
22 motor vehicles;

23 d. The public expects courteous, efficient and accessible service  
24 from government agencies, including the DMV;

25 e. DMV's failed security systems are contributing to a growing  
26 national problem of identity theft that is costing New Jersey and the  
27 nation millions of dollars each week;

28 f. In the past, DMV has been unable to deal with fraud and  
29 corruption because of inadequate funding, training, security, internal  
30 controls and oversight;

31 g. The DMV must improve its security system and equipment,  
32 fraud detection, training and monitoring so that fraudulent driver's  
33 licenses, such as those used in the furtherance of terroristic activities,  
34 will be eliminated;

35 h. Internal controls, audits and investigations are also needed to  
36 detect patterns of fraud, theft, corruption, identity theft and  
37 mismanagement in driver's licenses, registrations, and titles because  
38 DMV documents must be more resistant to compromise;

39 i. Criminals have used counterfeit passports, Social Security cards,  
40 county identification cards, pay stubs and W-2 forms to obtain  
41 fraudulent driver's licenses and identification cards in furtherance of  
42 identity-theft schemes;

43 j. Proper identification must be required at all phases of the

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

**Matter underlined thus is new matter.**

- 1 licensing and driver testing process to assure that only those persons  
2 qualified to legally obtain licenses do so;
- 3 k. It is essential that DMV records be matched with Social Security  
4 Administration records in order to verify the validity of social security  
5 numbers in DMV databases;
- 6 l. Cameras, armed security guards, panic buttons, alarms, safety  
7 upgrades, card access systems and door replacements are needed in  
8 order to prevent fraud;
- 9 m. Employees or agents of the DMV should be required to  
10 undergo background checks and fingerprinting;
- 11 n. Cleaning crews and maintenance workers at DMV facilities must  
12 be supervised by DMV employees to ensure the security of DMV  
13 records;
- 14 o. In a time of rapidly changing information technology and  
15 Internet communications, the DMV lacks an information technology  
16 plan to bring it to the 21st Century and still operates on a decades-old  
17 computer network with patchwork hardware, antiquated software and  
18 obsolete display terminals that lack processing abilities;
- 19 p. Previous DMV efforts to implement complex technological  
20 mandates have failed, due to bureaucratic mismanagement, inefficient  
21 planning and inadequate oversight, as characterized by the State  
22 Commission of Investigation;
- 23 q. The DMV has become a reactive agency, struggling to keep up  
24 with the demands of newly legislated responsibilities. It is without the  
25 necessary resources to prevent fraud and corruption at its front-line  
26 agencies and without the ability to provide even adequate service to  
27 its six million customers;
- 28 r. The DMV needs a strategic business plan, which is a key to the  
29 operation of an agency, and must work within the confines of such  
30 plan in an effort to adopt best practices, improve customer service and  
31 gain back the confidence of New Jersey citizens and the Legislature;
- 32 s. The DMV's privatization of some of its agencies in July 1995  
33 has created poor, disjointed and confused service delivery without  
34 consistency among the agencies in terms of policies and procedures,  
35 which has lead to confusion and frustration in the minds of New Jersey  
36 citizens;
- 37 t. The DMV privatization has also resulted in poorly paid  
38 employees who have received inadequate benefits, resulting in a high  
39 turnover rate at DMV agencies;
- 40 u. A major benefit to a State-operated DMV system is the ability  
41 to centralize anti-fraud policies and procedures;
- 42 v. Historically, the privately-operated local motor vehicle agencies  
43 have been plagued with long lines, poor customer service and  
44 inadequate business practices that have routinely caused network  
45 delays and failures for hours at a time;
- 46 w. The DMV would be in a better position to plan for long-term

1 improvements, replacements and daily operations if it had a dedicated  
2 and consistent source of funding with surplus funds going to a non-  
3 lapsing account;

4 x. In order to address the various problems with the DMV, a FIX  
5 DMV Commission was formed on April 25, 2002, by Governor's  
6 Executive Order Number 19 to conduct a comprehensive review of the  
7 DMV and to make recommendations on the restructuring and  
8 reorganization of the agency;

9 y. The FIX DMV Commission has reported that the DMV is in  
10 crisis and has recommended that a New Jersey Motor Vehicle  
11 Commission be formed in, but not of, the Department of  
12 Transportation to replace the current New Jersey Division of Motor  
13 Vehicles with the purposes of: (1) identifying and regulating drivers  
14 and motor vehicles to deter unlawful and unsafe acts; (2) identifying  
15 and correcting vehicle defects and limiting the amount of vehicle-  
16 produced air pollution; (3) focusing on and responding to customer  
17 service and security issues; and (4) effectuating change by bringing  
18 greater attention and resources to the needs of the organization;

19 z. It is therefore in the public interest to create a New Jersey  
20 Motor Vehicle Commission, the duties of which would include, but not  
21 be limited to: (1) addressing the multitude of functions assigned to it  
22 while curtailing fraudulent and criminal activities that present threats  
23 to the State's security system; (2) following a multi-year strategic plan  
24 that is constantly reviewed and updated, thus avoiding the need for the  
25 cyclical reforms that have characterized its history; and (3) conducting  
26 operations on a fiscal year budget, controlling fees sufficient to fund  
27 the budget, adopting regulations regarding processes and fees; and  
28 implementing an annual strategic plan.

29

30 3. (New section). As used in this act:

31 "Agency" or "motor vehicle agency" means that enterprise run by  
32 an agent designated by the director to be the director's agent for the  
33 registering of motor vehicles, issuing registration certificates and  
34 licensing of drivers, as provided in R.S.39:3-3.

35 "Agent" means a person designated as agent in R.S.39:3-3.

36 "Chair" means the chair of the commission.

37 "Chief Administrator" or "administrator" means the chief  
38 administrator of the commission.

39 "Commission" means the New Jersey Motor Vehicle Commission  
40 established and created by section 4 of this act.

41 "Commissioner" means the Commissioner of Transportation of this  
42 State.

43 "Department" means the Department of Transportation of this  
44 State.

45 "Deputy Chief Administrator" or "deputy administrator" means the  
46 Deputy Chief Administrator of the commission.

1 "Director" means the Director of the Division of Motor Vehicles.

2 "Division" or "DMV" means the Division of Motor Vehicles in the  
3 Department of Transportation.

4

5 4. (New section) a. There is hereby established a body corporate  
6 and politic, with corporate succession, to be known as the "New  
7 Jersey Motor Vehicle Commission" (hereinafter, "the commission").  
8 The commission shall be established in the Executive Branch of the  
9 State Government and for the purposes of complying with the  
10 provisions of Article V, Section IV, paragraph 1 of the New Jersey  
11 Constitution, the commission is allocated, in but not of, the  
12 Department of Transportation, but notwithstanding this allocation, the  
13 commission shall be independent of any supervision and control by the  
14 department or by any board or officer thereof. The commission is  
15 hereby constituted as an instrumentality of the State exercising public  
16 and essential governmental functions, and the exercise by the  
17 commission of the powers conferred by this act shall be deemed and  
18 held to be an essential governmental function of the State. The  
19 commission shall be treated and accounted for as a separate legal  
20 entity with its separate purposes as set forth in this act.

21 b. The Division of Motor Vehicles is abolished as a division in the  
22 Department of Transportation, and all of its functions, powers and  
23 duties, except as herein otherwise provided, are transferred to, and are  
24 continued in the commission and shall be exercised by the chief  
25 administrator of the commission. Unless otherwise specified in this  
26 act, this transfer shall be subject to the provisions of the "State Agency  
27 Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). All records,  
28 property, appropriations, and any unexpended balances of funds  
29 appropriated or otherwise available to the division, shall be transferred  
30 to the commission pursuant to the "State Agency Transfer Act."

31 c. Whenever any law, rule, regulation, order, contract, tariff,  
32 document, reorganization plan, judicial, or administrative proceeding  
33 or otherwise thereunder, refers to the Division of Motor Vehicles in  
34 the Department of Law and Public Safety or in the Department of  
35 Transportation, or to the director thereof, the reference shall mean and  
36 refer to the chief administrator of the commission, unless otherwise  
37 stated in this act.

38 d. Regulations adopted by the division shall continue with full force  
39 and effect until amended or repealed pursuant to law.

40 e. The commission shall operate on a fiscal year budgetary cycle.

41 f. The commission shall continue in existence until dissolved by act  
42 of the Legislature. However, any dissolution of the commission shall  
43 be on condition that the commission has no debts, contractual duties  
44 or obligations outstanding, or that provision has been made for the  
45 payment, discharge or retirement of these debts, contractual duties or  
46 obligations. Upon any dissolution of the commission, all property,

1 rights, funds and assets thereof shall pass to and become vested in the  
2 State.

3  
4 5. (New Section) a. Upon the abolishment of the division, all  
5 career service employees serving in the division on that date shall be  
6 employees of the commission and shall be transferred to the  
7 commission pursuant to the "State Agency Transfer Act," P.L.1971,  
8 c.375 (C.52:14D-1 et seq.) and shall retain their present career service  
9 employment status and their collective bargaining status, including all  
10 rights of tenure, retirement, pension, disability, leave of absence, or  
11 similar benefits. Future employees of the commission shall be hired  
12 consistent with the provisions of Title 11A of the New Jersey Statutes  
13 and the rules promulgated thereunder.

14 b. Upon action of the commission, all agency employees shall  
15 become employees of the commission. Such employees shall be  
16 assigned to appropriate titles by the Department of Personnel. Those  
17 private motor vehicle agency employees who were employed by the  
18 agency on or before January 1, 2003 and who are assigned to career  
19 service titles upon employment with the commission shall, upon  
20 completion of the special probationary period described in section 7 of  
21 this act, attain permanent, regular appointments in their respective  
22 titles. Except for managerial and confidential employees as defined by  
23 the "New Jersey Employer - Employee Relations Act," P.L.1941,  
24 c.100 (C.34:13A-1 et seq.), such employees shall be covered under the  
25 State of New Jersey's collective bargaining agreements and shall obtain  
26 all employment and collective bargaining rights consistent therewith.

27 c. Officers and employees of the commission shall be enrolled in  
28 the Public Employees' Retirement System and shall be eligible to  
29 participate in the State Health Benefits Program established pursuant  
30 to the "New Jersey State Health Benefits Program Act," P.L.1961,  
31 c.49 (C.52:14-17.25 et seq.)

32  
33 6. (New section) a. Notwithstanding the provisions of Title 11A  
34 of the New Jersey Statutes and rules promulgated thereunder,  
35 employees of a private motor vehicle agency who were employed with  
36 that agency immediately after serving in the division prior to its  
37 privatization, shall, upon returning to State service as employees of the  
38 commission, receive civil service credit for all years of employment  
39 service retroactive to the date upon which they commenced State  
40 employment prior to employment with the private motor vehicle  
41 agency. These employees shall also receive civil service credit for all  
42 years of employment with the private motor vehicle agency as if the  
43 employment were total and continuous.

44 b. Employees employed by the private motor vehicle agency who  
45 enter State service as employees of the commission but who have no  
46 prior State service shall receive civil service credit for all years of

1 employment with the private motor vehicle agency.

2 c. Civil service credit for all employees referred to in subsections  
3 a. and b. of this section shall be used to determine seniority credit for  
4 layoff and promotional purposes and accrual of paid leave.

5 d. Accumulated sick and vacation leave for employees entering or  
6 returning to State service as provided in subsections a. and b. of this  
7 section shall be transferred and credited to their State leave accounts  
8 immediately upon their return to State service.

9

10 7. (New Section) Notwithstanding the provisions of Title 11A of  
11 the New Jersey Statutes and the rules promulgated thereunder, all  
12 employees entering or returning to State service as employees of the  
13 commission following employment with a private motor vehicle  
14 agency, who have been employed with the private motor vehicle  
15 agency on or before January 1, 2003, shall be subject to a special  
16 probationary period. The special probationary period shall have a  
17 duration of six months from the date that the employees enter or  
18 return to State service as employees of the commission. Each  
19 employee's work performance shall be evaluated to determine whether  
20 the employee can satisfactorily perform the duties of the title to which  
21 the employee is appointed and progress reports shall be provided to  
22 employee as provided by the rules of the Merit System Board in the  
23 Department of Personnel. An employee who is determined to have  
24 satisfactorily performed the duties of the employee's career service  
25 title shall attain permanent status in that title at the conclusion of the  
26 special probationary period. An employee who is determined not to  
27 have satisfactorily performed the duties of that title during or at the  
28 conclusion of the special probationary period shall be immediately  
29 separated from State service and shall not have any right of appeal  
30 regarding the separation to the Merit System Board.

31

32 8. (New Section) Notwithstanding the provisions of Title 11A of  
33 the New Jersey Statutes and the rules promulgated thereunder, and  
34 notwithstanding the years of service of employees entering or  
35 returning to State service as employees of the commission in career  
36 service titles following employment with a private motor vehicle  
37 agency, all such employees shall receive a comparable salary as  
38 determined by the commission in the salary range assigned to the  
39 career service titles to which they have received an appointment.

40

41 9. (New Section) a. Notwithstanding the provisions of Title 11A  
42 of the New Jersey Statutes and the rules promulgated thereunder,  
43 employees entering State service as employees of the commission in  
44 career service titles following employment after January 1, 2003 with  
45 a private motor vehicle agency shall be considered provisional  
46 employees subject to competitive testing.



1       b. Notwithstanding the provisions of Title 11A of the New Jersey  
2 Statutes and the rules promulgated thereunder, employees entering  
3 State service as provided in subsection a. of this section shall not be  
4 subject to displacement by persons on preexisting special  
5 reemployment lists. Special reemployment lists for applicable titles  
6 shall be used only to fill vacant positions in the commission.

7  
8       10. (New section) a. The Deputy Chief Administrator (hereafter,  
9 the "deputy administrator") shall assist the administrator in the day-to-  
10 day administration of the commission and shall have all of the powers  
11 and duties of the administrator as authorized and assigned by the  
12 administrator.

13       The deputy administrator shall carry out all of the administrator's  
14 duties and responsibilities during the administrator's absence,  
15 disqualification or inability to serve, and shall perform such other  
16 duties and responsibilities as the administrator shall determine and  
17 assign. The deputy administrator shall serve at the pleasure of the  
18 administrator until a successor is appointed and shall receive such  
19 salary as fixed by the administrator in accordance with the table of  
20 organization. The deputy administrator shall be in the State  
21 unclassified service.

22       b. A Motor Vehicle Agent (hereafter "agent") shall administer and  
23 ensure the efficient operations of a local commission office. The  
24 administrator shall designate one person in each county for each  
25 300,000 inhabitants or fraction thereof to be the administrator's agent  
26 for the registration of motor vehicles, issuing registration certificates  
27 and licensing of drivers, subject to the requirements of subtitle 1 of  
28 Title 39 of the Revised Statutes and to any rules and regulations the  
29 commission imposes. Notwithstanding any provisions of this act to  
30 the contrary, all current division agent contracts shall remain in effect  
31 until their expiration. Future agent appointments shall be in the State  
32 unclassified service and serve at the pleasure of the administrator until  
33 a successor is appointed. An agent shall receive such salary as fixed  
34 by the administrator in accordance with the table of organization.

35  
36       11. (New section) Except as otherwise provided by law, the  
37 administrator shall be considered the "appointing authority" for the  
38 commission within the contemplation of the civil service laws and the  
39 table of organization. The administrator may delegate such appointing  
40 authority to the deputy administrator as he deems necessary.

41  
42       12. (New section) a. The commission shall consist of the following  
43 eight members:

44       (1) The Commissioner of Transportation, who shall serve as an ex  
45 officio voting member;

46       (2) The State Attorney General, who shall serve as an ex officio

1 voting member;

2 (3) The Chair of the commission who shall be a nonvoting member.  
3 The Chair shall be appointed by the Governor with the advice and  
4 consent of the Senate. The Chair shall serve at the pleasure of the  
5 Governor during the Governor's term of office, and until a successor  
6 is appointed and qualified, and shall receive such salary as shall be  
7 fixed by the Governor which is not greater than the salary of a cabinet  
8 level official of the State. Prior to nomination, the Governor shall  
9 cause the Attorney General to conduct an inquiry into the nominee's  
10 background, financial stability, integrity and responsibility and  
11 reputation for good character, honesty and integrity. The person  
12 appointed and serving as Chair shall also be Chief Administrator of the  
13 commission and shall devote full time to the performance of his  
14 duties. The Chief Administrator shall be in the State unclassified  
15 service.

16 Notwithstanding the provisions of this section to the contrary, the  
17 person in office as the Director of the Division of Motor Vehicles in  
18 the Department of Transportation on the effective date of this section  
19 shall be the first Chair of the commission without the further  
20 requirement of the advice and consent of the Senate and shall also be  
21 the first Chief Administrator of the commission.

22 (4) The State Treasurer, who shall serve as an ex officio voting  
23 member; and

24 (5) Four public members who shall be appointed by the Governor  
25 with the advice and consent of the Senate, not more than two of whom  
26 shall be of the same political party. The public members shall be  
27 voting members and serve for a term of four years and until their  
28 successors are appointed and qualified. These members shall be New  
29 Jersey residents who shall provide appropriate representation from  
30 throughout the State and who shall have experience and familiarity  
31 with public safety, customer service, security, or business operations.

32 b. Initial appointments of public members to the board shall be for  
33 terms as follows: one member for four years, one member for three  
34 years, one member for two years, and one member for one year. After  
35 the initial appointments, all public members shall be appointed for  
36 terms of four years; and may be appointed for any number of  
37 successive terms. A member's term shall be deemed to commence on  
38 January 1 of the year in which the member is appointed. The  
39 commission may appoint a secretary and a treasurer, who need not be  
40 members, and the same person may be elected to serve both as  
41 secretary and treasurer.

42 c. Each ex officio member of the commission may designate two  
43 employees of the member's department or agency, who may represent  
44 the member at meetings of the commission. A designee may lawfully  
45 vote and otherwise act on behalf of the member. The designation shall  
46 be in writing delivered to the commission and shall continue in effect

1 until revoked or amended by writing delivered to the commission.

2 d. Each public member shall continue in office after the expiration  
3 of the member's term until a successor is appointed and qualified. The  
4 successor shall be appointed in like manner for the unexpired term  
5 only.

6 e. A vacancy in the membership of the commission occurring other  
7 than by expiration of term shall be filled in the same manner as the  
8 original appointment, but for the unexpired term only.

9

10 13. (New section) a. In addition to any powers and duties  
11 conferred upon it elsewhere in this act, the commission shall be  
12 authorized to:

13 (1) Make, amend and repeal bylaws not inconsistent with State and  
14 federal law;

15 (2) Adopt an official seal;

16 (3) Maintain an office at such place or places within the State as it  
17 may designate;

18 (4) Sue and be sued;

19 (5) Apply for and accept grants from the State or federal  
20 government, or any agency thereof, or grants, gifts or other  
21 contributions from any foundation, corporation, association or  
22 individual, or any private source, and comply with the terms,  
23 conditions and limitations thereof, as necessary and proper to carry out  
24 the purposes of this act;

25 (6) Impose, revise, change and collect fees, service charges, fines,  
26 penalties, and surcharges as needed by regulation, including but not  
27 limited to new fees for services rendered;

28 (7) Set and collect rentals, fees, charges or other payments from  
29 the lease, use, occupancy or disposition of properties owned or leased  
30 by the commission; such revenues shall be available to the commission  
31 for its purposes;

32 (8) Delegate to the administrator and any other officers of the  
33 commission such powers and duties as necessary and proper to carry  
34 out the purposes of this act;

35 (9) Operate, lease, license or contract in such manner as to  
36 produce revenue for the commission, as provided in this act;

37 (10) Accept and use any funds available to the commission;

38 (11) Enter into agreements or contracts to pay for services  
39 rendered from any public or private entity, and receive payment for  
40 services rendered to any public or private entity;

41 (12) In order to provide for effective cash flow management, the  
42 commission is authorized to issue short-term notes of no more than  
43 one year in duration and pay any related costs or obligations. Such  
44 short-term notes shall be issued in such amounts as necessary, and on  
45 such terms and conditions, sold in such manner and at such prices,  
46 bearing interest at such fixed or variable-rate rates, renewable at such

1 time or times, and entitled to such security, and using such paying  
2 agents, as the commission shall determine; and

3 (13) Enter into agreements or contracts, execute any and all  
4 instruments, and do and perform acts or things necessary, convenient  
5 or desirable for the purposes of the commission, or to carry out any  
6 power expressly or implicitly given in this act.

7 b. The commission is further authorized to:

8 (1) Review and approve the vision, mission, and goals of the  
9 commission, as submitted by the administrator;

10 (2) Review and approve the strategic plan of the commission which  
11 shall include the commission's long-term objectives, policies, and  
12 programs, including a facilities improvement and management plan and  
13 a table of organization, as submitted by the administrator;

14 (3) Review and approve the annual budget of the commission as  
15 submitted by the administrator and ensure that projected revenues and  
16 service charges are sufficient to adequately fund the commission both  
17 in the short and long-term;

18 (4) Receive reports and recommendations from the Advisory  
19 Councils formed pursuant to this act and provide policy direction  
20 related thereto to the administrator;

21 (5) Review and recommend all capital purchases and construction  
22 projects undertaken by the commission;

23 (6) Authorize all commission notes or other obligations; and

24 (7) Review any proposed bill, joint resolution or concurrent  
25 resolution introduced in either House of the Legislature which  
26 establishes or modifies any motor vehicle statute or regulation in this  
27 State. Such a review shall include, but not be limited to, an analysis  
28 of the fiscal impact of the bill or resolution on the commission and any  
29 comments upon or recommendations concerning the legislation  
30 including rejection, modification or approval. Additionally, the  
31 commission shall suggest alternatives to the legislation which it deems  
32 may be appropriate.

33 Not later than the 30th day after the date of introduction of any bill  
34 or resolution in either House of the Legislature, the commission shall  
35 review it in order to determine whether the bill or resolution  
36 constitutes motor vehicle legislation. If, on the basis of that review,  
37 the commission determines that the bill or resolution constitutes such  
38 legislation, the commission shall promptly give written notice of that  
39 determination to the presiding officer of the House in which the bill or  
40 resolution was introduced and the chairman of the standing reference  
41 committee of that House to which the bill or resolution may have been  
42 referred. Not later than the 45th day after the date of introduction of  
43 any bill or resolution in either House of the Legislature which the  
44 commission has determined constitutes motor vehicle legislation, the  
45 commission shall complete its review and provide its comments and  
46 recommendations in writing to the presiding officer of the House in

1 which the bill or resolution was introduced and to the chairman of the  
2 standing reference committee of that House to which the bill or  
3 resolution may have been referred. If the commission requests an  
4 extension prior to the 45th day after the date of introduction of a bill  
5 or resolution, the presiding officer of the House in which the bill or  
6 resolution was introduced may grant an extension for the commission  
7 to complete its review of the bill or resolution. The House or  
8 committee shall not consider or vote upon the bill or resolution until  
9 either the board completes its review and provides its comments and  
10 recommendations in writing to the presiding officer and the chairman,  
11 or the 45th day after the date of introduction of the bill or resolution,  
12 or the designated day in the case of an extension. If the presiding  
13 officer of the House in which the bill or resolution was introduced  
14 determines that the bill or resolution is an urgent matter, he shall so  
15 notify in writing the commission and the chairman of the standing  
16 reference committee to which the bill or resolution may have been  
17 referred and the House or committee may consider and vote upon the  
18 bill or resolution as soon as practicable. A copy of all writings  
19 delivered to the Legislature pursuant to this paragraph shall be  
20 delivered to the Governor.

21 c. Except as provided in this section and section 21 of this act, all  
22 administrative functions, powers and duties of the commission may be  
23 exercised by the administrator and any reference to the commission in  
24 any law, rule or regulation may for this purpose be deemed to refer to  
25 the administrator.

26

27 14. (New section) The commission shall elect annually by a  
28 majority of the full membership of the commission, one of its  
29 members, other than the Chair, to serve as Vice-Chair for the ensuing  
30 year. The Vice-Chair shall hold office until January 1 next ensuing and  
31 until a successor is elected. The Vice-Chair, acting in the capacity of  
32 presiding officer, shall carry out all of the responsibilities of the Chair  
33 of the commission during the Chair's absence, disqualification, or  
34 inability to serve.

35

36 15. (New section) Members other than those serving ex officio  
37 shall serve without compensation, but the commission shall reimburse  
38 commission members for actual expenses necessarily incurred in the  
39 discharge of their duties.

40

41 16. (New section) a. The commission shall meet monthly or at  
42 more frequent times at the discretion of the Chair or as a majority of  
43 the commission shall decide. Meetings of the commission shall be held  
44 at such times and places as the Chair may deem necessary and  
45 convenient.

46 b. The meetings shall be subject to the provisions of the "Open

1 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

2 c. Any other law, rule or regulation to the contrary  
3 notwithstanding, the commission shall take all necessary steps to  
4 ensure that all interested persons are given adequate notice of  
5 commission meetings and the agenda of such meetings, through the  
6 utilization of media engaged in the dissemination of information.

7 d. The powers of the commission shall be vested in the members  
8 thereof. Four members of the commission shall constitute a quorum  
9 at any meeting. Actions may be taken and motions and resolutions  
10 adopted by the commission by the affirmative vote of at least four  
11 members. No vacancy in the membership of the commission shall  
12 impair the right of a quorum to exercise all the rights and perform all  
13 the duties of the commission.

14

15 17. (New section) A true copy of the minutes of every meeting of  
16 the commission shall be delivered by and under the certification of the  
17 secretary of the commission, without delay, to the Governor. No  
18 action taken at the meeting shall have force or effect until 10 days,  
19 Saturdays, Sundays, and public holidays excepted, after the minutes  
20 are delivered, unless during the 10-day period the Governor approves  
21 the minutes, in which case the action shall become effective upon  
22 approval. If, in that 10-day period, the Governor returns copies of the  
23 minutes with a veto of any action taken by the commission or any  
24 member, the action shall be null and void and of no effect.

25 The powers conferred in this section upon the Governor shall be  
26 exercised with due regard for the rights of the holders of notes or  
27 other obligations of the commission at any time outstanding, and  
28 nothing in, or done pursuant to, this section shall in any way limit,  
29 restrict or alter the obligation or powers of the commission or any  
30 representative or officer of the commission to carry out and perform  
31 in every detail each and every covenant, agreement or contract at any  
32 time made or entered into by or on behalf of the commission with  
33 respect to its notes or other obligations or for the benefit, protection  
34 or security of the holders thereof.

35

36 18. (New section) Members of the commission shall be subject to  
37 the provisions of the "New Jersey Conflicts of Interest Law,"  
38 P.L.1971, c.182 (C.52:13D-12 et seq.).

39

40 19. (New section) Each appointed member of the commission may  
41 be removed from office by the Governor with or without cause, and  
42 without a hearing. Before assuming the duties of commission  
43 membership, each member shall take and subscribe an oath to perform  
44 the duties of the office faithfully, impartially and justly to the best of  
45 the member's ability. A record of the oaths shall be filed in the office  
46 of the Secretary of State.

1       20. (New section) The commission may, in acceptance of payment  
2 of any fees, fines, penalties, surcharges, service charges or other  
3 charges, authorize the use of a credit or debit card or any other  
4 electronic payment device.

5  
6       21. (New section) The commission shall adopt all rules and  
7 regulations in accordance with the "Administrative Procedure Act,"  
8 P.L.1968, c.410 (C.52:14B-1 et seq.) for the proper functioning of the  
9 commission, and as necessary to effectuate the purposes of this act,  
10 except for those relating to the internal governance of the commission.  
11 Current rules and regulations of the division shall remain in full force  
12 and effect until such time as they are repealed or amended by the  
13 commission or in accordance with any other law.

14  
15       22. (New section) On or before September 30 of each year, the  
16 commission shall file with the Governor and the presiding officers of  
17 each House of the Legislature a report setting forth the operational,  
18 capital and financial expenditures of the previous year, the operational,  
19 capital and financial plan for the current year and a proposed  
20 operational, capital and financial plan for the next ensuing year.

21       The commission shall include in this report the latest audited annual  
22 financial statement. In this statement, the commission shall disclose  
23 all revenues remitted to the commission and provide a detailed listing  
24 of the various categories in which it receives revenue, including any  
25 surplus revenue from the prior year.

26       The report also shall include the number of criminal complaints filed  
27 against any commission employee or any other person, in connection  
28 with commission related activity. Complaints which are determined to  
29 be unfounded shall not be included. The report shall set forth the  
30 various crimes and offenses for which complaints were filed against  
31 any commission employee or in connection with any commission  
32 activity.

33       In addition, the report shall provide an assessment of the quality of  
34 service provided by the commission and a description of any security  
35 improvements made by the commission in the prior year and those  
36 anticipated in the current year.

37       To the extent practicable, the report also shall include data setting  
38 forth in detail the number of transactions annually performed at each  
39 commission agency or facility and by other means including, but not  
40 limited to, electronic transactions. This portion of the report also shall  
41 disclose, to the extent practicable, the average wait time to process a  
42 transaction at each commission agency or facility and, where  
43 applicable, through other means. If the commission determines that it  
44 is not able to ascertain this data for inclusion in the annual report, the  
45 report shall set forth the reasons the data could not be included and  
46 provide a date by which the commission reasonably estimates that it

1 will be able to provide this data.

2

3 23. (New section) All absolute and qualified immunities and  
4 defenses provided to public entities and public employees by the "New  
5 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., the "New Jersey  
6 Contractual Liability Act," N.J.S.59:13-1 et seq., and any other law  
7 shall apply to all interests held and activities performed by the  
8 commission and its employees pursuant to this act.

9

10 24. (New section) Members, officers and employees of the  
11 commission shall not be liable in an action for damages to any person  
12 for any action taken or recommendation made within the scope of  
13 functions as a member, officer or employee, if the action or  
14 recommendation was taken or made without malice. The members of  
15 the commission shall be indemnified and their defense of any action  
16 provided for in the same manner and to the same extent as employees  
17 of the State under the "New Jersey Tort Claims Act," P.L.1972, c.45  
18 (C.59:1-1 et seq.) on account of acts or omissions in the scope of their  
19 employment.

20

21 25 (New section) The Attorney General shall provide legal  
22 representation to the Commission.

23

24 26. (New section) There are created within the commission five  
25 advisory councils, which shall provide the commission with advice,  
26 technical expertise, information, guidance, and recommendations in  
27 four general areas. The commission shall designate the appropriate  
28 State and local government representatives, interest groups, technical  
29 experts, and constituent representatives as appropriate to serve on  
30 each council which shall not exceed five members. Federal  
31 government representatives and representatives of national  
32 organizations shall be asked to serve, and if willing, shall be appointed  
33 by the commission to serve. All council members shall be designated  
34 by commission action and shall serve on rotating terms so as to  
35 provide stability and continuity on each council. The Chair, or the  
36 Chair's designee, shall serve on each council. The councils shall meet  
37 and report to the commission monthly, or as frequently as the  
38 commission requests. The councils are:

39 a. The Safety Advisory Council shall advise the commission  
40 regarding its policies, operating practices, regulations and standards  
41 in regard to driver, motor vehicle and traffic safety and consider new  
42 initiatives or legislation to enhance the safety of the motoring public.

43 b. The Customer Service Advisory Council shall advise the  
44 commission regarding its policies, operating practices, employee  
45 communications, regulations, and standards in providing appropriate  
46 customer service. The council shall examine benchmarking



1 performance and level of service standards for the Telephone Center;  
2 shall examine internal communications to ensure consistency and  
3 systematic application; shall make recommendations regarding  
4 marketing and the dissemination of information to the public to re-  
5 establish a robust marketing and public information program which  
6 informs and educates public consumers; and shall advise on all aspects  
7 of customer service at the commission.

8 c. The Security and Privacy Advisory Council shall advise the  
9 commission as to how to effectively maintain its system and business  
10 processes in the securest manner; help it to address its most serious  
11 security breaches; advise as to new or modified programs needed to  
12 achieve heightened security; and curtail fraudulent and criminal  
13 activities that present threats to the State's security.

14 d. The Business Advisory Council shall advise the commission on  
15 its business practices affecting its public and private partners,  
16 regulated entities, interest groups, businesses, and constituents in  
17 providing motor vehicle services.

18 e. The Technology Advisory Council shall advise the commission  
19 on the latest and best technological services and equipment to ensure  
20 continued modernization of the commission's facilities, equipment,  
21 operations, security, and customer service.

22  
23 27. (New section) The administrator is directed to immediately  
24 commence a study on the location and adequacy of agency facilities.  
25 Special attention shall be paid to siting agencies which are accessible  
26 to transit facilities. The study shall examine the affordability and  
27 practicality of using smaller satellite offices. The study shall  
28 reexamine the location and number of the commission's regional  
29 service centers. The study shall reevaluate the core business practices  
30 used in the administration of motor vehicle services and so report to  
31 the commission.

32  
33 28. (New section) In addition to any powers and duties otherwise  
34 imposed by this act, the administrator shall have general responsibility  
35 for the implementation of this act, and including, without limitation,  
36 shall:

37 a. Perform, exercise and discharge the functions, powers and duties  
38 of the commission through such offices as may be established by this  
39 act or otherwise by law;

40 b. Administer and organize the work of the commission in such  
41 organizational units, and from time to time alter the plan of  
42 organization as deemed expedient, as necessary for the secure,  
43 efficient and effective operation of the commission;

44 c. Appoint, remove and fix the compensation of subordinate  
45 officers and other personnel employed by the commission in  
46 accordance with the table of organization, except as herein otherwise

1 specifically provided;

2 d. Appoint, remove, and fix the compensation and terms of  
3 employment of the deputy administrator, who shall serve in the  
4 unclassified State service, in accordance with the table of organization;

5 e. Organize and maintain an administrative office and employ  
6 therein such secretarial, clerical and other assistants in the commission  
7 as the internal operations of the commission may require;

8 f. Formulate and adopt rules and regulations for the efficient  
9 conduct of the work and general administration of the commission, its  
10 officers and employees;

11 g. Prepare an annual budget, and submit it to the commission;

12 h. Prepare annually, a strategic plan and submit it to the  
13 commission, including a facilities improvement and management plan  
14 and a table of organization;

15 i. Institute or cause to be instituted such legal proceedings or  
16 processes as may be necessary to properly enforce and give effect to  
17 any of the powers or duties of the administrator;

18 j. Report as the Governor shall from time to time request or as may  
19 be required by law;

20 k. Collect all fees, fines, penalties, surcharges, service charges and  
21 other charges imposed by this act and the regulations issued pursuant  
22 thereto or pursuant to law;

23 l. Develop and maintain a master list of all assets;

24 m. Oversee the implementation of the facilities improvement and  
25 management plan, in consultation with the State Treasurer; and

26 n. Perform such other functions as may be prescribed in this act or  
27 by any other law or by the commission.

28

29 29. (New section) The administrator, and the deputy administrator  
30 under the direction of the administrator, shall have as their immediate  
31 goal the improvement of the safety and security of the State's motor  
32 vehicle licensing, registration and inspection system and to this end are  
33 authorized to:

34 a. Make technological improvements, including the modernization  
35 of software and hardware, the addition of surveillance cameras,  
36 alarms, and access systems, and the utilization of biometrics.

37 b. Increase the number of audit staff, security guards, and other  
38 security-related employees.

39 c. Improve training and monitoring procedures.

40 d. Utilize document imaging from the field.

41 e. Integrate the New Jersey title database with the National Motor  
42 Vehicle Title Information System.

43 f. Improve license plate management, including an automated  
44 inventory system and reissuance program.

45 g. Acquire the ability to access State vital statistics data to  
46 immediately update driver's license information.

- 1 h. Implement additional proofs of identity verification for a non-  
2 driver identification card, driver's license, permits, and registrations.
- 3 i. Implement card access systems, clear visibility barriers and door  
4 replacements where needed.
- 5 j. Replace the written driver's license knowledge test with an online  
6 test.
- 7 k. Increase the use of credit or debit cards or any other electronic  
8 payment device.
- 9 l. Increase the use of scanned documents.
- 10 m. Match motor vehicle records with Social Security records to  
11 verify Social Security numbers in the motor vehicle database, to the  
12 extent allowable.
- 13 n. Seek the assistance of the Immigration and Naturalization  
14 Service to verify authenticity of motor vehicle applicants and their  
15 eligibility for documents.
- 16
- 17 30. (New section) Notwithstanding the provisions of Title 52 of  
18 the Revised Statutes, purchases, contracts or agreements may be  
19 made, negotiated, or awarded by the commission without public  
20 advertisement as provided herein:
- 21 a. When any one or more of the following circumstances exist:
- 22 (1) The equipment to be purchased is of a technical nature and the  
23 procurement thereof without advertising is necessary in order to assure  
24 standardization of equipment and interchangeability of parts in the  
25 public interest;
- 26 (2) Only one source of supply or service is available;
- 27 (3) The public exigency requires the immediate delivery of the  
28 articles or performance of the service;
- 29 (4) The contract provides for the development of a unique service  
30 or product enhancement that does not currently exist and the contract  
31 will result in a net monetary benefit to the commission, such that  
32 revenue realized by the commission exceeds whatever cost or fees the  
33 commission may incur in meeting its obligation under the contract; or
- 34 (5) The subject matter consists of services to be performed by the  
35 contractor personally which are of a technical and professional nature.
- 36 b. In any case in which the commission shall make, negotiate, or  
37 award a purchase, contract, or agreement without public advertisement  
38 pursuant to this section, the commission shall specify the subject  
39 matter or circumstances set forth in this section which permit the  
40 commission to take such action.
- 41 c. The commission is authorized to receive funds from any contract  
42 awarded pursuant to this section and shall have the right to use the  
43 same. The revenue shall be non-lapsing, off-budget, and not subject  
44 to appropriation by the Legislature. In addition, this revenue shall not  
45 be restricted from use by the commission in any manner except as  
46 provided by law. This revenue shall be used in the furtherance of

1 commission purposes. This revenue shall be considered revenue of the  
2 commission and shall not be subject to the calculation of proportional  
3 revenue remitted to the commission pursuant to subsection a. of  
4 section 109 of this act.

5  
6 31. (New section) a. There is created a task force to be known  
7 as the "Motor Vehicles Affordability & Fairness Task Force" to study  
8 the impact of non-driving related suspension of driving privileges, in  
9 particular, the Merit Rating Plan Surcharges, on the driving public and  
10 make recommendations for the reform of the surcharge suspension  
11 program to increase motorist safety. In addition, the task force shall  
12 examine the "Parking Offense Adjudication Act" and municipal court  
13 processes related thereto, as well as court actions on surcharge  
14 assessments and license suspensions related to nonpayment of fines or  
15 tickets as well as motor vehicle moving violations.

16 b. The task force shall consist of 19 members as follows: the  
17 Commissioner of Transportation, ex officio, or a designated  
18 representative; the Chair of the New Jersey Motor Vehicle  
19 Commission, ex officio or a designated representative, a representative  
20 of the Administrative Office of the Courts; the Director of the Office  
21 of Highway Traffic Safety, in the Department of Law and Public  
22 Safety, ex officio, or a designated representative; the Director of the  
23 Division of Insurance in the Department of Banking and Insurance, ex  
24 officio, or a designated representative; the Chairperson of the State  
25 Employment and Training Commission, or a designated representative;  
26 and nine public members, to be appointed by the Governor, among  
27 whom shall be included a representative of the New Jersey Highway  
28 Traffic Safety Policy Advisory Council, a representative of a not-for-  
29 profit highway safety organization, a representative of the automobile  
30 retailers industry, a representative of the automobile insurance  
31 industry, a regular operator of a motor vehicle weighing in excess of  
32 twenty-six thousand pounds, one law enforcement officer engaged in  
33 highway patrol, a representative from the New Jersey State League of  
34 Municipalities, a representative from the New Jersey Institute for  
35 Social Justice and a representative of a New Jersey based chapter of  
36 the American Automobile Association. The Speaker of the General  
37 Assembly and the President of the Senate shall each appoint two  
38 members who may be public members or members of the Legislature.  
39 No more than two of the legislative appointees shall be from the  
40 same political party. Legislative appointees shall serve during the  
41 legislative term of the appointing authority.

42 c. The members of the task force shall serve without compensation,  
43 but may be reimbursed for necessary expenses incurred in the  
44 performance of their duties.

45 d. The task force shall organize as soon as may be practicable after  
46 the appointment of a majority of its members and shall select a

1 chairperson from among the members. The members shall select a  
2 secretary, who need not be a member of the task force.

3 e. The task force shall meet at the call of the chairperson.

4 f. The task force shall be entitled to call to its assistance and avail  
5 itself of the services of the employees of any State department, board,  
6 bureau, commission or agency, as it may require and as may be  
7 available for its purposes, and to employ stenographic and clerical  
8 assistance and incur traveling and other miscellaneous expenses as may  
9 be necessary in order to perform its duties, within the limits of funds  
10 appropriated or otherwise made available to it for its purposes.

11 g. The task force shall study and develop recommendations  
12 concerning the following issues, including but not limited to:

13 (1) the rapid growth in the number of driver's license suspensions;

14 (2) identification and regulation of drivers to deter unlawful and  
15 unsafe acts;

16 (3) establishment of a mechanism to assist low-income residents  
17 that are hard pressed to get out of suspension; and

18 (4) reform of the parking ticket suspension system and the Parking  
19 Offense Adjudication Act.

20 h. The study shall include, but not be limited to, investigating  
21 issues of motor safety, insurance, finance, and socioeconomic  
22 conditions. The task force shall review and analyze studies examining  
23 the social impacts of driver license and registration suspensions. The  
24 task force shall also review and analyze studies and statistics regarding  
25 surcharges and suspensions to develop recommendation for reform.

26 i. The task force shall develop recommendations for public and  
27 private strategies and recommendations for legislative or regulatory  
28 action, if deemed appropriate, to address these issues. The  
29 recommendations shall include suggestions for the development of  
30 public information campaigns to educate and inform motorists about  
31 driver's license and registration suspensions, and methods of lessening  
32 financial and social burdens on motorists.

33 j. The task force's recommendations shall be aimed at developing  
34 and implementing an amnesty policy and a reform of the surcharge  
35 suspension. The task force shall review the impact of such  
36 recommendations upon businesses and individuals dependent upon  
37 having a valid driver's license for gainful employment and to conduct  
38 commerce in this State.

39 k. The task force shall prepare and submit a final report containing  
40 its findings and recommendations, including any recommendations for  
41 legislative or regulatory action that it deems appropriate, no later than  
42 one year after the task force organizes, to the Governor, the President  
43 of the Senate and the Speaker of the General Assembly, and the  
44 members of the Senate Transportation Committee and the Assembly  
45 Transportation Committee, or their successors.

46 l. Upon the submission of the final report the task force shall

1 dissolve. Any and all materials, records, work products or other  
2 property of the task force shall become property of the commission.

3  
4 32. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to read  
5 as follows:

6 6. a. (Deleted by amendment, P.L.1997, c.151.)

7 b. There is created a New Jersey Merit Rating Plan which shall  
8 apply to all drivers and shall include, but not be limited to, the  
9 following provisions:

10 (1) (a) Plan surcharges shall be levied, beginning on or after  
11 January 1, 1984, by the [Division of Motor Vehicles] New Jersey  
12 Motor Vehicle Commission (hereafter the "commission") on any driver  
13 who, in the preceding 36 month period, has accumulated [, within the  
14 immediately preceding three-year period, beginning on or after  
15 February 10, 1983,] six or more motor vehicle points, as provided in  
16 Title 39 of the Revised Statutes [, exclusive of any points for  
17 convictions for which surcharges are levied under paragraph (2) of this  
18 subsection]; except that the allowance for a reduction of points in  
19 Title 39 of the Revised Statutes shall not apply for the purpose of  
20 determining surcharges under this paragraph. [Surcharges shall be  
21 levied for each year in which the driver possesses six or more points.]  
22 The accumulation of points shall be calculated as of the date the point  
23 violation is posted to the driver history record and shall be levied  
24 pursuant to rules promulgated by the commission. Surcharges  
25 assessed pursuant to this paragraph shall be \$100.00 for six points, and  
26 \$25.00 for each additional point. No offense shall be selected for  
27 billing which occurred prior to February 10, 1983. No offense shall be  
28 considered in more than three annual assessments.

29 (b) (Deleted by amendment, P.L.1984, c.1.)

30 (2) Plan surcharges shall be levied for convictions (a) under  
31 R.S.39:4-50 for violations occurring on or after February 10, 1983,  
32 and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for  
33 offenses committed in other jurisdictions of a substantially similar  
34 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512  
35 (C.39:4-50.4a), for violations occurring on or after January 26, 1984.  
36 Except as hereinafter provided, surcharges under this paragraph shall  
37 be levied annually for a three-year period, and shall be \$1,000.00 per  
38 year for each of the first two convictions, for a total surcharge of  
39 \$3,000 for each conviction, and \$1,500.00 per year for the third  
40 conviction occurring within a three-year period, for a total surcharge  
41 of \$4,500 for the third conviction. If a driver is convicted under both  
42 R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for  
43 offenses arising out of the same incident, the driver shall be assessed  
44 only one surcharge for the two offenses.

45 If, upon written notification from the [Division of Motor Vehicles]  
46 commission or its designee, mailed to the last address of record with

1 the [division] commission, a driver fails to pay a surcharge levied  
2 under this subsection, the [license] driving privilege of the driver shall  
3 be suspended forthwith until the [surcharge] minimum payment  
4 requirement as set forth by rule by the commission is paid to the  
5 [Division of Motor Vehicles] commission; except that the [Division  
6 of Motor Vehicles] commission may authorize payment of the  
7 surcharge on an installment basis over a period not to exceed 12  
8 months for assessments under \$2,300 or 24 months for assessments of  
9 \$2,300 or more. If a driver fails to pay the surcharge or any  
10 installments on the surcharge, the total surcharge shall become due  
11 immediately, except as otherwise prescribed by rule of the commission.

12 The [director] commission may authorize any person to pay the  
13 surcharge levied under this section by use of a credit card, and the  
14 [director] administrator is authorized to require the person to pay all  
15 costs incurred by the division in connection with the acceptance of the  
16 credit card. If a surcharge or related administrative fee is paid by  
17 credit or debit cards or any other electronic payment device and the  
18 amount is subsequently reversed by the credit card company or bank,  
19 the driving privilege of the surcharged driver shall be suspended and  
20 the driver shall be subject to the fee imposed for dishonored checks  
21 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

22 In addition to any other remedy provided by law, the [director]  
23 commission is authorized to utilize the provisions of the SOIL (Set off  
24 of Individual Liability) program established pursuant to P.L.1981,  
25 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under this  
26 section that is unpaid on or after the effective date of this act. As an  
27 additional remedy, the [director] commission may issue a certificate  
28 to the Clerk of the Superior Court stating that the person identified in  
29 the certificate is indebted under this surcharge law in such amount as  
30 shall be stated in the certificate. The certificate shall reference the  
31 statute under which the indebtedness arises. Thereupon the clerk to  
32 whom such certificate shall have been issued shall immediately enter  
33 upon the record of docketed judgments the name of such person as  
34 debtor; the State as creditor; the address of such person, if shown in  
35 the certificate; the amount of the debt so certified; a reference to the  
36 statute under which the surcharge is assessed, and the date of making  
37 such entries. The docketing of the entries shall have the same force  
38 and effect as a civil judgment docketed in the Superior Court, and the  
39 [director] commission shall have all the remedies and may take all of  
40 the proceedings for the collection thereof which may be had or taken  
41 upon the recovery of a judgment in an action, but without prejudice to  
42 any right of appeal. Upon entry by the clerk of the certificate in the  
43 record of docketed judgments in accordance with this provision,  
44 interest in the amount specified by the court rules for post-judgment  
45 interest shall accrue from the date of the docketing of the certificate,

1 however payment of the interest may be waived by the [director]  
2 commission or [his] its designee. In the event that the surcharge  
3 remains unpaid following the issuance of the certificate of debt and the  
4 [director] commission takes any further collection action including  
5 referral of the matter to the Attorney General or his designee, the fee  
6 imposed, in lieu of the actual cost of collection, may be 20 percent of  
7 [the surcharge or \$200, whichever is greater] surcharges of \$1,000 or  
8 more. The administrator or his designee may establish a sliding scale,  
9 not to exceed a maximum amount of \$200, for surcharge principal  
10 amounts of less than \$1,000 at the time the certificate of debt is  
11 forwarded to the Superior Court for filing. The [director]  
12 commission shall provide written notification to a driver of the  
13 proposed filing of the certificate of debt at least 10 days prior to the  
14 proposed filing; such notice shall be mailed to the driver's last address  
15 of record with the [division] commission. If a certificate of debt is  
16 satisfied following a credit card payment and that payment is reversed,  
17 a new certificate of debt shall be filed against the surcharged driver  
18 unless the original is reinstated.

19 If the administrator or his designee approves a special payment plan  
20 for repayment of the certificate of debt, and the driver is complying  
21 with the approved plan, the plan may be continued for any new  
22 surcharge not part of the certificate of debt.

23 All moneys collectible under this subsection b. shall be billed and  
24 collected by the [Division of Motor Vehicles] commission except as  
25 provided in P.L.1997, c.280 (C.2B:19-10 et al.) for the collection of  
26 unpaid surcharges. Of the moneys collected: 10%, or the actual cost  
27 of administering the collection of the surcharge, whichever is less,  
28 shall be retained by the [Division of Motor Vehicles] commission until  
29 August 31, 1996; five percent, or the actual cost of administering the  
30 cancellation notification system established pursuant to section 50 of  
31 P.L.1990, c.8 (C.17:33B-41), whichever is less, shall be retained by  
32 the [Division of Motor Vehicles] commission until August 31, 1996;  
33 and prior to October 1, 1991, the remainder shall be remitted to the  
34 New Jersey Automobile Full Insurance Underwriting Association and  
35 on or after October 1, 1991 until August 31, 1996, the remainder shall  
36 be remitted to the New Jersey Automobile Insurance Guaranty Fund  
37 created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5).  
38 Commencing on September 1, 1996, or such earlier time as the  
39 Commissioner of Banking and Insurance shall certify to the State  
40 Treasurer that amounts on deposit in the New Jersey Automobile  
41 Insurance Guaranty Fund are sufficient to satisfy the current and  
42 anticipated financial obligations of the New Jersey Automobile Full  
43 Insurance Underwriting Association, all plan surcharges collected by  
44 the [Division of Motor Vehicles] commission under this subsection b.  
45 shall be remitted to the Division of Motor Vehicles Surcharge Fund for



1 transfer to the Market Transition Facility Revenue Fund, as provided  
2 in section 12 of P.L.1994, c.57 (C.34:1B-21.12), as amended by  
3 P.L. , c. (C. ) (now before the Legislature as this bill), for the  
4 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) as amended  
5 by P.L. , c. (C. ) (now before the Legislature as this bill), until such  
6 a time as all the Market Transition Facility bonds, notes and  
7 obligations and all Motor Vehicle Commission bonds, notes and  
8 obligations issued pursuant to that section 4 of [that act] P.L.1994,  
9 c.57 (C.34:1B-21.4) and the costs thereof are discharged and no  
10 longer outstanding. From the date of certification by the  
11 Commissioner of Banking and Insurance that the moneys collectible  
12 under this subsection are no longer needed to fund the association or  
13 at such a time as all Market Transition Facility bonds, notes and  
14 obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-  
15 21.4) and the costs thereof are discharged and no longer outstanding  
16 moneys collectible under this subsection shall, subject to  
17 appropriation, be remitted to the New Jersey Property-Liability  
18 Insurance Guaranty Association created pursuant to section 6 of  
19 P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans  
20 made by that association to the New Jersey Automobile Insurance  
21 Guaranty Fund pursuant to paragraph (10) of subsection a. of section  
22 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments  
23 shall be subject to and dependent upon appropriation by the State  
24 Legislature.

25 (3) In addition to any other authority provided in P.L.1983, c.65  
26 (C.17:29A-33 et al.), the commissioner, after consultation with the  
27 [Director of the Division of Motor Vehicles] administrator, is  
28 specifically authorized (a) (Deleted by amendment, P.L.1994, c.64),  
29 (b) to impose, in accordance with paragraph (1)(a) of this subsection,  
30 surcharges for motor vehicle violations or convictions for which motor  
31 vehicle points are not assessed under Title 39 of the Revised Statutes,  
32 or (c) to reduce the number of points for which surcharges may be  
33 assessed below the level provided in paragraph (1)(a) of this  
34 subsection, except that the dollar amount of all surcharges levied  
35 under the New Jersey Merit Rating Plan shall be uniform on a  
36 Statewide basis for each filer, without regard to classification or  
37 territory. Surcharges adopted by the commissioner on or after January  
38 1, 1984 for motor vehicle violations or convictions for which motor  
39 vehicle points are not assessable under Title 39 of the Revised Statutes  
40 shall not be retroactively applied but shall take effect on the date of  
41 the New Jersey Register in which notice of adoption appears or the  
42 effective date set forth in that notice, whichever is later.

43 c. No motor vehicle violation surcharges shall be levied on an  
44 automobile insurance policy issued or renewed on or after January 1,  
45 1984, except in accordance with the New Jersey Merit Rating Plan,  
46 and all surcharges levied thereunder shall be assessed, collected and

1 distributed in accordance with subsection b. of this section.

2 d. (Deleted by amendment, P.L.1990, c.8.)

3 e. The Commissioner of Banking and Insurance and the [Director  
4 of the Division of Motor Vehicles] commission as may be  
5 appropriate, shall adopt any rules and regulations necessary or  
6 appropriate to effectuate the purposes of this section.

7 (cf: P.L.1997, c.280, s.5)

8

9 33. (New section) Whenever a legislative enactment requires the  
10 commission to take action, the commission shall not take such action  
11 until the Legislature appropriates, or the commission identifies or  
12 raises, sufficient funds to cover the costs of the required action.

13

14 34. (New section) The exercise of the powers granted by this act  
15 will be in all respects for the benefit of the people of the State, for the  
16 increase of their commerce and prosperity, and for the improvement  
17 of their health and living conditions, and as the operation and  
18 maintenance of facilities and assets by the commission will constitute  
19 the performance of essential governmental functions, the commission  
20 shall not be required to pay any taxes or assessments upon any facility  
21 and assets or any property acquired or used by the commission under  
22 the provisions of this act or upon the income therefrom, and any  
23 facility and assets and any property acquired or used by the  
24 commission under the provisions of this act and the income therefrom  
25 shall be exempt from taxation.

26

27 35. (New section) a. The commission may require the  
28 fingerprinting of all public employees and employees of its agents, for  
29 purposes of determining employment eligibility in any title or capacity  
30 that is either directly or indirectly involved in the issuance or  
31 processing of driver's licenses, permits, business licenses, identification  
32 cards, driving records, or vehicle registrations and titles, including  
33 independent contractors and their employees who work on a motor  
34 vehicle premises or have access to motor vehicle records or  
35 documents. The commission is hereby authorized to exchange  
36 fingerprint data with, and receive criminal history record information  
37 from, the Federal Bureau of Investigation and the Division of State  
38 Police, consistent with the provisions of P.L.92-544, for use in  
39 determining employment eligibility.

40 b. The commission may, as deemed necessary by the commission,  
41 receive the results of periodic follow-ups of criminal history record  
42 checks of all current public employees and employees of its agents, for  
43 purposes of determining continuing employment eligibility in any title  
44 or capacity that is either directly or indirectly involved in the issuance  
45 or processing of driver's licenses, identification cards, driving records,  
46 or vehicle registrations and titles.

1 c. If the information from the criminal history record background  
2 check discloses that a prospective or current employee has a record of  
3 criminal history, the commission shall review the information with  
4 respect to the type and date of the criminal offense to determine if the  
5 person is qualified for employment with the commission. Criminal  
6 offenses which will disqualify an individual from employment include,  
7 but are not limited to, any crime or offense, whether committed in  
8 New Jersey or in another jurisdiction, which in New Jersey would  
9 constitute murder, assault with intent to murder, espionage, treason,  
10 rape, kidnaping, unlawful possession of an explosive or weapon,  
11 extortion, armed robbery, distribution of or intent to distribute a  
12 controlled substance, possession of a controlled substance, willful  
13 destruction of property, burglary, theft, fraud, and aggravated assault.

14 d. Notwithstanding the provisions of subsections b. or c. of this  
15 section, an individual shall not be disqualified from employment or  
16 service under this act on the basis of any conviction disclosed by a  
17 criminal record check performed pursuant to this act without an  
18 opportunity to challenge the accuracy of the disqualifying criminal  
19 history record.

20 e. An individual who has been disqualified under the provisions of  
21 this act shall be entitled to reapply for the position if the disqualifying  
22 conviction is reversed.

23 f. Notwithstanding the provisions of subsections b. or c. of this  
24 section, an individual will not be disqualified from employment or  
25 service on the basis of any conviction disclosed by a criminal history  
26 record background check performed pursuant to this act if the  
27 individual has affirmatively demonstrated to the administrator, clear  
28 and convincing evidence of the individual's rehabilitation. In  
29 determining whether an individual has affirmatively demonstrated  
30 rehabilitation, the following factors shall be considered:

31 (1) the nature and responsibility of the position which the applicant  
32 would hold, has held or currently holds, as the case may be;

33 (2) the nature and seriousness of the offense;

34 (3) the circumstances under which the offense occurred;

35 (4) the date of the offense;

36 (5) the age of the applicant when the offense was committed;

37 (6) whether the offense was an isolated or repeated incident;

38 (7) any social conditions which may have contributed to the  
39 offense; and

40 (8) any evidence of rehabilitation, including good conduct in prison  
41 or in the community, counseling or psychiatric treatment received,  
42 acquisition of additional academic or vocational schooling, successful  
43 participation in correctional work-release programs, or the  
44 recommendation of those who have had the applicant under their  
45 supervision.

1       36. (New section) a. The commission shall require the  
2 fingerprinting of all applicants for commercial driver's licenses with  
3 hazardous material, tank vehicle or combination endorsements, at the  
4 initial application and upon renewal, in order to determine eligibility  
5 for those endorsements. The commission is hereby authorized to  
6 exchange fingerprint data with, and receive criminal history record  
7 information from the Federal Bureau of Investigation and the Division  
8 of State Police, consistent with the provisions of P.L.92-544, for use  
9 in determining eligibility. The commission shall require any person  
10 who, prior to the date of enactment of this act, has been issued a  
11 commercial driver's license with a hazardous material, tanker vehicle  
12 or combination endorsement, to undergo a criminal history record  
13 background check as a condition to continue to hold, use and renew  
14 such an endorsement. No criminal history record check shall be  
15 performed without the applicant's written consent. The applicant shall  
16 bear the cost for the criminal history record check, including all costs  
17 for administering and processing the check. Failure or refusal to  
18 submit a disclosure and fingerprints will result in an automatic  
19 disqualification.

20       b. Upon receipt of the criminal history record information, the  
21 commission shall notify the applicant, in writing, of the applicant's  
22 qualification or disqualification for a commercial driver's license with  
23 a hazardous materials, tank vehicle or combination endorsement. If  
24 the applicant is disqualified, the basis for the disqualification shall be  
25 identified in the written notice to the applicant.

26       c. The applicant shall have 14 days from the postmarked date of  
27 the written notice of disqualification to challenge the accuracy of the  
28 criminal history record information. If no challenge is filed or if the  
29 determination of the accuracy of the criminal history record  
30 information upholds the disqualification, the applicant's disqualification  
31 for a commercial driver's license, with a hazardous material, tank  
32 vehicle or combination endorsement will stand.

33

34       37. (New section) a. The commission may contract for advertising  
35 and ancillary services at facilities owned or used by the commission.

36       b. In entering into a contract pursuant to this section, the  
37 commission shall award a contract on the basis of competitive public  
38 bids or proposals to the responsible bidder or proposer whose bid or  
39 proposal is determined to be in the best interest of the State, price and  
40 other factors considered.

41       c. The commission is authorized to receive funds from the contract  
42 and shall have the right to use the same. The revenue shall be non-  
43 lapsing, off-budget, and not subject to appropriation by the  
44 Legislature. In addition, this revenue shall not be restricted from use  
45 by the commission in any manner except as provided by law. This  
46 revenue shall be used in the furtherance of commission purposes. This

1 revenue shall be considered revenue of the commission and shall not  
2 be subject to the calculation of proportional revenue remitted to the  
3 commission pursuant to subsection a. of section 109 of this act.

4  
5 38. R.S.39:3-10 is amended to read as follows:

6 39:3-10. No person shall drive a motor vehicle on a public highway  
7 in this State unless the person is under supervision while participating  
8 in a behind-the-wheel driving course pursuant to section 6 of  
9 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated  
10 permit, or a provisional or basic driver's license issued to him in  
11 accordance with this article.

12 No person under 18 years of age shall be issued a basic license to  
13 drive motor vehicles, nor shall a person be issued a validated permit,  
14 including a validated examination permit, until he has passed a  
15 satisfactory examination and other requirements as to his ability as an  
16 operator. The examination shall include a test of the applicant's vision,  
17 his ability to understand traffic control devices, his knowledge of safe  
18 driving practices and of the effects that ingestion of alcohol or drugs  
19 has on a person's ability to operate a motor vehicle, his knowledge of  
20 such portions of the mechanism of motor vehicles as is necessary to  
21 insure the safe operation of a vehicle of the kind or kinds indicated by  
22 the applicant and of the laws and ordinary usages of the road. No  
23 person shall sit for an examination for any permit without exhibiting  
24 photo identification deemed acceptable by the [director] commission,  
25 unless that person is a high school student participating in a course of  
26 driving education approved by the State Department of Education and  
27 conducted in a public, parochial or private school of this State,  
28 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The  
29 commission may waive the written law knowledge examination for any  
30 person 18 years of age or older possessing a valid driver's license  
31 issued by any other state or the United States Territories of American  
32 Samoa, Guam, Puerto Rico or the Virgin Islands. The commission  
33 shall be required to provide that person with a booklet that highlights  
34 those motor vehicle laws unique to New Jersey. A road test shall be  
35 required for a provisional license and serve as a demonstration of the  
36 applicant's ability to operate a vehicle of the class designated. No  
37 person shall sit for a road test unless that person exhibits photo  
38 identification deemed acceptable by the [director] commission. A  
39 high school student who has completed a course of behind-the-wheel  
40 automobile driving education approved by the State Department of  
41 Education and conducted in a public, parochial or private school of  
42 this State, who has been issued a special learner's permit pursuant to  
43 section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003,  
44 shall not be required to exhibit photo identification in order to sit for  
45 a road test. The commission may waive the road test for any person  
46 18 years of age or older possessing a valid driver's license issued by

1 any other state or the United States Territories of American Samoa,  
2 Guam, Puerto Rico or the Virgin Islands. The road test shall be given  
3 on public streets, where practicable and feasible, but may be preceded  
4 by an off-street screening process to assess basic skills. The  
5 **[director] commission** shall approve locations for the road test which  
6 pose no more than a minimal risk of injury to the applicant, the  
7 examiner and other motorists. No new locations for the road test shall  
8 be approved unless the test can be given on public streets.

9 The **[director] commission** shall issue a basic driver's license to  
10 operate a motor vehicle other than a motorcycle to a person over 18  
11 years of age who previously has not been licensed to drive a motor  
12 vehicle in this State or another jurisdiction only if that person has: (1)  
13 operated a passenger automobile in compliance with the requirements  
14 of this title for not less than one year, not including any period of  
15 suspension or postponement, from the date of issuance of a provisional  
16 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not  
17 been assessed more than two motor vehicle points; (3) not been  
18 convicted in the previous year for a violation of R.S.39:4-50, section  
19 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14),  
20 R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any  
21 other motor vehicle-related violation the **[director] commission**  
22 determines to be significant and applicable pursuant to regulation; and  
23 (4) passed an examination of his ability to operate a motor vehicle  
24 pursuant to this section.

25 The **[director] commission** shall expand the driver's license  
26 examination by 20%. The additional questions to be added shall  
27 consist solely of questions developed in conjunction with the State  
28 Department of Health and Senior Services concerning the use of  
29 alcohol or drugs as related to highway safety. The **[director]**  
30 **commission** shall develop in conjunction with the State Department of  
31 Health and Senior Services supplements to the driver's manual which  
32 shall include information necessary to answer any question on the  
33 driver's license examination concerning alcohol or drugs as related to  
34 highway safety.

35 Up to 20 questions may be added to the examination on subjects to  
36 be determined by the **[director] commission** that are of particular  
37 relevance to youthful drivers, after consultation with the Director of  
38 the Office of Highway Traffic Safety.

39 The **[director] commission** shall expand the driver's license  
40 examination to include a question asking whether the applicant is  
41 aware of the provisions of the "Uniform Anatomical Gift Act,"  
42 P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating  
43 on the driver's license the intention to make a donation of body organs  
44 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

45 Any person applying for a driver's license to operate a motor  
46 vehicle or motorized bicycle in this State shall surrender to the

1 [director] commission any current driver's license issued to him by  
2 another state or jurisdiction upon his receipt of a driver's license for  
3 this State. The [director] commission shall refuse to issue a driver's  
4 license if the applicant fails to comply with this provision. An  
5 applicant for a permit or license who is less than 18 years of age, and  
6 who holds a permit or license for a passenger automobile issued by  
7 another state or country that is valid or has expired within a time  
8 period designated by the [director] commission, shall be subject to the  
9 permit and license requirements and penalties applicable to State  
10 permit and license applicants who are of the same age; except that if  
11 the other state or country has permit or license standards substantially  
12 similar to those of this State, the credentials of the other state or  
13 country shall be acceptable.

14 The [director] commission shall create classified licensing of  
15 drivers covering the following classifications:

16 a. Motorcycles, except that for the purposes of this section,  
17 motorcycle shall not include any three-wheeled motor vehicle equipped  
18 with a single cab with glazing enclosing the occupant, seats similar to  
19 those of a passenger vehicle or truck, seat belts and automotive  
20 steering.

21 b. Omnibuses as classified by R.S.39:3-10.1 and school buses  
22 classified under N.J.S.18A:39-1 et seq.

23 c. (Deleted by amendment, P.L.1999, c.28).

24 d. All motor vehicles not included in classifications a. and b. A  
25 license issued pursuant to this classification d. shall be referred to as  
26 the "basic driver's license."

27 Every applicant for a license under classification b. shall be a holder  
28 of a basic driver's license. Any issuance of a license under  
29 classification b. shall be by endorsement on the basic driver's license.

30 A driver's license for motorcycles may be issued separately, but if  
31 issued to the holder of a basic driver's license, it shall be by  
32 endorsement on the basic driver's license.

33 The [director] commission, upon payment of the lawful fee and  
34 after he or a person authorized by him has examined the applicant and  
35 is satisfied of the applicant's ability as an operator, may, in his  
36 discretion, issue a license to the applicant to drive a motor vehicle.  
37 The license shall authorize him to drive any registered vehicle, of the  
38 kind or kinds indicated, and shall expire, except as otherwise provided,  
39 on the last day of the 48th calendar month following the calendar  
40 month in which such license was issued.

41 The [director] commission may, at his discretion and for good  
42 cause shown, issue licenses which shall expire on a date fixed by him.  
43 If the [director] commission issues a license to a person who has  
44 demonstrated authorization to be present in the United States for a  
45 period of time shorter than the standard period of the license, the  
46 [director] commission shall fix the expiration date of the license at a

1 date based on the period in which the person is authorized to be  
2 present in the United States under federal immigration laws. The  
3 [director] commission may renew such a license only if it is  
4 demonstrated that the person's continued presence in the United States  
5 is authorized under federal law. The fee for licenses with expiration  
6 dates fixed by the [director] commission shall be fixed by the  
7 [director] commission in amounts proportionately less or greater than  
8 the fee herein established.

9 The required fee for a license for the 48-month period shall be as  
10 follows:

11 Motorcycle license or endorsement: \$18.

12 Omnibus or school bus endorsement: \$18.

13 Basic driver's license: \$18.

14 The [director] commission shall waive the payment of fees for  
15 issuance of omnibus endorsements whenever an applicant establishes  
16 to the director's satisfaction that said applicant will use the omnibus  
17 endorsement exclusively for operating omnibuses owned by a  
18 nonprofit organization duly incorporated under Title 15 or 16 of the  
19 Revised Statutes or Title 15A of the New Jersey Statutes.

20 The [director] commission shall issue licenses for the following  
21 license period on and after the first day of the calendar month  
22 immediately preceding the commencement of such period, such  
23 licenses to be effective immediately.

24 All applications for renewals of licenses shall be made in a manner  
25 prescribed by the [director] commission and in accordance with  
26 procedures established by him.

27 The [director] commission in his discretion may refuse to grant a  
28 permit or license to drive motor vehicles to a person who is, in [his]  
29 its estimation, not a proper person to be granted such a permit or  
30 license, but no defect of the applicant shall debar him from receiving  
31 a permit or license unless it can be shown by tests approved by the  
32 [Director of the Division of Motor Vehicles] commission that the  
33 defect incapacitates him from safely operating a motor vehicle.

34 In addition to requiring an applicant for a driver's license to submit  
35 satisfactory proof of identity and age, the [director] commission also  
36 shall require the applicant to provide, as a condition for obtaining a  
37 permit and license, satisfactory proof that the applicant's presence in  
38 the United States is authorized under federal law.

39 If the [director] commission has reasonable cause to suspect that  
40 any document presented by an applicant as proof of identity, age or  
41 legal residency is altered, false or otherwise invalid, the [director]  
42 commission shall refuse to grant the permit or license until such time  
43 as the document may be verified by the issuing agency to the  
44 [director's] commission's satisfaction.

45 A person violating this section shall be subject to a fine not



1 exceeding \$500 or imprisonment in the county jail for not more than  
2 60 days, but if that person has never been licensed to drive in this  
3 State or any other jurisdiction, he shall be subject to a fine of not less  
4 than \$200 and, in addition, the court shall issue an order to the  
5 [Director of the Division of Motor Vehicles] commission requiring  
6 the [director] commission to refuse to issue a license to operate a  
7 motor vehicle to the person for a period of not less than 180 days.  
8 The penalties provided for by this paragraph shall not be applicable in  
9 cases where failure to have actual possession of the operator's license  
10 is due to an administrative or technical error by the [Division of Motor  
11 Vehicles] commission.

12 Nothing in this section shall be construed to alter or extend the  
13 expiration of any license issued prior to the date this amendatory and  
14 supplementary act becomes operative.

15 (cf: P.L.2001, c.420, s.3)

16

17 39. Section 15 of P.L.2001, c.391 (C.39:3-10f5) is amended to  
18 read as follows:

19 15. a. [There is established in the General Fund a separate special  
20 non-lapsing account to be known as the "Secure Driver's License  
21 Fund."] Revenues from the fees collected for the digitized picture  
22 provided for in this act shall be [credited to the fund] revenues of the  
23 commission as of 30 days after enactment of P.L. , c. (C. ) (now  
24 before the Legislature as this bill) and used for the purposes of the  
25 commission.

26 b. [Moneys in the fund shall be appropriated to the Department of  
27 Transportation for the purposes of ensuring secure driver's license  
28 documents and the handling thereof including the review, processing,  
29 production and distribution of a secure driver's license, identification  
30 card, or any related support documents required by or in relation to  
31 this act.] (Deleted by amendment, P.L. , c. (now before the  
32 Legislature as this bill)

33 c. Any revenue credited to the fund [but not appropriated to the  
34 department] shall remain in the fund exclusively for the purposes [set  
35 forth in this act] of the commission.

36 (cf: P.L.2001, c.391, s.15)

37

38 40. Section 14 of P.L.1995, c.112 (C.39:8-54) is amended to read  
39 as follows:

40 14. A person who displays or causes or permits to be displayed any  
41 sign, mark, or advertisement, or otherwise identifies that person as a  
42 private inspection facility, a registered motor vehicle repair facility or  
43 an emission inspector when not holding a valid license or registration  
44 issued by the director, or who inspects a motor vehicle without being  
45 licensed as a private inspection facility, or who conducts an emission

1 inspection without being licensed as an emission inspector, or who  
2 performs an emission-related repair on a motor vehicle that has failed  
3 an emission test without being registered as a motor vehicle emission  
4 repair facility, or who transfers or attempts to transfer a valid license  
5 or registration, shall be subject to a fine of not less than \$1,000 or  
6 imprisonment for not more than 30 days, or both. Any fine collected  
7 under the provisions of this section shall be paid to the State Treasurer  
8 and deposited in the "Motor Vehicle Inspection Fund" established  
9 pursuant to subsection j. of R.S.39:8-2.

10 (cf: P.L.1995, c.112, s.14)

11

12 41. R.S.39:10-19 is amended to read as follows:

13 39:10-19. No person shall engage in the business of buying, selling,  
14 wholesaling or dealing in new or used motor vehicles in this State, nor  
15 shall a person engage in any activity that would qualify the person as  
16 a leasing dealer, as defined in Section 2 of P.L.1994, c.190 (C.56:12-  
17 61) unless: a. he is a licensed real estate broker acting as an agent or  
18 broker in the sale of mobile homes without their own motor power  
19 other than recreational vehicles as defined in Section 3 of P.L.1990,  
20 c.103 (C.39:3-10.11), or manufactured homes as defined in Section 3  
21 of P.L.1983, c.400 (C.54.4-1.4); b. he is authorized to do so under the  
22 provisions of this chapter. The [director] commission may, upon  
23 application in such form as [he] it prescribes, license any person as  
24 [such] a new or used motor vehicle dealer, [or] leasing dealer, or  
25 wholesale dealer. A licensed real estate broker shall be entitled to act  
26 as an agent or broker in the sale of a mobile or manufactured home as  
27 defined in subsection a. of this section without obtaining a license from  
28 the [director] commission. For the purposes of this provision a  
29 "licensed real estate broker" means a real estate broker licensed by the  
30 New Jersey Real Estate Commission pursuant to the provisions of  
31 Chapter 15 of Title 45 of the Revised Statutes. Any sale or transfer  
32 of a mobile or manufactured home, in which a licensed real estate  
33 broker act as a broker or agent pursuant to this section, which sale or  
34 transfer is subject to any requirements of R.S.39:10-1 et seq., shall  
35 comply with all these requirements. No person, who has been  
36 convicted of a crime, arising out of a fraud or misrepresentation in the  
37 sale, leasing, or financing of a motor vehicle, shall be eligible to  
38 receive a license. Any person, who has been convicted of a crime  
39 arising out of fraud or misrepresentation, may be deemed to be an  
40 improper person to receive a license as a motor vehicle dealer. Each  
41 applicant for a license shall at the time such license is [issued] applied  
42 for have established and maintained [or by said application shall agree  
43 to establish and maintain within 90 days after the issuance thereof] a  
44 place of business [consisting of a permanent building of not less than  
45 1,000 square feet in floor space] the criteria for which shall be

1 established in regulation by the commission located in the state of New  
2 Jersey to be used principally for servicing, display or, promulgating  
3 transactions of motor vehicle or any or all of the foregoing, with, if  
4 applicable, such equipment installed therein shall be requisite for the  
5 servicing of motor vehicles in such a manner as to make them comply  
6 with the laws of this State with any rules and regulations made by the  
7 **[Director of Motor Vehicles]** commission governing the equipment,  
8 use, and operation of motor vehicles within the State. **[However, a]**  
9 A leasing dealer, who is not engaged in the business of buying, selling,  
10 dealing or wholesaling in motor vehicles in the State, shall not be  
11 required to maintain a place of business with floor space available for  
12 the servicing or display of motor vehicles or to have an exterior sign  
13 at the lessor's place of business. The commission shall disqualify any  
14 dual or multi-dealer licensed facilities. A wholesale dealer as  
15 established must be permanently domiciled in this State and comply  
16 with all zoning laws. Such dealer shall also comply with ordinance and  
17 land use requirements and with all facility site requirements as  
18 determined by the commission. A general license fee of \$100 shall be  
19 paid by an applicant for any dealer business license. The **[director]**  
20 commission may renew an applicant's business license from year to  
21 year by an annual renewal fee of \$100. Upon initial application for a  
22 dealer business license, each applicant shall submit a site examination  
23 fee of \$250 payable to the commission. If a location is sub-divided or  
24 site location is changed subsequent to initial licensing, a used or  
25 wholesale dealer is required to submit an additional site inspection fee.  
26 In addition, upon initial licensing and renewal, each applicant for a  
27 wholesale dealership shall submit a surety bond in the amount of  
28 \$100,000 executed in favor of the State of New Jersey. Applicants  
29 who are either new or used car dealers upon initial licensure and  
30 renewal shall submit a surety bond in the amount of \$50,000 executed  
31 in favor of the State of New Jersey. **[Every license shall expire on**  
32 **March 31 of each year terminating the period from which it was**  
33 **issued. The Director may renew an applicant's license from year to**  
34 **year, upon application for renewal in a form prescribed by the director**  
35 **and accompanied each year by a renewal fee of \$100.]** Every license  
36 shall expire on March 31 of each year terminating the period for which  
37 it is issued. On and after February 1 of each year, the **[director]**  
38 commission shall issue licenses for the following yearly period to  
39 expire on March 31 of the following year.

40 For purposes of this section, a leasing dealer or an assignee of a  
41 leasing dealer whose leasing activities are limited to buying motor  
42 vehicles for the purpose of leasing them and selling motor vehicles at  
43 the termination of a lease shall not be deemed to be engaged in the  
44 business of buying, selling, or dealing in motor vehicles in this State.  
45 For purposes of this section, a new car dealer includes any person,  
46 firm, corporation, partnership, or other entity engaged in the business

1 of buying, selling or dealing in new motor vehicles under a  
2 manufacturer's or importer's contract for each such make of vehicle,  
3 and may, incidental to such business, sell used motor vehicles and  
4 repair motor vehicles or cause them to be repaired by qualified persons  
5 in his employ. A used car dealership includes any person, firm,  
6 corporation, partnership or other entity engaged in the business of  
7 buying, selling, or dealing in motor vehicles other than new who may,  
8 incidental to such business, repair motor vehicles or cause them to be  
9 repaired by qualified persons in his employ. A wholesale dealer is  
10 deemed to be any person, firm, corporation, partnership or other entity  
11 that engages in buying, selling or dealing in wholesale vehicles and  
12 whose activities are restricted solely to dealing with retail dealers and  
13 dealer auctions.

14 (cf: P.L.1994, c.190, s.9)

15

16 42. (New Section) The provisions of Executive Reorganization  
17 Plan No. 002-1995, which provides for the transfer and reorganization  
18 of the Division of Motor Vehicles within the Department of  
19 Transportation, are hereby amended to specify that the functions set  
20 forth therein are now the functions of the New Jersey Motor Vehicle  
21 Commission.

22

23 43. (New section) The provisions of Executive Reorganization  
24 Plan No. 005-1998, which provides for the reorganization and transfer  
25 of certain school bus safety functions from the Department of  
26 Education and the State Board of Education to the Department of  
27 Transportation, are hereby amended to specify that the functions set  
28 forth therein are now the functions of the New Jersey Motor Vehicle  
29 Commission.

30

31 44. R.S.39:2-3 is amended to read as follows:

32 39:2-3. The [commissioner] commission shall:

33 a. Have all the powers and perform all the duties conferred or  
34 imposed upon [him or the department] it by this subtitle;

35 b. Have [personal] charge and supervision of the administration  
36 and enforcement of this subtitle and attend to the enforcement thereof,  
37 and for the purpose of enforcement may communicate with the police  
38 departments and police officers in the state;

39 c. Collect such data with respect to the proper restrictions to be  
40 placed upon motor vehicles and their use upon the public roads,  
41 turnpikes and thoroughfares as shall seem for the public good;

42 d. Execute all contracts entered into by the [department]  
43 commission and approve all bills for disbursement of money under any  
44 provision of this chapter and chapter 3 of this title (s. 39:3-1 et seq.),  
45 which bills shall be paid by the [state treasurer upon the warrant of the

1 comptroller out of any appropriation regularly made therefor]  
2 commission.

3 (cf: R.S.39:2-3)

4

5 45. R.S.39:3-3 is amended to read as follows:

6 39:3-3. The [director] administrator shall designate at least 1  
7 person in each county for each 300,000 inhabitants or fraction thereof  
8 to be his agent for the registering of motor vehicles, issuing  
9 registration certificates and licensing of drivers, subject to the  
10 requirements of this subtitle and to any rules and regulations the  
11 [director] commission imposes. The agent shall so act until his  
12 authority is revoked by the [director] commission. All moneys  
13 received by such agents for registrations and licenses granted under  
14 the provisions of this chapter shall forthwith be deposited as received  
15 with the State Treasurer. The fee allowed the agent for registration  
16 certificates issued by him and for every license granted by him shall be  
17 fixed by the [director] commission on the basis of the registration or  
18 license fees collected by the agent. The [director] commission may  
19 limit the fee so paid to a maximum. Such fee shall be paid to the agent  
20 by the State Treasurer upon the voucher of the director in the same  
21 manner as other State expenses are paid.

22 (cf: P.L.1959, c.145, s.1)

23

24 46. R.S.39:3-47 is amended to read as follows:

25 39:3-47. No person shall drive, move, park or be in custody of any  
26 vehicle or combination of vehicles on any street or highway unless  
27 such vehicle or combination of vehicles is equipped with lamps and  
28 illuminating devices as hereinafter in this article respectively required  
29 for different classes of vehicles.

30 a. No person shall drive, move, park or be in custody of any  
31 vehicle or combination of vehicles on any street or highway during the  
32 times when lighted lamps are required unless such vehicle or  
33 combination of vehicles displays lighted lamps and illuminating devices  
34 as hereinafter in this article required. Failure to use lighted lamps  
35 when lighted lamps are required may result in a fine not to exceed  
36 \$50.00. In no case shall motor vehicle points or automobile insurance  
37 eligibility points pursuant to section 26 of P.L.1990, c.8 (C:17:33B-  
38 14) be assessed against any person for a violation of this subsection.  
39 A person who is fined under this subsection for a violation of this  
40 subsection shall not be subject to a surcharge under the New Jersey  
41 Merit Rating Plan as provided in section 6 of P.L.1983, c.65  
42 (C:17:29A-35).

43 b. No person shall use on any vehicle any approved electric lamp  
44 or similar device unless the light source of such lamp or device  
45 complies with the conditions of approval as to focus and rated  
46 candlepower.

1 c. No person shall alter the equipment or performance of  
2 equipment of any vehicle which has been approved at an official  
3 inspection station designated by the [commissioner] commission with  
4 intent to defeat the purpose of such inspection, and no person shall  
5 drive or use any vehicle with equipment so altered.

6 (cf: P.L.1995, c.305, s.2)

7

8 47. R.S.39:3-69 is amended to read as follows:

9 39:3-69. Every motor vehicle except a motor-drawn vehicle when  
10 operated upon a highway shall be equipped with a horn in good  
11 working order and capable of emitting sound audible under normal  
12 conditions from a distance of not less than 200 feet, but no horn or  
13 other warning device shall emit an unreasonably loud or harsh sound  
14 or a whistle. The driver of a motor vehicle shall, when reasonably  
15 necessary to insure safe operation, give audible warning with his horn  
16 but shall not otherwise use such horn when upon a highway.

17 No vehicle shall be equipped with nor shall any person use upon a  
18 vehicle any siren, whistle or bell except as otherwise permitted in this  
19 section. It is permissible but not required that any vehicle be equipped  
20 with a theft alarm signal device which is so arranged that it cannot be  
21 used by the driver as an ordinary warning signal. Any emergency  
22 vehicle authorized by the [commissioner] commission may be  
23 equipped with a siren, whistle, or bell capable of emitting sound  
24 audible under normal conditions from a distance of not less than 500  
25 feet and of a type approved by the [commissioner] commission, but  
26 such siren, whistle or bell shall not be used except when such vehicle  
27 is operated in response to an emergency call or in the immediate  
28 pursuit of an actual or suspected violator of the law, in which said  
29 latter events the driver of such vehicle shall sound said siren, whistle  
30 or bell when necessary to warn pedestrians and other drivers of the  
31 approach thereof.

32 No person shall install or use on the exhaust system of any motor  
33 vehicle any device which emits an audible sound unless authorized to  
34 do so by the [commissioner] commission.

35 No bicycle shall be equipped with nor shall any person use upon a  
36 bicycle any siren or whistle.

37 The [commissioner] commission is hereby authorized in [his] its  
38 discretion to promulgate standards concerning the audibility of audible  
39 warning devices.

40 (cf: P.L.1968, c.97, s.1)

41

42 48. Section 2 of P.L.1938, c.352 (C.39:3-85.2) is amended to read  
43 as follows:

44 2. Every chief of police or other peace officer in the State of New  
45 Jersey, upon receiving reliable information that any motor vehicle has  
46 been stolen or any registration plates have been lost or stolen, shall

1 within twenty-four hours report this information to the Superintendent  
2 of State Police and the [Commissioner of Motor Vehicles]  
3 commission.

4 Any chief of police or other peace officer, upon receiving reliable  
5 information that any motor vehicle or registration plates, which he  
6 previously reported as stolen or lost has been recovered, shall within  
7 twenty-four hours report the fact of such recovery to the  
8 Superintendent of State Police and the [Commissioner of Motor  
9 Vehicles] commission.

10 (cf: P.L.1938, c.352, s.2)

11

12 49. Section 3 of P.L.1938, c.352 (C.39:3-85.3) is amended to read  
13 as follows:

14 3. The Superintendent of State Police and the [Commissioner of  
15 Motor Vehicles] commission having been notified of the theft of a  
16 motor vehicle or the loss or theft of registration plates by a chief of  
17 police or other peace officer, shall index and file this information in  
18 such a manner that a motor vehicle or registration plates can be  
19 properly identified. These records shall be available to all police  
20 officers and other interested agencies. The Superintendent of State  
21 Police and the [Commissioner of Motor Vehicles] commission shall  
22 co-operate with and assist all peace officers and other agencies in  
23 tracing or examining any questionable automobiles to determine the  
24 ownership thereof.

25 (cf: P.L.1938, c.352, s.3)

26

27 50. R.S.39:4-6 is amended to read as follows:

28 39:4-6. The [director] commissioner shall investigate traffic  
29 conditions, means for their improvement and the enforcement of laws  
30 and regulations relating to traffic, including pedestrian travel on the  
31 public streets and highways. He shall report annually to the Governor  
32 and the Legislature the result of his investigations together with his  
33 recommendations. He may determine, regulate and control the  
34 character, type, location, placing of and operation of all official traffic  
35 control devices on the streets, highways and public places in the State,  
36 or cause the removal of such devices determined to be unnecessary.  
37 He shall see that the laws relating to such devices are enforced,  
38 investigate the manner of enforcing the laws regarding the parking of  
39 vehicles on public highways, the use of streets by pedestrians,  
40 investigate the location of "stop" signs and cause the removal of those  
41 which in his opinion are installed in violation of this chapter, and cause  
42 the removal of all colored lights so located as to be confused with  
43 traffic signals. He shall also enforce the provisions of this chapter and  
44 promulgate rules and regulations for the enforcement of his duties  
45 hereunder.

46 This section shall not be construed to in any way curtail the powers

1 of actual enforcement vested by law in the local authorities.  
2 (cf: P.L.1951, c.23, s.6)

3

4 51. R.S.39:4-7 is amended to read as follows:

5 39:4-7. The [director] commissioner shall hold hearings when in  
6 his judgment they are necessary. He may issue subpoenas to compel  
7 the attendance of witnesses and the production of books, papers and  
8 records applicable to the provisions of this chapter.  
9 (cf: P.L.1951, c.23, s.7)

10

11 52. Section 2 of P.L.1975, c.250 (C.39:4-14.3) is amended to read  
12 as follows:

13 2. a. Motorized bicycles shall not be operated upon interstate  
14 highways or upon public highways divided by a grass or concrete  
15 median or highways with posted speed limits in excess of 50 miles per  
16 hour or upon the railroad or right-of-way of an operating railroad  
17 within the State of New Jersey or upon any public land where  
18 expressly prohibited by the governing body, department or agency  
19 having jurisdiction thereof.

20 The [Director of the Division of Motor Vehicles] commissioner is  
21 authorized to adopt regulations either prohibiting the operation of  
22 motorized bicycles on any, public road or highway with a speed limit  
23 in excess of 40 miles per hour, which in his discretion are hazardous  
24 for the operation of motorized bicycles or permitting the operation of  
25 motorized bicycles on any public road or highway, upon which the  
26 operation of motorized bicycles is otherwise prohibited by the  
27 provisions of this section, which in his discretion are safe for the  
28 operation of motorized bicycles. In no case, however, shall the  
29 [director] commissioner adopt a regulation permitting motorized  
30 bicycles to be operated on any highway with a posted speed in excess  
31 of 50 miles per hour.

32 b. No municipality shall limit or otherwise restrict the operation of  
33 motorized bicycles on any public roads or highways under its  
34 jurisdiction in contravention of the provisions of this act or any  
35 regulations adopted by the director pursuant thereto.

36 c. Motorized bicycles shall not be operated by a person under 15  
37 years of age.

38 d. No person shall operate a motorized bicycle unless he is in  
39 possession of a valid driver's license of any class or a motorized  
40 bicycle license, which shall be issued by the [director] commission to  
41 any person 15 years of age or older, upon proof of identity and date  
42 of birth, and after he has passed a satisfactory examination as to his  
43 ability as an operator. Such examination shall include a test of the  
44 applicant's knowledge of such portions of the mechanism of motorized  
45 bicycles as is necessary to insure their safe operation and of the laws  
46 and ordinary usages of the road and a demonstration of his ability to



1 operate a motorized bicycle.

2 The demonstration of an applicant's ability to operate a motorized  
3 bicycle shall be administered at such municipalities that the [director]  
4 commission shall designate, under the supervision of the [director]  
5 commission, or an officer, employee, or authorized agent of the  
6 [Division of Motor Vehicles] commission, in accordance with rules  
7 and regulations promulgated by the [division] commission.

8 The [director] administrator may, in his discretion, issue a learner's  
9 permit to a person 15 years of age or older, upon proof of identity and  
10 date of birth, allowing such person, for the purpose of fitting himself  
11 to become a motorized bicycle driver, to operate a motorized bicycle  
12 during daylight hours without supervision for a period not to exceed  
13 45 days. The permit shall be sufficient license for the person to  
14 operate a motorized bicycle. No permit shall be issued unless the  
15 person applying therefor shall pay the sum of \$5.00 to the [director]  
16 commission, or an officer, employee or agent of the [division]  
17 commission.

18 e. The valid driver's license, the insurance identification card, and  
19 the registration certificate shall be in the possession of the operator at  
20 all times when he is operating a motorized bicycle with motor engaged  
21 on the highways of this State. The operator shall exhibit his driver's  
22 license when requested to do so by any police officer or magistrate,  
23 while in the performance of the duties of his office and shall write his  
24 name in the presence of the officer, so that the officer may thereby  
25 determine the identity of the licensee and at the same time determine  
26 the correctness of the registration certificate, as it relates to the  
27 registration number and number plates of the motorized bicycle for  
28 which it was issued and the correctness of the evidence of a policy of  
29 insurance, as it relates to the coverage of the motorized bicycle for  
30 which it was issued. Any person violating this subsection shall be  
31 subject to a fine not exceeding \$50.00.

32 If a person charged with a violation of this subsection can exhibit  
33 his valid driver's license, insurance identification card, and registration  
34 certificate, which were valid on the day he was charged, to the judge  
35 of the municipal court before whom he is summoned to answer to the  
36 charge, the judge may dismiss the charge; however, the judge may  
37 impose court costs.

38 f. Unless otherwise determined by the [director] commissioner,  
39 statutes, rules and regulations applicable to bicycles shall apply  
40 whenever a motorized bicycle is operated upon any highway or upon  
41 any public land.

42 Every person operating a motorized bicycle upon a public road or  
43 highway shall be subject to all of the duties applicable to the driver of  
44 a vehicle by chapter 4 of Title 39 and N.J.S.2C:11-5 and all  
45 amendments and supplements thereto.

46 (cf: P.L.1983, c.105, s.7)

1 53. Section 42 of P.L.1951, c.23 (C.39:4-85.1) is amended to read  
2 as follows:

3 42. The [State Highway] commissioner with respect to highways  
4 under his jurisdiction may by regulation, and local and county  
5 authorities with respect to highways under their jurisdiction may by  
6 ordinance or resolution[, subject to the approval of the Director of the  
7 Division of Motor Vehicles,] designate any such highway or any  
8 separate roadway of such highway for one-way traffic and shall erect  
9 appropriate signs giving notice thereon.

10 Upon a highway or roadway properly designated and signed for  
11 one-way traffic, a vehicle shall be driven only in the direction  
12 designated.

13 (cf: P.L.1951, c.23, s.42)

14

15 54. R.S.39:4-120 is amended to read as follows:

16 39:4-120. The [director] commissioner may determine the  
17 character, type, location, placing and operation of all traffic control  
18 signal devices on the highways of this State. The [director]  
19 commissioner may adopt a manual and specifications for a uniform  
20 system of traffic control signals consistent with the provisions of this  
21 act for use upon public highways within the State. Such uniform  
22 system shall correlate with and so far as possible conform to the  
23 system then current as specified in the “Manual on Uniform Traffic  
24 Control Devices for Streets and Highways.”

25 (cf: P.L.1951, c.23, s.61)

26

27 55. Section 1 of P.L.1948, c.342 (C.39:4-138.1) is amended to  
28 read as follows:

29 1. The [State Highway Commissioner] commissioner, by  
30 regulations [subject to the approval of the Director of the Division of  
31 Motor Vehicles], shall have authority to establish and maintain “no  
32 parking” zones on portions of State highways where parking is deemed  
33 hazardous or inimical to the proper flow of traffic.

34 “No parking” zones so established shall be clearly marked by  
35 appropriate signs of a type and design according to specifications  
36 adopted by the [Director of the Division of Motor Vehicles]  
37 commissioner.

38 (cf: P.L.1951, c.23, s.78)

39

40 56. Section 7 of P.L.1941, c.345 (C.39:4-183.6) is amended to  
41 read as follows:

42 7. The [Director of the Division of Motor Vehicles] commissioner  
43 may determine the character, type, location, wording or symbol, and  
44 use of all traffic signs on the highways of this State; may adopt a  
45 manual and specifications for a uniform system of traffic signs

1 consistent with the provisions of this act for use upon public highways  
2 within the State. Such uniform system shall correlate with and so far  
3 as possible conform to the system then current as specified in the  
4 “Manual on Uniform Traffic Control Devices for Streets and  
5 Highways.”

6 (cf: P.L.1951, c.23, s.82)

7

8 57. Section 10 of P.L.1941, c.345 (C.39:4-183.9) is amended to  
9 read as follows:

10 10. The design of all traffic signs shall conform to and have the  
11 minimum dimensions of the specifications adopted by the [Director of  
12 the Division of Motor Vehicles] commissioner, except as otherwise  
13 approved by the [director] commissioner. Where conditions require  
14 greater visibility necessitating a larger sign, standard shapes and colors  
15 shall be used, and standard proportions shall be retained, so far as  
16 practicable.

17 This is not to be deemed to prohibit the erection of enlarged bridge  
18 type signs or narrow longitudinal type signs suspended from mast  
19 arms, over the roadway.

20 (cf: P.L.1956, c.107, s.7)

21

22 58. Section 3 of P.L.1971, c.393 (C.39:4-183.21a) is amended to  
23 read as follows:

24 3. The [Director of the Division of Motor Vehicles] commissioner  
25 shall, upon receiving notice from a railroad company that it has  
26 abandoned a particular line and the grade crossings thereon, order the  
27 removal of any advance warning signs erected pursuant to section 22  
28 of P.L.1941, c.345 (C.39:4-183.21).

29 (cf: P.L.1971, c.393, s.3)

30

31 59. Section 25 of P.L.1941, c.345 (C.39:4-183.24) is amended to  
32 read as follows:

33 25. Standard location and information signs shall conform to the  
34 design and specifications adopted by the [Director of the Division of  
35 Motor Vehicles] commissioner.

36 (cf: P.L.1951, c.23, s.98)

37

38 60. Section 114 of P.L.1951, c.23 (C.39:4-201.1) is amended to  
39 read as follows:

40 114. With respect to highways under his jurisdiction the [State  
41 Highway] commissioner, by regulations [subject to the approval of  
42 the Director of the Division of Motor Vehicles], shall have authority  
43 to establish and maintain as “no passing” zones portions of such  
44 highways where overtaking and passing, or driving to the left of the  
45 roadway is deemed especially hazardous. Notice to the public of the

1 establishment of said “no-passing” zones, shall be given in the manner  
2 provided in section 39:4-198 of the Revised Statutes.

3 (cf: P.L.1951, c.23, s.114)

4

5 61. Section 5 of P.L.1950, c.16 (C.39:4-212) is amended as  
6 follows:

7 5. The said division and any such board, body or officer is  
8 authorized to consult and co-operate with the [Division of Motor  
9 Vehicles in the said department] commissioner, and the county and  
10 municipal officials having jurisdiction over the highways and traffic  
11 regulations and enforcement in the city of Trenton, or in the  
12 municipality in which the State institution may be located, as the case  
13 may be, in making and enforcing the said regulations.

14 (cf: P.L.1956, c.47, s.4)

15

16 62. R.S.39:5-32 is amended as follows:

17 39:5-32. The [commissioner] commission shall, at all times, have  
18 the power to validate a driver’s license that has been revoked, or to  
19 grant a new license to any person whose license to drive motor  
20 vehicles shall have been revoked.

21 (cf: R.S.39:5-32)

22

23 63. R.S.39:5-33 is amended to read as follows:

24 39:5-33. If a driver of motor vehicles shall have had his license  
25 suspended or revoked, a new license granted to him shall be void and  
26 of no effect, unless it shall be granted by the [commissioner in person]  
27 commission.

28 (cf: R.S.39:5-33)

29

30 64. R.S.39:5-34 is amended to read as follows:

31 39:5-34. If a registration or registration certificate shall have been  
32 suspended or revoked, a new registration or registration certificate  
33 issued shall be void and of no effect, unless the new registration shall  
34 be made and the new certificate issued under the [personal] direction  
35 of the [commissioner] commission.

36 (cf: R.S.39:5-34)

37

38 65. R.S.39:5-46 is amended to read as follows:

39 39:5-46. The clerk of every court wherein a person licensed to  
40 operate a motor vehicle in this or another state is convicted of stealing  
41 produce from a farm in this state, shall, within three days after the  
42 conviction, make a report in writing to the [commissioner]  
43 commission of all such cases heard before the court, upon blanks  
44 provided by the [commissioner] commission for the purpose. The  
45 report shall state the name and address of the person convicted, the  
46 date thereof, the sentence imposed by the court and any

1 recommendations the court may deem of value to the [commissioner]  
2 commission in determining whether action should be taken against the  
3 convicted person's license.

4 (cf: R.S.39:5-46)

5

6 66. R.S.39:5-47 is amended to read as follows:

7 39:5-47. The [commissioner] commission may authorize the  
8 seizure of a motor vehicle operated over the highways of this state  
9 when [he] it has reason to believe that the motor vehicle has been  
10 stolen or is otherwise being operated under suspicious circumstances  
11 and may retain it in the name of the [department] commission until  
12 such time as the identity of ownership is established, whereupon [he]  
13 it shall order the release of the motor vehicle to its owner.

14 After the expiration of ninety days from the date the motor vehicle  
15 came into the possession of the [commissioner] commission by  
16 seizure or otherwise, [he] it shall sell it at public sale, upon notice of  
17 the sale being first published for the space of two weeks in one or  
18 more newspapers published and circulating in this state, and also by  
19 posting the notice in five public places in this state. The newspapers  
20 and places of posting shall be designated by the [commissioner]  
21 commission. Upon the sale of the motor vehicle all claims for interest  
22 therein shall be forever barred and the proceeds realized therefrom  
23 shall become the sole property of the state, to be used as other moneys  
24 received under chapter 3 of this title (§ 39:3-1 et seq.).

25 (cf: R.S.39:5-47)

26

27 67. R.S.39:10-4 is amended to read as follows:

28 39:10-4. The enforcement of this chapter shall be intrusted to the  
29 [commissioner] commission and [he] it may make rules and  
30 regulations necessary in [his] its judgment for the administration and  
31 enforcement thereof in addition thereto but not inconsistent therewith.  
32 [He] The commission may employ and discharge any person [he] it  
33 requires for the administration and enforcement of this chapter and fix  
34 their compensation.

35 (cf: R.S.39:10-4)

36

37 68. R.S.39:11-2 is amended to read as follows:

38 39:11-12. The terms "motor vehicle junk business" or "motor  
39 vehicle junk yard" shall mean and describe any business and any place  
40 of storage or deposit adjacent to or visible from a state highway,  
41 which displays, or in or upon which there are displayed, to the public  
42 view, two or more unregistered motor vehicles which, in the opinion  
43 of the [commissioner] commission, are unfit for reconditioning for use  
44 for highway transportation, or used parts of motor vehicles or material  
45 which has been a part of a motor vehicle, the sum of which parts or

1 material shall, in the opinion of the commissioner, be equal in bulk to  
2 two or more motor vehicles.

3 (cf: R.S.39:11-2)

4

5 69. R.S.39:11-3 is amended to read as follows:

6 39:11-3. The [commissioner] commission may, in [his] its  
7 discretion, issue licenses permitting the establishment and maintenance  
8 of a motor vehicle junk yard or business, and no such business shall be  
9 established or maintained unless it is licensed in accordance with this  
10 chapter.

11 (cf: R.S.39:11-3)

12

13 70. R.S.39:11-4 is amended to read as follows:

14 39:11-4. Before making application to the [commissioner]  
15 commission for a license for the motor vehicle junk business or motor  
16 vehicle junk yard, the applicant shall first obtain a permit or certificate  
17 approving its proposed location from the governing body or zoning  
18 commission of the municipality in which it is proposed to establish or  
19 maintain the junk yard or business.

20 (cf: R.S.39:11-4)

21

22 71. R.S.39:11-6 is amended to read as follows:

23 39:11-6. Upon request of the governing body or zoning  
24 commission, as the case may be, of the municipality in which the yard  
25 or business is proposed to be located, the [commissioner] commission  
26 shall hold a public hearing within the municipality not less than three  
27 nor more than five weeks from the date of the application. Notice of  
28 the hearing shall be given to the applicant and to the council or mayor,  
29 by mail, postage prepaid, and be published once in a newspaper having  
30 a circulation within the municipality, not less than seven days before  
31 the date of the hearing. The hearing shall be conducted by the  
32 [commissioner] commission or [his] its authorized representative,  
33 and the applicant shall pay to the [commissioner] commission or [his]  
34 its representative a fee of twenty-five dollars, the costs of the notices  
35 and the expenses of the hearing. Upon the conclusion of the hearing,  
36 the [commissioner] commission shall, within five days, recommend in  
37 writing to the governing body or the zoning commission, as the case  
38 may be, the granting or refusal of the local permit or certificate of  
39 approval, giving [his] its reasons for the recommendation.

40 (cf: R.S.39:11-6)

41

42 72. R.S.39:11-7 is amended to read as follows:

43 39:11-7. Application for a state license for the motor vehicle junk  
44 yard or business shall be made to the [commissioner] commission, in  
45 writing, upon a form to be supplied by [him] it. With the application

1 there shall be submitted a local permit or certificate of approval, as  
2 hereinbefore described, and the application shall be accompanied by  
3 the amount of the fees herein fixed for the license applied for. The  
4 [commissioner] commission or [his] its representative, upon receipt  
5 of the application, shall examine the location of the motor vehicle junk  
6 yard or business proposed to be established or maintained, and shall  
7 grant the license if in [his] its judgment there is no valid reason why  
8 it should not be granted. The [commissioner] commission in granting  
9 the license, may impose upon the establishment or maintenance of the  
10 yard or business, such conditions as [he] it deems advisable, having  
11 regard to the depreciation of surrounding property and the health,  
12 safety and general welfare of the public, and no license for the junk  
13 yard or business shall be issued until these conditions have been  
14 complied with.

15 (cf: R.S.39:11-7)

16

17 73. R.S.39:11-8 is amended to read as follows:

18 39:11-8. An applicant for the license shall pay to the [director]  
19 commission a fee of \$50.00 for the examination of the proposed  
20 location of each motor vehicle junk yard or business and a license fee  
21 therefor [to the director] of \$100.00. No license shall be effective for  
22 more than 1 year from the date of issue.

23 (cf: P.L.1975, c.180, s.20)

24

25 74. R.S.39:11-9 is amended to read as follows:

26 39:11-9. Every person holding a license issued in accordance with  
27 this chapter and a dealer's license issued in accordance with subtitle 1  
28 of this title (s.39:1-1 et seq.), shall certify to the [commissioner]  
29 commission, upon the sale by him of a motor vehicle, that, at the time  
30 of the sale, the motor vehicle was or was not, as the case may be, in  
31 suitable condition to be operated on the highways.

32 (cf: R.S.39:11-9)

33

34 75. R.S.39:11-10 is amended to read as follows:

35 39:11-10. A person aggrieved by the action of the governing body  
36 or zoning commission of a municipality under this chapter, or a person  
37 aggrieved by an action of the [director] commission or [his] its  
38 authorized representative under this chapter, may obtain a review in  
39 the Superior Court by a proceeding in lieu of prerogative writ.

40 (cf: P.L.1953, c.36, s.36)

41

42 76. R.S.39:11-11 is amended to read as follows:

43 39:11-11. A person who violates any provision of R.S.39:11-3 or  
44 R.S.39:11-9 of this Title shall be fined not less than \$25.00 nor more  
45 than \$100.00 or be imprisoned not more than 90 days, or both.

46 The provisions of said sections shall be enforced and all penalties

1 for the violation thereof shall be recovered in accordance with the  
2 provisions of “the penalty enforcement law” (N.J.S.2A:58-1 et seq.),  
3 and in addition to the provisions and remedies therein contained, the  
4 following provisions and remedies shall be applicable in any  
5 proceeding brought for a violation of any of the provisions of said  
6 sections:

7 a. The several municipal courts shall have jurisdiction of any such  
8 proceeding, in addition to the courts prescribed in “the penalty  
9 enforcement law;”

10 b. The complaint in any such proceeding may be made on  
11 information and belief by the [director] commission, or any police or  
12 peace officer of any municipality, any county or the State;

13 c. A warrant may issue in lieu of summons;

14 d. Any police or peace officer shall be empowered to serve and  
15 execute process in any such proceeding;

16 e. The hearing in any such proceeding shall be without a jury;

17 f. Any such proceeding may be brought in the name of the  
18 [Director of the Division of Motor Vehicles in the Department of Law  
19 and Public Safety] commission or in the name of the State of New  
20 Jersey;

21 g. Any sums received in payment of any fines imposed in any such  
22 proceeding shall be paid to the [Director of the Division of Motor  
23 Vehicles] commission and shall be paid by [him] it into the State  
24 treasury;

25 h. The director or judge before whom any hearing under said  
26 sections is had may revoke the license of any person to maintain a  
27 motor vehicle junk yard when such person shall have been guilty of  
28 such willful violation of any of the said provisions as shall in the  
29 discretion of the director or judge justify such revocation.

30 (cf: P.L.1983, c.403, s.34)

31

32 77. Section 2 of P.L.1983, c.360 (C.39:13-2) is amended to read  
33 as follows:

34 2. a. The [director] commission shall establish a system for the  
35 licensure of auto body repair facilities. This system may provide for  
36 licenses based upon the type or types of motor vehicles repaired by the  
37 facility and the equipment required for repair of the vehicles. At a  
38 minimum, the [director] commission shall provide for a full service  
39 auto body repair facility license, the qualifications for which are  
40 established under section 7 of this amendatory and supplementary act,  
41 and an automobile dealer sublet license, the qualifications for which  
42 are established under section 8 of this amendatory and supplementary  
43 act. All facilities licensed pursuant to this section may hold themselves  
44 out to the public as licensed auto body repair facilities.

45 b. No person may engage in the business of an auto body repair  
46 facility unless it is licensed by the [director] commission. An auto



1 body repair facility shall be licensed by the [director] commission  
2 upon submission and approval of an application and payment of a  
3 reasonable application fee sufficient to cover the cost of implementing  
4 the provisions of this act and to be prescribed by the [director]  
5 commission. The [director] commission may require biennial renewal  
6 of applications for licensure and may stagger the renewal dates and  
7 adjust the application fees accordingly. Revenue received from  
8 application fees and renewals shall be annually appropriated to the  
9 [Department of Transportation for the use of the Division of Motor  
10 Vehicles] commission in implementing and administering the  
11 provisions of P.L.1983, c.360 (C.39:13-1 et seq.), as amended and  
12 supplemented.

13 (cf: P.L.2001, c.53, s.2)

14

15 78. R.S.39:8-1 is amended to read as follows:

16 39:8-1. a. Every motor vehicle registered in this State which is  
17 used over any public road, street, or highway or any public or quasi-  
18 public property in this State, and every vehicle subject to enhanced  
19 inspection and maintenance programs pursuant to 40 C.F.R. § 51.356,  
20 except historic motor vehicles registered as such, collector motor  
21 vehicles designated as such pursuant to this subsection, and those  
22 vehicles over 8,500 pounds gross weight that are under the inspection  
23 jurisdiction of the [Department of Transportation] commission  
24 pursuant to Titles 27 and 48 (as amended by this legislation) of the  
25 Revised Statutes, shall be inspected by designated examiners or at  
26 official inspection facilities to be designated by the [director]  
27 commission or at licensed private inspection facilities. The [director]  
28 commission shall adopt rules and regulations establishing a procedure  
29 for the designation of motor vehicles as collector motor vehicles,  
30 which designation shall include consideration by the [director]  
31 commission of one or more of the following factors: the age of the  
32 vehicle, the number of such vehicles originally manufactured, the  
33 number of such vehicles that are currently in use, the total number of  
34 miles the vehicle has been driven, the number of miles the vehicle has  
35 been driven during the previous year or other period of time  
36 determined by the [director] commission, and whether the vehicle has  
37 a collector classification for insurance purposes.

38 b. The [director] commission shall determine the official inspection  
39 facility or private inspection facility at which a motor vehicle,  
40 depending upon its characteristics, shall be inspected. The [director]  
41 commission, with the concurrence of the Department of Environmental  
42 Protection, may exclude by regulation from this inspection requirement  
43 any category of motor vehicle if good cause for such exclusion exists,  
44 unless the exclusion is likely to prevent this State from meeting the  
45 applicable performance standard established by the United States

1 Environmental Protection Agency. The [director] commission may  
2 determine that a vehicle is in compliance with the inspection  
3 requirements of this section if the vehicle has been inspected and  
4 passed under a similar inspection program of another state, district, or  
5 territory of the United States.  
6 (cf: P.L.1995, c.112, s.19)

7

8 79. Section 2 of P.L.1995, c.157 (C.39:8-60) is amended to read  
9 as follows:

10 2. As used in this act:

11 “Diesel bus” means any diesel-powered autobus or motorbus of any  
12 size or configuration, whether registered in this State or elsewhere,  
13 that is designed or used for intrastate or interstate transportation of  
14 passengers for hire or otherwise on a public road, street or highway or  
15 any public or quasi-public property in this State, and shall include, but  
16 need not be limited to: autobuses under the jurisdiction of the  
17 [Department of Transportation] commission pursuant to Titles 27 or  
18 48 of the Revised Statutes; autobuses of the New Jersey Transit  
19 Corporation and its contract carriers that are under the inspection  
20 jurisdiction of the [Department of Transportation] commission;  
21 autobuses that are subject to federal motor carrier safety regulations;  
22 autobuses under the authority of the Interstate Commerce Commission  
23 or its successor agency; school buses, as defined pursuant to R.S.39:1-  
24 1; hotel, casino, charter, and special buses; and any other diesel-  
25 powered autobus or motorbus as determined by rule or regulation  
26 adopted by the [Division of Motor Vehicles] commission in  
27 consultation with the Department of Transportation;

28 “Diesel-powered motor vehicle” means a vehicle, whether  
29 registered in this State or elsewhere, that is self-propelled by a  
30 compression ignition type of internal combustion engine using diesel  
31 fuel and that (1) is designed or used for transporting persons or  
32 property on any public road, street or highway or any public or quasi-  
33 public property in this State, (2) is greater than 8,500 pounds gross  
34 vehicle weight, (3) is not a diesel bus or heavy-duty diesel truck, and  
35 (4) is not a heavy-duty diesel truck or other diesel-powered motor  
36 vehicle owned and operated by a county, municipality, fire district, or  
37 duly incorporated nonprofit organization for first aid, emergency,  
38 ambulance, rescue, or fire-fighting purposes. Diesel-powered motor  
39 vehicle shall also mean a vehicle that is designed or used for  
40 construction or farming purposes and is greater than 8,500 pounds  
41 gross vehicle weight, except that the [Division of Motor Vehicles]  
42 commission, in consultation with the Department of Environmental  
43 Protection, may exempt from the requirements of this act diesel-  
44 powered motor vehicles that are registered as construction vehicles  
45 under Titles 39 and 41 of the Revised Statutes or that are greater than  
46 8,500 pounds gross vehicle weight and are designed or used for

1 construction or farming purposes;

2 ["Director" means the Director of the Division of Motor Vehicles;

3 "Division" means the Division of Motor Vehicles;]

4 "EPA" means the United States Environmental Protection Agency;

5 "Gross vehicle weight rating" or "GVWR" means the value  
6 specified by the manufacturer as the loaded weight of a single or  
7 combination (articulated) vehicle. The GVWR of a combination  
8 (articulated) vehicle, commonly referred to as the "gross combination  
9 weight rating" or "GCWR," is the GVWR of the power unit plus the  
10 GVWR of the towed unit or units;

11 "Heavy-duty diesel truck" means any diesel-powered motor vehicle,  
12 whether registered in this State or elsewhere, with a GVWR of 18,000  
13 or more pounds that is designed or used for the transporting of  
14 property on any public road, street or highway or any public or quasi-  
15 public property in this State. Heavy-duty diesel truck shall not mean  
16 a heavy-duty diesel truck owned and operated by a county,  
17 municipality, fire district, or duly incorporated nonprofit organization  
18 for first aid, emergency, ambulance, rescue, or fire-fighting purposes;

19 "Periodic inspection program" or "periodic inspection" means a  
20 program in which diesel buses, heavy-duty diesel trucks, and other  
21 diesel-powered motor vehicles registered in this State are periodically  
22 inspected in accordance with the provisions of this act;

23 "Person" means a corporation, company, association, society, firm,  
24 partnership, or joint stock company, or an individual, and shall also  
25 include the State and all of its political subdivisions and any agencies,  
26 authorities, corporations, or instrumentalities of the State or any  
27 political subdivision thereof; and

28 "Roadside enforcement program" or "roadside inspection" means  
29 a roadside examination program conducted pursuant to this act for the  
30 inspection of exhaust emissions, emission control apparatus and such  
31 other items as the Department of Environmental Protection, in  
32 consultation with the [Director of the Division of Motor Vehicles]  
33 commission and the Commissioner of Transportation, prescribes, of  
34 diesel buses, heavy-duty diesel trucks, and other diesel-powered motor  
35 vehicles along any public road, street or highway or any public or  
36 quasi-public property in this State or at such other locations as may be  
37 designated by the [director] commission in consultation with the  
38 Commissioner of Transportation.

39 (cf: P.L.1995, c.157, s.2)

40

41 80. Section 3 of P.L.1995, c.157 (C.39:8-61) is amended to read  
42 as follows:

43 3. The Department of Environmental Protection, in consultation  
44 with the [Division of Motor Vehicles] commission and the  
45 Department of Transportation, shall adopt rules and regulations  
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.) establishing exhaust emissions standards and test  
2 methods, and standards for emission control apparatus and related  
3 items, in accordance with P.L.1966, c.16 (C.26:2C-8.1 et seq.) or as  
4 may be authorized or provided otherwise by federal law, rule or  
5 regulation, for diesel buses, heavy-duty diesel trucks, and other diesel-  
6 powered motor vehicles. The test methods shall be accurate,  
7 objective, and capable of being performed routinely in the periodic  
8 inspection program and the roadside enforcement program. In  
9 adopting such standards and test methods, the Department of  
10 Environmental Protection may consider, but need not necessarily  
11 adopt, exhaust control technology current at the time of adoption of  
12 the rules and regulations, as well as guidance, standards, directives,  
13 and other information issued by the EPA, any other state, or any  
14 governmental agency, scientific research entity, or industry. The  
15 Department of Environmental Protection may provide that the  
16 standards and test methods vary according to the age of the vehicle or  
17 according to other relevant factors, and the department may provide  
18 exemptions based upon good cause, including, but not limited to,  
19 whether the vehicle has been tested within the previous six months or  
20 other reasonable period of time in accordance with the law of another  
21 state or jurisdiction and has been found to be in compliance with the  
22 exhaust emissions standards of the state or jurisdiction in which the  
23 vehicle was tested. The provisions of this act shall not apply to any  
24 heavy-duty diesel truck or other diesel-powered motor vehicle owned  
25 and operated by a county, municipality, fire district, or duly  
26 incorporated nonprofit organization for first aid, emergency,  
27 ambulance, rescue, or fire-fighting purposes.  
28 (cf: P.L.1995, c.157, s.3)

29

30 81. Section 5 of P.L.1995, c.157 (C.39:8-63) is amended to read  
31 as follows:

32 5. a. The owner and the lessee, if any, of a heavy-duty diesel truck  
33 operated in violation of section 4 of this act shall be jointly and  
34 severally liable for a civil penalty of: \$700 for the first violation,  
35 except as otherwise provided in this subsection; and \$1,300 for the  
36 second or subsequent violation, except as otherwise provided in this  
37 subsection. A second or subsequent violation is one that occurs within  
38 one year of the occurrence of a previous violation committed with  
39 respect to the same heavy-duty diesel truck, without regard to the date  
40 of the hearing that adjudicated the violation and without regard to the  
41 identity of the defendant against whom it was adjudicated. The  
42 complaint and summons shall state whether the charges pertain to a  
43 first violation or to a second or subsequent violation, but if the  
44 complaint and summons fail to allege a second or subsequent violation,  
45 the civil penalty imposed shall be that for a first violation. The penalty  
46 for a first violation may be reduced to \$150 and the penalty for a

1 second or subsequent violation may be reduced to \$500 if the  
2 defendant provides a certification of the repairs to the vehicle that is  
3 satisfactory to the court and in compliance with emissions standards.  
4 The [director] commission may specify by rule or regulation the  
5 manner of the repairs and the certification necessary to effect a  
6 reduction of penalty. The [director] commission may, by rule or  
7 regulation, provide that information pertaining to penalties, the repairs  
8 that may effect a reduction of penalty, and the certification necessary  
9 to substantiate those repairs and compliance with emissions standards  
10 be served with the complaint and summons. The [director]  
11 commission may, by rule or regulation, prescribe a form for certifying  
12 repairs and compliance with emissions standards, with instructions as  
13 to how the form should be completed and certified. The [director]  
14 commission may provide that the form be served with the complaint  
15 and summons.

16 Notwithstanding any other provision of law or any rule or  
17 regulation adopted pursuant thereto to the contrary, repairs to effect  
18 a reduction of penalty under the provisions of this subsection shall be  
19 made before the hearing date or within 45 days of the occurrence of  
20 the violation, whichever is sooner. A defendant who is permitted to  
21 waive appearance and plead guilty by mail shall also be permitted to  
22 submit the certification of repairs by mail; provided that if the court  
23 deems the certification to be inadequate, it shall afford the defendant  
24 the option to withdraw the defendant's guilty plea.

25 b. The owner and the lessee, if any, of a diesel bus operated in  
26 violation of section 4 of this act shall be jointly and severally liable for  
27 a civil penalty determined by a penalty schedule that the [director]  
28 commission, in consultation with the Commissioner of Transportation,  
29 shall adopt by rule or regulation pursuant to the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but in no event  
31 shall the penalties established thereby exceed the penalties established  
32 by subsection a. of this section for heavy-duty diesel trucks. The  
33 penalty schedule may provide for a reduction of penalty if the  
34 defendant provides a certification of the repairs to the vehicle that is  
35 satisfactory to the court and in compliance with emissions standards.  
36 The [director] commission, in consultation with the Commissioner of  
37 Transportation, may, by rule or regulation, specify the timing and  
38 manner of the repairs and compliance with emissions standards, and  
39 the certification necessary to effect a reduction of penalty. The  
40 [director] commission, in consultation with the Commissioner of  
41 Transportation, may, by rule or regulation, provide whether  
42 information pertaining to repairs and compliance with emissions  
43 standards, and whether a form to certify those repairs and that  
44 compliance, should be served with the complaint and summons.

45 Notwithstanding the provisions of this subsection to the contrary,  
46 the New Jersey Transit Corporation shall not be liable for any civil

1 penalty assessed for a violation of section 4 or a violation of any other  
2 provision of this act if the diesel bus that is the subject of the violation  
3 is operated by a lessee or contractor, or an employee or agent of a  
4 lessee or contractor, of the New Jersey Transit Corporation.  
5 However, if a diesel bus that is the subject of a violation is leased by  
6 the New Jersey Transit Corporation from another person, and the  
7 diesel bus is operated by the New Jersey Transit Corporation or an  
8 employee thereof, the New Jersey Transit Corporation as lessee, and  
9 not the owner of the diesel bus, shall be liable for any civil penalty  
10 assessed for the violation.

11 c. The owner and the lessee, if any, of a diesel-powered motor  
12 vehicle operated in violation of section 4 of this act shall be jointly and  
13 severally liable for a civil penalty determined by a penalty schedule that  
14 the director shall adopt by rule or regulation pursuant to the  
15 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
16 seq.), but in no event shall the penalties established thereby exceed the  
17 penalties established by subsection a. of this section for heavy-duty  
18 diesel trucks. The penalty schedule may provide for a reduction of  
19 penalty if the defendant provides a certification of the repairs to the  
20 vehicle that is satisfactory to the court and in compliance with  
21 emissions standards. The [director] commission may, by rule or  
22 regulation, specify the timing and manner of the repairs and  
23 compliance with emissions standards, and the certification necessary  
24 to effect a reduction of penalty. The [director] commission may, by  
25 rule or regulation, provide whether information pertaining to repairs  
26 and compliance with emissions standards, and whether a form to  
27 certify those repairs and that compliance, should be served with the  
28 complaint and summons.

29 (cf: P.L.1995, c.157, s.5)

30

31 82. Section 6 of P.L.1995, c.157 (C.39:8-64) is amended to read  
32 as follows:

33 6. a. The [director] commission, in consultation with the  
34 Department of Environmental Protection and the Department of  
35 Transportation and with the approval of the Attorney General, shall  
36 establish and implement a periodic inspection program and a roadside  
37 enforcement program to implement the standards and test methods  
38 adopted pursuant to section 3 of this act. These programs shall be  
39 designed to measure exhaust emissions and to inspect emission control  
40 apparatus and related items on diesel buses, heavy-duty diesel trucks,  
41 and other diesel-powered motor vehicles. The programs shall include,  
42 at a minimum, diesel buses and heavy-duty diesel trucks subject to the  
43 rules and regulations adopted pursuant to section 3 of this act;  
44 provided that the [director] commission, in consultation with the  
45 Department of Transportation, may exempt vehicles from either  
46 program for good cause, which may include that vehicles belonging to

1 an exempted class are, by law, subject to emissions testing in another  
2 program. The [director] commission, in consultation with the  
3 Department of Environmental Protection and with the approval of the  
4 Attorney General, may, by rule or regulation, expand the periodic  
5 inspection program and the roadside enforcement program to include  
6 other diesel-powered motor vehicles that are subject to the rules and  
7 regulations adopted pursuant to section 3 of this act. The [director]  
8 commission, in consultation with the Commissioner of Transportation,  
9 may, by rule or regulation, impose upon every owner and lessee of a  
10 diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
11 vehicle subject to periodic inspection the obligation to have the vehicle  
12 periodically inspected in a manner determined by the [director]  
13 commission in consultation with the Commissioner of Transportation,  
14 to effect repairs or to abstain from operating or to limit the operation  
15 of a rejected vehicle or a vehicle overdue for inspection, and may take  
16 other action necessary or appropriate for implementation of the  
17 periodic inspection program. The [director] commission, in  
18 consultation with the Commissioner of Transportation, may, by rule or  
19 regulation, impose upon every owner and lessee of a diesel bus, heavy-  
20 duty diesel truck, or other diesel-powered motor vehicle subject to  
21 roadside inspection the obligation to abstain from operating or to limit  
22 the operation of a vehicle that has been tested and found to be in  
23 violation of the rules and regulations adopted pursuant to section 3 of  
24 this act, or to effect repairs, and may take other action necessary or  
25 appropriate for implementation of the roadside enforcement program.  
26 A school bus, as defined pursuant to R.S.39:1-1, shall be exempt from  
27 the roadside enforcement program. However, nothing in this  
28 subsection allowing or mandating exemptions from the periodic  
29 inspection program or the roadside enforcement program shall be  
30 construed to limit any other enforcement actions permitted by law.

31 b. The [Department of Transportation] commission shall exercise  
32 all authority, including but not limited to administrative,  
33 implementation, enforcement, and penalty authority, [of the director  
34 and the division for the purposes of this act] in connection with the  
35 periodic inspection program for diesel buses and the roadside  
36 enforcement program for diesel buses that are under the jurisdiction of  
37 the [Department of Transportation] commission pursuant to Titles 27  
38 and 48 of the Revised Statutes or any other law, rule, or regulation.  
39 The [Department of Transportation] commission shall consult with  
40 [the division and] the Department of Environmental Protection and  
41 the Department of Transportation in conducting the periodic  
42 inspection program for diesel buses and the roadside enforcement  
43 program for diesel buses that are under the jurisdiction of the  
44 [Department of Transportation] commission. Any periodic inspection  
45 that may be required pursuant to this act for a diesel bus under the

1 jurisdiction of the [Department of Transportation] commission shall  
2 be conducted only in conjunction with any periodic safety inspection  
3 required for that diesel bus pursuant to law, rule, or regulation. Any  
4 suspension of registration privileges with respect to diesel buses  
5 [requested by the Department of Transportation] for a violation of  
6 this act or any rule or regulation adopted pursuant thereto shall be  
7 implemented by the [division] commission.

8 (cf: P.L.1995, c.157, s.6)

9

10 83. Section 7 of P.L.1995, c.197 (C.39:8-65) is amended to read  
11 as follows:

12 7. In implementing the roadside enforcement program, the  
13 [director] commission, in consultation with the Commissioner of  
14 Transportation, shall phase in roadside inspections by establishing a  
15 pilot roadside enforcement program providing a six-month grace  
16 period in which warnings shall be issued in lieu of the civil penalties  
17 established by this act or any rule or regulation adopted pursuant  
18 thereto. Notwithstanding the provisions of the “Administrative  
19 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), procedures for  
20 the pilot program may be adopted immediately.

21 (cf: P.L.1995, c.157, s.7)

22

23 84. Section 8 of P.L.1995, c.157 (C.39:8-66) is amended to read  
24 as follows:

25 8. a. The [director] commission, in consultation with the  
26 Department of Environmental Protection and the Department of  
27 Transportation, shall establish procedures by which test methods  
28 established pursuant to section 3 of this act shall be conducted in the  
29 periodic inspection program and in the roadside enforcement program.

30 b. The [director] commission, in consultation with the Department  
31 of Transportation and with the approval of the Attorney General, may,  
32 by rule or regulation, require that personnel from, and agents of, the  
33 [division] commission and the Department of Transportation, and  
34 personnel from the Division of State Police, who perform the test  
35 methods utilized in the roadside enforcement program, and licensees  
36 and persons employed by licensees who perform the tests and test  
37 methods utilized in the periodic inspection program in accordance with  
38 the provisions of section 11 of this act, be trained to do so and be  
39 examined, periodically if the rule or regulation so provides, to ensure  
40 that their training and competence are adequate. Testing in the  
41 roadside enforcement program may be conducted by personnel from  
42 the [division, the Department of Transportation] commission, or the  
43 Division of State Police, or by agents appointed by or under contract  
44 with the [director or the Department of Transportation] commission.

45 c. The [director] commission, in consultation with the Department



1 of Environmental Protection and the Department of Transportation  
2 and with the approval of the Attorney General, shall designate one or  
3 more test methods among those established pursuant to section 3 of  
4 this act that shall be utilized in the roadside enforcement program  
5 established pursuant to section 6 of this act. The [director]  
6 commission, in consultation with the Department of Transportation  
7 and with the approval of the Attorney General, shall establish a form  
8 or forms upon which the results of these designated tests or test  
9 methods shall be reported in the ordinary course. The form shall  
10 contain a statement or statements establishing the following: the type  
11 of test performed; the result achieved; that the person completing the  
12 form is the person who performed the test; that the tester has been  
13 certified by the [director] commission as having adequate training and  
14 competence to perform the test; that the tester is an employee or agent  
15 of the State and was acting in an official capacity when the tester  
16 performed the test; and any other information that the [director]  
17 commission may prescribe. The form shall contain a certification  
18 subscribed by the person performing the test and certifying that that  
19 person did perform the test in a proper manner and believes the test  
20 results to be valid and accurate. The presentation of a form prepared  
21 in accordance with the provisions of this subsection to a court by any  
22 party to a proceeding shall be evidence that all of the requirements and  
23 provisions of this subsection have been met and that the form has been  
24 prepared in accordance with the provisions of this subsection. The  
25 form shall be admissible evidence as proof of the statements contained  
26 therein in any civil penalty proceeding brought pursuant to the  
27 provisions of this act or any rule or regulation adopted pursuant  
28 thereto. A copy of the form shall be served, if practicable, with the  
29 complaint and summons upon the defendant or the defendant's agent  
30 for service of process; and, in any event, shall be served upon such  
31 person at least 20 days before the hearing. Whenever the form is  
32 served upon a defendant or a defendant's agent, together with the  
33 complaint and summons, the law enforcement officer serving the form  
34 shall execute and file with the court a proof of service on a form  
35 prescribed by the Administrative Director of the Courts and in a  
36 manner consistent with the Rules Governing the Courts of the State of  
37 New Jersey. The form shall not be admissible if it is not served at least  
38 20 days before the hearing, provided that the court, upon a showing  
39 of good cause and that the defendant is not prejudiced, may postpone  
40 the hearing, subject to the Rules Governing the Courts of the State of  
41 New Jersey.

42 d. A roadside inspection of a diesel bus to enforce standards  
43 adopted pursuant to section 3 of this act shall be conducted only in  
44 conjunction with a roadside safety inspection that is conducted  
45 pursuant to law, rule or regulation.

46 (cf: P.L.1995, c.157, s.8)

1 85. Section 9 of P.L.1995, c.157 (C.39:8-67) is amended to read  
2 as follows:

3 9. The Superintendent of the State Police, in consultation with and  
4 subject to the approval of the Attorney General, shall provide State  
5 Police officers to assist the [director and the Department of  
6 Transportation] commission in conducting the roadside enforcement  
7 program and the pilot roadside enforcement program. The State  
8 Police officers shall have authority to direct diesel buses, heavy-duty  
9 diesel trucks, or other diesel-powered motor vehicles from the  
10 roadway for the purpose of inspection, and shall perform other police  
11 duties necessary for or helpful to the implementation of the programs.  
12 (cf: P.L.1995, c.157, s.9)

13

14 86. Section 10 of P.L.1995, c.157 (C.39:8-68) is amended to read  
15 as follows:

16 10. In addition to any other penalties that may be applicable, the  
17 operator of a diesel bus, heavy-duty diesel truck, or other diesel-  
18 powered motor vehicle who fails to comply with any direction given  
19 pursuant to section 9 of this act, or who refuses to submit or resists  
20 submitting a vehicle under the operator's control for roadside  
21 inspection, or who fails to comply with any other obligation imposed  
22 upon that person as part of the roadside enforcement program shall be  
23 jointly and severally liable with the owner and the lessee, if any, of the  
24 vehicle for a civil penalty of \$500. The owner and the lessee, if any,  
25 of a diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
26 vehicle subject to periodic inspections who violates any rule or  
27 regulation adopted pursuant to section 6 of this act pertaining to  
28 periodic inspections shall be liable for a civil penalty determined by a  
29 penalty schedule that the [director] commission, in consultation with  
30 the Commissioner of Transportation, shall adopt by rule or regulation  
31 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
32 (C.52:14B-1 et seq.), but in no event shall a penalty established  
33 thereby exceed \$500.

34 Notwithstanding the provisions of this section to the contrary, the  
35 New Jersey Transit Corporation shall not be liable for any civil penalty  
36 assessed for a violation of this section if the diesel bus that is the  
37 subject of the violation is operated by a lessee or contractor, or an  
38 employee or agent of a lessee or contractor, of the New Jersey Transit  
39 Corporation. However, if a diesel bus that is the subject of a violation  
40 of this section is leased by the New Jersey Transit Corporation from  
41 another person, and the diesel bus is operated by the New Jersey  
42 Transit Corporation or an employee thereof, the New Jersey Transit  
43 Corporation as lessee, and not the owner of the diesel bus, shall be  
44 liable for any civil penalty assessed for the violation.

45 (cf: P.L.1995, c.157, s.10)

1 87. Section 11 of P.L.1995, c.157 (C.39:8-69) is amended to read  
2 as follows:

3 11. a. The [director] commission, in consultation with the  
4 Department of Transportation and after appropriate inquiry and  
5 investigation, shall issue licenses to operate diesel emission inspection  
6 centers to as many qualified and properly equipped persons, including  
7 owners or lessees of diesel buses, heavy-duty diesel trucks, or other  
8 diesel-powered motor vehicles, as the [director] commission  
9 determines shall be necessary to conduct periodic inspections. A  
10 licensee shall inspect and pass or reject a diesel bus, heavy-duty diesel  
11 truck, or other diesel-powered motor vehicle presented to the licensee  
12 for inspection. Passing shall indicate that the licensee or the licensee's  
13 employee has inspected the diesel bus, heavy-duty diesel truck, or  
14 other diesel-powered motor vehicle as prescribed by the [director]  
15 commission and has found that the vehicle conforms to the standards  
16 established by law and rule or regulation. The [director] commission,  
17 in consultation with the Department of Transportation and with the  
18 approval of the Attorney General, may establish by rule or regulation  
19 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
20 c.410 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
21 emission inspection centers, which fee shall not exceed \$250 per year.

22 b. For the purpose of documenting compliance with periodic  
23 inspection requirements, the [director] commission shall furnish  
24 official inspection forms to licensed diesel emission inspection centers.  
25 The [director] commission shall require each diesel emission  
26 inspection center and each owner or lessee of a diesel bus, heavy-duty  
27 diesel truck, or other diesel-powered motor vehicle subject to periodic  
28 inspection to keep such records and file such reports regarding these  
29 inspections as the director shall deem necessary. The [director]  
30 commission may conduct such audits or inspections of these centers  
31 as the director deems appropriate.

32 c. The [director] commission may deny, suspend or revoke a  
33 diesel emission inspection center license or refuse renewal thereof for  
34 cause, including, but not limited to, one or more of the following:

35 (1) Violation of any provision of this act or of any rule or  
36 regulation adopted pursuant thereto; or

37 (2) Fraud or misrepresentation in securing a license or in the  
38 conduct of the licensed activity; or

39 (3) Conviction of a crime demonstrating that the applicant or  
40 licensee is unfit; or

41 (4) Improper, negligent, or fraudulent inspection of a diesel bus,  
42 heavy-duty diesel truck, or other diesel-powered motor vehicle; or

43 (5) Other good cause.

44 d. In addition to any other civil or criminal penalties that may be  
45 applicable, a person licensed by the [director] commission to operate

1 a diesel emission inspection center who commits fraud or  
2 misrepresentation in securing a license or in the conduct of the  
3 licensed activity or who improperly or negligently or fraudulently  
4 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
5 other diesel-powered motor vehicle shall be liable for a civil penalty of  
6 \$1,500. In addition to any other civil or criminal penalties that may be  
7 applicable, a person licensed by the [director] commission to operate  
8 a diesel emission inspection center who otherwise violates any  
9 provision of this act or of any rule or regulation adopted pursuant  
10 thereto shall be liable for a civil penalty of \$500.

11 (cf: P.L.1995, c.157, s.11)

12

13 88. Section 12 of P.L.1995, c.157 (C.39:8-70) is amended to read  
14 as follows:

15 12. Any person who violates any provision of sections 2 through  
16 20 of this act or any rule or regulation adopted pursuant thereto shall  
17 be liable for a civil penalty. The amount of the penalty shall be that  
18 specified in the other sections of this act or in the rules or regulations  
19 adopted pursuant to this act; but if no amount is otherwise specified,  
20 then the amount shall be \$200. Additionally, the [director]  
21 commission may suspend the registration privileges of a vehicle  
22 registered in this State that is operated in violation of this act or any  
23 rule or regulation adopted pursuant thereto.

24 (cf: P.L.1995, c.157, s.12)

25

26 89. Section 13 of P.L.1995, c.157 (C.39:8-71) is amended to read  
27 as follows:

28 13. a. A complaint and summons charging a violation of this act or  
29 any rule or regulation adopted pursuant thereto and seeking the  
30 imposition of a civil penalty in accordance with the provisions of this  
31 act or any rule or regulation adopted pursuant to this act shall be a  
32 ticket in the form prescribed by the Administrative Director of the  
33 Courts pursuant to the Rules Governing the Courts of the State of  
34 New Jersey and may contain information advising the persons to  
35 whom it is issued of the manner in which and time within which an  
36 answer to the alleged violation is required. The ticket may also advise  
37 that penalties may result from a failure to answer, that the failure to  
38 answer or appear shall be considered an admission of liability, and that  
39 a default judgment may be entered. Service of the ticket shall be  
40 subject to the Rules Governing the Courts of the State of New Jersey.  
41 The ticket may be served personally upon the operator of a vehicle,  
42 and the owner's or the lessee's name may be recorded on the ticket,  
43 together with the plate number and state or jurisdiction as shown by  
44 the registration plates of the vehicle and the make or model of the  
45 vehicle. A ticket may be served upon the owner or the lessee of the  
46 vehicle by affixing the ticket to the vehicle in a conspicuous place. A

1 ticket may be served by mail upon the owner or the lessee of the  
2 vehicle on file with the [division, the Department of Transportation]  
3 commission, or the licensing authority of another jurisdiction by  
4 mailing the ticket to the vehicle owner or lessee by regular or certified  
5 mail to the address on file with the [division, the Department of  
6 Transportation] commission, or the licensing authority of another  
7 jurisdiction. Service of a ticket by regular or certified mail shall have  
8 the same effect as if the ticket were served personally, subject to the  
9 Rules Governing the Courts of the State of New Jersey.

10 b. Subject to the Rules Governing the Courts of the State of New  
11 Jersey, the ticket shall contain sufficient information to identify the  
12 person or persons charged and to inform them of the nature, date, time  
13 and location of the alleged violation. Subject to the Rules Governing  
14 the Courts of the State of New Jersey, the original of the ticket shall  
15 be signed by the complaining witness, who shall certify to the truth of  
16 the facts set forth therein. Any person may serve as the complaining  
17 witness. For the purposes of the certification, the complaining witness  
18 may rely upon information from the [division, the Department of  
19 Transportation] commission, or the Division of State Police, upon  
20 official reports, and upon any form prepared in accordance with  
21 subsection c. of section 8 of this act. The original ticket or a true copy  
22 of the ticket shall be considered a record kept in the ordinary business  
23 of the [division] commission and shall be prima facie evidence of the  
24 facts contained therein.

25 c. Any operator who drives a vehicle in this State when the owner  
26 or lessee of that vehicle causes, authorizes, or otherwise permits such  
27 operation shall be the owner's or lessee's agent for service of any  
28 ticket, process, or penalty or other notice against the owner or lessee  
29 arising out of any alleged violation of this act or any rule or regulation  
30 adopted pursuant thereto. The owner and the lessee, if any, of a  
31 vehicle driven by any operator in this State shall be the operator's  
32 agent or agents for service of any ticket, process, or penalty or other  
33 notice arising out of any alleged violation of section 10 of this act  
34 pertaining to a roadside inspection. Subject to the Rules Governing  
35 the Courts of the State of New Jersey, any service of ticket, process,  
36 or penalty or other notice served on an operator who operates in this  
37 State, or on an owner or lessee of the vehicle, shall also constitute  
38 service upon the remaining persons, so long as the ticket, process, or  
39 penalty or other notice advises the person actually served of that  
40 person's responsibility to notify the remaining persons.

41 d. Subject to the Rules Governing the Courts of the State of New  
42 Jersey, judicial proceedings under this act may be instituted on any day  
43 of the week, and the institution of the proceedings on a Sunday or a  
44 holiday shall not be a bar to the successful prosecution thereof.  
45 Subject to the Rules Governing the Courts of the State of New Jersey,  
46 any process served on a Sunday or holiday shall be as valid as if served

1 on any other day of the week.

2 e. A municipal court before which proceedings pursuant to this act  
3 are instituted shall, subject to the Rules Governing the Courts of the  
4 State of New Jersey, immediately, upon expiration of the time for a  
5 defendant to answer or appear: (1) with respect to a resident of New  
6 Jersey, mail notice as provided in the Rules Governing the Courts of  
7 the State of New Jersey; or (2) with respect to a non-resident of New  
8 Jersey, mail notice as provided in the Rules Governing the Courts of  
9 the State of New Jersey. The notice shall be upon a form approved by  
10 the Administrative Director of the Courts that informs the defendant  
11 of the following: the infraction charged; the time and date of the  
12 infraction; the amount of penalties due; the defendant's right to have  
13 a hearing; and that a civil judgment may be entered against the  
14 defendant for failure to answer or appear or pay the amount of  
15 penalties due. Upon failure to answer or appear in response to the  
16 notice, the court shall give notice of that fact to the [division]  
17 commission in a manner prescribed by the [director] commission, and  
18 money judgment shall be entered and execution shall issue in  
19 accordance with the Rules Governing the Courts of the State of New  
20 Jersey. If the judgment has been docketed in the Superior Court  
21 pursuant to section 15 of this act, execution shall be under the  
22 jurisdiction of that court. In no case of an unsatisfied judgment shall  
23 an arrest warrant or execution against the body of the defendant issue  
24 unless otherwise provided by the Rules Governing the Courts of the  
25 State of New Jersey. If notice has been given under this subsection of  
26 a person's failure to respond to a failure to appear notice and if the  
27 person appears or if the case is dismissed or otherwise disposed of, the  
28 court shall promptly give notice to that effect to the [division]  
29 commission.

30 f. If the defendant is the owner or lessee of a vehicle that is the  
31 subject of the violation and if the defendant fails to respond to a failure  
32 to appear notice, the judge or the [division] commission may suspend  
33 the registration privileges of the defendant in this State. The [division]  
34 commission shall keep a record of a suspension ordered by the court  
35 pursuant to this subsection. If the registration privileges of the  
36 defendant have been suspended pursuant to this subsection and if the  
37 defendant appears or the case is disposed of and if the defendant  
38 satisfies all penalties and costs that are owing, the court shall forward  
39 to the [division] commission a notice to restore the defendant's  
40 registration privileges. Upon receiving a notice to restore and upon the  
41 defendant's payment of the restoration fee in accordance with section  
42 23 of P.L.1975, c.180 (C.39:3-10a), the division shall record the  
43 restoration and notify the defendant of the restoration.

44 (cf: P.L.1995, c.157, s.13)

45

46 90. Section 14 of P.L.1995, c.157 (C.39:8-72) is amended to read

1 as follows:

2 14. An action for the recovery of a civil penalty for violation of this  
3 act or any rule or regulation adopted pursuant to this act shall be  
4 within the jurisdiction of and may be brought before the municipal  
5 court in the municipality where the offense was committed or where  
6 the defendant may be found, or where the measurement of emissions  
7 was physically made. The municipal prosecutor shall proceed in the  
8 matter on behalf of the State, unless the county prosecutor or the  
9 Attorney General assumes responsibility for the prosecution. The civil  
10 penalties provided by this act or any rule or regulation adopted  
11 pursuant thereto shall be recovered in the name of the [division or the  
12 Department of Transportation] commission, as appropriate, and any  
13 money collected by the court in payment of a civil penalty shall be  
14 conveyed to the State Treasurer for deposit into the State General  
15 Fund. The civil penalties provided by this act or any rule or regulation  
16 adopted pursuant thereto shall be collected and enforced by summary  
17 proceedings pursuant to “the penalty enforcement law,” N.J.S.2A:58-1  
18 et seq. If the ticket has not been marked to indicate that a court  
19 appearance is required, the defendant shall have the option to waive  
20 trial, enter a plea of guilty, and pay the penalty, either by mail or in  
21 person, to the violations clerk, subject to the Rules Governing the  
22 Courts of the State of New Jersey.  
23 (cf: P.L.1995, c.157, s.14)

24  
25 91. Section 15 of P.L.1995, c.157 (C.39:8-73) is amended to read  
26 as follows:

27 15. a. The court administrator of the municipal court shall docket  
28 in the Superior Court a municipal court judgment imposing a civil  
29 penalty pursuant to this act, or any rule or regulation adopted pursuant  
30 thereto, that remains unpaid at the time of the judgment’s entry in the  
31 municipal court. The court administrator shall give notice of the  
32 docketing to the division in a manner prescribed by the [director]  
33 commission. The provisions and procedures of N.J.S.2B:12-26 shall  
34 apply to the docketing, except that the court administrator of the  
35 municipal court, rather than the division, shall effect the docketing;  
36 provided that nothing in this act shall be construed to prohibit the  
37 [director or the director’s designee] commission or its designee from  
38 docketing the judgment on behalf of the [division] commission and in  
39 accordance with N.J.S.2B:12-26 if the court administrator of the  
40 municipal court fails to do so or if the [director or the director’s  
41 designee] commission or its designee chooses to do so for any other  
42 reason. No fee shall be charged to docket the judgment. The  
43 docketing shall have the same force and effect as a civil judgment  
44 docketed in the Superior Court, and the [director and the director’s  
45 designees] commission or its designee shall have all of the remedies

1 and may take all of the proceedings for the collection thereof that may  
2 be had or taken upon recovery of a judgment in an action, but without  
3 prejudice to any right of appeal.

4 b. If the defendant is the owner or lessee of a vehicle that is the  
5 subject of the violation, and if the defendant fails to pay a civil penalty  
6 imposed pursuant to this act or any rule or regulation adopted  
7 pursuant thereto, the [director] commission may suspend the  
8 registration privileges of the defendant in this State.

9 c. Any vehicle that is registered or present in this State and for  
10 which a civil penalty has been assessed pursuant to this act or any rule  
11 or regulation adopted pursuant thereto may be placed out of service  
12 by the [division] commission or the Division of State Police if the civil  
13 penalty remains unpaid after the date on which it became due and  
14 owing. A vehicle placed out of service pursuant to this act by either  
15 the [division] commission or the Division of State Police shall not be  
16 operated until all civil penalties that are due and owing are paid to the  
17 [division] commission. When a vehicle is placed out of service  
18 pursuant to this act, an administrative out-of-service order shall be  
19 prepared on a form or forms specified by the [director] commission  
20 and a copy served upon the operator of the vehicle or upon the owner  
21 or lessee of the vehicle. The operator of a vehicle served with an out-  
22 of-service order pursuant to this act shall report the issuance of the  
23 out-of-service order to the owner and the lessee, if any, of the vehicle  
24 within 24 hours. When a vehicle is placed out of service pursuant to  
25 this act it shall be the responsibility of the owner or lessee of that  
26 vehicle to arrange for the prompt removal of that vehicle, by means  
27 other than operating the vehicle, and to pay all costs associated  
28 therewith. The vehicle shall be removed to a secure storage place  
29 where the [division] commission and the Division of State Police can  
30 readily confirm its non-operation. If the owner or lessee fails to  
31 comply, or is otherwise incapable of complying with this subsection,  
32 the [division] commission or the Division of State Police may make  
33 such arrangements for the removal of the vehicle to a secure storage  
34 place where the division and the Division of State Police can readily  
35 confirm its non-operation, with all attendant charges and expenses to  
36 be paid by the owner, lessee, or bailee. No entity of government of  
37 this State or any political subdivision thereof shall be held liable for  
38 costs associated with or incurred in the enforcement of this subsection.  
39 Upon payment by cashier's check or money order, or in such other  
40 form as may be determined by the director, subject to law or the Rules  
41 Governing the Courts of the State of New Jersey, of all unpaid civil  
42 penalties and attendant storage charges and expenses for a vehicle that  
43 has been placed out of service, the director shall remove the out-of-  
44 service order. Any person who operates, and any owner or lessee who  
45 causes or allows to be operated, a vehicle in violation of an out-of-  
46 service order prepared and served in accordance with the provisions



1 of this subsection shall be liable for a civil penalty of \$1,500, and, if  
2 the person has the vehicle registered in this State, the director may  
3 suspend the registration privileges of the vehicle.

4 d. The [Department of Transportation shall exercise the duties,  
5 powers, and responsibilities of the director and the division]  
6 commission shall exercise all duties powers and responsibilities set  
7 forth in this section with respect to the periodic inspection program for  
8 diesel buses and the roadside enforcement program for diesel buses  
9 under the jurisdiction of the department as set forth in subsection b. of  
10 section 6 of this act.] (Deleted by amendment, P.L. , c. (now before  
11 the Legislature as this bill))  
12 (cf: P.L.1995, c.157, 15)

13

14 92. Section 16 of P.L.1995, c.157 (C.39:8-74) is amended to read  
15 as follows:

16 16. Notwithstanding any other provisions of this title to the  
17 contrary, all fees and other monies that the [division, the Department  
18 of Transportation] commission, or the State Treasurer receives  
19 pursuant to the provisions of this act or any rule or regulation adopted  
20 pursuant thereto shall be paid to the Commercial Vehicle Enforcement  
21 Fund established pursuant to section 17 of this act; except that monies  
22 received for attendant storage charges and expenses as provided in  
23 subsection c. of section 15 of this act shall be paid to the entity that  
24 incurred those charges and expenses.

25 (cf: P.L.1995, c.157, s.16)

26

27 93. Section 17 of P.L.1995, c.157 (C.39:8-75) is amended to read  
28 as follows:

29 17. a. There is established in the General Fund a separate,  
30 nonlapsing, dedicated account to be known as the "Commercial  
31 Vehicle Enforcement Fund." The Commercial Vehicle Enforcement  
32 Fund shall be administered by the [division] commission in  
33 consultation with the Department of Transportation. All fees and  
34 other monies collected pursuant to this act or any rule or regulation  
35 adopted pursuant thereto shall be forwarded to the State Treasury for  
36 deposit into the Commercial Vehicle Enforcement Fund account. All  
37 fees and other monies deposited in the Commercial Vehicle  
38 Enforcement Fund account shall be used to fund the costs of  
39 administering the programs and activities of the Department of Law  
40 and Public Safety, the Department of Transportation and the  
41 Department of Environmental Protection established or specified in  
42 this act and in subsection f. of R.S.39:3-20, subject to the approval of  
43 the Director of the Division of Budget and Accounting in the  
44 Department of the Treasury.

45 b. A municipality may be eligible for periodic grants from the fund  
46 in such amounts as the [director] commission, in consultation with the

1 Commissioner of Transportation, may determine pursuant to rule or  
2 regulation to subsidize costs of prosecuting and trying actions  
3 pursuant to this act.

4 (cf: P.L.1995, c.157, s.17)

5

6 94. Section 19 of P.L.1995, c.157 (C.39:8-77) is amended to read  
7 as follows:

8 19. Except as otherwise provided in this act, the [division]  
9 commission, the Department of Environmental Protection, and the  
10 Department of Transportation may adopt rules and regulations  
11 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
12 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

13 (cf: P.L.1995, c.157, s.19)

14

15 95. Section 20 of P.L.1995, c.157 (C.39:8-78) is amended to read  
16 as follows:

17 20. On the first day of the forty-eighth month after this act takes  
18 effect, the Attorney General, in consultation with the Commissioner of  
19 Environmental Protection, the commission, and the Commissioner of  
20 Transportation, shall submit to the Governor and to the members of  
21 the Legislature a report assessing the effectiveness of the programs  
22 required by this act and the necessity and feasibility of providing for  
23 periodic centralized emissions inspections of diesel buses, heavy-duty  
24 diesel trucks, and other diesel-powered motor vehicles.

25 (cf: P.L.1995, c.157, s.20)

26

27 96. Section 90 of P.L.1962, c.198 (C.48:4-2.1a) is amended to  
28 read as follows:

29 90. a. The [Commissioner of Transportation] commission may  
30 make rules, regulations and orders applicable to the construction,  
31 equipment and insurance required of every motor vehicle within the  
32 jurisdiction of the [Department of Transportation] commission, and  
33 shall inspect, through [the department's] its agents, inspectors and  
34 employees, any such motor vehicle to determine the manner of  
35 compliance with such rules, regulations and orders.

36 b. In the event of noncompliance with such rules, regulations and  
37 orders, or with statutory requirements, the [commissioner]  
38 commission may, through [the department's] its agents, inspectors and  
39 employees, cause the immediate discontinuance of the operation of  
40 such motor vehicle, and no such motor vehicle shall be restored to  
41 service without the express approval of the [commissioner]  
42 commission.

43 c. Any person who shall remove or deface any notice of  
44 discontinuance that has been affixed or otherwise attached to the  
45 motor vehicle without approval of the [commissioner] commission is  
46 guilty of a crime of the fourth degree. In addition to any other

1 penalties or remedies provided by law, a person who violates this  
2 subsection is subject to a civil penalty of \$1,000.

3 d. Any person who owns or causes to be operated a motor vehicle  
4 subject to this section without a valid certificate of inspection issued  
5 by the [commissioner] commission, or in violation of rules or orders  
6 made by the [commissioner] commission concerning insurance  
7 requirements of that vehicle, is a disorderly person. In addition to any  
8 other penalties or remedies provided by law, a person who violates this  
9 subsection is subject to a civil penalty of \$500 per day for each vehicle  
10 so operated.

11 e. Any person who operates a motor vehicle subject to this section  
12 without a valid certificate of inspection issued by the [commissioner]  
13 commission, or in violation of rules or orders made by the  
14 [commissioner] commission concerning insurance requirements of  
15 that vehicle, is a petty disorderly person.

16 f. Any inspection conducted pursuant to this section relating to  
17 emissions from a motor vehicle powered with diesel fuel that is also  
18 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
19 conducted in accordance with the provisions of that act.

20 (cf: P.L.1995, c.157, s.36)

21

22 97. Section 1 of P.L.1987, c.373 (C.48:4-2.1b) is amended to read  
23 as follows:

24 1. The [Commissioner of Transportation] commission may, in  
25 conjunction with any program of self-inspection established to ensure  
26 compliance with regulations adopted under section 90 of P.L.1962,  
27 c.198 (C.48:4-2.1a), and at the request of any owner or operator of a  
28 motor vehicle required to be self-inspected, authorize [Department of  
29 Transportation] commission personnel to conduct vehicle emission  
30 tests and brake tests. The [commissioner] commission may adopt  
31 regulations setting the amount of and providing for the charging and  
32 collecting of a fee for each vehicle emission test and each brake test  
33 conducted pursuant to this section, which fee shall be in an amount  
34 necessary to cover only the actual costs of the program.

35 Any inspection conducted pursuant to this section relating to  
36 emissions from a motor vehicle powered with diesel fuel that is also  
37 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
38 conducted in accordance with the provisions of that act.

39 (cf: P.L.1995, c.157, s.37)

40

41 98. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to read  
42 as follows:

43 3. As used in this act:

44 "Bus" or "buses" means and includes all autobuses, of whatever size  
45 or configuration, under the jurisdiction of the [Department of

1 Transportation] commission; all autobuses of NJ Transit and its  
2 contract carriers which are under the inspection jurisdiction of the  
3 [department] commission; all autobuses of whatever size or  
4 configuration, that are subject to Federal Motor Carrier Safety  
5 Regulations, operated on public highways or in public places in this  
6 State; and all autobuses operated on public highways or in public  
7 places in this State under the authority of the Interstate Commerce  
8 Commission, or its successor agency.

9 "Bus safety out-of-service violation" means any serious mechanical,  
10 electrical or vehicular condition that is determined to be so unsafe as  
11 to potentially cause an accident or breakdown, or would potentially  
12 contribute to loss of control of the vehicle by the driver.

13 "Category 1 violation" means any bus safety out-of-service  
14 violation that should have been detected during the daily pre-trip  
15 inspection or during periodic repair and maintenance procedures  
16 conducted by the driver or the operator.

17 "Category 2 violation" means any bus safety out-of-service  
18 violation that may have occurred after the daily pre-trip inspection and  
19 therefore might not have been detected by the operator or driver  
20 during the daily pre-trip inspection or during periodic repair and  
21 maintenance procedures.

22 "Operator" means the person responsible for the day to day  
23 maintenance and operation of buses.

24 (cf: P.L.1995, c.225, s.3)

25

26 99. Section 4 of P.L.1995, c.225 (C.48:4-2.1f) is amended to read  
27 as follows:

28 4. a. The [Commissioner of Transportation] commission shall  
29 establish by regulation, in accordance with the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of  
31 bus safety out-of-service violations and applicable sanctions and  
32 penalties for buses operating with bus safety out-of-service violations.  
33 The regulations shall promote uniformity with national safety  
34 standards. The regulations shall establish penalties for category 1 and  
35 category 2 safety violations which shall be proportional with the  
36 severity of such violations as determined by the [commissioner]  
37 commission. The bus operator shall be responsible for all penalties.

38 b. The schedule of bus safety out-of-service violations shall  
39 establish and specify those violations which the [commissioner]  
40 commission determines to be category 1 violations, and shall further  
41 establish and specify the monetary civil penalty for category 1  
42 violations. The monetary civil penalties established and specified by  
43 the [commissioner] commission in the schedule shall be proportional  
44 to the nature, severity and repetition of the violation. The minimum  
45 monetary civil penalty for a category 1 violation shall be \$300 and the  
46 maximum monetary civil penalty for a category 1 violation shall be

1 \$5,000.

2 c. The schedule of bus safety out-of-service violations shall  
3 establish and specify those violations which the [commissioner]  
4 commission determines to be category 2 violations, and shall further  
5 establish and specify the monetary civil penalty for category 2  
6 violations. The monetary civil penalties established and specified by  
7 the [commissioner] commission in the schedule shall be proportional  
8 to the nature, severity and repetition of the violation. The maximum  
9 monetary civil penalty for a category 2 violation shall be \$500.  
10 (cf: P.L.1995, c.225, s.4))

11

12 100. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to read  
13 as follows:

14 7. a. The [commissioner] commission or any duly authorized  
15 representative of the [commissioner] commission is authorized to  
16 direct any bus operated in this State to immediately proceed to a  
17 designated facility for inspection. If a driver fails to immediately report  
18 as directed to the designated facility, the operator shall be subject to  
19 a penalty of \$1,000.

20 b. At the time of inspection, the [commissioner] commission or  
21 any duly authorized representative of the [commissioner] commission  
22 is authorized to demand and examine the driver's operating credentials.  
23 (cf: P.L.1995, c.225, s.7)

24

25 101. Section 9 of P.L.1995, c.225 (C.48:4-2.1k) is amended to  
26 read as follows:

27 9. Any penalty imposed pursuant to this act may be collected, with  
28 costs, in a summary proceeding pursuant to ["the penalty enforcement  
29 law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement Law of 1999,  
30 c.274 (C.2A:58-10 et seq.). The Superior Court or Municipal Court  
31 of the county or municipality, respectively, wherein the violation  
32 occurs, or wherein the operator resides or has a place of business or  
33 principal office in this State, shall have jurisdiction to enforce the  
34 provisions of ["the penalty enforcement law,"] the "Penalty  
35 Enforcement Law," in connection with this act. The [Commissioner  
36 of Transportation] commission or any duly authorized representative  
37 of the [commissioner] commission may issue a summons and  
38 complaint returnable in a municipal court or other court of competent  
39 jurisdiction for a violation of this act and any rule or regulation  
40 adopted pursuant thereto, except that when conducting an inspection  
41 at the site of an owner or operator's business, the [commissioner]  
42 commission or [the commissioner's representative] a representative of  
43 the commission shall not issue a summons and complaint for a  
44 violation of this act, but shall take any other enforcement action  
45 authorized by law for that violation. Municipal, county, and State

1 prosecutors are authorized to assist the commissioner in the  
2 enforcement of this act. The [commissioner] commission may  
3 institute an action in the Superior Court for injunctive relief to prevent  
4 or restrain any violation of this act, or any order issued, or rule of  
5 regulation adopted, pursuant to this act.  
6 (cf: P.L.1995, c.225, s.9)

7  
8 102. Section 2 of P.L.1983, c.517 (C.48:4-2.21) is amended to  
9 read as follows:

10 2. The [Commissioner of Transportation] commission shall  
11 establish annually a "zone of rate freedom" which will provide for a  
12 maximum permitted percentage adjustment to any rate, fare or charge  
13 for regular route autobus service. The [commissioner] commission  
14 shall promulgate this percentage within 60 days after the effective date  
15 of this act for the time remaining in the 1984 calendar year, and shall  
16 thereafter promulgate a percentage for each calendar year 60 days  
17 prior to the commencement of the calendar year. The [commissioner]  
18 commission shall consider all relevant factors, including but not limited  
19 to the availability of alternative modes of transportation, increases or  
20 decreases of the costs of bus operations, the interests of the consumers  
21 or users of bus services, and the rates, fares and charges prevailing in  
22 the bus industry, as well as in other related transportation services,  
23 such as rail services, in establishing the "zone of rate freedom" for  
24 each period. [Prior to the promulgation of the percentage the  
25 commissioner shall hold a public hearing pursuant to subsections (a)  
26 and (g) of section 4 of the "Administrative Procedure Act," P.L.1968,  
27 c.410 (C.52:14B-4).]

28 (cf: P.L.1983, c.513, s.2)

29

30 103. R.S.48:4-11 is amended to read as follows:

31 48:4-11. a. Any person who shall operate an autobus, charter bus  
32 operation or special bus operation within the State of New Jersey  
33 without complying with the provisions of this article shall be subject  
34 to the penalties provided herein.

35 Proceedings to prevent a person from operating an autobus without  
36 a valid certificate of public convenience and necessity, and to recover  
37 damages for lost revenues caused by those operations, may be  
38 instituted by an autobus public utility, the business or revenues of  
39 which are adversely affected thereby.

40 Except for proceedings instituted by an autobus public utility, every  
41 civil penalty for violation of any provision of this article and for a  
42 violation of section 90 of P.L.1962, c.198 (C.48:4-2.1a) shall be sued  
43 for and recovered by and in the name of the [Commissioner of  
44 Transportation] commission and shall be collected and enforced by  
45 summary proceedings pursuant to ["the penalty enforcement law"

1 (N.J.S.2A:58-1 et seq.)) the "Penalty Enforcement Law of 1999,"  
2 P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall issue at the suit  
3 of the [commissioner] commission, as plaintiff, and shall be in the  
4 nature of a summons and complaint returnable in the Law or Chancery  
5 Division of the Superior Court or in the various municipal courts.  
6 Every day that a violation exists shall be a separate violation for which  
7 a penalty may be recovered. Proceedings may be instituted on any day  
8 of the week including Sunday or upon a holiday, and any process  
9 issued pursuant to this article or pursuant to section 90 of P.L.1962,  
10 c.198 (C.48:4-2.1a) shall be deemed valid as if served or issued on any  
11 other day.

12 b. The [commissioner] commission may, in addition to seeking a  
13 civil penalty, seek injunctive relief in the Chancery Division of the  
14 Superior Court as to any person found to have violated any provision  
15 of this article or any provision of section 90 of P.L.1962, c.198  
16 (C.48:4-2.1a).

17 (cf: P.L.1987, c.452, s.3)

18

19 104. Section 24 of P.L.1995, c.157 (C.39:3-6.14) is amended to  
20 read as follows:

21 24. a. The registration fee for an apportioned vehicle shall be  
22 determined by the number of in-jurisdiction miles an apportioned  
23 vehicle drives in the State of New Jersey and in each of the  
24 jurisdictions in which it is authorized to travel by its registration. The  
25 formula used for the registration fee shall be in accord with the  
26 International Registration Plan and shall be set forth in regulation.

27 b. In addition to the registration fee, the [Division of Motor  
28 Vehicles] commission shall set by regulation an administrative fee  
29 which will be collected from each registrant to subsidize the cost of  
30 the administration of the program.

31 c. The administrative fee collected pursuant to this act shall be  
32 forwarded to the State Treasurer and be deposited into the  
33 Commercial Vehicle Enforcement Fund established pursuant to section  
34 17 of this act.

35 (cf: P.L.1995, c.157, s.24)

36

37 105. R.S.39:3-21 is amended to read as follows:

38 39:3-21. The applicant for registration for a motorcycle shall pay  
39 to the [commissioner] commission for each registration a fee of  
40 \$10.00.

41 (cf: P.L.1968, c.130, s.7)

42

43 106. Section 3 of P.L.1942, c.227 (C.39:3-23.1) is amended to  
44 read as follows:

45 3. The [commissioner] commission may in [his] its discretion  
46 approve the use of any particular type of tire, of a material other than

1 rubber, on vehicles operated upon the highways of this State, if [he]  
2 it finds the said tire will not damage the public highways and that the  
3 use of said tire is not likely to be hazardous to the public safety.  
4 (cf: P.L.1942, c.227, s.3)

5

6 107. R.S.39:3-43 is amended to read as follows:

7 39:3-43. The [commissioner of motor vehicles] commission is  
8 hereby given authority to pass upon the construction and equipment  
9 of any vehicle, motor vehicle or motor-drawn vehicle with a view to  
10 its safety for use on a street or highway and it shall be lawful for the  
11 [commissioner] commission to refuse registration to any vehicle that  
12 in [his] its estimation is not a proper vehicle to be used upon a  
13 highway. The [commissioner] commission is hereby authorized to  
14 promulgate regulations, not inconsistent with this chapter, concerning  
15 the construction and equipment of any vehicle, motor vehicle or  
16 motor-drawn vehicle. The [commissioner] commission may require  
17 the approval of any equipment or device and may set up the procedure  
18 which shall be followed when any equipment or device is submitted for  
19 approval. The [commissioner] commission may revoke or suspend  
20 for cause and after hearing any certificate of approval that may be  
21 issued under this article. The [commissioner] commission at [his] its  
22 discretion is hereby authorized to disapprove any equipment or device.  
23 (cf: R.S.39:3-43)

24

25 108. R.S.39:3-46 is amended to read as follows:

26 39:3-46. As used in this article, unless the context requires another  
27 or different construction:

28 "Approved" means approved by the [commissioner of motor  
29 vehicles] commission and when applied to lamps and other  
30 illuminating devices means that such lamps and devices must be in  
31 good working order and capable of operating at least 50% of their  
32 designed efficiency.

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

37 "When lighted lamps are required" means at any time from a half-  
38 hour after sunset to a half-hour before sunrise; whenever rain, mist,  
39 snow or other precipitation or atmospheric moisture requires the use  
40 of windshield wipers by motorists; and during any time when, due to  
41 smoke, fog, unfavorable atmospheric conditions or for any other cause  
42 there is not sufficient light to render clearly discernible persons and  
43 vehicles on the highway at a distance of 500 feet ahead.

44 "Headlamp" means a major lighting device capable of providing  
45 general illumination ahead of a vehicle.



1 "Auxiliary driving lamp" means an additional lighting device on a  
2 motor vehicle used primarily to supplement the headlamps in providing  
3 general illumination ahead of a vehicle.

4 "Single beam headlamps" means headlamps or similar devices  
5 arranged so as to permit the driver of the vehicle to use but one  
6 distribution of light on the road.

7 "Multiple-beam headlamps" means headlamps or similar devices  
8 arranged so as to permit the driver of the vehicle to use one of two or  
9 more distributions of light on the road.

10 "Asymmetric headlamps" means headlamps or similar devices  
11 arranged so as to permit the driver of the vehicle to use one of several  
12 distributions of light on the road, at least one of which is asymmetric  
13 about the median vertical axis.

14 "Clear road beam" means the beam from multiple-beam headlamps  
15 designed to be used when not approaching other vehicles and designed  
16 to provide sufficient candlepower ahead to reveal obstacles at a safe  
17 distance ahead under ordinary conditions of road contour and of  
18 vehicle loading.

19 "Meeting beam" means the beam from multiple beam or asymmetric  
20 headlamps designed to be used when other vehicles are approaching  
21 within 500 feet or when signaled and designed so that the illumination  
22 on the left side of the road is reduced sufficiently to avoid dangerous  
23 glare for the approaching driver.

24 "Lower beam" means the beam from multiple beam or asymmetric  
25 headlamps designed to be directed low enough to avoid dangerous  
26 glare on both sides of the roadway.

27 "Reflector" means an approved device designed and used to give an  
28 indication by reflected light.

29 (cf: P.L.1995, c.305, s.1)

30

31 109. (New section) a. The first \$200,000,000 of fees and  
32 surcharges thereon collected pursuant to the following statutes shall  
33 be considered service charges which are revenues to be remitted to the  
34 New Jersey Motor Vehicle Commission and the remainder shall be  
35 remitted to the General Fund, provided that if the total amount of such  
36 fees, fines and surcharges collected, as verified by the relevant fiscal  
37 year New Jersey Comprehensive Annual Financial Report, produce  
38 more or less revenue than the sum of \$200,000,000 and the amount  
39 estimated in the fiscal year 2004 Appropriations Act, then the  
40 \$200,000,000 in revenue from those service charges to the commission  
41 shall be increased or lowered proportionately:

42

43 Section 4 of P.L.1995, c.401 (C.12:7-73); section 24 of P.L.1984,  
44 c.152 (C.12:7A-24); section 28 of P.L.1984, c.152 (C.12:7A-28);  
45 section 9 of P.L.1998, c.108 (C.27:5F-42); R.S.39:2-10; section 1 of  
46 P.L.1969, c.301 (C.39:3-4b); section 2 of P.L.1969, c.301 (C.39:3-

1 4c); R.S.39:3-8; section 2 of P.L.1968, c.439 (C.39:3-8.1); section 1  
2 of P.L.1992, c.87 (C.39:3-8.2); R.S.39:3-10; section 23 of P.L.1975,  
3 c.180 (C.39:3-10a); section 1 of P.L.1977, c.23 (C.39:3-10b); section  
4 1 of P.L.1979, c.261 (C.39:3-10f); section 22 of P.L.1990, c.103  
5 (C.39:3-10.30); R.S.39:3-13; R.S.39:3-18; R.S.39:3-19; section 2 of  
6 P.L.1974, c.162 (C.39:3-19.2); section 12 of P.L.1979, c.224 (C.39:3-  
7 19.5); R.S.39:3-20; section 1 of P.L.1973, c.319 (C.39:3-20.1);  
8 R.S.39:3-21; R.S.39:3-24; R.S.39:3-25; R.S.39:3-26; section 2 of  
9 P.L.1964, c.195 (C.39:3-27.4); section 2 of P.L.1968, c.247 (C.39:3-  
10 27.6); section 2 of P.L.1977, c.369 (C.39:3-27.9); section 2 of  
11 P.L.1979, c.457 (C.39:3-27.16); section 2 of P.L.1981, c.139 (C.39:3-  
12 27.19); R.S.39:3-28; R.S.39:3-30; R.S.39:3-31; section 1 of P.L.1961,  
13 c.77 (C.39:3-31.1); R.S.39:3-32; R.S.39:3-36; section 1 of P.L.1979,  
14 c.314 (C.39:3-54.14); section 2 of P.L.1999, c.308 (C.39:3-75.2);  
15 R.S.39:3-84; section 3 of P.L.1973, c.307 (C.39:3C-3); section 23 of  
16 P.L.1983, c.105 (C.39:4-14.3w); R.S.39:4-26; R.S.39:4-30; section  
17 1 of P.L.1972, c.38 (C.39:5-30.4); section 31 of P.L.1994, c.60  
18 (C.39:5-36.1); section 20 of P.L.1952, c.173 (C.39:6-42); R.S.39:7-3;  
19 section 3 of P.L.1975, c.156 (C.39:8-11); section 8 of P.L.1975, c.156  
20 (C.39:8-16); section 9 of P.L.1975, c.156 (C.39:8-17); section 15 of  
21 P.L.1975, c.156 (C.39:8-23); section 5 of P.L.1995, c.112 (C.39:8-  
22 45); section 7 of P.L.1995, c.112 (C.39:8-47); section 13 of P.L.1995,  
23 c.112 (C.39:8-53); R.S.39:10-11; R.S.39:10-12; R.S.39:10-14;  
24 R.S.39:10-16; R.S.39:10-19; R.S.39:10-25; section 5 of P.L.1983,  
25 c.323 (C.39:10-35); section 8 of P.L.1983, c.455 (C.39:10A-15);  
26 R.S.39:11-8; section 2 of P.L.1951, c.216 (C.39:12-2); section 5 of  
27 P.L.1951, c.216 (C.39:12-5); and section 2 of P.L.1983, c.360  
28 (C.39:13-2).

29

30 Proportional revenues remitted to the commission for the fiscal  
31 years beginning July 1, 2004 and thereafter shall have the same  
32 proportion as the proportional revenues remitted to the commission  
33 for the fiscal year beginning July 1, 2003.

34 b. In addition to the proportionately increased or lowered revenue  
35 provided for in subsection a. of this section, the commission shall  
36 receive 100 percent of any new fee or surcharge and 100 percent of  
37 any existing fee or surcharge increased by the commission pursuant to  
38 P.L. c. (now before the Legislature as this bill). Any new or  
39 increased fee or surcharge shall not be included in the calculation of  
40 the proportional revenue remitted to the commission.

41 c. In addition to the revenues provided for in subsections a. and b.  
42 of this section, all fees collected pursuant to Chapter 3 of Title 39 of  
43 the Revised Statutes required to defray the costs of the commission  
44 with respect to producing, issuing, renewing, and publicizing license  
45 plates, or related computer programming shall be considered revenues  
46 of the commission notwithstanding any other provision of law.

1 d. Revenues of the commission shall be non-lapsing, off-budget,  
2 and not subject to appropriation by the Legislature. In addition, the  
3 revenues of the commission shall not be restricted from use by the  
4 commission in any manner except as provided by law. Revenues of the  
5 commission may be used in the furtherance of any purpose of the  
6 commission or as otherwise provided for by law.

7  
8 110. Section 17 of P.L.1995, c.157 (C.39:8-75) is amended to read  
9 as follows:

10 17. a. There is established in the General Fund a separate,  
11 nonlapsing, dedicated account to be known as the "Commercial  
12 Vehicle Enforcement Fund." The Commercial Vehicle Enforcement  
13 Fund shall be administered by the [division] commission [in  
14 consultation with the Department of Transportation]. All fees and  
15 other monies collected pursuant to this act or any rule or regulation  
16 adopted pursuant thereto shall be forwarded to the State Treasury for  
17 deposit into the Commercial Vehicle Enforcement Fund account. The  
18 commission shall receive 40 percent of this fund annually, which  
19 monies shall be considered revenue of the commission. All remaining  
20 fees and other monies deposited in the Commercial Vehicle  
21 Enforcement Fund account shall be used to fund the costs of  
22 administering the programs and activities of the Department of Law  
23 and Public Safety, the Department of Transportation, the commission  
24 and the Department of Environmental Protection established or  
25 specified in this act and in subsection f. of R.S.39:3-20, subject to the  
26 approval of the Director of the Division of Budget and Accounting in  
27 the Department of the Treasury.

28 b. A municipality may be eligible for periodic grants from the fund  
29 in such amounts as the [director] commission, in consultation with the  
30 Commissioner of Transportation, may determine pursuant to rule or  
31 regulation to subsidize costs of prosecuting and trying actions  
32 pursuant to this act.

33 (cf: P.L.1995, c.157, s.17)

34  
35 111. R.S.39:8-2 is amended to read as follows:

36 39:8-2 a. The [director] commission may designate and appoint,  
37 subject to existing laws, competent examiners of motor vehicles to  
38 conduct examinations, other than the periodic inspections required  
39 pursuant to subsection b. of this section, of motor vehicles required to  
40 be inspected in accordance with the provisions of this chapter. The  
41 examiners may be delegated to enforce the provisions of the motor  
42 vehicle and traffic law.

43 b. (1) The [director] commission shall adopt, pursuant to the  
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
45 seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-  
46 8.1 et seq.) and with the requirements of the federal Clean Air Act

1 with respect to the type and character of the inspections to be made,  
2 the facility at which the vehicle shall be inspected, the frequency of  
3 inspections of motor vehicles and the approval or rejection of motor  
4 vehicles as a result of these inspections. These rules and regulations  
5 shall require the use of inspection tests that are designed to meet the  
6 enhanced inspection and maintenance requirements of the federal  
7 Clean Air Act and that have been proven to be feasible and effective  
8 for the inspection of large numbers of motor vehicles, except that  
9 these tests shall not include the "I/M 240" test. Nothing in this  
10 subsection shall preclude the use of the "I/M 240" test in sampling for  
11 performance evaluations only or the use of the test at the option of a  
12 private inspection facility. The rules and regulations may distinguish  
13 between vehicles based on model year, type, or other vehicle  
14 characteristics in order to facilitate inspections or to comply with the  
15 federal Clean Air Act. A low mileage vehicle shall not be subject to  
16 a tailpipe inspection test utilizing a dynamometer but may be subject  
17 to an idle test and a purge and pressure test. For the purpose of this  
18 paragraph, "low mileage vehicle" means a motor vehicle that is driven  
19 less than 10,000 miles during the biennial inspection period, except  
20 that the [director] commission may set the qualifying number of miles  
21 for this exemption at a lower number in order to meet the federal  
22 enhanced inspection and maintenance performance standard.

23 (2) The Department of Environmental Protection and the  
24 [director] commission shall investigate advanced testing technologies,  
25 including but not limited to remote sensing and onboard diagnostics,  
26 and shall, to the extent permitted by law, pursue the use of such  
27 technologies, other than the "I/M 240" test, in motor vehicle emission  
28 inspections required by the United States Environmental Protection  
29 Agency pursuant to the federal Clean Air Act. The [director]  
30 commission shall adopt, to the extent practicable, advanced  
31 technologies to facilitate the retrieval of testing and other information  
32 concerning motor vehicles, which technologies shall include but not be  
33 limited to the use of computer bar codes and personal cards containing  
34 encoded information, such as a person's operating license, motor  
35 vehicle registration, and motor vehicle insurance, the inspection status  
36 of a motor vehicle, and mass transit fares, that can be accessed quickly  
37 by a computer.

38 c. Except as modified by the [director] commission to distribute  
39 evenly the volume of inspections, all motor vehicles required by the  
40 [director] commission, in accordance with the provisions of R.S.39:8-  
41 1, to be inspected under this chapter shall be inspected biennially,  
42 except that (i) after certification by the [director] commission of the  
43 federal approval by the Environmental Protection Agency of the State  
44 waiver request, model year 2000 and newer motor vehicles shall be  
45 inspected no later than four years from the last day of the month in  
46 which they were initially registered and thereafter biennially; and (ii)

1 classes of vehicles that require more frequent inspections, such as  
2 school buses, shall be inspected at such shorter intervals as may be  
3 established by the [director] commission after consultation with the  
4 Department of Environmental Protection. At any time, the [director]  
5 commission may require the owner, lessee, or operator of a motor  
6 vehicle to submit the vehicle for inspection.

7 d. The [director] commission shall furnish to designated examiners  
8 or to other persons authorized to conduct inspections or to grant  
9 waivers official certificates of approval, rejection stickers or waiver  
10 certificates, the form, content and use of which [he] it shall establish.  
11 The certificates of approval, rejection stickers and waiver certificates  
12 shall be of a type, such as a windshield sticker or license plate decal,  
13 that can be attached to the vehicle or license plate in a location that is  
14 readily visible to anyone viewing the vehicle. If a certificate of  
15 approval cannot be issued, the driver shall be provided with a written  
16 inspection report describing the reasons for rejection and, if  
17 appropriate, the repairs needed or likely to be needed to bring the  
18 vehicle into compliance with applicable standards.

19 e. The [director] commission may, with the approval of the State  
20 House Commission, purchase, lease or acquire by the exercise of the  
21 power of eminent domain any property for the purpose of assisting  
22 [him] it in carrying out the provisions of this chapter. This property  
23 may also be used by the [director] commission for the exercise of the  
24 duties and powers conferred upon [him] it by the other chapters of  
25 this Title.

26 f. For the purpose of implementing the motor vehicle inspection  
27 requirements of the federal Clean Air Act and subject to the approval  
28 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
29 may:

30 (1) Purchase, lease or acquire by eminent domain any property for  
31 vehicle inspection purposes. Any other provision of law to the  
32 contrary notwithstanding, no further approval shall be required for  
33 transactions authorized by this paragraph, except that a proposed  
34 purchase, lease or acquisition by eminent domain shall require the  
35 approval of the Joint Budget Oversight Committee, and shall be  
36 submitted to the Joint Budget Oversight Committee, which shall  
37 review the proposed purchase, lease or acquisition by eminent domain  
38 within 15 business days; and

39 (2) Sell or lease, or grant an easement in, any property acquired,  
40 held or used for vehicle inspection purposes or any other suitable  
41 property held by the State that is not currently in use or dedicated to  
42 another purpose. For the purpose of this paragraph and  
43 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
44 the sale or lease of, or the granting of an easement in, real property  
45 owned by the State shall be subject to the approval of the State House  
46 Commission, which shall meet at the call of the Governor to act on a

1 proposed sale or lease or grant of an easement pursuant to this  
2 paragraph. A member of the State House Commission may permit a  
3 representative to act on that member's behalf in considering and voting  
4 on a sale or lease or grant of an easement pursuant to this paragraph.  
5 Any other provision of law to the contrary notwithstanding, any  
6 moneys derived from a sale, lease or granting of an easement by the  
7 State pursuant to this paragraph shall not be expended unless approved  
8 by the Joint Budget Oversight Committee for the purpose of  
9 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
10 this subsection, except that any moneys derived therefrom and not  
11 approved for that purpose shall be appropriated to the Department of  
12 Transportation to provide for mass transit improvements.

13 g. The [director] commission shall conduct roadside examinations  
14 of motor vehicles required to be inspected, using such inspection  
15 equipment and procedures, and standards established pursuant to  
16 section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited  
17 to, remote sensing technology, as the [director] commission shall  
18 deem appropriate to provide for the monitoring of motor vehicles  
19 pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of  
20 the total number of motor vehicles required to be inspected under this  
21 chapter, whichever is less, shall be inspected during each inspection  
22 cycle by roadside examination teams under the supervision of the  
23 [director] commission. The [director] commission may require any  
24 vehicle failing a roadside examination to be inspected at an official  
25 inspection facility or a private inspection facility within a time period  
26 fixed by the [director] commission. Failure to appear and pass  
27 inspection within the time period fixed by the [director] commission  
28 shall result in registration suspension in addition to any other penalties  
29 provided in this Title. The [director] commission shall conduct an  
30 aggressive roadside inspection program to ensure that all motor  
31 vehicles that are required to be inspected in this State are in  
32 compliance with State law.

33 h. The [director] commission, and, when appropriate, the  
34 Department of Environmental Protection, shall conduct inspections  
35 and audits of licensed private inspection facilities, official inspection  
36 facilities and designated examiners to ensure accurate test equipment  
37 calibration and use, and compliance with proper inspection procedures  
38 and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any  
39 regulations adopted pursuant thereto by the [Division of Motor  
40 Vehicles] commission or by the Department of Environmental  
41 Protection. These inspections and audits shall be conducted at such  
42 times and in such manner as the [director] commission, upon  
43 consultation with the Department of Environmental Protection, shall  
44 determine in order to provide quality assurance in the performance of  
45 the inspection and maintenance program.

1 i. (1) The [director] commission shall make a charge of \$2.50 for  
 2 the initial inspection for each vehicle subject to inspection, which  
 3 amount shall be paid to the [director] commission or [his] its  
 4 representative when payment of the registration fees fixed in chapter  
 5 3 of this Title is made which inspection charge shall be included in the  
 6 list of fees and surcharges that are subject to the calculation of  
 7 proportional revenue remitted to the commission pursuant to  
 8 subsection a. of section 109 of P.L. , c (now before the Legislature  
 9 as this bill); provided however, that on and after January 1, 1999, a  
 10 school bus as defined pursuant to section 3 of P.L.1999, c.5 (C.39:3B-  
 11 20) and having a registration period commencing on or after January  
 12 1, 1999, shall be subject to an inspection fee for each in-terminal or in-  
 13 lieu-of terminal inspection in accordance with the following schedule:

15	School Bus Specification Inspection	\$50 per bus
16	School Bus Inspection	\$25 per bus

17  
 18 The specification inspection is required when a school bus is put  
 19 into service in New Jersey, whether a new bus or a bus from another  
 20 state. The specification inspection is conducted to ensure that the  
 21 school bus meets New Jersey specification standards. The school bus  
 22 inspection fee shall be charged to the operator for each in-terminal or  
 23 in-lieu-of terminal inspection. School Vehicle Type I and School  
 24 Vehicle Type II buses shall be inspected semiannually. Retired school  
 25 buses shall be inspected annually. No school bus inspection fee shall  
 26 be charged for any reinspection conducted by the [division]  
 27 commission if the reinspection is conducted on the same day as the  
 28 inspection that necessitated the reinspection. If an additional trip is  
 29 required by the [division's] commission's inspectors for a reinspection  
 30 for out of service criteria, a fee of \$25 per bus shall be charged.  
 31 [Inspection] School bus inspection fees shall be paid to the [director]  
 32 commission or the [director's] commission's designee subject to the  
 33 terms and conditions prescribed by the [director] commission and  
 34 shall be considered service charges of the commission and not subject  
 35 to the calculation of proportional revenue remitted to the commission  
 36 pursuant to subsection a. of section 109 of P.L. c. (now before the  
 37 Legislature as this bill). Any law or rule or regulation adopted  
 38 pursuant thereto to the contrary notwithstanding, a registration fee  
 39 authorized pursuant to chapter 3 of Title 39 of the Revised Statutes  
 40 shall not be increased for the purpose of paying any costs associated  
 41 in any manner with the establishment, implementation or operation of  
 42 the motor vehicle inspection and maintenance program established  
 43 pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

44 (2) The [director] commission shall establish by regulation a fee  
 45 to cover the costs of inspecting any vehicle that is required, or has the  
 46 option, under federal law to be inspected in this State but is registered

1 in another state or is owned or leased by the federal government. In  
2 determining these costs, the [director] commission shall include all  
3 capital and direct and indirect operating costs associated with the  
4 inspection of these vehicles including, but not limited to, the costs of  
5 the actual inspection, the creation and maintenance of the vehicle  
6 inspection record, administrative, oversight and quality assurance costs  
7 and the costs associated with reporting inspection information to the  
8 owner, the federal government and agencies of other states. All fees  
9 collected pursuant to this subsection shall be paid to the State  
10 Treasurer and deposited in the "Motor Vehicle Inspection Fund"  
11 established pursuant to subsection j. of this section.

12 j. There is established in the General Fund a special dedicated, non-  
13 lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
14 which shall be administered by the State Treasurer. The State  
15 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
16 \$11.50 from each motor vehicle registration fee received by the State  
17 after June 30, 1995. This fee shall be considered a service charge of  
18 the commission and shall not be subject to the calculation of  
19 proportional revenue remitted to the commission pursuant to  
20 subsection a. of section 109 of P.L. c. (now before the Legislature  
21 as this bill. The Legislature shall annually appropriate from the fund  
22 an amount necessary to pay the reasonable and necessary expenses of  
23 the implementation and operation of the motor vehicle inspection  
24 program. The State Treasurer shall:

25 (1) Pay to a private contractor or contractors contracted to design,  
26 construct, renovate, equip, establish, maintain and operate official  
27 inspection facilities under a contract or contracts entered into with the  
28 State Treasurer pursuant to subsection a. of section 4 of P.L.1995,  
29 c.112 (C.39:8-44) from the fund the amount necessary to meet the  
30 costs agreed to under the contract or contracts; and

31 (2) Transfer from the fund to the [Division of Motor Vehicles]  
32 commission as provided pursuant to section 109 of P.L. c. (now  
33 before the Legislature as this bill) and the Department of  
34 Environmental Protection the amounts necessary to finance the costs  
35 of administering and implementing all aspects of the inspection and  
36 maintenance program, and to the Office of Telecommunications and  
37 Information Systems in the Department of the Treasury the amount  
38 necessary for computer support upgrades;

39 Moneys remaining in the fund and any unexpended balance of  
40 appropriations from the fund at the end of each fiscal year shall be  
41 reappropriated for the purposes of the fund. Any interest earned on  
42 moneys in the fund shall be credited to the fund.

43 (cf: P.L.1999, c. 5, s.8)

44

45 112. Section 2 of P.L.1993, c.124 (C.48:2-56.1) is amended to  
46 read as follows:



1       2. Moneys received from fees collected by the [Department of  
2 Transportation] commission pursuant to section 1 of P.L.1959, c.43  
3 (C.48:2-56) for the bus inspection program shall be [deposited in the  
4 General Fund and shall be disbursed to the department, subject to  
5 appropriation, to defray the expenses of the bus inspection program]  
6 revenues of the commission and shall not be subject to the calculation  
7 of proportional revenue remitted to the commission pursuant to  
8 subsection a. of section 109 of P.L. .c. (now before the Legislature  
9 as this bill).  
10 (cf: P.L.1993, c.124, s.2)

11  
12       113. Section 12 of P.L.1995, c.112 (C.39:8-52) is amended to read  
13 as follows:

14       12. a. A person shall not conduct any emission inspection required  
15 by the [director] commission on a motor vehicle unless that person is  
16 licensed as an emission inspector by the [director] commission. The  
17 [director] commission may establish a fee not to exceed \$50 for the  
18 licensure and relicensure of emission inspectors and shall establish  
19 standards and requirements for the licensure and relicensure of  
20 emission inspectors including, at a minimum, the successful completion  
21 of emission training and testing requirements determined by the  
22 [director] commission in consultation with the Department of  
23 Environmental Protection as a prerequisite to licensing. Any license  
24 issued pursuant to this section shall be valid for the period set by the  
25 [director] commission, which shall not be longer than two years. The  
26 successful completion of refresher training and testing, at a minimum,  
27 shall be required prior to license renewal. All fees collected pursuant  
28 to this subsection shall be [turned over to the State Treasurer and  
29 deposited in the "Motor Vehicle Inspection Fund" established pursuant  
30 to subsection j. of R.S.39:8-2.] revenue of the commission and shall  
31 not be subject to the calculation of proportional revenue remitted to  
32 the commission pursuant to subsection a. of section 109 of P.L. , c.  
33 (now before the Legislature as this bill).

34       b. The [director] commission may deny, suspend or revoke any  
35 license authorized to be issued by this section or refuse renewal  
36 thereof for cause, including but not limited to one or more of the  
37 following:

38       (1) Violation of any provision of P.L.1995, c.112 (C.39:8-41 et al.)  
39 or of any regulation adopted pursuant thereto;

40       (2) Fraud, misrepresentation or misstatement in securing the  
41 license or in the conduct of the licensed activity;

42       (3) Conviction of a crime involving fraud or moral turpitude;

43       (4) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any  
44 regulation adopted pursuant thereto;

45       (5) Failure to successfully complete any training or testing

1 requirements that are a prerequisite to licensure;

2 (6) Failure to pay any fee required by law; or

3 (7) Other good cause.

4 (cf: P.L.1995, c.112, s.12)

5

6 114. Section 13 of P.L.1995, 112 (C.39:8-53) is amended to read  
7 as follows:

8 13. a. The [director] commission shall adopt, after consultation  
9 with the Division of Consumer Affairs in the Department of Law and  
10 Public Safety, rules and regulations for the registration of facilities  
11 authorized to perform emission-related repairs on vehicles that fail a  
12 required emission test. A facility or business shall not correct, adjust  
13 or repair, for compensation, any motor vehicle that has failed an  
14 emission test required by the [director] commission unless it has first  
15 obtained from the [director] commission a motor vehicle repair  
16 facility registration authorizing the facility or business to repair  
17 vehicles that have failed an emission test required by [director] the  
18 commission. The [director] commission may establish an annual  
19 registration fee, which shall not exceed \$50, to defray the cost of  
20 registering these businesses and facilities. All fees collected pursuant  
21 to this section shall be [paid to the State Treasurer and deposited in  
22 the "Motor Vehicle Inspection Fund" established pursuant to  
23 subsection j. of R.S.39:8-2] revenue of the commission and shall not  
24 be subject to the calculation of proportional revenue remitted to the  
25 commission pursuant to subsection a. of section 109 of P.L. , c.   
26 (C. )(now before the Legislature as this bill).

27 b. The [director] commission may deny, suspend or revoke any  
28 registration issued pursuant to this section, or refuse renewal thereof,  
29 for performance by a registered business or facility of an improper  
30 repair on a motor vehicle or for other good cause.

31 c. The [director] commission may establish or approve a repair  
32 technician certification program for persons who perform, for  
33 compensation, emission-related repairs on vehicles that fail a required  
34 emission test.

35 d. The Department of Education, in consultation with the  
36 Department of Environmental Protection, shall develop and make  
37 available a course of instruction, to be offered at State community  
38 colleges and other appropriate educational institutions, for the purpose  
39 of training repair technicians in the diagnosis and repair of motor  
40 vehicle emission control systems.

41 (cf: P.L.1995, c.112, s.13)

42

43 115. Section 14 of P.L.1995, c.112 (C.39:8-54) is amended to read  
44 as follows:

45 14. A person who displays or causes or permits to be displayed any

1 sign, mark, or advertisement, or otherwise identifies that person as a  
2 private inspection facility, a registered motor vehicle repair facility or  
3 an emission inspector when not holding a valid license or registration  
4 issued by the [director] commission, or who transfers or attempts to  
5 transfer a valid license or registration, shall be subject to a fine of not  
6 less than \$1,000 or imprisonment for not more than 30 days, or both.  
7 Any fine collected under the provisions of this section shall be [paid  
8 to the State Treasurer and deposited in the "Motor Vehicle Inspection  
9 Fund" established pursuant to subsection j. of R.S.39:8-2.] revenue of  
10 the commission and shall not be subject to the calculation of  
11 proportional revenue remitted to the commission pursuant to  
12 subsection a. of section 109 of P.L. , c. (C. )(now before the  
13 Legislature as this bill).

14 (cf: P.L.1995, c.112, s.14)

15

16 116. Section 11 of P.L.1995, c.157 (C.39:8-69) is amended to read  
17 as follows:

18 11. a. The [director] commission, in consultation with the  
19 Department of Transportation and after appropriate inquiry and  
20 investigation, shall issue licenses to operate diesel emission inspection  
21 centers to as many qualified and properly equipped persons, including  
22 owners or lessees of diesel buses, heavy-duty diesel trucks, or other  
23 diesel-powered motor vehicles, as the [director] commission  
24 determines shall be necessary to conduct periodic inspections. A  
25 licensee shall inspect and pass or reject a diesel bus, heavy-duty diesel  
26 truck, or other diesel-powered motor vehicle presented to the licensee  
27 for inspection. Passing shall indicate that the licensee or the licensee's  
28 employee has inspected the diesel bus, heavy-duty diesel truck, or  
29 other diesel-powered motor vehicle as prescribed by the [director]  
30 commission and has found that the vehicle conforms to the standards  
31 established by law and rule or regulation. The [director] commission,  
32 in consultation with the Department of Transportation and with the  
33 approval of the Attorney General, may establish by rule or regulation  
34 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
35 c.410 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
36 emission inspection centers, which fee shall not exceed \$250 per year  
37 which shall be revenue of the commission and shall not be subject to  
38 the calculation of proportional revenue remitted to the commission  
39 pursuant to subsection a. of section 109 of P.L. , c. (C. )(now  
40 pending before the Legislature as this bill).

41 b. For the purpose of documenting compliance with periodic  
42 inspection requirements, the [director] commission shall furnish  
43 official inspection forms to licensed diesel emission inspection centers.  
44 The [director] commission shall require each diesel emission  
45 inspection center and each owner or lessee of a diesel bus, heavy-duty

1 diesel truck, or other diesel-powered motor vehicle subject to periodic  
2 inspection to keep such records and file such reports regarding these  
3 inspections as the [director] commission shall deem necessary. The  
4 [director] commission may conduct such audits or inspections of  
5 these centers as the [director] commission deems appropriate.

6 c. The [director] commission may deny, suspend or revoke a  
7 diesel emission inspection center license or refuse renewal thereof for  
8 cause, including, but not limited to, one or more of the following:

9 (1) Violation of any provision of this act or of any rule or  
10 regulation adopted pursuant thereto; or

11 (2) Fraud or misrepresentation in securing a license or in the  
12 conduct of the licensed activity; or

13 (3) Conviction of a crime demonstrating that the applicant or  
14 licensee is unfit; or

15 (4) Improper, negligent, or fraudulent inspection of a diesel bus,  
16 heavy-duty diesel truck, or other diesel-powered motor vehicle; or

17 (5) Other good cause.

18 d. In addition to any other civil or criminal penalties that may be  
19 applicable, a person licensed by the [director] commission to operate  
20 a diesel emission inspection center who commits fraud or  
21 misrepresentation in securing a license or in the conduct of the  
22 licensed activity or who improperly or negligently or fraudulently  
23 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
24 other diesel-powered motor vehicle shall be liable for a civil penalty of  
25 \$1,500. In addition to any other civil or criminal penalties that may be  
26 applicable, a person licensed by the [director] commission to operate  
27 a diesel emission inspection center who otherwise violates any  
28 provision of this act or of any rule or regulation adopted pursuant  
29 thereto shall be liable for a civil penalty of \$500.

30 (cf: P.L.1995, c.157, s.11)

31

32 117. Section 1 of P.L.1999, c.192 (C.39:3-33a) is amended to read  
33 as follows:

34 1. Whenever the [Division of Motor Vehicles] commission is  
35 authorized to charge an additional application fee for the issuance of  
36 a personalized, courtesy or special license plate, the [division]  
37 commission shall charge that additional application fee only upon the  
38 initial issuance of the plate. If a personalized, courtesy or special plate  
39 is issued to a lessee in a motor vehicle leasing agreement, upon  
40 termination of the lease the lessee may apply to the [director]  
41 commission to have the plate reissued to another motor vehicle leased  
42 or owned by the lessee upon payment of a fee of \$4.50. If a  
43 personalized, courtesy or special license plate is issued to an owner of  
44 a motor vehicle, the owner may apply to the [director] commission to  
45 have the plate reissued to another motor vehicle leased or owned by

1 the owner upon payment of a fee of \$4.50. All additional fees  
2 collected pursuant to this section shall be revenues of the commission  
3 and shall not be subject to the calculation of proportional revenue  
4 remitted to the commission pursuant to subsection a. of section 109 of  
5 P.L. , c. (C. ) (now before the Legislature as this bill). Nothing  
6 in this section shall be construed as prohibiting the [division]  
7 commission from charging, at the time of annual registration renewal,  
8 the payment of the additional fee which has been required under any  
9 other section of law for a special license plate.

10 (cf: P.L.1999, c.192, s.1)

11

12 118. Section 1 of P.L.2001, c.35 (C.39:3-33b) is amended to read  
13 as follows:

14 1. a. The lessee in a motor vehicle leasing agreement or the owner  
15 of a motor vehicle who obtains a base set of personalized, courtesy or  
16 special license plates with special identifying marks may obtain and use  
17 a second set in a series for use upon another motor vehicle if it is  
18 owned or leased by that person.

19 b. The fees for the second set in a series shall be prescribed by the  
20 [director] commission and shall be revenues of the commission, and  
21 shall not be subject to the calculation of proportional revenue remitted  
22 to the commission pursuant to subsection a. of section 109 of P.L. ,  
23 c. (C. ) (now before the Legislature as this bill).

24 c. The [director] commission may promulgate rules and regulations  
25 to effectuate the purposes of this act.

26 (cf: P.L.2001, c.35, s.1)

27

28 119. Section 2 of P.L.1959, c.56 (C.39:3-33.4) is amended to read  
29 as follows:

30 2. The [director] commission is authorized to charge an additional  
31 fee for the issuance of such particular identifying mark in such amount  
32 as he may fix from time to time but not in excess of \$30 for identifying  
33 marks defined by the [director] commission to be courtesy marks, and  
34 not in excess of \$100 for identifying marks defined by the [director]  
35 commission to be personalized marks, and the amount of such fee shall  
36 accompany the application. These fees shall be revenue of the  
37 commission and shall not be subject to the calculation of proportional  
38 revenue remitted to the commission pursuant to subsection a. of  
39 section 109 of P.L. . c. (C. )(now before the Legislature as this  
40 bill).

41 (cf: P.L. 1994, c.60, s.21)

42

43 120. Section 4 of P.L.1959, c.56 (C.39:3-33.6) is amended to read  
44 as follows:

45 4. For a period commencing with the effective date of this act and  
46 terminating upon the completion of the first full fiscal year thereafter,

1 All moneys received by the [director] commission pursuant to this act  
2 shall be [forthwith deposited as received with the State Treasurer, and  
3 the expenses of administration incurred by the director in carrying out  
4 the provisions of this act, during the aforementioned period are hereby  
5 appropriated to such purposes and shall be disbursed by the State  
6 Treasurer out of such funds in the same manner as other State  
7 expenses are paid. Upon the termination of the first full fiscal year  
8 after the effective date of this act, any excess of the moneys deposited  
9 with the State Treasurer as heretofore provided and over the amount  
10 of the expenses of administration during the period heretofore set  
11 forth, shall become a part of the General State Fund, and all moneys  
12 received thereafter by the director pursuant to this act, shall become  
13 a part of the General State Fund] revenues of the commission and  
14 shall not be subject to the calculation of proportional revenue remitted  
15 to the commission pursuant to subsection a. of section 109 of P.L. ,  
16 c. (C. ) (now before the Legislature as this bill).  
17 (cf: P.L.1959, c.56, s.4)

18

19 121. Section 2 of P.L.1999, c.396 (C.39:3-84.7) is amended to  
20 read as follows:

21 2. a. Unless determined otherwise by the [director] commission  
22 pursuant to subsection b. of this section, the [director] commission  
23 shall issue distinctive markers for tow trucks operating under the  
24 provisions of this act. A fee of \$25 annually shall be charged for such  
25 markers. The fee for such markers is in addition to the fees otherwise  
26 prescribed by law for the registration of motor vehicles and the  
27 amount received from the fees shall be [annually appropriated to the  
28 department to defray costs incurred by the division in issuing the  
29 markers and implementing the provisions of P.L.1999, c.396 (C.39:3-  
30 84.6 et al.)] revenues of the commission and shall not be subject to the  
31 calculation of proportional revenue remitted to the commission  
32 pursuant to subsection a. of section 109 of P.L. , c. (now before  
33 the Legislature as this bill). The markers shall be available for tow  
34 trucks in two gross weight categories: light-medium duty and heavy-  
35 duty. The markers for each weight category shall have distinctive  
36 features.

37 b. The [director] commission may issue, in lieu of markers issued  
38 pursuant to subsection a. of this section, license plates for tow trucks  
39 operating under the provisions of this act. The license plates shall be  
40 issued for 12 months upon the filing of an application pursuant to  
41 section 3 of P.L.1999, c.396 (C.39:3-84.8) and upon payment of the  
42 registration fee. A surcharge on the registration fee shall be imposed  
43 by the [director] commission in the amount of \$25 and the amount  
44 received from the surcharge shall be [annually appropriated to the  
45 department to defray costs incurred by the division in issuing the plates

1 and implementing the provisions of P.L.1999, c.396 (C.39:3-84.6 et  
2 al.)] revenues of the commission and shall not be subject to the  
3 calculation of proportional revenue remitted to the commission  
4 pursuant to subsection a. of section 109 of P.L. , c. (now before  
5 the Legislature as this bill). The plates shall be available for tow  
6 trucks in two gross weight categories: light-medium duty and heavy-  
7 duty. The plates for each weight category shall have distinctive  
8 features conspicuous to passing motorists.

9 c. A person shall not operate or offer to operate a tow truck to  
10 tow, winch, or otherwise move a motor vehicle for any direct or  
11 indirect compensation unless the tow truck displays the proper marker  
12 or valid tow truck license plate issued by the [Division of Motor  
13 Vehicles] commission pursuant to this act. The [director]  
14 commission may exempt tow trucks that meet the definition of an  
15 apportioned vehicle pursuant to section 21 of P.L.1995, c.157  
16 (C.39:3-6.11) from the requirement to display a tow truck license  
17 plate.

18 (cf: P.L.1999, c.396, s.2)

19

20 122. Section 10 of P.L.1983, c.105 (C.39:4-14.3j) is amended to  
21 read as follows:

22 10. At the time of original sale of a motorized bicycle in this State,  
23 a motorized bicycle dealer shall complete a form, of a kind to be  
24 approved by the [director] commission, which shall contain the  
25 following information:

26 a. The year of manufacture, make, model, color, and unladen  
27 weight of the motorized bicycle;

28 b. The United States Department of Transportation head tag serial  
29 number of the motorized bicycle;

30 c. The name, street address, and age of the purchaser of the  
31 motorized bicycle;

32 d. The business name and address of the motorized bicycle dealer  
33 from whom the bicycle was purchased;

34 e. The amount of New Jersey sales tax collected by the dealer;

35 f. The motorized bicycle dealer's New Jersey sales tax authorization  
36 number;

37 g. Signatures of both the motorized bicycle dealer and the  
38 purchaser;

39 h. The month, day and year of sale;

40 i. The name of the insurer of the motorized bicycle and the policy  
41 number;

42 j. Any other information required by the [director] commission.

43 The dealer shall retain one copy of the form and present the other  
44 two to the purchaser. The form shall constitute temporary registration  
45 for the vehicle for a period of 20 days from the date of purchase;  
46 provided, however, that the purchaser shall comply with all other laws,

1 rules and regulations regarding operation of motorized bicycles.

2 The dealer shall issue the purchaser temporary license plates to be  
3 displayed on the motorized bicycle until permanent registration is  
4 completed and a motorized bicycle license plate is issued.

5 Within 20 days the purchaser shall present one copy of the form to  
6 the [Division of Motor Vehicles] commission, together with any  
7 additional information which the [director] commission may require,  
8 pay the requisite fee and register the motorized bicycle in the manner  
9 provided in this act.

10 The fee for the initial registration of a motorized bicycle by a given  
11 owner shall be \$8.00 which shall be revenue of the commission and  
12 shall not be subject to the calculation of proportional revenue remitted  
13 to the commission pursuant to subsection a. of section 109 of P.L. ,  
14 c. (C. )(now before the Legislature as this bill). The yearly fee for  
15 each renewal of registration shall be \$8 which shall be revenue of the  
16 commission and shall not be subject to the calculation of proportional  
17 revenue remitted to the commission pursuant to subsection a. of  
18 section 110 of P.L. , c. (C. )(now pending before the Legislature  
19 as this bill).

20 (cf: P.L.1994, c.60, s.23)

21

22 123. Section 2 of P.L.1983, c.141 (C.39:6B-3) is amended to read  
23 as follows:

24 2. [The Uninsured Motorist Prevention Fund (hereinafter referred  
25 to as the "fund") is established as a nonlapsing, revolving fund into  
26 which shall be deposited all] All revenues from the fines imposed  
27 pursuant to section 2 of P.L.1972, c.197 (C.39:6B-2) shall be revenues  
28 of the commission and shall not be subject to the calculation of  
29 proportional revenue remitted to the commission pursuant to  
30 subsection a. of section 109 P.L. , c. (C. )(now before the  
31 Legislature as this bill). [Interest received on moneys in the fund shall  
32 be credited to the fund. The fund shall be administered by the Division  
33 of Motor Vehicles in the Department of Law and Public Safety.  
34 Moneys in the fund shall be allocated and used for the purpose of the  
35 administrative expenses of the fund and enforcement of the  
36 compulsory motor vehicle insurance law, P.L.1972, c.197 (C.39:6B-1  
37 et seq.) by the Division of Motor Vehicles.]

38 (cf: P.L.1983, c.141, s.2)

39

40 124. Section 11 of P.L.1985, c.14 (C.39:4-139.12) is amended to  
41 read as follows:

42 11. There shall be included in the fines and penalties imposed by  
43 the court on a person whose license has been suspended pursuant to  
44 subsection b. of section 9 of this act a fee of \$3.00 which shall be  
45 transferred by the court to the [division] commission. All fees so  
46 transferred shall be [deposited in a fund established to effectuate]



1 revenues of the commission and shall not be subject to the calculation  
2 of proportional revenue remitted to the commission pursuant to  
3 subsection a. of section 109 of P.L. , c. (now before the Legislature  
4 as this bill) [the purposes of this act].

5 (cf: P.L.1985, c.14, s.11)

6

7 125. (New section) The commissioner shall receive funds  
8 necessary to defray the cost of collection to implement the provisions  
9 of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing  
10 and collection of surcharges levied on drivers in accordance with the  
11 New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating  
12 System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as  
13 amended, from fees and service charges in lieu of the actual cost of  
14 collection receipts and from surcharges derived.

15

16 126. (New section) Notwithstanding any other provision of law,  
17 all fees established pursuant to P.L.2001, c. 391 shall take effect on  
18 the first day following the fourth month after enactment of P.L. ,  
19 c. (C. ) (now before the Legislature as this bill). The \$6 digitized  
20 picture fee shall be charged regardless of whether the license or  
21 identification card displays a picture, and shall be revenues of the  
22 commission for use in the furtherance of any commission purpose.  
23 This fee shall be considered revenues of the commission and shall not  
24 be subject to the calculation of proportional revenue remitted to the  
25 commission pursuant to subsection a. of section 109 of P.L. , c.  
26 (C. ) (now before the Legislature as this bill).

27 Revenues of the commission shall be non-lapsing, off-budget, and  
28 not subject to appropriation by the Legislature. In addition, the  
29 revenues of the commission shall not be restricted from use by the  
30 commission in any manner except as provided by law. Revenues of the  
31 commission may be used in the furtherance of any purpose of the  
32 commission or as otherwise provided for in law.

33

34 127. (New section) In addition to the motor vehicle registration  
35 fees imposed pursuant to the provisions of chapters 3, 4, and 8 of Title  
36 39 of the Revised Statutes, the commission shall impose and collect an  
37 additional \$8 for each new and renewal vehicle registration as a  
38 security surcharge, which surcharge shall take effect on the first day  
39 following the fourth month after enactment of P.L. , c. (C. ) (now  
40 before the Legislature as this bill). The security surcharges collected  
41 pursuant to this section shall be revenues of the commission and shall  
42 not be subject to the calculation of proportional revenue remitted to  
43 the commission pursuant to subsection a. of section 109 of P.L. ,  
44 c. (C. ) (now before the Legislature as this bill). The security  
45 surcharge shall not be imposed on the registration of passenger  
46 vehicles registered to persons possessing a valid handicapped person

1 identification card issued pursuant to section 2 of P.L.1949, c.280  
2 (C.39:4-205) or to persons aged 65 years of age or older at the time  
3 of registration or registration renewal. These revenues shall be  
4 considered revenues of the commission and shall not be subject to the  
5 calculation of proportional revenue remitted to the commission  
6 pursuant to subsection a. of section 109 of P.L. , c. (C. ) (now  
7 before the Legislature as this bill).

8 Revenues of the commission shall be non-lapsing, off-budget, and  
9 not subject to appropriation by the Legislature. In addition, the  
10 revenues of the commission shall not be restricted from use by the  
11 commission in any manner except as provided by law. Revenues of the  
12 commission may be used in the furtherance of any purpose of the  
13 commission or as otherwise provided for in law.

14  
15 128. Section 4 of P.L.1994, c.57 (C.34:1B-21.4) is amended to  
16 read as follows:

17 4. a. The authority shall have the power to issue Market Transition  
18 Facility bonds or notes in an amount not to exceed \$750 million,  
19 pursuant to the provisions of this act, under the powers given to it by  
20 and pursuant to P.L.1974, c. 80 (C. 34:1B-1 et seq.), for the purpose  
21 of providing funds for the payment of the current and anticipated  
22 liabilities and expenses of the facility, as such liabilities and expenses  
23 are certified by the commissioner. Bonds issued for the purpose of  
24 refinancing previously issued bonds or notes shall not be included in  
25 the calculation of the dollar amount limitation and bonds issued for the  
26 purpose of refinancing previously issued bonds or notes shall be  
27 approved by the Joint Budget Oversight Committee prior to the  
28 refinancing. The bonds or notes shall be secured wholly or in part by  
29 the monies in the Market Transition Facility Revenue Fund. The  
30 authority may establish a debt service reserve fund, which may be  
31 augmented or replenished from time to time from funds in the Facility  
32 Revenue Fund. All Market Transition Facility bonds shall have a final  
33 maturity of not later than July 1, 2011.

34 b. The authority shall also have the power to issue New Jersey  
35 Motor Vehicle Commission bonds, notes or other obligations,  
36 pursuant to P.L.1994, c.57, as amended by P.L. , c. (C. ) (now  
37 before the Legislature as this bill) and to the powers given to it by and  
38 pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for the purpose of  
39 providing funds for the payment of the costs of any and all capital  
40 improvements to or for New Jersey Motor Vehicle Commission  
41 facilities, including, but not limited to, building improvements and the  
42 acquisition and installation of furniture, fixtures, machinery and  
43 equipment; provided, however, that bonds, notes or other obligations  
44 shall not be issued in an amount exceeding \$150 million without the  
45 prior approval of the Joint Budget Oversight Committee. Bonds  
46 issued for the purpose of refinancing previously issued bonds, notes or

1 other obligations shall not be included in the calculation of the dollar  
2 amount limitation. The bonds, notes or other obligations shall be  
3 secured wholly or in part by the monies in the Market Transition  
4 Facility Revenue Fund from and after such time as all Market  
5 Transition Facility bonds, notes and obligations issued pursuant to the  
6 section and the costs thereof are discharged and no longer  
7 outstanding. The authority may establish a debt service reserve fund,  
8 which may be augmented or replenished from time to time from funds  
9 in the Market Transition Facility Revenue Fund.

10 (cf: P.L.1994, c.57, s.4)

11

12 129. Section 5 of P.L.1994, c.57 (C.34:1B-21.5) is amended to  
13 read as follows:

14 5. a. For the purpose of providing funds for payment of current  
15 and anticipated liabilities and expenses of the facility, the authority  
16 shall have the power to provide for the funding or refunding of any  
17 bonds or notes, incur indebtedness, borrow money and issue bonds or  
18 notes secured in whole or in part by the monies in the Facility Revenue  
19 Fund. The bonds or notes shall be payable from the monies in the  
20 Facility Revenue Fund. The bonds or notes shall be authorized by  
21 resolution, which shall stipulate the manner of execution and form of  
22 the bonds, whether the bonds are in one or more series, the date or  
23 dates of issue, time or times of maturity, which shall not exceed 30  
24 years, the rate or rates of interest payable on the bonds, the  
25 denomination or denominations in which the bonds are issued,  
26 conversion or registration privileges, the sources and medium of  
27 payment and place or places of payment, and terms of redemption. The  
28 bonds may be sold at a public or private sale at a price or prices  
29 determined by the authority.

30 b. For the purpose of providing funds for payment of any and all  
31 capital improvements to or for New Jersey Motor Vehicle Commission  
32 facilities, including, but not limited to, building improvements and the  
33 acquisition and installation of furniture, fixtures, machinery and  
34 equipment, the authority shall have the power to provide for the  
35 funding or refunding of any bonds or notes, incur indebtedness,  
36 borrow money and issue bonds or notes secured in whole or in part by  
37 the monies in the Facility Revenue Fund from and after such time as  
38 all Market Transition Facility bonds, notes and obligations issued  
39 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs  
40 thereof are discharged and no longer outstanding. The bonds or notes  
41 shall be payable solely from the monies in the Facility Revenue Fund.  
42 The bonds and notes shall be authorized by resolution, which shall  
43 stipulate the manner of execution and form of the bonds, whether the  
44 bonds are in one or more series, the date or dates of issue, time or  
45 times of maturity, which shall not exceed 30 years, the rate or rates of  
46 interest payable on the bonds, the denomination or denominations in

1 which the bonds are issued, conversion or registration privileges, the  
2 sources and medium of payment and place or places of payment, and  
3 terms of redemption. The bonds may be sold at a public or private  
4 sale at a price or prices determined by the authority.

5 (cf: P.L.1994, c.57, s.5)

6

7 130. Section 6 of P.L.1994, c.57 (C.34:1B-21.6) is amended to  
8 read as follows:

9 6. The authority may, in any resolution authorizing the issuance of  
10 the bonds or notes, pledge the Facility Revenue Fund or a portion  
11 thereof for payment of the redemption of the Market Transition  
12 Facility bonds or notes and, from and after such time as all Market  
13 Transition Facility bonds, notes and obligations issued pursuant to  
14 section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof are  
15 discharged and no longer outstanding, Motor Vehicle Commission  
16 bonds or notes, and covenant as to the use and disposition of monies  
17 in the Facility Revenue Fund. All costs associated with the issuance of  
18 the bonds or notes by the authority for the purposes set forth in [this  
19 act] P.L.1994, c.57, as amended by P.L. , c. (C. ) (now before the  
20 Legislature as this bill) may be paid by the authority from the Facility  
21 Revenue Fund, which costs may include, but shall not be limited to,  
22 any costs related to the issuance of the bonds or notes, operating  
23 expenses of the authority attributable to the payment of facility current  
24 and anticipated liabilities and expenses, and costs of, and any payment  
25 due under, any agreement entered into pursuant to the provisions of  
26 subsection b. of section 8 of [this act] P.L.1994, c.57 (C.34:1B-21.8),  
27 as amended by P.L. , c. (C. ) (now before the Legislature as this  
28 bill). Monies in the Facility Revenue Fund shall not be used for any  
29 other project of the authority.

30 (cf: P.L.1994, c.57, s.6)

31

32 131. Section 7 of P.L.1994, c.57 (C.34:1B-21.7) is amended to  
33 read as follows:

34 7. There is created within the authority a special nonlapsing fund,  
35 to be known as the "Market Transition Facility Revenue Fund." The  
36 Facility Revenue Fund shall consist of:

37 a. Such monies as may be transferred to the Facility Revenue Fund  
38 by the State Treasurer, upon appropriation by the Legislature,  
39 pursuant to section 14 of this act;

40 b. Such monies as may be appropriated to the Facility Revenue  
41 Fund by the Legislature from surcharges levied pursuant to the  
42 provisions of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-  
43 35), except that any such monies in excess of the amounts required to  
44 be used by the authority pursuant to any bond resolutions authorizing  
45 the issuance of Market Transition Facility bonds and notes, [and] the  
46 authority's agreement with the State Treasurer authorized by section

1 13 of this act and any bond resolutions authorizing the issuance of  
2 Motor Vehicle Commission bonds and notes shall be at least annually  
3 remitted to the General Fund;

4 c. Interest or other income derived from the investment of monies  
5 in the Facility Revenue Fund; and

6 d. Any other monies as may be deposited from time to time, except  
7 that such monies shall not be appropriated from the General Fund.

8 Monies in the Facility Revenue Fund shall be managed and invested  
9 by the Division of Investment in the Department of the Treasury.

10 (cf: P.L.1994, c.57, s.7)

11

12 132. Section 8 of P.L.1994, c.57 (C.34:1B-21.8) is amended to  
13 read as follows:

14 8. a. The authority may use the monies in the Market Transition  
15 Facility Revenue Fund to pay the principal and interest and premium,  
16 if any, on the Market Transition Facility bonds or notes issued by it  
17 pursuant to section 4 of [this act] P.L.1994, c.57, as amended by  
18 P.L. , c. (C. ) (now before the Legislature as this bill) and, from  
19 and after such time as all Market Transition Facility bonds notes and  
20 obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-  
21 21.4) and the costs thereof are discharged and no longer outstanding,  
22 Motor Vehicle Commission bonds or notes issued by it pursuant to  
23 section 4 of P.L.1994, c.57. The authority may create any other fund  
24 or funds by resolution of the authority which it deems necessary to  
25 further secure the Market Transition Facility bonds or notes or the  
26 Motor Vehicle Commission bonds or notes or otherwise effectuate the  
27 purposes of this act, including a fund for the deposit of the proceeds  
28 from Market Transition Facility bonds or notes or the Motor Vehicle  
29 Commission bonds or notes provided for in section 4 of P.L.1994,  
30 c.57 , as amended by P.L. , c. (C. ) (now before the Legislature as  
31 this bill).

32 b. The authority may, in connection with its duties and  
33 responsibilities under [this act] P.L.1974, c. 80, as amended by P.L. ,  
34 c. (now before the Legislature as this bill) or in connection with any  
35 duties and responsibilities provided for in P.L.1974, c.80 (C.34:1B-1  
36 et seq.) as amended by P.L. , c. (now before the Legislature as this  
37 bill), enter into any revolving credit agreement, agreement establishing  
38 a line of credit or letter of credit, reimbursement agreement, interest  
39 rate exchange agreement, insurance contract, surety bond,  
40 commitment to purchase bonds, purchase or sale agreement, or  
41 commitments or other contracts or agreements in connection with the  
42 authorization, issuance, sale or payment of bonds.

43 c. All Market Transition Facility bonds or notes and Motor Vehicle  
44 Commission bonds or notes issued by the authority are deemed to be  
45 issued by a body corporate and politic of the State for an essential  
46 governmental purpose, and the interest thereon and the income derived

1 from all funds, revenues, incomes and other monies received or to be  
2 received by the authority and pledged and available to pay or secure  
3 the payment on Market Transition Facility bonds or notes and the  
4 Motor Vehicle Commission bonds or notes or pledged or available to  
5 pay or secure payment on such bonds or notes or interest thereon shall  
6 be exempt from all taxes levied pursuant to the provisions of Title 54  
7 of the Revised Statutes or Title 54A of the New Jersey Statutes,  
8 except for transfer inheritance and estate taxes pursuant to Subtitle 5  
9 of Title 54 of the Revised Statutes.

10 (cf: P.L.1994, c.57, s.8)

11

12 133. Section 9 of P.L.1994, c.57 (C.34:1B-21.9) is amended to  
13 read as follows:

14 9. Market Transition Facility bonds and notes issued by the  
15 authority shall be special and limited obligations which are payable  
16 only from monies on deposit in the Facility Revenue Fund. Motor  
17 Vehicle Commission bonds and notes issued by the authority shall be  
18 special and limited obligations which are payable only from monies on  
19 deposit in the Facility Revenue Fund from and after such time as all  
20 Market Transition Facility bonds, notes and obligations issued  
21 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs  
22 thereof are discharged and no longer outstanding. Neither the  
23 members of the authority nor any other person executing the Market  
24 Transition Facility bonds or notes or the Motor Vehicle Commission  
25 bonds or notes provided for in section 4 of [this act] P.L.1974, c.57,  
26 as amended by P.L. , c. (now before the Legislature as this bill)  
27 shall be liable personally with respect to payment of interest and  
28 principal on these bonds or notes or obligations of the facility. Market  
29 Transition Facility bonds, or notes, Motor Vehicle Commission bonds  
30 or notes, or any other obligations issued pursuant to the provisions of  
31 [this act] P.L.1974, c.80, as amended by P.L. , c. (C. ) (now  
32 before the Legislature as this bill) shall not be a debt or liability of the  
33 State or any agency or instrumentality thereof, either legal, moral, or  
34 otherwise, and nothing contained in this act shall be construed to  
35 authorize the authority to incur any indebtedness on behalf of or in any  
36 way to obligate the State or any political subdivision, and all debt  
37 instruments issued by the authority shall contain a statement to that  
38 effect on their face.

39 (cf: P.L.1994, c.57, s.9)

40

41 134. Section 10 of P.L.1994, c.57 (C.34:1B-21.10) is amended to  
42 read as follows:

43 10. The State hereby pledges and covenants with the holders of any  
44 Market Transition Facility bonds, notes or other obligations and Motor  
45 Vehicle Commission bonds, notes or other obligations issued pursuant  
46 to the provisions of [this act] P.L.1974, c.57, as amended by P.L. . .

1 c. (C. ) (now before the Legislature as this bill) that it will not limit  
2 or alter the rights or powers vested in the authority by this act, nor  
3 limit or alter the rights or powers of the State Treasurer in any manner  
4 which would jeopardize the interest of the holders or any trustee of  
5 such holders, or inhibit or prevent performance or fulfillment by the  
6 authority or the State Treasurer with respect to the terms of any  
7 agreement made with the holders of these bonds, notes, or other  
8 obligations. The State also pledges and covenants with the holders of  
9 any such bonds, notes, or obligations, that it will not act to prevent the  
10 authority from obtaining any of the revenues provided for in this act,  
11 which shall be sufficient to meet all costs and expenses in connection  
12 with the issuance of such obligations, until the bonds, notes, or other  
13 obligations, together with interest thereon, are fully met and  
14 discharged or payment thereof is fully provided for, except that the  
15 failure of the State to appropriate monies for any purpose of this act  
16 shall not be deemed a violation of this section.

17 (cf: P.L.1994, c.57, s.10)

18

19 135. Section 12 of P.L.1994, c.57 (C.34:1B-21.12) is amended to  
20 read as follows:

21 12. There is created within the Department of the Treasury a  
22 special nonlapsing fund to be known as the "Division of Motor  
23 Vehicles Surcharge Fund," which, beginning September 1, 1996 or  
24 earlier as provided pursuant to this section, shall be comprised of  
25 monies transferred to the DMV Surcharge Fund from the Market  
26 Transition Facility which, notwithstanding the provisions of this  
27 section to the contrary, may be appropriated, immediately upon receipt  
28 from the Market Transition Facility, by the Legislature to the Facility  
29 Revenue Fund and all monies collected pursuant to subsection b. of  
30 section 6 of P.L.1983, c.65 (C.17:29A-35) and any interest or other  
31 income earned thereon. Monies in the DMV Surcharge Fund shall be  
32 managed and invested by the Division of Investment in the Department  
33 of the Treasury. Commencing September 1, 1996, or at such earlier  
34 time as may be certified by the commissioner that monies on deposit  
35 in the New Jersey Automobile Insurance Guaranty Fund created  
36 pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5) are sufficient to  
37 satisfy the current and anticipated financial obligations of the New  
38 Jersey Automobile Full Insurance Underwriting Association, the  
39 monies in the DMV Surcharge Fund shall be disbursed from time to  
40 time by the State Treasurer, upon appropriation by the Legislature, to  
41 the Market Transition Facility Revenue Fund, for payment of principal,  
42 interest and premium on the Market Transition Facility bonds or notes  
43 and Motor Vehicle Commission bonds or notes issued by the authority  
44 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4), as amended  
45 by P.L.2002, c. (now before the Legislature as this bill). From the  
46 amounts remaining in the fund after these payments are fully defrayed,

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1 there shall be remitted to the fund created in section 2 of P.L.2001,  
2 c.48 (C.26:2B-9.2), \$ 1.5 million in Fiscal Year 2002, \$ 3 million in  
3 Fiscal Year 2003, \$ 4.5 million in Fiscal Year 2004, \$ 6 million in  
4 Fiscal Year 2005, and \$ 7.5 million in Fiscal Year 2006 and each fiscal  
5 year thereafter.

6 (cf: P.L.2001, c.48, s.1)

7

8 136. Section 13 of P.L.1994, c.57 (C.34:1B-21.13) is amended to  
9 read as follows:

10 13. a. The State Treasurer and the authority may enter into any  
11 agreements as may be necessary to effectuate the provisions of this  
12 act, which may include, but not be limited to, procedures for the  
13 transfer of monies from the DMV Surcharge Fund to the Market  
14 Transition Facility Revenue Fund as provided for in section 12 of this  
15 act, commencing with the fiscal year beginning July 1, 1994, with  
16 respect to the terms and conditions relative to the securing of Market  
17 Transition Facility bonds, notes, and other obligations of the authority  
18 and Motor Vehicle Commission bonds, notes and other obligations of  
19 the authority, the pledge and assignment of any agreement or  
20 agreements authorized herein, or any payments to the trustees of these  
21 bondholders. Notwithstanding any provision of P.L.1974, c.80  
22 (C.34:1B-1 et seq.), this act or any regulation of the authority to the  
23 contrary, the authority shall be paid only such fees as shall be  
24 determined by the agreement.

25 b. The commissioner and the authority shall also enter into an  
26 agreement relative to a procedure for the transfer of monies for the  
27 purpose of paying the current and anticipated liabilities and expenses  
28 of the facility, including private passenger automobile claims and other  
29 claims against the facility. The agreement shall contain a provision  
30 that the commissioner shall certify from time to time, but not more  
31 frequently than monthly, an amount necessary to fund payments made,  
32 or anticipated to be made by or on behalf of the Market Transition  
33 Facility. The commissioner's certification shall be deemed conclusive.  
34 The authority shall cause the transfer to be made to the designated  
35 transferee within 15 days of the receipt of the commissioner's  
36 certification.

37 c. The authority is authorized to enter into an agreement with the  
38 Motor Vehicle Commission relative to the provision by the authority  
39 to the commission of the proceeds from the sale of the Motor Vehicle  
40 Commission bonds for the purpose of providing funds for the payment  
41 of the costs of any and all capital improvements to or for New Jersey  
42 Motor Vehicle Commission facilities, including, but not limited to,  
43 building improvements and the acquisition and installation of furniture,  
44 fixtures, machinery and equipment.

45 (cf: P.L.1994, c.57, s.13)



1 137. (New section) All acts and parts of acts inconsistent with any  
2 of the provisions of this act are superseded to the extent of such  
3 inconsistencies.

4  
5 138. (New section) The provisions of this act shall be deemed to  
6 be severable, and if any phrase, clause, sentence or provision of this  
7 act is declared to be unconstitutional or the applicability thereof to any  
8 person is held invalid, the remainder of this act shall not thereby be  
9 deemed to be unconstitutional or invalid.

10 This act shall be liberally construed to obtain the objectives and  
11 effect the purposes thereof.

12  
13 139. The following are repealed: R.S.39:2-5, R.S.39:2-12,  
14 R.S.39:4-2, R.S.39:4-3, R.S.39:4-4, and R.S.39:4-5.

15  
16 140. Sections 1, 2, 3, 12, 39 and 126 shall take effect immediately,  
17 section 109 shall take effect on July 1, 2003 and the remainder of this  
18 act shall take effect on the date the Commissioner of Transportation  
19 certifies to the Governor that a majority of the members of the  
20 commission have been appointed or are in office and that all necessary  
21 anticipatory actions have been accomplished, provided, that the  
22 amount of any fees or surcharges increased or dedicated or authorized  
23 to be collected pursuant to this act shall be remitted to the General  
24 Fund until the date of certification. The Commissioner of  
25 Transportation, the Director of the Division of Motor Vehicles and the  
26 commission may take such anticipatory administrative action in  
27 advance as shall be necessary for the implementation of the act.

28  
29  
30 STATEMENT

31  
32 This bill, entitled "The Motor Vehicle Security and Customer Act,"  
33 abolishes the Division of Motor Vehicles (DMV) in the Department of  
34 Transportation (DOT) and creates the New Jersey Motor Vehicle  
35 Commission (the commission) as a successor agency in but not of the  
36 DOT. The commission is modeled in part on the New Jersey Transit  
37 Corporation, which is also in but not of DOT. The Chair of the  
38 commission will also be the chief administrator, who will have broad  
39 responsibilities. As with other independent authorities and  
40 commissions, the Governor will have veto power over board minutes.

41 There are five advisory councils created to advise the commission,  
42 including (1) the Safety and Privacy Advisory Council, (2) the  
43 Customer Service Advisory Council (3) the Security Advisory Council  
44 (4) the Business Advisory Council and (5) the Technology Advisory  
45 Council.

46 The bill establishes a "Motor Vehicle Affordability & Fairness Task

1 Force" to reform the surcharge suspension program, consider amnesty  
2 programs, and improve collections through flexible payments.

3 The bill contains various legislative initiatives of the DOT: (1) out-  
4 of-State license exchange; (2) a criminal history background check for  
5 commission employees; (3) criminal history and background check for  
6 hazmat and tank truck drivers; (4) dealer licensing revisions,  
7 establishing used and wholesale dealer categories; (5) more flexible  
8 insurance surcharge installment payments; and (6) permitting  
9 advertising on commission buildings, in order to generate revenue.

10 Finally, the bill provides for improved funding of the commission  
11 and its activities. The bill authorizes the New Jersey Economic  
12 Development Authority to issue bonds for capital improvements to  
13 motor vehicle facilities. In addition an \$8 surcharge is enacted on the  
14 motor vehicle registration fee, the revenue from which would be  
15 statutorily dedicated to the commission to reverse the deleterious  
16 effect of years of budget cuts. Seniors and the handicapped would be  
17 exempt from this surcharge. Also, the \$6 increase in the digitized  
18 driver's license fee previously authorized would be implemented  
19 immediately.

20 This bill is in response to the recent report of the FIX DMV  
21 Commission, established by the Governor's Executive Order No. 19 of  
22 2002, which recommends that the DMV be "ripped up by its roots"  
23 and replaced with the commission proposed in this legislation. Of  
24 particular importance in the report is the improvement of customer  
25 service which can be effectuated by improvement in commission  
26 facilities, including parking, computers and on-line technology, funded  
27 by this bill. Customer service and security can be further improved by  
28 privatization of the motor vehicle agencies, criminal history checks of  
29 employees, and other initiatives proposed in this bill and recommended  
30 in the report.

31 The bill repeals certain statutes relating to the organization of the  
32 Division of Motor Vehicles.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3058**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2002

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3058.

This substitute bill, entitled "The Motor Vehicle Security and Customer Service Act," abolishes the Division of Motor Vehicle (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (the "commission") as a successor agency in but not of the DOT.

#### ORGANIZATIONAL PROVISIONS

The commission is modeled in part on the New Jersey Transit Corporation which is also in but not of DOT. The membership of the commission is to consist of the following eight members: the Commissioner of Transportation, the State Attorney General, the Chair, the State Treasurer and four public members. The Commissioner of Transportation, the Attorney General and the State Treasurer would be ex officio voting members. The Chair, who would be a non-voting member, is to be appointed by the Governor with the advice and consent of the Senate and to serve at the pleasure of the Governor. The four public members are to be appointed by the Governor with the advice and consent of the Senate for four year terms and no more than two of the public members shall be of the same political party. The Chair of the commission would be the Chief Administrator of the commission, assigned to the State unclassified service, and devote full-time to the performance of his duties.

In section 13 of the bill, the commission is given various corporate powers, such as maintaining an office, adopting a seal, etc. Of special interest among these corporate powers is the power to impose, revise and collect service charges as needed by regulation pursuant to the "Administrative Procedure Act, P.L.1968, c.410, (C.52:14B-1 et seq.) The commission is also given the authority to review and approve the statement of vision, mission and goals of the commission; the strategic business plan of the commission, including the commission's long term objectives, policies and programs, including a facilities improvement and management plan and a table of organization; and the annual budget of the commission. The commission is also to review and

recommend all capital purchases and construction projects undertaken by the commission, and to authorize commission notes and other obligations. Finally, the commission is given the power to review proposed bills, joint resolutions or concurrent resolutions introduced in either House of the Legislature which establish and or modify any motor vehicle statute or regulation in this State and to suggest alternatives. The Governor is given veto power over the minutes of the commission.

The Chair and Chief Administrator of the commission is given the executive and administrative power of the commission and, except for those powers specifically given to the commission in section 13 and the power to adopt regulations, may exercise all administrative functions, powers and duties of the commission. The Chief Administrator may also be delegated powers by the commission.

The Chief Administrator, and the Deputy Chief Administrator under the Chief Administrator's direction, are charged in the bill with the improvement of the safety and security of the State's motor vehicle licensing, titling, registration and inspection system and are authorized to take various steps, such as making technological improvements, including the modernization of software and hardware, the addition of surveillance cameras and alarms, increasing the number of security-related employees, implementing additional proofs of identity verification and replacing the written driver's license knowledge test with an online test.

When the DMV is abolished, all of its career service employees are to be transferred to the commission and shall retain their present career service status. Upon action of the commission, all Motor Vehicle Agency employees shall become employees of the commission and if employed by the agency on or before January 1, 2003 and assigned to career service titles shall, upon successful completion of a special probationary period, attain a permanent, regular appointment in their respective titles and shall be covered under the State of New Jersey's collective bargaining agreement. Employees who have already completed a probationary period need not complete the special probationary period. Employees of a private motor vehicle agency shall receive seniority civil service credit for all years of employment with the agency if they were employees of DMV immediately prior to its privatization and return to State service as employees of the commission. Employees entering State service as employees of the commission in career service titles, following employment after January 1, 2003 with a private motor vehicle agency, shall be considered provisional employees subject to competitive testing. Officers and employees of the commission shall be enrolled in the Public Employees' Retirement System and eligible to participate in the State Health Benefits Program.

Motor vehicle agents are to be in the State unclassified service and serve at the pleasure of the Chief Administrator.

The bill requires the commission to issue an annual report which

is to include the latest audited financial statement and a listing of revenues remitted to the commission and to file semi-annually a report detailing the number of criminal complaints filed against any commission employee or any other person, in connection with commission related activity, providing an assessment of the quality of service provided by the commission, the number of transactions reported and, to the extent practicable, the average waiting time to process a transaction at each commission agency or facility. In addition, a financial audit of the commission books and accounts by a certified public accountant is required.

There are five advisory councils created to advise the commission, including (1) the Safety and Privacy Advisory Council, (2) the Customer Service Advisory Council, (3) the Security Advisory Council, (4) the Business Advisory Council and (5) the Technology Advisory Council.

The bill also establishes a "Motor Vehicle Affordability & Fairness Task Force" to study the impact of non-driving related suspension of driving privileges, in particular the Merit Rating Plan Surcharges, on the driving public and to make recommendations for an amnesty policy and for the reform of the surcharge suspension program to increase motorist safety. The task force is also to examine "The Parking Offenses Adjudication Act" and municipal court process related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The bill requires the commission to fingerprint prospective employees and current employees of the commission and employees of its agents and certain contractors and to receive criminal history record information from the FBI. The commission is to require fingerprinting and criminal history record background checks on all applicants for commercial driver's licenses with hazardous material or tank vehicle endorsements.

#### FISCAL PROVISIONS

The substitute alters the budgetary treatment of revenues from motor vehicle fees and the appropriations for the Division of Motor Vehicles (DMV). Presently, the motor vehicle fees are anticipated as General Fund revenue and a portion thereof is appropriated as Direct State Services spending authority for the DMV. This amount appropriated to DMV is substantially less than the amount taken in as motor vehicle fees. The new method would not involve an "on-budget" appropriation to the commission for Direct State Services. Under the substitute, a constant proportion or percentage from certain motor vehicle fees and surcharges (called "service charges") will be excluded from the anticipated General Fund revenues and made available for the sole use of the commission. In the first fiscal year the amount to be so reserved would be \$200 million. This amount would fluctuate annually based upon the revenues received from the

stipulated service charges. If such revenues were to increase, the amount would be greater than \$200 million; if revenues were to decrease, the amount would be less than \$200 million. In addition to this revenue, the bill further reserves the revenue from the \$6 fee authorized for a picture on a new or renewed digitized driver's license and from an \$8 security surcharge immediately imposed by the bill on new and renewed motor vehicle registrations. The security surcharge will sunset in ten years. The \$6 fee is also to go into effect immediately irrespective of whether or not a picture is on the new or renewed license.

The bill authorizes the commission to establish or alter service charges by regulation, with the revenues being dedicated to the commission. All new fees so established, or increments to existing fees would be revenues of the commission.

Finally, the bill authorizes the New Jersey Economic Development Authority to issue Motor Vehicle Commission Bonds to be secured by the Market Transition Facility Revenue Fund resources that are available when the current Market Transition Facility Bonds are retired. The Motor Vehicle Commission Bonds are to pay for the costs of any and all capital improvements to commission facilities, including, but not limited to, building improvements and the acquisition and installation of furniture, fixtures, machinery, computers and electronic equipment, provided that the bonds are not to be issued in an amount exceeding \$160 million in the aggregate without the prior approval of the Joint Budget Oversight Committee. \$10 million of the amount shall be transferred to the Administrative Office of the Courts for improvements to the Automated Traffic System.

#### TRANSITIONAL PROVISIONS

The bill provides immediate authorization for the members to be appointed to the commission. When the Commissioner of Transportation certifies to the Governor that a majority of the members of the commission are appointed or in office and that all necessary anticipatory actions have been accomplished, the organizational provisions of the bill become effective, the DMV is abolished and its functions, powers and duties are transferred to the commission. The person in office as Director of DMV is to be the first Chair and Chief Administrator of the commission without the further requirement of Senate confirmation. Most of the other provisions of the bill take effect on the date of certification. The revenues from the \$6 fee collected for the digitized picture on driver's licenses are to be revenues of the commission upon enactment of this bill into law. The additional \$8 security surcharge on motor vehicle registration shall also take effect upon enactment. However, until the DMV is abolished, the digitized picture fee and the security surcharge are appropriated to the DMV.

## FIX DMV REPORT

The provisions of this bill address many of the concerns and problems raised in the recent report of the FIX DMV Commission. That commission, established by the Governor's Executive Order No. 19 of 2002, recommended that the DMV be "ripped up by its roots" and replaced with a commission. Of particular importance in the study was the need to improve customer services. Some of this improvement is expected to come with the upgraded facilities, additional parking, computers and on-line technology to be funded under this bill.

The ending of privatized motor vehicle agencies, criminal history background checks for employees and certain specialized vehicle operators, such as those holding hazmat licensees, are recommended to ensure the integrity of the State's motor vehicle documents and data base and to protect the public safety.

Finally, the bill repeals certain statutes relating to the organization of the Division of Motor Vehicles.

## FISCAL IMPACT:

This substitute will effectively shift certain fee revenues and certain DMV expenditures which are currently reflected in the annual State budget to a "schedule 2" or "off-budget" status. For fiscal year 2004, \$200 million of revenue that would otherwise appear as general State revenue will be credited to the commission. At the same time, the appropriations for motor vehicle services will be removed from the direct state services section of the budget. In FY03 this appropriation was about \$154 million (\$136 million in the Department of Transportation and about \$18 million in Interdepartmental accounts).. If the appropriation for FY04 would have been at the same level, the net effect of this substitute would be a reduction of \$46 million in General Fund resources. In subsequent years the \$200 million funding to the commission will vary in proportion to changes in the revenues from certain enumerated sources.

The substitute also deals with two motor vehicle fees, the proceeds of which shall be credited to the commission. A new \$8 vehicle registration security surcharge is projected to raise about \$42 million a year and the \$6 digitized drivers license fee, which will be imposed earlier than had been anticipated, is projected to raise \$8-12 million a year. The commission is authorized to establish new fees or modify existing fees to support its operations.

In addition, the substitute authorizes New Jersey Economic Development Authority to issue debt in an amount not to exceed \$160 million (or more with approval from the Joint Budget Oversight Committee) with the principal and interest to be paid from monies in the Market Transition Facility Revenue Fund. The repayment of the bonds would begin around 2012 from amounts on deposit in the MTF Fund, once its current obligations are discharged.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3058**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 16, 2003

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3058 (ACS).

This substitute bill, entitled "The Motor Vehicle Security and Customer Service Act," abolishes the Division of Motor Vehicle (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (the "commission") as a successor agency in but not of the DOT.

#### ORGANIZATIONAL PROVISIONS

The membership of the commission is to consist of the following eight members: the Commissioner of Transportation, the State Attorney General, the Chair, the State Treasurer and four public members. The Commissioner of Transportation, the Attorney General and the State Treasurer would be ex officio voting members. The Chair, who would be a non-voting member, is to be appointed by the Governor with the advice and consent of the Senate and to serve at the pleasure of the Governor. The four public members are to be appointed by the Governor with the advice and consent of the Senate for four year terms and no more than two of the public members shall be of the same political party. The Chair of the commission would be the Chief Administrator of the commission, assigned to the State unclassified service, and devote full-time to the performance of his duties.

In section 13 of the bill, the commission is given various powers, such as maintaining an office, adopting a seal, etc. The commission is also given the authority to review and approve the statement of vision, mission and goals of the commission; the strategic business plan of the commission, including the commission's long term objectives, policies and programs, including a facilities improvement and management plan and a table of organization; and the annual budget of the commission. The commission is also to review and recommend all capital purchases and construction projects undertaken



by the commission. Finally, the commission is given the power to review proposed bills, joint resolutions or concurrent resolutions introduced in either House of the Legislature which establish and or modify any motor vehicle statute or regulation in this State and to suggest alternatives. The Governor is given veto power over the minutes of the commission.

The Chair and Chief Administrator of the commission is given the executive and administrative power of the commission and, except for those powers specifically given to the commission in section 13 and the power to adopt regulations, may exercise all administrative functions, powers and duties of the commission. The Chief Administrator may also be delegated powers by the commission.

The Chief Administrator, and the Deputy Chief Administrator under the Chief Administrator's direction, are charged in the bill with the improvement of the safety and security of the State's motor vehicle licensing, titling, registration and inspection system and are authorized to take various steps, such as making technological improvements, including the modernization of software and hardware, the addition of surveillance cameras and alarms, increasing the number of security-related employees, implementing additional proofs of identity verification and replacing the written driver's license knowledge test with an online test.

When the DMV is abolished, all of its career service employees are to be transferred to the commission and shall retain their present career service status. Upon action of the commission, all Motor Vehicle Agency employees shall become employees of the commission and if employed by the agency on or before January 1, 2003 and assigned to career service titles shall, upon successful completion of a special probationary period, attain a permanent, regular appointment in their respective titles and shall be covered under the State of New Jersey's collective bargaining agreement. Employees who have already completed a probationary period need not complete the special probationary period. Employees of a private motor vehicle agency shall receive seniority civil service credit for all years of employment with the agency if they were employees of DMV immediately prior to its privatization and return to State service as employees of the commission. Employees entering State service as employees of the commission in career service titles, following employment after January 1, 2003 with a private motor vehicle agency, shall be considered provisional employees subject to competitive testing. Officers and employees of the commission shall be enrolled in the Public Employees' Retirement System and eligible to participate in the State Health Benefits Program.

Motor vehicle agents are to be in the State unclassified service and serve at the pleasure of the Chief Administrator.

The bill requires the commission to issue an annual report which is to include the latest audited financial statement and a listing of revenues remitted to the commission and to file semi-annually a report

detailing the number of criminal complaints filed against any commission employee or any other person, in connection with commission related activity, providing an assessment of the quality of service provided by the commission, the number of transactions reported and, to the extent practicable, the average waiting time to process a transaction at each commission agency or facility. In addition, a financial audit of the commission books and accounts by a certified public accountant is required.

There are five advisory councils created to advise the commission, including (1) the Safety and Privacy Advisory Council, (2) the Customer Service Advisory Council, (3) the Security Advisory Council, (4) the Business Advisory Council and (5) the Technology Advisory Council.

The bill also establishes a "Motor Vehicle Affordability & Fairness Task Force" to study the impact of non-driving related suspension of driving privileges, in particular the Merit Rating Plan Surcharges, on the driving public and to make recommendations for an amnesty policy and for the reform of the surcharge suspension program to increase motorist safety. The task force is also to examine "The Parking Offenses Adjudication Act" and municipal court process related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The bill requires the commission to fingerprint prospective employees and current employees of the commission and employees of its agents and certain contractors and to receive criminal history record information from the FBI. The commission is to require fingerprinting and criminal history record background checks on all applicants for commercial driver's licenses with hazardous material or tank vehicle endorsements.

#### FISCAL PROVISIONS

The substitute alters the budgetary treatment of revenues from motor vehicle fees and the appropriations for the Division of Motor Vehicles (DMV). Presently, the motor vehicle fees are anticipated as General Fund revenue and a portion thereof is appropriated as Direct State Services spending authority for the DMV. This amount appropriated to the DMV is substantially less than the amount taken in as motor vehicle fees. The new method would not involve an "on-budget" appropriation to the commission for Direct State Services. Under the substitute, a constant proportion or percentage from certain motor vehicle fees and surcharges (called "service charges") will be excluded from the anticipated General Fund revenues and made available for the sole use of the commission. In the first fiscal year the amount to be so reserved would be \$200 million. This amount would fluctuate annually based upon the revenues received from the stipulated service charges. If such revenues were to increase, the amount would be greater than \$200 million; if revenues were to

decrease, the amount would be less than \$200 million. In addition to this revenue, the bill further reserves the revenue from the \$6 fee authorized for a picture on a new or renewed digitized driver's license and from an \$7 security surcharge immediately imposed by the bill on new and renewed motor vehicle registrations. Seniors and the handicapped are exempt from the security surcharge. The security surcharge will sunset in ten years. The \$6 fee is also to go into effect immediately irrespective of whether or not a picture is on the new or renewed license.

Finally, the bill authorizes the New Jersey Economic Development Authority to issue New Jersey Motor Vehicle Commission Bonds to be secured by the Market Transition Facility Revenue Fund resources that are available when the current Market Transition Facility Bonds are retired. The Motor Vehicle Commission Bonds are to pay for the costs of any and all capital improvements to commission facilities, including, but not limited to, building improvements and the acquisition and installation of furniture, fixtures, machinery, computers and electronic equipment, provided that the bonds are not to be issued in an amount exceeding \$160 million in the aggregate without the prior approval of the Joint Budget Oversight Committee. \$10 million of the amount shall be transferred to the Administrative Office of the Courts for improvements to the Automated Traffic System.

#### TRANSITIONAL PROVISIONS

The bill provides immediate authorization for the members to be appointed to the commission. When the Commissioner of Transportation certifies to the Governor that a majority of the members of the commission are appointed or in office and that all necessary anticipatory actions have been accomplished, the organizational provisions of the bill become effective, the DMV is abolished and its functions, powers and duties are transferred to the commission. The person in office as Director of the DMV is to be the first Chair and Chief Administrator of the commission without the further requirement of Senate confirmation. Most of the other provisions of the bill take effect on the date of certification. The revenues from the \$6 fee collected for the digitized picture on driver's licenses are to be revenues of the commission upon enactment of this bill into law. The additional \$7 security surcharge on motor vehicle registration shall also take effect upon enactment. However, until the DMV is abolished, the digitized picture fee and the security surcharge are appropriated to the DMV.

#### FIX DMV REPORT

The provisions of this bill address many of the concerns and problems raised in the recent report of the FIX DMV Commission. That commission, established by the Governor's Executive Order No. 19 of 2002, recommended that the DMV be "ripped up by its roots" and replaced with a commission. Of particular importance in the study

was the need to improve customer services. Some of this improvement is expected to come with the upgraded facilities, additional parking, computers and on-line technology to be funded under this bill.

The ending of privatized motor vehicle agencies, criminal history background checks for employees and certain specialized vehicle operators, such as those holding hazmat licensees, are recommended to ensure the integrity of the State's motor vehicle documents and data base and to protect the public safety.

Finally, the bill repeals certain statutes relating to the organization of the Division of Motor Vehicles.

The provisions of this substitute bill are identical to those of Senate Bill No. 2121 SCS, with committee amendments.

#### COMMITTEE AMENDMENTS

The committee amendments eliminate some of the powers of the commission, including the ability to increase fees, the right to own real property and the right to issue short-term bonds and notes. Various other changes to the bill reflect the status of the commission as a State agency.

The amendments also provide educational and experience qualifications for prospective motor vehicle agents and make them subject to three-way background checks. In addition no person shall be appointed as an agent who has contributed \$1,000 or more to any gubernatorial or State party committee in any one year during the five years preceding appointment.

The amendments reduce the registration security surcharge from \$8 to \$7 and makes clear that future fee increases must be legislated.

The amendments also incorporate a number of technical corrections.

#### FISCAL IMPACT

This substitute will effectively shift certain fee revenues and certain DMV expenditures which are currently reflected in the annual State budget to a "schedule 2" or "off-budget" status. For fiscal year 2004, \$200 million of revenue that would otherwise appear as general State revenue will be credited to the commission. At the same time, the appropriations for motor vehicle services will be removed from the direct state services section of the budget. In FY03 this appropriation was about \$154 million (\$136 million in the Department of Transportation and about \$18 million in Interdepartmental accounts).. If the appropriation for FY04 would have been at the same level, the net effect of this substitute would be a reduction of \$46 million in General Fund resources. In subsequent years the \$200 million funding to the commission will vary in proportion to changes in the revenues from certain enumerated sources.

The substitute also deals with two motor vehicle fees, the proceeds of which shall be credited to the commission. A new \$7 vehicle

registration security surcharge is projected to raise about \$37 million a year and the \$6 digitized drivers license fee, which will be imposed earlier than had been anticipated, is projected to raise \$8-12 million a year. The commission is authorized to establish new fees or modify existing fees to support its operations.

In addition, the substitute authorizes New Jersey Economic Development Authority to issue debt in an amount not to exceed \$160 million (or more with approval from the Joint Budget Oversight Committee) with the principal and interest to be paid from monies in the Market Transition Facility Revenue Fund. The repayment of the bonds would begin around 2012 from amounts on deposit in the MTF Fund, once its current obligations are discharged.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 3058**  
**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

DATED: JANUARY 9, 2003

**SUMMARY**

**Synopsis:** Entitled "The Motor Vehicle Security and Customer Service Act."  
**Type of Impact:** Creates Motor Vehicle Commission as successor agency to Division of Motor Vehicles, revenue decrease to General Fund, fee increases, revenue supported debt.  
**Agencies Affected:** Division of Motor Vehicles, Department of Transportation, Economic Development Authority, Administrative Office of the Courts, Department of the Treasury.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Budget Impact:</b>	Revenues: Decrease of \$200 million annually Appropriations: Decrease of \$154 million annually		
<b>Motor Vehicle Commission:</b>	Revenues: Increase of \$50-\$54 million annually		

- ! The bill abolishes the Division of Motor Vehicles (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (MVC) as the successor agency to DMV; the commission would assume the responsibilities of DMV but, as an independent agency, would be in but not of DOT.
- ! The commission would receive an annual appropriation of \$200 million from revenues currently supporting the State budget, beginning with FY2004; this amount would be subject to adjustment based on revenues actually collected from identified revenue sources. State budget appropriations which support DMV totaling about \$154 million in FY2003 would be eliminated from future State budgets. This reallocation reduces revenues available for support of the State budget by about \$46 million annually.
- ! The bill places an \$8 surcharge on the registration of vehicles; this revenue would be credited to the commission, and is projected to raise \$42 million annually.
- ! The bill directs the immediate collection of the \$6 fee (previously authorized by section 4 of P.L.2001, c.391 intended for a digitized color picture to be incorporated into a digitized

driver's license), regardless of whether the licensee actually receives a digitized license.

- ! The bill authorizes the New Jersey Economic Development Authority to issue \$160 million in debt for capital improvements to the various facilities of the commission and the Administrative Office of the Courts, secured by surcharges and fines collected in the Market Transition Facility Revenue Fund.
- ! The bill authorizes the commission to impose, change and collect fines, fees, service charges, penalties, and surcharges as needed by regulation.

## **BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill No. 3058 of 2002 abolishes the Division of Motor Vehicles in the DOT and creates the New Jersey Motor Vehicle Commission the successor agency to the DMV. The commission would assume the responsibilities of the DMV but, as an independent agency, would be in but not of DOT.

The various initiatives contained in this bill are the result of a comprehensive review of the DMV directed by the Governor in Executive Order No. 19 of 2002 and conducted by the FIX DMV Commission. As a result of that review by the FIX DMV Commission, numerous findings and recommendations were made by the commission in its report to the Governor. Those findings and recommendations have been translated into this bill, the highlights of which are noted above.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The Office of Legislative Services (OLS) has informally discussed this bill with the Department of Transportation. The primary fiscal components of the legislation are:

- 1) net loss of revenues for support of the State budget
- 2) new fee and surcharge established
- 3) authority to create new service charges
- 4) authority to finance with debt

#### Net loss of revenues

This bill will effectively shift certain fee revenues and DMV appropriations which are currently included in the annual State budget directly to the MVC, with the intention that they be excluded from and in addition to State budget revenues and appropriations. Commencing with FY2004, \$200 million of revenue that would otherwise be anticipated as general State revenue will be credited to the commission. At the same time, State budget appropriations for motor vehicle services will be discontinued, and the MVC will be funded from revenues directly

credited to it. In FY2003 these appropriations totaled about \$154 million, of which \$136 million was budgeted for Motor Vehicle Services and about \$18 million was budgeted in Interdepartmental accounts (\$12 million in fringe benefits and \$5.6 million in rent paid by the State). In addition, the DMV receives some direct funding from Federal and other sources. Under the bill, the State budget would experience a net loss of revenues of about \$46 million.

#### New fee and surcharge established

The bill imposes two motor vehicle fees, the proceeds of which shall be credited to the commission. The bill establishes an \$8 security surcharge on vehicle registrations as a new fee, and mandates the collection of a \$6 fee previously authorized by section 4 of P.L.2001, c.391 for a photo for a digitized driver's license (DDL). The total revenue raised by these two fees when fully implemented is estimated to be \$50-54 million per year.

##### 1) \$8 Vehicle Registration Security Surcharge

The department estimates 6 million vehicles will be registered this year to which the new surcharge would apply, and further estimates that this surcharge will raise \$42 million annually. The department notes that some registrants will be exempted from the surcharge based on age or disability status. OLS is unable to independently verify the registrant population at this time, but believes the department's estimate, implying 5.25 million chargeable registrations annually, is reasonable. The surcharge is to be solely dedicated as revenue of the commission.

##### 2) \$6 Digitized Drivers License Fee

The department estimates issuing about 2 million license documents per year to which the fee would apply. While license issuance fluctuates, the DMV reports that it typically issues about 1.4 million to 2 million license renewals per year. The department estimates that the \$6 DDL fee would raise approximately \$8-\$12 million per year when fully implemented, and the fee is to be charged regardless of the whether the licensee is provided a DDL. OLS believes that estimate is reasonable. The fee is to be solely dedicated as revenue of the commission.

#### Authority to create new service charges

The bill authorizes the commission to alter existing fees, or establish new fees by regulation in the future. While no new fees other than those above are specified in the bill, they may be imposed at the discretion of the commission. All new revenues from such action are solely dedicated as revenue of the commission. OLS cannot estimate the timing or amount of revenue that could be generated under the commission's power to impose and revise fees by regulation.

#### Authority to finance with debt

The bill authorizes the New Jersey Economic Development Authority to issue debt in the form of bonds, notes or other obligations, in an amount not to exceed \$160 million in aggregate outstanding amount for acquisition or improvement of capital facilities and equipment. Outstanding debt may exceed this amount with the approval of the Joint Budget Oversight Committee. Of this amount, \$10 million is reserved for the Administrative Office of the Court's capital requirements of the Automated Traffic System. Such debt would be secured and refunded by revenue anticipated by the Market Transition Facility Revenue Fund, derived from fines and surcharges on licensees imposed pursuant to statute and alterable by future regulation. The repayment of the bonds would begin around 2012 from amounts on deposit in the MTF Fund, once its current obligations are discharged.



ACS for A3058

4

Section: *Revenue, Finance and Appropriations*

Analyst: *Mark J. Trease*  
*Assistant Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 2121**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED NOVEMBER 25, 2002

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Entitled "The Motor Vehicle Security and Customer Service Act."

**CURRENT VERSION OF TEXT**

As introduced.



**S2121 SACCO**

2

1 **AN ACT** concerning motor vehicles, abolishing the Division of Motor  
2 Vehicles in the Department of Transportation, establishing the New  
3 Jersey Motor Vehicle Commission and revising parts of the  
4 statutory law.

5

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

8

9 1. (New section) Sections 1 through 31, 33 through 37, 42, 43,  
10 109, 125 through 127, 137 and 138 of this act shall be known and may  
11 be cited as "The Motor Vehicle Security and Customer Service Act."

12

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

14 a. The Division of Motor Vehicle Services (DMV) is one of the  
15 State's principal customer service agencies with regular and direct  
16 contact with virtually every citizen;

17 b. The DMV has over 15 million contacts a year with the public,  
18 including 39 million transactions, more than any other State agency;

19 c. The DMV has responsibility for issuing and certifying motor  
20 vehicle driver's licenses, ensuring the proper registration of motor  
21 vehicles, as well as conducting safety and emissions inspections of  
22 motor vehicles;

23 d. The public expects courteous, efficient and accessible service  
24 from government agencies, including the DMV;

25 e. DMV's failed security systems are contributing to a growing  
26 national problem of identity theft that is costing New Jersey and the  
27 nation millions of dollars each week;

28 f. In the past, DMV has been unable to deal with fraud and  
29 corruption because of inadequate funding, training, security, internal  
30 controls and oversight;

31 g. The DMV must improve its security system and equipment,  
32 fraud detection, training and monitoring so that fraudulent driver's  
33 licenses, such as those used in the furtherance of terroristic activities,  
34 will be eliminated;

35 h. Internal controls, audits and investigations are also needed to  
36 detect patterns of fraud, theft, corruption, identity theft and  
37 mismanagement in driver's licenses, registrations, and titles because  
38 DMV documents must be more resistant to compromise;

39 i. Criminals have used counterfeit passports, Social Security cards,  
40 county identification cards, pay stubs and W-2 forms to obtain  
41 fraudulent driver's licenses and identification cards in furtherance of  
42 identity-theft schemes;

**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.**

**S2121 SACCO**

- 1 j. Proper identification must be required at all phases of the  
2 licensing and driver testing process to assure that only those persons  
3 qualified to legally obtain licenses do so;
- 4 k. It is essential that DMV records be matched with Social Security  
5 Administration records in order to verify the validity of social security  
6 numbers in DMV databases;
- 7 l. Cameras, armed security guards, panic buttons, alarms, safety  
8 upgrades, card access systems and door replacements are needed in  
9 order to prevent fraud;
- 10 m. Employees or agents of the DMV should be required to  
11 undergo background checks and fingerprinting;
- 12 n. Cleaning crews and maintenance workers at DMV facilities must  
13 be supervised by DMV employees to ensure the security of DMV  
14 records;
- 15 o. In a time of rapidly changing information technology and  
16 Internet communications, the DMV lacks an information technology  
17 plan to bring it to the 21st Century and still operates on a decades-old  
18 computer network with patchwork hardware, antiquated software and  
19 obsolete display terminals that lack processing abilities;
- 20 p. Previous DMV efforts to implement complex technological  
21 mandates have failed, due to bureaucratic mismanagement, inefficient  
22 planning and inadequate oversight, as characterized by the State  
23 Commission of Investigation;
- 24 q. The DMV has become a reactive agency, struggling to keep up  
25 with the demands of newly legislated responsibilities. It is without the  
26 necessary resources to prevent fraud and corruption at its front-line  
27 agencies and without the ability to provide even adequate service to  
28 its six million customers;
- 29 r. The DMV needs a strategic business plan, which is a key to the  
30 operation of an agency, and must work within the confines of such  
31 plan in an effort to adopt best practices, improve customer service and  
32 gain back the confidence of New Jersey citizens and the Legislature;
- 33 s. The DMV's privatization of some of its agencies in July 1995  
34 has created poor, disjointed and confused service delivery without  
35 consistency among the agencies in terms of policies and procedures,  
36 which has lead to confusion and frustration in the minds of New Jersey  
37 citizens;
- 38 t. The DMV privatization has also resulted in poorly paid  
39 employees who have received inadequate benefits, resulting in a high  
40 turnover rate at DMV agencies;
- 41 u. A major benefit to a State-operated DMV system is the ability  
42 to centralize anti-fraud policies and procedures;
- 43 v. Historically, the privately-operated local motor vehicle agencies  
44 have been plagued with long lines, poor customer service and  
45 inadequate business practices that have routinely caused network  
46 delays and failures for hours at a time;

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1 w. The DMV would be in a better position to plan for long-term  
2 improvements, replacements and daily operations if it had a dedicated  
3 and consistent source of funding with surplus funds going to a non-  
4 lapsing account;

5 x. In order to address the various problems with the DMV, a FIX  
6 DMV Commission was formed on April 25, 2002, by Governor's  
7 Executive Order Number 19 to conduct a comprehensive review of the  
8 DMV and to make recommendations on the restructuring and  
9 reorganization of the agency;

10 y. The FIX DMV Commission has reported that the DMV is in  
11 crisis and has recommended that a New Jersey Motor Vehicle  
12 Commission be formed in, but not of, the Department of  
13 Transportation to replace the current New Jersey Division of Motor  
14 Vehicles with the purposes of: (1) identifying and regulating drivers  
15 and motor vehicles to deter unlawful and unsafe acts; (2) identifying  
16 and correcting vehicle defects and limiting the amount of vehicle-  
17 produced air pollution; (3) focusing on and responding to customer  
18 service and security issues; and (4) effectuating change by bringing  
19 greater attention and resources to the needs of the organization;

20 z. It is therefore in the public interest to create a New Jersey  
21 Motor Vehicle Commission, the duties of which would include, but not  
22 be limited to: (1) addressing the multitude of functions assigned to it  
23 while curtailing fraudulent and criminal activities that present threats  
24 to the State's security system; (2) following a multi-year strategic plan  
25 that is constantly reviewed and updated, thus avoiding the need for the  
26 cyclical reforms that have characterized its history; and (3) conducting  
27 operations on a fiscal year budget, controlling fees sufficient to fund  
28 the budget, adopting regulations regarding processes and fees; and  
29 implementing an annual strategic plan.

30

31 3. (New section). As used in this act:

32 "Agency" or "motor vehicle agency" means that enterprise run by  
33 an agent designated by the director to be the director's agent for the  
34 registering of motor vehicles, issuing registration certificates and  
35 licensing of drivers, as provided in R.S.39:3-3.

36 "Agent" means a person designated as agent in R.S.39:3-3.

37 "Chair" means the chair of the commission.

38 "Chief Administrator" or "administrator" means the chief  
39 administrator of the commission.

40 "Commission" means the New Jersey Motor Vehicle Commission  
41 established and created by section 4 of this act.

42 "Commissioner" means the Commissioner of Transportation of this  
43 State.

44 "Department" means the Department of Transportation of this  
45 State.

**S2121 SACCO**

1 "Deputy Chief Administrator" or "deputy administrator" means the  
2 Deputy Chief Administrator of the commission.

3 "Director" means the Director of the Division of Motor Vehicles.

4 "Division" or "DMV" means the Division of Motor Vehicles in the  
5 Department of Transportation.

6

7 4. (New section) a. There is hereby established a body corporate  
8 and politic, with corporate succession, to be known as the "New  
9 Jersey Motor Vehicle Commission" (hereinafter, "the commission").  
10 The commission shall be established in the Executive Branch of the  
11 State Government and for the purposes of complying with the  
12 provisions of Article V, Section IV, paragraph 1 of the New Jersey  
13 Constitution, the commission is allocated, in but not of, the  
14 Department of Transportation, but notwithstanding this allocation, the  
15 commission shall be independent of any supervision and control by the  
16 department or by any board or officer thereof. The commission is  
17 hereby constituted as an instrumentality of the State exercising public  
18 and essential governmental functions, and the exercise by the  
19 commission of the powers conferred by this act shall be deemed and  
20 held to be an essential governmental function of the State. The  
21 commission shall be treated and accounted for as a separate legal  
22 entity with its separate purposes as set forth in this act.

23 b. The Division of Motor Vehicles is abolished as a division in the  
24 Department of Transportation, and all of its functions, powers and  
25 duties, except as herein otherwise provided, are transferred to, and are  
26 continued in the commission and shall be exercised by the chief  
27 administrator of the commission. Unless otherwise specified in this  
28 act, this transfer shall be subject to the provisions of the "State Agency  
29 Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). All records,  
30 property, appropriations, and any unexpended balances of funds  
31 appropriated or otherwise available to the division, shall be transferred  
32 to the commission pursuant to the "State Agency Transfer Act."

33 c. Whenever any law, rule, regulation, order, contract, tariff,  
34 document, reorganization plan, judicial, or administrative proceeding  
35 or otherwise thereunder, refers to the Division of Motor Vehicles in  
36 the Department of Law and Public Safety or in the Department of  
37 Transportation, or to the director thereof, the reference shall mean and  
38 refer to the chief administrator of the commission, unless otherwise  
39 stated in this act.

40 d. Regulations adopted by the division shall continue with full force  
41 and effect until amended or repealed pursuant to law.

42 e. The commission shall operate on a fiscal year budgetary cycle.

43 f. The commission shall continue in existence until dissolved by act  
44 of the Legislature. However, any dissolution of the commission shall  
45 be on condition that the commission has no debts, contractual duties  
46 or obligations outstanding, or that provision has been made for the

**S2121 SACCO**

1 payment, discharge or retirement of these debts, contractual duties or  
2 obligations. Upon any dissolution of the commission, all property,  
3 rights, funds and assets thereof shall pass to and become vested in the  
4 State.

5  
6 5. (New Section) a. Upon the abolishment of the division, all  
7 career service employees serving in the division on that date shall be  
8 employees of the commission and shall be transferred to the  
9 commission pursuant to the "State Agency Transfer Act," P.L.1971,  
10 c.375 (C.52:14D-1 et seq.) and shall retain their present career service  
11 employment status and their collective bargaining status, including all  
12 rights of tenure, retirement, pension, disability, leave of absence, or  
13 similar benefits. Future employees of the commission shall be hired  
14 consistent with the provisions of Title 11A of the New Jersey Statutes  
15 and the rules promulgated thereunder.

16 b. Upon action of the commission, all agency employees shall  
17 become employees of the commission. Such employees shall be  
18 assigned to appropriate titles by the Department of Personnel. Those  
19 private motor vehicle agency employees who were employed by the  
20 agency on or before January 1, 2003 and who are assigned to career  
21 service titles upon employment with the commission shall, upon  
22 completion of the special probationary period described in section 7 of  
23 this act, attain permanent, regular appointments in their respective  
24 titles. Except for managerial and confidential employees as defined by  
25 the "New Jersey Employer - Employee Relations Act," P.L.1941,  
26 c.100 (C.34:13A-1 et seq.), such employees shall be covered under the  
27 State of New Jersey's collective bargaining agreements and shall obtain  
28 all employment and collective bargaining rights consistent therewith.

29 c. Officers and employees of the commission shall be enrolled in  
30 the Public Employees' Retirement System and shall be eligible to  
31 participate in the State Health Benefits Program established pursuant  
32 to the "New Jersey State Health Benefits Program Act," P.L.1961,  
33 c.49 (C.52:14-17.25 et seq.)

34  
35 6. (New section) a. Notwithstanding the provisions of Title 11A  
36 of the New Jersey Statutes and rules promulgated thereunder,  
37 employees of a private motor vehicle agency who were employed with  
38 that agency immediately after serving in the division prior to its  
39 privatization, shall, upon returning to State service as employees of the  
40 commission, receive civil service credit for all years of employment  
41 service retroactive to the date upon which they commenced State  
42 employment prior to employment with the private motor vehicle  
43 agency. These employees shall also receive civil service credit for all  
44 years of employment with the private motor vehicle agency as if the  
45 employment were total and continuous.

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1       b. Employees employed by the private motor vehicle agency who  
2 enter State service as employees of the commission but who have no  
3 prior State service shall receive civil service credit for all years of  
4 employment with the private motor vehicle agency.

5       c. Civil service credit for all employees referred to in subsections  
6 a. and b. of this section shall be used to determine seniority credit for  
7 layoff and promotional purposes and accrual of paid leave.

8       d. Accumulated sick and vacation leave for employees entering or  
9 returning to State service as provided in subsections a. and b. of this  
10 section shall be transferred and credited to their State leave accounts  
11 immediately upon their return to State service.

12  
13       7. (New Section) Notwithstanding the provisions of Title 11A of  
14 the New Jersey Statutes and the rules promulgated thereunder, all  
15 employees entering or returning to State service as employees of the  
16 commission following employment with a private motor vehicle  
17 agency, who have been employed with the private motor vehicle  
18 agency on or before January 1, 2003, shall be subject to a special  
19 probationary period. The special probationary period shall have a  
20 duration of six months from the date that the employees enter or  
21 return to State service as employees of the commission. Each  
22 employee's work performance shall be evaluated to determine whether  
23 the employee can satisfactorily perform the duties of the title to which  
24 the employee is appointed and progress reports shall be provided to  
25 employee as provided by the rules of the Merit System Board in the  
26 Department of Personnel. An employee who is determined to have  
27 satisfactorily performed the duties of the employee's career service  
28 title shall attain permanent status in that title at the conclusion of the  
29 special probationary period. An employee who is determined not to  
30 have satisfactorily performed the duties of that title during or at the  
31 conclusion of the special probationary period shall be immediately  
32 separated from State service and shall not have any right of appeal  
33 regarding the separation to the Merit System Board.

34  
35       8. (New Section) Notwithstanding the provisions of Title 11A of  
36 the New Jersey Statutes and the rules promulgated thereunder, and  
37 notwithstanding the years of service of employees entering or  
38 returning to State service as employees of the commission in career  
39 service titles following employment with a private motor vehicle  
40 agency, all such employees shall receive a comparable salary as  
41 determined by the commission in the salary range assigned to the  
42 career service titles to which they have received an appointment.

43  
44       9. (New Section) a. Notwithstanding the provisions of Title 11A  
45 of the New Jersey Statutes and the rules promulgated thereunder,  
46 employees entering State service as employees of the commission in



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1 career service titles following employment after January 1, 2003 with  
2 a private motor vehicle agency shall be considered provisional  
3 employees subject to competitive testing.

4 b. Notwithstanding the provisions of Title 11A of the New Jersey  
5 Statutes and the rules promulgated thereunder, employees entering  
6 State service as provided in subsection a. of this section shall not be  
7 subject to displacement by persons on preexisting special  
8 reemployment lists. Special reemployment lists for applicable titles  
9 shall be used only to fill vacant positions in the commission.

10  
11 10. (New section) a. The Deputy Chief Administrator (hereafter,  
12 the "deputy administrator") shall assist the administrator in the day-to-  
13 day administration of the commission and shall have all of the powers  
14 and duties of the administrator as authorized and assigned by the  
15 administrator.

16 The deputy administrator shall carry out all of the administrator's  
17 duties and responsibilities during the administrator's absence,  
18 disqualification or inability to serve, and shall perform such other  
19 duties and responsibilities as the administrator shall determine and  
20 assign. The deputy administrator shall serve at the pleasure of the  
21 administrator until a successor is appointed and shall receive such  
22 salary as fixed by the administrator in accordance with the table of  
23 organization. The deputy administrator shall be in the State  
24 unclassified service.

25 b. A Motor Vehicle Agent (hereafter "agent") shall administer and  
26 ensure the efficient operations of a local commission office. The  
27 administrator shall designate one person in each county for each  
28 300,000 inhabitants or fraction thereof to be the administrator's agent  
29 for the registration of motor vehicles, issuing registration certificates  
30 and licensing of drivers, subject to the requirements of subtitle 1 of  
31 Title 39 of the Revised Statutes and to any rules and regulations the  
32 commission imposes. Notwithstanding any provisions of this act to  
33 the contrary, all current division agent contracts shall remain in effect  
34 until their expiration. Future agent appointments shall be in the State  
35 unclassified service and serve at the pleasure of the administrator until  
36 a successor is appointed. An agent shall receive such salary as fixed  
37 by the administrator in accordance with the table of organization.

38  
39 11. (New section) Except as otherwise provided by law, the  
40 administrator shall be considered the "appointing authority" for the  
41 commission within the contemplation of the civil service laws and the  
42 table of organization. The administrator may delegate such appointing  
43 authority to the deputy administrator as he deems necessary.

44  
45 12. (New section) a. The commission shall consist of the  
46 following eight members:

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1 (1) The Commissioner of Transportation, who shall serve as an ex  
2 officio voting member;

3 (2) The State Attorney General, who shall serve as an ex officio  
4 voting member;

5 (3) The Chair of the commission who shall be a nonvoting member.  
6 The Chair shall be appointed by the Governor with the advice and  
7 consent of the Senate. The Chair shall serve at the pleasure of the  
8 Governor during the Governor's term of office, and until a successor  
9 is appointed and qualified, and shall receive such salary as shall be  
10 fixed by the Governor which is not greater than the salary of a cabinet  
11 level official of the State. Prior to nomination, the Governor shall  
12 cause the Attorney General to conduct an inquiry into the nominee's  
13 background, financial stability, integrity and responsibility and  
14 reputation for good character, honesty and integrity. The person  
15 appointed and serving as Chair shall also be Chief Administrator of the  
16 commission and shall devote full time to the performance of his  
17 duties. The Chief Administrator shall be in the State unclassified  
18 service.

19 Notwithstanding the provisions of this section to the contrary, the  
20 person in office as the Director of the Division of Motor Vehicles in  
21 the Department of Transportation on the effective date of this section  
22 shall be the first Chair of the commission without the further  
23 requirement of the advice and consent of the Senate and shall also be  
24 the first Chief Administrator of the commission.

25 (4) The State Treasurer, who shall serve as an ex officio voting  
26 member; and

27 (5) Four public members who shall be appointed by the Governor  
28 with the advice and consent of the Senate, not more than two of whom  
29 shall be of the same political party. The public members shall be  
30 voting members and serve for a term of four years and until their  
31 successors are appointed and qualified. These members shall be New  
32 Jersey residents who shall provide appropriate representation from  
33 throughout the State and who shall have experience and familiarity  
34 with public safety, customer service, security, or business operations.

35 b. Initial appointments of public members to the board shall be for  
36 terms as follows: one member for four years, one member for three  
37 years, one member for two years, and one member for one year. After  
38 the initial appointments, all public members shall be appointed for  
39 terms of four years; and may be appointed for any number of  
40 successive terms. A member's term shall be deemed to commence on  
41 January 1 of the year in which the member is appointed. The  
42 commission may appoint a secretary and a treasurer, who need not be  
43 members, and the same person may be elected to serve both as  
44 secretary and treasurer.

45 c. Each ex officio member of the commission may designate two  
46 employees of the member's department or agency, who may represent

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10

1 the member at meetings of the commission. A designee may lawfully  
2 vote and otherwise act on behalf of the member. The designation shall  
3 be in writing delivered to the commission and shall continue in effect  
4 until revoked or amended by writing delivered to the commission.

5 d. Each public member shall continue in office after the expiration  
6 of the member's term until a successor is appointed and qualified. The  
7 successor shall be appointed in like manner for the unexpired term  
8 only.

9 e. A vacancy in the membership of the commission occurring other  
10 than by expiration of term shall be filled in the same manner as the  
11 original appointment, but for the unexpired term only.

12  
13 13. (New section) a. In addition to any powers and duties  
14 conferred upon it elsewhere in this act, the commission shall be  
15 authorized to:

16 (1) Make, amend and repeal bylaws not inconsistent with State and  
17 federal law;

18 (2) Adopt an official seal;

19 (3) Maintain an office at such place or places within the State as it  
20 may designate;

21 (4) Sue and be sued;

22 (5) Apply for and accept grants from the State or federal  
23 government, or any agency thereof, or grants, gifts or other  
24 contributions from any foundation, corporation, association or  
25 individual, or any private source, and comply with the terms,  
26 conditions and limitations thereof, as necessary and proper to carry out  
27 the purposes of this act;

28 (6) Impose, revise, change and collect fees, service charges, fines,  
29 penalties, and surcharges as needed by regulation, including but not  
30 limited to new fees for services rendered;

31 (7) Set and collect rentals, fees, charges or other payments from  
32 the lease, use, occupancy or disposition of properties owned or leased  
33 by the commission; such revenues shall be available to the commission  
34 for its purposes;

35 (8) Delegate to the administrator and any other officers of the  
36 commission such powers and duties as necessary and proper to carry  
37 out the purposes of this act;

38 (9) Operate, lease, license or contract in such manner as to  
39 produce revenue for the commission, as provided in this act;

40 (10) Accept and use any funds available to the commission;

41 (11) Enter into agreements or contracts to pay for services  
42 rendered from any public or private entity, and receive payment for  
43 services rendered to any public or private entity;

44 (12) In order to provide for effective cash flow management, the  
45 commission is authorized to issue short-term notes of no more than  
46 one year in duration and pay any related costs or obligations. Such

1 short-term notes shall be issued in such amounts as necessary, and on  
2 such terms and conditions, sold in such manner and at such prices,  
3 bearing interest at such fixed or variable-rate rates, renewable at such  
4 time or times, and entitled to such security, and using such paying  
5 agents, as the commission shall determine; and

6 (13) Enter into agreements or contracts, execute any and all  
7 instruments, and do and perform acts or things necessary, convenient  
8 or desirable for the purposes of the commission, or to carry out any  
9 power expressly or implicitly given in this act.

10 b. The commission is further authorized to:

11 (1) Review and approve the vision, mission, and goals of the  
12 commission, as submitted by the administrator;

13 (2) Review and approve the strategic plan of the commission which  
14 shall include the commission's long-term objectives, policies, and  
15 programs, including a facilities improvement and management plan and  
16 a table of organization, as submitted by the administrator;

17 (3) Review and approve the annual budget of the commission as  
18 submitted by the administrator and ensure that projected revenues and  
19 service charges are sufficient to adequately fund the commission both  
20 in the short and long-term;

21 (4) Receive reports and recommendations from the Advisory  
22 Councils formed pursuant to this act and provide policy direction  
23 related thereto to the administrator;

24 (5) Review and recommend all capital purchases and construction  
25 projects undertaken by the commission;

26 (6) Authorize all commission notes or other obligations; and

27 (7) Review any proposed bill, joint resolution or concurrent  
28 resolution introduced in either House of the Legislature which  
29 establishes or modifies any motor vehicle statute or regulation in this  
30 State. Such a review shall include, but not be limited to, an analysis  
31 of the fiscal impact of the bill or resolution on the commission and any  
32 comments upon or recommendations concerning the legislation  
33 including rejection, modification or approval. Additionally, the  
34 commission shall suggest alternatives to the legislation which it deems  
35 may be appropriate.

36 Not later than the 30th day after the date of introduction of any bill  
37 or resolution in either House of the Legislature, the commission shall  
38 review it in order to determine whether the bill or resolution  
39 constitutes motor vehicle legislation. If, on the basis of that review,  
40 the commission determines that the bill or resolution constitutes such  
41 legislation, the commission shall promptly give written notice of that  
42 determination to the presiding officer of the House in which the bill or  
43 resolution was introduced and the chairman of the standing reference  
44 committee of that House to which the bill or resolution may have been  
45 referred. Not later than the 45th day after the date of introduction of  
46 any bill or resolution in either House of the Legislature which the

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1 commission has determined constitutes motor vehicle legislation, the  
2 commission shall complete its review and provide its comments and  
3 recommendations in writing to the presiding officer of the House in  
4 which the bill or resolution was introduced and to the chairman of the  
5 standing reference committee of that House to which the bill or  
6 resolution may have been referred. If the commission requests an  
7 extension prior to the 45th day after the date of introduction of a bill  
8 or resolution, the presiding officer of the House in which the bill or  
9 resolution was introduced may grant an extension for the commission  
10 to complete its review of the bill or resolution. The House or  
11 committee shall not consider or vote upon the bill or resolution until  
12 either the board completes its review and provides its comments and  
13 recommendations in writing to the presiding officer and the chairman,  
14 or the 45th day after the date of introduction of the bill or resolution,  
15 or the designated day in the case of an extension. If the presiding  
16 officer of the House in which the bill or resolution was introduced  
17 determines that the bill or resolution is an urgent matter, he shall so  
18 notify in writing the commission and the chairman of the standing  
19 reference committee to which the bill or resolution may have been  
20 referred and the House or committee may consider and vote upon the  
21 bill or resolution as soon as practicable. A copy of all writings  
22 delivered to the Legislature pursuant to this paragraph shall be  
23 delivered to the Governor.

24 c. Except as provided in this section and section 21 of this act, all  
25 administrative functions, powers and duties of the commission may be  
26 exercised by the administrator and any reference to the commission in  
27 any law, rule or regulation may for this purpose be deemed to refer to  
28 the administrator.

29

30 14. (New section) The commission shall elect annually by a  
31 majority of the full membership of the commission, one of its  
32 members, other than the Chair, to serve as Vice-Chair for the ensuing  
33 year. The Vice-Chair shall hold office until January 1 next ensuing and  
34 until a successor is elected. The Vice-Chair, acting in the capacity of  
35 presiding officer, shall carry out all of the responsibilities of the Chair  
36 of the commission during the Chair's absence, disqualification, or  
37 inability to serve.

38

39 15. (New section) Members other than those serving ex officio  
40 shall serve without compensation, but the commission shall reimburse  
41 commission members for actual expenses necessarily incurred in the  
42 discharge of their duties.

43

44 16. (New section) a. The commission shall meet monthly or at  
45 more frequent times at the discretion of the Chair or as a majority of  
46 the commission shall decide. Meetings of the commission shall be held

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1 at such times and places as the Chair may deem necessary and  
2 convenient.

3 b. The meetings shall be subject to the provisions of the "Open  
4 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

5 c. Any other law, rule or regulation to the contrary  
6 notwithstanding, the commission shall take all necessary steps to  
7 ensure that all interested persons are given adequate notice of  
8 commission meetings and the agenda of such meetings, through the  
9 utilization of media engaged in the dissemination of information.

10 d. The powers of the commission shall be vested in the members  
11 thereof. Four members of the commission shall constitute a quorum  
12 at any meeting. Actions may be taken and motions and resolutions  
13 adopted by the commission by the affirmative vote of at least four  
14 members. No vacancy in the membership of the commission shall  
15 impair the right of a quorum to exercise all the rights and perform all  
16 the duties of the commission.

17

18 17. (New section) A true copy of the minutes of every meeting of  
19 the commission shall be delivered by and under the certification of the  
20 secretary of the commission, without delay, to the Governor. No  
21 action taken at the meeting shall have force or effect until 10 days,  
22 Saturdays, Sundays, and public holidays excepted, after the minutes  
23 are delivered, unless during the 10-day period the Governor approves  
24 the minutes, in which case the action shall become effective upon  
25 approval. If, in that 10-day period, the Governor returns copies of the  
26 minutes with a veto of any action taken by the commission or any  
27 member, the action shall be null and void and of no effect.

28 The powers conferred in this section upon the Governor shall be  
29 exercised with due regard for the rights of the holders of notes or  
30 other obligations of the commission at any time outstanding, and  
31 nothing in, or done pursuant to, this section shall in any way limit,  
32 restrict or alter the obligation or powers of the commission or any  
33 representative or officer of the commission to carry out and perform  
34 in every detail each and every covenant, agreement or contract at any  
35 time made or entered into by or on behalf of the commission with  
36 respect to its notes or other obligations or for the benefit, protection  
37 or security of the holders thereof.

38

39 18. (New section) Members of the commission shall be subject to  
40 the provisions of the "New Jersey Conflicts of Interest Law,"  
41 P.L.1971, c.182 (C.52:13D-12 et seq.).

42

43 19. (New section) Each appointed member of the commission may  
44 be removed from office by the Governor with or without cause, and  
45 without a hearing. Before assuming the duties of commission  
46 membership, each member shall take and subscribe an oath to perform

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14

1 the duties of the office faithfully, impartially and justly to the best of  
2 the member's ability. A record of the oaths shall be filed in the office  
3 of the Secretary of State.

4  
5 20. (New section) The commission may, in acceptance of payment  
6 of any fees, fines, penalties, surcharges, service charges or other  
7 charges, authorize the use of a credit or debit card or any other  
8 electronic payment device.

9  
10 21. (New section) The commission shall adopt all rules and  
11 regulations in accordance with the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.) for the proper functioning of the  
13 commission, and as necessary to effectuate the purposes of this act,  
14 except for those relating to the internal governance of the commission.  
15 Current rules and regulations of the division shall remain in full force  
16 and effect until such time as they are repealed or amended by the  
17 commission or in accordance with any other law.

18  
19 22. (New section) On or before September 30 of each year, the  
20 commission shall file with the Governor and the presiding officers of  
21 each House of the Legislature a report setting forth the operational,  
22 capital and financial expenditures of the previous year, the operational,  
23 capital and financial plan for the current year and a proposed  
24 operational, capital and financial plan for the next ensuing year.

25 The commission shall include in this report the latest audited annual  
26 financial statement. In this statement, the commission shall disclose  
27 all revenues remitted to the commission and provide a detailed listing  
28 of the various categories in which it receives revenue, including any  
29 surplus revenue from the prior year.

30 The report also shall include the number of criminal complaints filed  
31 against any commission employee or any other person, in connection  
32 with commission related activity. Complaints which are determined to  
33 be unfounded shall not be included. The report shall set forth the  
34 various crimes and offenses for which complaints were filed against  
35 any commission employee or in connection with any commission  
36 activity.

37 In addition, the report shall provide an assessment of the quality of  
38 service provided by the commission and a description of any security  
39 improvements made by the commission in the prior year and those  
40 anticipated in the current year.

41 To the extent practicable, the report also shall include data setting  
42 forth in detail the number of transactions annually performed at each  
43 commission agency or facility and by other means including, but not  
44 limited to, electronic transactions. This portion of the report also shall  
45 disclose, to the extent practicable, the average wait time to process a  
46 transaction at each commission agency or facility and, where

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1 applicable, through other means. If the commission determines that it  
2 is not able to ascertain this data for inclusion in the annual report, the  
3 report shall set forth the reasons the data could not be included and  
4 provide a date by which the commission reasonably estimates that it  
5 will be able to provide this data.

6

7 23. (New section) All absolute and qualified immunities and  
8 defenses provided to public entities and public employees by the "New  
9 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., the "New Jersey  
10 Contractual Liability Act," N.J.S.59:13-1 et seq., and any other law  
11 shall apply to all interests held and activities performed by the  
12 commission and its employees pursuant to this act.

13

14 24. (New section) Members, officers and employees of the  
15 commission shall not be liable in an action for damages to any person  
16 for any action taken or recommendation made within the scope of  
17 functions as a member, officer or employee, if the action or  
18 recommendation was taken or made without malice. The members of  
19 the commission shall be indemnified and their defense of any action  
20 provided for in the same manner and to the same extent as employees  
21 of the State under the "New Jersey Tort Claims Act," P.L.1972, c.45  
22 (C.59:1-1 et seq.) on account of acts or omissions in the scope of their  
23 employment.

24

25 25 (New section) The Attorney General shall provide legal  
26 representation to the Commission.

27

28 26. (New section) There are created within the commission five  
29 advisory councils, which shall provide the commission with advice,  
30 technical expertise, information, guidance, and recommendations in  
31 four general areas. The commission shall designate the appropriate  
32 State and local government representatives, interest groups, technical  
33 experts, and constituent representatives as appropriate to serve on  
34 each council which shall not exceed five members. Federal  
35 government representatives and representatives of national  
36 organizations shall be asked to serve, and if willing, shall be appointed  
37 by the commission to serve. All council members shall be designated  
38 by commission action and shall serve on rotating terms so as to  
39 provide stability and continuity on each council. The Chair, or the  
40 Chair's designee, shall serve on each council. The councils shall meet  
41 and report to the commission monthly, or as frequently as the  
42 commission requests. The councils are:

43

44 a. The Safety Advisory Council shall advise the commission  
45 regarding its policies, operating practices, regulations and standards  
46 in regard to driver, motor vehicle and traffic safety and consider new  
initiatives or legislation to enhance the safety of the motoring public.



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1       b. The Customer Service Advisory Council shall advise the  
2 commission regarding its policies, operating practices, employee  
3 communications, regulations, and standards in providing appropriate  
4 customer service. The council shall examine benchmarking  
5 performance and level of service standards for the Telephone Center;  
6 shall examine internal communications to ensure consistency and  
7 systematic application; shall make recommendations regarding  
8 marketing and the dissemination of information to the public to re-  
9 establish a robust marketing and public information program which  
10 informs and educates public consumers; and shall advise on all aspects  
11 of customer service at the commission.

12       c. The Security and Privacy Advisory Council shall advise the  
13 commission as to how to effectively maintain its system and business  
14 processes in the securest manner; help it to address its most serious  
15 security breaches; advise as to new or modified programs needed to  
16 achieve heightened security; and curtail fraudulent and criminal  
17 activities that present threats to the State's security.

18       d. The Business Advisory Council shall advise the commission on  
19 its business practices affecting its public and private partners,  
20 regulated entities, interest groups, businesses, and constituents in  
21 providing motor vehicle services.

22       e. The Technology Advisory Council shall advise the commission  
23 on the latest and best technological services and equipment to ensure  
24 continued modernization of the commission's facilities, equipment,  
25 operations, security, and customer service.

26  
27       27. (New section) The administrator is directed to immediately  
28 commence a study on the location and adequacy of agency facilities.  
29 Special attention shall be paid to siting agencies which are accessible  
30 to transit facilities. The study shall examine the affordability and  
31 practicality of using smaller satellite offices. The study shall  
32 reexamine the location and number of the commission's regional  
33 service centers. The study shall reevaluate the core business practices  
34 used in the administration of motor vehicle services and so report to  
35 the commission.

36  
37       28. (New section) In addition to any powers and duties otherwise  
38 imposed by this act, the administrator shall have general responsibility  
39 for the implementation of this act, and including, without limitation,  
40 shall:

41       a. Perform, exercise and discharge the functions, powers and duties  
42 of the commission through such offices as may be established by this  
43 act or otherwise by law;

44       b. Administer and organize the work of the commission in such  
45 organizational units, and from time to time alter the plan of  
46 organization as deemed expedient, as necessary for the secure,

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- 1 efficient and effective operation of the commission;
- 2 c. Appoint, remove and fix the compensation of subordinate  
3 officers and other personnel employed by the commission in  
4 accordance with the table of organization, except as herein otherwise  
5 specifically provided;
- 6 d. Appoint, remove, and fix the compensation and terms of  
7 employment of the deputy administrator, who shall serve in the  
8 unclassified State service, in accordance with the table of organization;
- 9 e. Organize and maintain an administrative office and employ  
10 therein such secretarial, clerical and other assistants in the commission  
11 as the internal operations of the commission may require;
- 12 f. Formulate and adopt rules and regulations for the efficient  
13 conduct of the work and general administration of the commission, its  
14 officers and employees;
- 15 g. Prepare an annual budget, and submit it to the commission;
- 16 h. Prepare annually, a strategic plan and submit it to the  
17 commission, including a facilities improvement and management plan  
18 and a table of organization;
- 19 i. Institute or cause to be instituted such legal proceedings or  
20 processes as may be necessary to properly enforce and give effect to  
21 any of the powers or duties of the administrator;
- 22 j. Report as the Governor shall from time to time request or as may  
23 be required by law;
- 24 k. Collect all fees, fines, penalties, surcharges, service charges and  
25 other charges imposed by this act and the regulations issued pursuant  
26 thereto or pursuant to law;
- 27 l. Develop and maintain a master list of all assets;
- 28 m. Oversee the implementation of the facilities improvement and  
29 management plan, in consultation with the State Treasurer; and
- 30 n. Perform such other functions as may be prescribed in this act or  
31 by any other law or by the commission.
- 32
- 33 29. (New section) The administrator, and the deputy administrator  
34 under the direction of the administrator, shall have as their immediate  
35 goal the improvement of the safety and security of the State's motor  
36 vehicle licensing, registration and inspection system and to this end are  
37 authorized to:
- 38 a. Make technological improvements, including the modernization  
39 of software and hardware, the addition of surveillance cameras,  
40 alarms, and access systems, and the utilization of biometrics.
- 41 b. Increase the number of audit staff, security guards, and other  
42 security-related employees.
- 43 c. Improve training and monitoring procedures.
- 44 d. Utilize document imaging from the field.
- 45 e. Integrate the New Jersey title database with the National Motor  
46 Vehicle Title Information System.

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- 1 f. Improve license plate management, including an automated  
2 inventory system and reissuance program.
- 3 g. Acquire the ability to access State vital statistics data to  
4 immediately update driver's license information.
- 5 h. Implement additional proofs of identity verification for a non-  
6 driver identification card, driver's license, permits, and registrations.
- 7 i. Implement card access systems, clear visibility barriers and door  
8 replacements where needed.
- 9 j. Replace the written driver's license knowledge test with an online  
10 test.
- 11 k. Increase the use of credit or debit cards or any other electronic  
12 payment device.
- 13 l. Increase the use of scanned documents.
- 14 m. Match motor vehicle records with Social Security records to  
15 verify Social Security numbers in the motor vehicle database, to the  
16 extent allowable.
- 17 n. Seek the assistance of the Immigration and Naturalization  
18 Service to verify authenticity of motor vehicle applicants and their  
19 eligibility for documents.
- 20
- 21 30. (New section) Notwithstanding the provisions of Title 52 of  
22 the Revised Statutes, purchases, contracts or agreements may be  
23 made, negotiated, or awarded by the commission without public  
24 advertisement as provided herein:
- 25 a. When any one or more of the following circumstances exist:
- 26 (1) The equipment to be purchased is of a technical nature and the  
27 procurement thereof without advertising is necessary in order to assure  
28 standardization of equipment and interchangeability of parts in the  
29 public interest;
- 30 (2) Only one source of supply or service is available;
- 31 (3) The public exigency requires the immediate delivery of the  
32 articles or performance of the service;
- 33 (4) The contract provides for the development of a unique service  
34 or product enhancement that does not currently exist and the contract  
35 will result in a net monetary benefit to the commission, such that  
36 revenue realized by the commission exceeds whatever cost or fees the  
37 commission may incur in meeting its obligation under the contract; or
- 38 (5) The subject matter consists of services to be performed by the  
39 contractor personally which are of a technical and professional nature.
- 40 b. In any case in which the commission shall make, negotiate, or  
41 award a purchase, contract, or agreement without public advertisement  
42 pursuant to this section, the commission shall specify the subject  
43 matter or circumstances set forth in this section which permit the  
44 commission to take such action.
- 45 c. The commission is authorized to receive funds from any contract  
46 awarded pursuant to this section and shall have the right to use the

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1 same. The revenue shall be non-lapsing, off-budget, and not subject  
2 to appropriation by the Legislature. In addition, this revenue shall not  
3 be restricted from use by the commission in any manner except as  
4 provided by law. This revenue shall be used in the furtherance of  
5 commission purposes. This revenue shall be considered revenue of the  
6 commission and shall not be subject to the calculation of proportional  
7 revenue remitted to the commission pursuant to subsection a. of  
8 section 109 of this act.

9

10 31. (New section) a. There is created a task force to be known as  
11 the "Motor Vehicles Affordability & Fairness Task Force" to study the  
12 impact of non-driving related suspension of driving privileges, in  
13 particular, the Merit Rating Plan Surcharges, on the driving public and  
14 make recommendations for the reform of the surcharge suspension  
15 program to increase motorist safety. In addition, the task force shall  
16 examine the "Parking Offense Adjudication Act" and municipal court  
17 processes related thereto, as well as court actions on surcharge  
18 assessments and license suspensions related to nonpayment of fines or  
19 tickets as well as motor vehicle moving violations.

20 b. The task force shall consist of 19 members as follows: the  
21 Commissioner of Transportation, ex officio, or a designated  
22 representative; the Chair of the New Jersey Motor Vehicle  
23 Commission, ex officio or a designated representative, a representative  
24 of the Administrative Office of the Courts; the Director of the Office  
25 of Highway Traffic Safety, in the Department of Law and Public  
26 Safety, ex officio, or a designated representative; the Director of the  
27 Division of Insurance in the Department of Banking and Insurance, ex  
28 officio, or a designated representative; the Chairperson of the State  
29 Employment and Training Commission, or a designated  
30 representative; and nine public members, to be appointed by the  
31 Governor, among whom shall be included a representative of the New  
32 Jersey Highway Traffic Safety Policy Advisory Council, a  
33 representative of a not-for-profit highway safety organization, a  
34 representative of the automobile retailers industry, a representative of  
35 the automobile insurance industry, a regular operator of a motor  
36 vehicle weighing in excess of twenty-six thousand pounds, one law  
37 enforcement officer engaged in highway patrol, a representative from  
38 the New Jersey State League of Municipalities, a representative from  
39 the New Jersey Institute for Social Justice and a representative of a  
40 New Jersey based chapter of the American Automobile Association.  
41 The Speaker of the General Assembly and the President of the Senate  
42 shall each appoint two members who may be public members or  
43 members of the Legislature. No more than two of the legislative  
44 appointees shall be from the same political party. Legislative  
45 appointees shall serve during the legislative term of the appointing  
46 authority.

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1 c. The members of the task force shall serve without compensation,  
2 but may be reimbursed for necessary expenses incurred in the  
3 performance of their duties.

4 d. The task force shall organize as soon as may be practicable after  
5 the appointment of a majority of its members and shall select a  
6 chairperson from among the members. The members shall select a  
7 secretary, who need not be a member of the task force.

8 e. The task force shall meet at the call of the chairperson.

9 f. The task force shall be entitled to call to its assistance and avail  
10 itself of the services of the employees of any State department, board,  
11 bureau, commission or agency, as it may require and as may be  
12 available for its purposes, and to employ stenographic and clerical  
13 assistance and incur traveling and other miscellaneous expenses as may  
14 be necessary in order to perform its duties, within the limits of funds  
15 appropriated or otherwise made available to it for its purposes.

16 g. The task force shall study and develop recommendations  
17 concerning the following issues, including but not limited to:

18 (1) the rapid growth in the number of driver's license suspensions;

19 (2) identification and regulation of drivers to deter unlawful and  
20 unsafe acts;

21 (3) establishment of a mechanism to assist low-income residents  
22 that are hard pressed to get out of suspension; and

23 (4) reform of the parking ticket suspension system and the Parking  
24 Offense Adjudication Act.

25 h. The study shall include, but not be limited to, investigating  
26 issues of motor safety, insurance, finance, and socioeconomic  
27 conditions. The task force shall review and analyze studies examining  
28 the social impacts of driver license and registration suspensions. The  
29 task force shall also review and analyze studies and statistics regarding  
30 surcharges and suspensions to develop recommendation for reform.

31 i. The task force shall develop recommendations for public and  
32 private strategies and recommendations for legislative or regulatory  
33 action, if deemed appropriate, to address these issues. The  
34 recommendations shall include suggestions for the development of  
35 public information campaigns to educate and inform motorists about  
36 driver's license and registration suspensions, and methods of lessening  
37 financial and social burdens on motorists.

38 j. The task force's recommendations shall be aimed at developing  
39 and implementing an amnesty policy and a reform of the surcharge  
40 suspension. The task force shall review the impact of such  
41 recommendations upon businesses and individuals dependent upon  
42 having a valid driver's license for gainful employment and to conduct  
43 commerce in this State.

44 k. The task force shall prepare and submit a final report containing  
45 its findings and recommendations, including any recommendations for  
46 legislative or regulatory action that it deems appropriate, no later than

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1 one year after the task force organizes, to the Governor, the President  
2 of the Senate and the Speaker of the General Assembly, and the  
3 members of the Senate Transportation Committee and the Assembly  
4 Transportation Committee, or their successors.

5 1. Upon the submission of the final report the task force shall  
6 dissolve. Any and all materials, records, work products or other  
7 property of the task force shall become property of the commission.  
8

9 32. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to read  
10 as follows:

11 6. a. (Deleted by amendment, P.L.1997, c.151.)

12 b. There is created a New Jersey Merit Rating Plan which shall  
13 apply to all drivers and shall include, but not be limited to, the  
14 following provisions:

15 (1) (a) Plan surcharges shall be levied, beginning on or after  
16 January 1, 1984, by the [Division of Motor Vehicles] New Jersey  
17 Motor Vehicle Commission (hereafter the "commission") on any driver  
18 who, in the preceding 36 month period, has accumulated[, within the  
19 immediately preceding three-year period, beginning on or after  
20 February 10, 1983,] six or more motor vehicle points, as provided in  
21 Title 39 of the Revised Statutes [, exclusive of any points for  
22 convictions for which surcharges are levied under paragraph (2) of this  
23 subsection]; except that the allowance for a reduction of points in  
24 Title 39 of the Revised Statutes shall not apply for the purpose of  
25 determining surcharges under this paragraph. [Surcharges shall be  
26 levied for each year in which the driver possesses six or more points.]  
27 The accumulation of points shall be calculated as of the date the point  
28 violation is posted to the driver history record and shall be levied  
29 pursuant to rules promulgated by the commission. Surcharges  
30 assessed pursuant to this paragraph shall be \$100.00 for six points, and  
31 \$25.00 for each additional point. No offense shall be selected for  
32 billing which occurred prior to February 10, 1983. No offense shall be  
33 considered in more than three annual assessments.

34 (b) (Deleted by amendment, P.L.1984, c.1.)

35 (2) Plan surcharges shall be levied for convictions (a) under  
36 R.S.39:4-50 for violations occurring on or after February 10, 1983,  
37 and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for  
38 offenses committed in other jurisdictions of a substantially similar  
39 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512  
40 (C.39:4-50.4a), for violations occurring on or after January 26, 1984.  
41 Except as hereinafter provided, surcharges under this paragraph shall  
42 be levied annually for a three-year period, and shall be \$1,000.00 per  
43 year for each of the first two convictions, for a total surcharge of  
44 \$3,000 for each conviction, and \$1,500.00 per year for the third  
45 conviction occurring within a three-year period, for a total surcharge  
46 of \$4,500 for the third conviction. If a driver is convicted under both

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1 R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for  
2 offenses arising out of the same incident, the driver shall be assessed  
3 only one surcharge for the two offenses.

4 If, upon written notification from the [Division of Motor Vehicles]  
5 commission or its designee, mailed to the last address of record with  
6 the [division] commission, a driver fails to pay a surcharge levied  
7 under this subsection, the [license] driving privilege of the driver shall  
8 be suspended forthwith until the [surcharge] minimum payment  
9 requirement as set forth by rule by the commission is paid to the  
10 [Division of Motor Vehicles] commission; except that the [Division  
11 of Motor Vehicles] commission may authorize payment of the  
12 surcharge on an installment basis over a period not to exceed  
13 12 months for assessments under \$2,300 or 24 months for assessments  
14 of \$2,300 or more. If a driver fails to pay the surcharge or any  
15 installments on the surcharge, the total surcharge shall become due  
16 immediately, except as otherwise prescribed by rule of the commission.

17 The [director] commission may authorize any person to pay the  
18 surcharge levied under this section by use of a credit card, and the  
19 [director] administrator is authorized to require the person to pay all  
20 costs incurred by the division in connection with the acceptance of the  
21 credit card. If a surcharge or related administrative fee is paid by  
22 credit or debit cards or any other electronic payment device and the  
23 amount is subsequently reversed by the credit card company or bank,  
24 the driving privilege of the surcharged driver shall be suspended and  
25 the driver shall be subject to the fee imposed for dishonored checks  
26 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

27 In addition to any other remedy provided by law, the [director]  
28 commission is authorized to utilize the provisions of the SOIL (Set off  
29 of Individual Liability) program established pursuant to P.L.1981,  
30 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under this  
31 section that is unpaid on or after the effective date of this act. As an  
32 additional remedy, the [director] commission may issue a certificate  
33 to the Clerk of the Superior Court stating that the person identified in  
34 the certificate is indebted under this surcharge law in such amount as  
35 shall be stated in the certificate. The certificate shall reference the  
36 statute under which the indebtedness arises. Thereupon the clerk to  
37 whom such certificate shall have been issued shall immediately enter  
38 upon the record of docketed judgments the name of such person as  
39 debtor; the State as creditor; the address of such person, if shown in  
40 the certificate; the amount of the debt so certified; a reference to the  
41 statute under which the surcharge is assessed, and the date of making  
42 such entries. The docketing of the entries shall have the same force  
43 and effect as a civil judgment docketed in the Superior Court, and the  
44 [director] commission shall have all the remedies and may take all of  
45 the proceedings for the collection thereof which may be had or taken

1 upon the recovery of a judgment in an action, but without prejudice to  
2 any right of appeal. Upon entry by the clerk of the certificate in the  
3 record of docketed judgments in accordance with this provision,  
4 interest in the amount specified by the court rules for post-judgment  
5 interest shall accrue from the date of the docketing of the certificate,  
6 however payment of the interest may be waived by the [director]  
7 commission or [his] its designee. In the event that the surcharge  
8 remains unpaid following the issuance of the certificate of debt and the  
9 [director] commission takes any further collection action including  
10 referral of the matter to the Attorney General or his designee, the fee  
11 imposed, in lieu of the actual cost of collection, may be 20 percent of  
12 [the surcharge or \$200, whichever is greater] surcharges of \$1,000 or  
13 more. The administrator or his designee may establish a sliding scale,  
14 not to exceed a maximum amount of \$200, for surcharge principal  
15 amounts of less than \$1,000 at the time the certificate of debt is  
16 forwarded to the Superior Court for filing. The [director] commission  
17 shall provide written notification to a driver of the proposed filing of  
18 the certificate of debt at least 10 days prior to the proposed filing;  
19 such notice shall be mailed to the driver's last address of record with  
20 the [division] commission. If a certificate of debt is satisfied  
21 following a credit card payment and that payment is reversed, a new  
22 certificate of debt shall be filed against the surcharged driver unless the  
23 original is reinstated.

24 If the administrator or his designee approves a special payment plan  
25 for repayment of the certificate of debt, and the driver is complying  
26 with the approved plan, the plan may be continued for any new  
27 surcharge not part of the certificate of debt.

28 All moneys collectible under this subsection b. shall be billed and  
29 collected by the [Division of Motor Vehicles] commission except as  
30 provided in P.L.1997, c.280 (C.2B:19-10 et al.) for the collection of  
31 unpaid surcharges. Of the moneys collected: 10%, or the actual cost  
32 of administering the collection of the surcharge, whichever is less,  
33 shall be retained by the [Division of Motor Vehicles] commission until  
34 August 31, 1996; five percent, or the actual cost of administering the  
35 cancellation notification system established pursuant to section 50 of  
36 P.L.1990, c.8 (C.17:33B-41), whichever is less, shall be retained by  
37 the [Division of Motor Vehicles] commission until August 31, 1996;  
38 and prior to October 1, 1991, the remainder shall be remitted to the  
39 New Jersey Automobile Full Insurance Underwriting Association and  
40 on or after October 1, 1991 until August 31, 1996, the remainder shall  
41 be remitted to the New Jersey Automobile Insurance Guaranty Fund  
42 created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5).  
43 Commencing on September 1, 1996, or such earlier time as the  
44 Commissioner of Banking and Insurance shall certify to the State  
45 Treasurer that amounts on deposit in the New Jersey Automobile



1 Insurance Guaranty Fund are sufficient to satisfy the current and  
2 anticipated financial obligations of the New Jersey Automobile Full  
3 Insurance Underwriting Association, all plan surcharges collected by  
4 the [Division of Motor Vehicles] commission under this subsection b.  
5 shall be remitted to the Division of Motor Vehicles Surcharge Fund for  
6 transfer to the Market Transition Facility Revenue Fund, as provided  
7 in section 12 of P.L.1994, c.57 (C.34:1B-21.12), as amended by  
8 P.L. , c. (C. ) (now before the Legislature as this bill), for the  
9 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) as amended  
10 by P.L. , c. (C. ) (now before the Legislature as this bill), until  
11 such a time as all the Market Transition Facility bonds, notes and  
12 obligations and all Motor Vehicle Commission bonds, notes and  
13 obligations issued pursuant to that section 4 of [that act] P.L.1994,  
14 c.57 (C.34:1B-21.4) and the costs thereof are discharged and no  
15 longer outstanding. From the date of certification by the  
16 Commissioner of Banking and Insurance that the moneys collectible  
17 under this subsection are no longer needed to fund the association or  
18 at such a time as all Market Transition Facility bonds, notes and  
19 obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-  
20 21.4) and the costs thereof are discharged and no longer outstanding  
21 moneys collectible under this subsection shall, subject to  
22 appropriation, be remitted to the New Jersey Property-Liability  
23 Insurance Guaranty Association created pursuant to section 6 of  
24 P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans  
25 made by that association to the New Jersey Automobile Insurance  
26 Guaranty Fund pursuant to paragraph (10) of subsection a. of section  
27 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments  
28 shall be subject to and dependent upon appropriation by the State  
29 Legislature.

30 (3) In addition to any other authority provided in P.L.1983, c.65  
31 (C.17:29A-33 et al.), the commissioner, after consultation with the  
32 [Director of the Division of Motor Vehicles] administrator, is  
33 specifically authorized (a) (Deleted by amendment, P.L.1994, c.64),  
34 (b) to impose, in accordance with paragraph (1)(a) of this subsection,  
35 surcharges for motor vehicle violations or convictions for which motor  
36 vehicle points are not assessed under Title 39 of the Revised Statutes,  
37 or (c) to reduce the number of points for which surcharges may be  
38 assessed below the level provided in paragraph (1)(a) of this  
39 subsection, except that the dollar amount of all surcharges levied  
40 under the New Jersey Merit Rating Plan shall be uniform on a  
41 Statewide basis for each filer, without regard to classification or  
42 territory. Surcharges adopted by the commissioner on or after January  
43 1, 1984 for motor vehicle violations or convictions for which motor  
44 vehicle points are not assessable under Title 39 of the Revised Statutes  
45 shall not be retroactively applied but shall take effect on the date of  
46 the New Jersey Register in which notice of adoption appears or the

1 effective date set forth in that notice, whichever is later.

2 c. No motor vehicle violation surcharges shall be levied on an  
3 automobile insurance policy issued or renewed on or after January 1,  
4 1984, except in accordance with the New Jersey Merit Rating Plan,  
5 and all surcharges levied thereunder shall be assessed, collected and  
6 distributed in accordance with subsection b. of this section.

7 d. (Deleted by amendment, P.L.1990, c.8.)

8 e. The Commissioner of Banking and Insurance and the [Director  
9 of the Division of Motor Vehicles] commission as may be  
10 appropriate, shall adopt any rules and regulations necessary or  
11 appropriate to effectuate the purposes of this section.

12 (cf: P.L.1997, c.280, s.5)

13

14 33. (New section) Whenever a legislative enactment requires the  
15 commission to take action, the commission shall not take such action  
16 until the Legislature appropriates, or the commission identifies or  
17 raises, sufficient funds to cover the costs of the required action.

18

19 34. (New section) The exercise of the powers granted by this act  
20 will be in all respects for the benefit of the people of the State, for the  
21 increase of their commerce and prosperity, and for the improvement  
22 of their health and living conditions, and as the operation and  
23 maintenance of facilities and assets by the commission will constitute  
24 the performance of essential governmental functions, the commission  
25 shall not be required to pay any taxes or assessments upon any facility  
26 and assets or any property acquired or used by the commission under  
27 the provisions of this act or upon the income therefrom, and any  
28 facility and assets and any property acquired or used by the  
29 commission under the provisions of this act and the income therefrom  
30 shall be exempt from taxation.

31

32 35. (New section) a. The commission may require the  
33 fingerprinting of all public employees and employees of its agents, for  
34 purposes of determining employment eligibility in any title or capacity  
35 that is either directly or indirectly involved in the issuance or  
36 processing of driver's licenses, permits, business licenses, identification  
37 cards, driving records, or vehicle registrations and titles, including  
38 independent contractors and their employees who work on a motor  
39 vehicle premises or have access to motor vehicle records or  
40 documents. The commission is hereby authorized to exchange  
41 fingerprint data with, and receive criminal history record information  
42 from, the Federal Bureau of Investigation and the Division of State  
43 Police, consistent with the provisions of P.L. 92-544, for use in  
44 determining employment eligibility.

45 b. The commission may, as deemed necessary by the commission,  
46 receive the results of periodic follow-ups of criminal history record

1 checks of all current public employees and employees of its agents, for  
2 purposes of determining continuing employment eligibility in any title  
3 or capacity that is either directly or indirectly involved in the issuance  
4 or processing of driver's licenses, identification cards, driving records,  
5 or vehicle registrations and titles.

6 c. If the information from the criminal history record background  
7 check discloses that a prospective or current employee has a record of  
8 criminal history, the commission shall review the information with  
9 respect to the type and date of the criminal offense to determine if the  
10 person is qualified for employment with the commission. Criminal  
11 offenses which will disqualify an individual from employment include,  
12 but are not limited to, any crime or offense, whether committed in  
13 New Jersey or in another jurisdiction, which in New Jersey would  
14 constitute murder, assault with intent to murder, espionage, treason,  
15 rape, kidnaping, unlawful possession of an explosive or weapon,  
16 extortion, armed robbery, distribution of or intent to distribute a  
17 controlled substance, possession of a controlled substance, willful  
18 destruction of property, burglary, theft, fraud, and aggravated assault.

19 d. Notwithstanding the provisions of subsections b. or c. of this  
20 section, an individual shall not be disqualified from employment or  
21 service under this act on the basis of any conviction disclosed by a  
22 criminal record check performed pursuant to this act without an  
23 opportunity to challenge the accuracy of the disqualifying criminal  
24 history record.

25 e. An individual who has been disqualified under the provisions of  
26 this act shall be entitled to reapply for the position if the disqualifying  
27 conviction is reversed.

28 f. Notwithstanding the provisions of subsections b. or c. of this  
29 section, an individual will not be disqualified from employment or  
30 service on the basis of any conviction disclosed by a criminal history  
31 record background check performed pursuant to this act if the  
32 individual has affirmatively demonstrated to the administrator, clear  
33 and convincing evidence of the individual's rehabilitation. In  
34 determining whether an individual has affirmatively demonstrated  
35 rehabilitation, the following factors shall be considered:

36 (1) the nature and responsibility of the position which the applicant  
37 would hold, has held or currently holds, as the case may be;

38 (2) the nature and seriousness of the offense;

39 (3) the circumstances under which the offense occurred;

40 (4) the date of the offense;

41 (5) the age of the applicant when the offense was committed;

42 (6) whether the offense was an isolated or repeated incident;

43 (7) any social conditions which may have contributed to the  
44 offense; and

45 (8) any evidence of rehabilitation, including good conduct in prison  
46 or in the community, counseling or psychiatric treatment received,

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1 acquisition of additional academic or vocational schooling, successful  
2 participation in correctional work-release programs, or the  
3 recommendation of those who have had the applicant under their  
4 supervision.

5

6 36. (New section) a. The commission shall require the  
7 fingerprinting of all applicants for commercial driver's licenses with  
8 hazardous material, tank vehicle or combination endorsements, at the  
9 initial application and upon renewal, in order to determine eligibility  
10 for those endorsements. The commission is hereby authorized to  
11 exchange fingerprint data with, and receive criminal history record  
12 information from the Federal Bureau of Investigation and the Division  
13 of State Police, consistent with the provisions of P.L.92-544, for use  
14 in determining eligibility. The commission shall require any person  
15 who, prior to the date of enactment of this act, has been issued a  
16 commercial driver's license with a hazardous material, tanker vehicle  
17 or combination endorsement, to undergo a criminal history record  
18 background check as a condition to continue to hold, use and renew  
19 such an endorsement. No criminal history record check shall be  
20 performed without the applicant's written consent. The applicant shall  
21 bear the cost for the criminal history record check, including all costs  
22 for administering and processing the check. Failure or refusal to  
23 submit a disclosure and fingerprints will result in an automatic  
24 disqualification.

25 b. Upon receipt of the criminal history record information, the  
26 commission shall notify the applicant, in writing, of the applicant's  
27 qualification or disqualification for a commercial driver's license with  
28 a hazardous materials, tank vehicle or combination endorsement. If  
29 the applicant is disqualified, the basis for the disqualification shall be  
30 identified in the written notice to the applicant.

31 c. The applicant shall have 14 days from the postmarked date of  
32 the written notice of disqualification to challenge the accuracy of the  
33 criminal history record information. If no challenge is filed or if the  
34 determination of the accuracy of the criminal history record  
35 information upholds the disqualification, the applicant's disqualification  
36 for a commercial driver's license, with a hazardous material, tank  
37 vehicle or combination endorsement will stand.

38

39 37. (New section) a. The commission may contract for advertising  
40 and ancillary services at facilities owned or used by the commission.

41 b. In entering into a contract pursuant to this section, the  
42 commission shall award a contract on the basis of competitive public  
43 bids or proposals to the responsible bidder or proposer whose bid or  
44 proposal is determined to be in the best interest of the State, price and  
45 other factors considered.

1 c. The commission is authorized to receive funds from the contract  
2 and shall have the right to use the same. The revenue shall be non-  
3 lapsing, off-budget, and not subject to appropriation by the  
4 Legislature. In addition, this revenue shall not be restricted from use  
5 by the commission in any manner except as provided by law. This  
6 revenue shall be used in the furtherance of commission purposes. This  
7 revenue shall be considered revenue of the commission and shall not  
8 be subject to the calculation of proportional revenue remitted to the  
9 commission pursuant to subsection a. of section 109 of this act.

10  
11 38. R.S.39:3-10 is amended to read as follows:

12 39:3-10. No person shall drive a motor vehicle on a public highway  
13 in this State unless the person is under supervision while participating  
14 in a behind-the-wheel driving course pursuant to section 6 of  
15 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated  
16 permit, or a provisional or basic driver's license issued to him in  
17 accordance with this article.

18 No person under 18 years of age shall be issued a basic license to  
19 drive motor vehicles, nor shall a person be issued a validated permit,  
20 including a validated examination permit, until he has passed a  
21 satisfactory examination and other requirements as to his ability as an  
22 operator. The examination shall include a test of the applicant's vision,  
23 his ability to understand traffic control devices, his knowledge of safe  
24 driving practices and of the effects that ingestion of alcohol or drugs  
25 has on a person's ability to operate a motor vehicle, his knowledge of  
26 such portions of the mechanism of motor vehicles as is necessary to  
27 insure the safe operation of a vehicle of the kind or kinds indicated by  
28 the applicant and of the laws and ordinary usages of the road. No  
29 person shall sit for an examination for any permit without exhibiting  
30 photo identification deemed acceptable by the [director] commission,  
31 unless that person is a high school student participating in a course of  
32 driving education approved by the State Department of Education and  
33 conducted in a public, parochial or private school of this State,  
34 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The  
35 commission may waive the written law knowledge examination for any  
36 person 18 years of age or older possessing a valid driver's license  
37 issued by any other state or the United States Territories of American  
38 Samoa, Guam, Puerto Rico or the Virgin Islands. The commission  
39 shall be required to provide that person with a booklet that highlights  
40 those motor vehicle laws unique to New Jersey. A road test shall be  
41 required for a provisional license and serve as a demonstration of the  
42 applicant's ability to operate a vehicle of the class designated. No  
43 person shall sit for a road test unless that person exhibits photo  
44 identification deemed acceptable by the [director] commission. A  
45 high school student who has completed a course of behind-the-wheel  
46 automobile driving education approved by the State Department of

1 Education and conducted in a public, parochial or private school of  
2 this State, who has been issued a special learner's permit pursuant to  
3 section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003,  
4 shall not be required to exhibit photo identification in order to sit for  
5 a road test. The commission may waive the road test for any person  
6 18 years of age or older possessing a valid driver's license issued by  
7 any other state or the United States Territories of American Samoa,  
8 Guam, Puerto Rico or the Virgin Islands. The road test shall be given  
9 on public streets, where practicable and feasible, but may be preceded  
10 by an off-street screening process to assess basic skills. The  
11 **[director]** commission shall approve locations for the road test which  
12 pose no more than a minimal risk of injury to the applicant, the  
13 examiner and other motorists. No new locations for the road test shall  
14 be approved unless the test can be given on public streets.

15 The **[director]** commission shall issue a basic driver's license to  
16 operate a motor vehicle other than a motorcycle to a person over 18  
17 years of age who previously has not been licensed to drive a motor  
18 vehicle in this State or another jurisdiction only if that person has: (1)  
19 operated a passenger automobile in compliance with the requirements  
20 of this title for not less than one year, not including any period of  
21 suspension or postponement, from the date of issuance of a provisional  
22 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not  
23 been assessed more than two motor vehicle points; (3) not been  
24 convicted in the previous year for a violation of R.S.39:4-50, section  
25 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14),  
26 R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any  
27 other motor vehicle-related violation the **[director]** commission  
28 determines to be significant and applicable pursuant to regulation; and  
29 (4) passed an examination of his ability to operate a motor vehicle  
30 pursuant to this section.

31 The **[director]** commission shall expand the driver's license  
32 examination by 20%. The additional questions to be added shall  
33 consist solely of questions developed in conjunction with the State  
34 Department of Health and Senior Services concerning the use of  
35 alcohol or drugs as related to highway safety. The **[director]**  
36 commission shall develop in conjunction with the State Department of  
37 Health and Senior Services supplements to the driver's manual which  
38 shall include information necessary to answer any question on the  
39 driver's license examination concerning alcohol or drugs as related to  
40 highway safety.

41 Up to 20 questions may be added to the examination on subjects to  
42 be determined by the **[director]** commission that are of particular  
43 relevance to youthful drivers, after consultation with the Director of  
44 the Office of Highway Traffic Safety.

45 The **[director]** commission shall expand the driver's license  
46 examination to include a question asking whether the applicant is

1 aware of the provisions of the "Uniform Anatomical Gift Act,"  
2 P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating  
3 on the driver's license the intention to make a donation of body organs  
4 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

5 Any person applying for a driver's license to operate a motor  
6 vehicle or motorized bicycle in this State shall surrender to the  
7 [director] commission any current driver's license issued to him by  
8 another state or jurisdiction upon his receipt of a driver's license for  
9 this State. The [director] commission shall refuse to issue a driver's  
10 license if the applicant fails to comply with this provision. An  
11 applicant for a permit or license who is less than 18 years of age, and  
12 who holds a permit or license for a passenger automobile issued by  
13 another state or country that is valid or has expired within a time  
14 period designated by the [director] commission, shall be subject to the  
15 permit and license requirements and penalties applicable to State  
16 permit and license applicants who are of the same age; except that if  
17 the other state or country has permit or license standards substantially  
18 similar to those of this State, the credentials of the other state or  
19 country shall be acceptable.

20 The [director] commission shall create classified licensing of  
21 drivers covering the following classifications:

22 a. Motorcycles, except that for the purposes of this section,  
23 motorcycle shall not include any three-wheeled motor vehicle equipped  
24 with a single cab with glazing enclosing the occupant, seats similar to  
25 those of a passenger vehicle or truck, seat belts and automotive  
26 steering.

27 b. Omnibuses as classified by R.S.39:3-10.1 and school buses  
28 classified under N.J.S.18A:39-1 et seq.

29 c. (Deleted by amendment, P.L.1999, c.28).

30 d. All motor vehicles not included in classifications a. and b. A  
31 license issued pursuant to this classification d. shall be referred to as  
32 the "basic driver's license."  
33

34 Every applicant for a license under classification b. shall be a holder  
35 of a basic driver's license. Any issuance of a license under  
36 classification b. shall be by endorsement on the basic driver's license.

37 A driver's license for motorcycles may be issued separately, but if  
38 issued to the holder of a basic driver's license, it shall be by  
39 endorsement on the basic driver's license.

40 The [director] commission, upon payment of the lawful fee and  
41 after he or a person authorized by him has examined the applicant and  
42 is satisfied of the applicant's ability as an operator, may, in his  
43 discretion, issue a license to the applicant to drive a motor vehicle.  
44 The license shall authorize him to drive any registered vehicle, of the  
45 kind or kinds indicated, and shall expire, except as otherwise provided,  
46 on the last day of the 48th calendar month following the calendar  
47 month in which such license was issued.

1 The [director] commission may, at his discretion and for good  
2 cause shown, issue licenses which shall expire on a date fixed by him.  
3 If the [director] commission issues a license to a person who has  
4 demonstrated authorization to be present in the United States for a  
5 period of time shorter than the standard period of the license, the  
6 [director] commission shall fix the expiration date of the license at a  
7 date based on the period in which the person is authorized to be  
8 present in the United States under federal immigration laws. The  
9 [director] commission may renew such a license only if it is  
10 demonstrated that the person's continued presence in the United States  
11 is authorized under federal law. The fee for licenses with expiration  
12 dates fixed by the [director] commission shall be fixed by the  
13 [director] commission in amounts proportionately less or greater than  
14 the fee herein established.

15 The required fee for a license for the 48-month period shall be as  
16 follows:

17 Motorcycle license or endorsement: \$18.

18 Omnibus or school bus endorsement: \$18.

19 Basic driver's license: \$18.

20 The [director] commission shall waive the payment of fees for  
21 issuance of omnibus endorsements whenever an applicant establishes  
22 to the director's satisfaction that said applicant will use the omnibus  
23 endorsement exclusively for operating omnibuses owned by a  
24 nonprofit organization duly incorporated under Title 15 or 16 of the  
25 Revised Statutes or Title 15A of the New Jersey Statutes.

26 The [director] commission shall issue licenses for the following  
27 license period on and after the first day of the calendar month  
28 immediately preceding the commencement of such period, such  
29 licenses to be effective immediately.

30 All applications for renewals of licenses shall be made in a manner  
31 prescribed by the [director] commission and in accordance with  
32 procedures established by him.

33 The [director] commission in his discretion may refuse to grant a  
34 permit or license to drive motor vehicles to a person who is, in [his]  
35 its estimation, not a proper person to be granted such a permit or  
36 license, but no defect of the applicant shall debar him from receiving  
37 a permit or license unless it can be shown by tests approved by the  
38 [Director of the Division of Motor Vehicles] commission that the  
39 defect incapacitates him from safely operating a motor vehicle.

40 In addition to requiring an applicant for a driver's license to submit  
41 satisfactory proof of identity and age, the [director] commission also  
42 shall require the applicant to provide, as a condition for obtaining a  
43 permit and license, satisfactory proof that the applicant's presence in  
44 the United States is authorized under federal law.



1 If the [director] commission has reasonable cause to suspect that  
2 any document presented by an applicant as proof of identity, age or  
3 legal residency is altered, false or otherwise invalid, the [director]  
4 commission shall refuse to grant the permit or license until such time  
5 as the document may be verified by the issuing agency to the  
6 [director's] commission's satisfaction.

7 A person violating this section shall be subject to a fine not  
8 exceeding \$500 or imprisonment in the county jail for not more than  
9 60 days, but if that person has never been licensed to drive in this  
10 State or any other jurisdiction, he shall be subject to a fine of not less  
11 than \$200 and, in addition, the court shall issue an order to the  
12 [Director of the Division of Motor Vehicles] commission requiring  
13 the [director] commission to refuse to issue a license to operate a  
14 motor vehicle to the person for a period of not less than 180 days.  
15 The penalties provided for by this paragraph shall not be applicable in  
16 cases where failure to have actual possession of the operator's license  
17 is due to an administrative or technical error by the [Division of Motor  
18 Vehicles] commission.

19 Nothing in this section shall be construed to alter or extend the  
20 expiration of any license issued prior to the date this amendatory and  
21 supplementary act becomes operative.

22 (cf: P.L.2001, c.420, s.3)

23

24 39. Section 15 of P.L.2001, c.391 (C.39:3-10f5) is amended to  
25 read as follows:

26 15. a. [There is established in the General Fund a separate special  
27 non-lapsing account to be known as the "Secure Driver's License  
28 Fund."] Revenues from the fees collected for the digitized picture  
29 provided for in this act shall be [credited to the fund] revenues of the  
30 commission as of 30 days after enactment of P.L. , c. (C. )  
31 (now before the Legislature as this bill) and used for the purposes of  
32 the commission.

33 b. [Moneys in the fund shall be appropriated to the Department of  
34 Transportation for the purposes of ensuring secure driver's license  
35 documents and the handling thereof including the review, processing,  
36 production and distribution of a secure driver's license, identification  
37 card, or any related support documents required by or in relation to  
38 this act.] (Deleted by amendment, P.L. , c. (now before the  
39 Legislature as this bill)

40 c. Any revenue credited to the fund [but not appropriated to the  
41 department] shall remain in the fund exclusively for the purposes [set  
42 forth in this act] of the commission.

43 (cf: P.L.2001, c.391, s.15)

S2121 SACCO

1 40. Section 14 of P.L.1995, c.112 (C.39:8-54) is amended to read  
2 as follows:

3 14. A person who displays or causes or permits to be displayed any  
4 sign, mark, or advertisement, or otherwise identifies that person as a  
5 private inspection facility, a registered motor vehicle repair facility or  
6 an emission inspector when not holding a valid license or registration  
7 issued by the director, or who inspects a motor vehicle without being  
8 licensed as a private inspection facility, or who conducts an emission  
9 inspection without being licensed as an emission inspector, or who  
10 performs an emission-related repair on a motor vehicle that has failed  
11 an emission test without being registered as a motor vehicle emission  
12 repair facility, or who transfers or attempts to transfer a valid license  
13 or registration, shall be subject to a fine of not less than \$1,000 or  
14 imprisonment for not more than 30 days, or both. Any fine collected  
15 under the provisions of this section shall be paid to the State Treasurer  
16 and deposited in the "Motor Vehicle Inspection Fund" established  
17 pursuant to subsection j. of R.S.39:8-2.  
18 (cf: P.L.1995, c.112, s.14)

19

20 41. R.S.39:10-19 is amended to read as follows:

21 39:10-19. No person shall engage in the business of buying, selling,  
22 wholesaling or dealing in new or used motor vehicles in this State, nor  
23 shall a person engage in any activity that would qualify the person as  
24 a leasing dealer, as defined in Section 2 of P.L.1994, c.190 (C.56:12-  
25 61) unless: a. he is a licensed real estate broker acting as an agent or  
26 broker in the sale of mobile homes without their own motor power  
27 other than recreational vehicles as defined in Section 3 of P.L.1990,  
28 c.103 (C.39:3-10.11), or manufactured homes as defined in Section 3  
29 of P.L.1983, c.400 (C.54.4-1.4); b. he is authorized to do so under the  
30 provisions of this chapter. The [director] commission may, upon  
31 application in such form as [he] it prescribes, license any person as  
32 [such] a new or used motor vehicle dealer, [or] leasing dealer, or  
33 wholesale dealer. A licensed real estate broker shall be entitled to act  
34 as an agent or broker in the sale of a mobile or manufactured home as  
35 defined in subsection a. of this section without obtaining a license from  
36 the [director] commission. For the purposes of this provision a  
37 "licensed real estate broker" means a real estate broker licensed by the  
38 New Jersey Real Estate Commission pursuant to the provisions of  
39 Chapter 15 of Title 45 of the Revised Statutes. Any sale or transfer  
40 of a mobile or manufactured home, in which a licensed real estate  
41 broker act as a broker or agent pursuant to this section, which sale or  
42 transfer is subject to any requirements of R.S.39:10-1 et seq., shall  
43 comply with all these requirements. No person, who has been  
44 convicted of a crime, arising out of a fraud or misrepresentation in the  
45 sale, leasing, or financing of a motor vehicle, shall be eligible to  
46 receive a license. Any person, who has been convicted of a crime

1 arising out of fraud or misrepresentation, may be deemed to be an  
2 improper person to receive a license as a motor vehicle dealer. Each  
3 applicant for a license shall at the time such license is ~~issued~~ applied  
4 for have established and maintained ~~[or by said application shall agree~~  
5 ~~to establish and maintain within 90 days after the issuance thereof]~~ a  
6 place of business ~~[consisting of a permanent building of not less than~~  
7 ~~1,000 square feet in floor space]~~ the criteria for which shall be  
8 established in regulation by the commission located in the state of New  
9 Jersey to be used principally for servicing, ~~display or, promulgating~~  
10 transactions of motor vehicle ~~or any or all of the foregoing,~~ with, ~~if~~  
11 ~~applicable,~~ such equipment installed therein shall be requisite for the  
12 servicing of motor vehicles in such a manner as to make them comply  
13 with the laws of this State with any rules and regulations made by the  
14 ~~[Director of Motor Vehicles]~~ commission governing the equipment,  
15 use, and operation of motor vehicles within the State. ~~[However, a]~~  
16 ~~A~~ leasing dealer, who is not engaged in the business of buying, selling,  
17 dealing or wholesaling in motor vehicles in the State, shall not be  
18 required to maintain a place of business with floor space available for  
19 the servicing or display of motor vehicles or to have an exterior sign  
20 at the lessor's place of business. The commission shall disqualify any  
21 dual or multi-dealer licensed facilities. A wholesale dealer as  
22 established must be permanently domiciled in this State and comply  
23 with all zoning laws. Such dealer shall also comply with ordinance and  
24 land use requirements and with all facility site requirements as  
25 determined by the commission. A general license fee of \$100 shall be  
26 paid by an applicant for any dealer business license. The ~~[director]~~  
27 commission may renew an applicant's business license from year to  
28 year by an annual renewal fee of \$100. Upon initial application for a  
29 dealer business license, each applicant shall submit a site examination  
30 fee of \$250 payable to the commission. If a location is sub-divided or  
31 site location is changed subsequent to initial licensing, a used or  
32 wholesale dealer is required to submit an additional site inspection fee.  
33 In addition, upon initial licensing and renewal, each applicant for a  
34 wholesale dealership shall submit a surety bond in the amount of  
35 \$100,000 executed in favor of the State of New Jersey. Applicants  
36 who are either new or used car dealers upon initial licensure and  
37 renewal shall submit a surety bond in the amount of \$50,000 executed  
38 in favor of the State of New Jersey. ~~[Every license shall expire on~~  
39 ~~March 31 of each year terminating the period from which it was~~  
40 ~~issued. The Director may renew an applicant's license from year to~~  
41 ~~year, upon application for renewal in a form prescribed by the director~~  
42 ~~and accompanied each year by a renewal fee of \$100.]~~ Every license  
43 shall expire on March 31 of each year terminating the period for which  
44 it is issued. On and after February 1 of each year, the ~~[director]~~  
45 commission shall issue licenses for the following yearly period to

1 expire on March 31 of the following year.

2 For purposes of this section, a leasing dealer or an assignee of a  
3 leasing dealer whose leasing activities are limited to buying motor  
4 vehicles for the purpose of leasing them and selling motor vehicles at  
5 the termination of a lease shall not be deemed to be engaged in the  
6 business of buying, selling, or dealing in motor vehicles in this State.  
7 For purposes of this section, a new car dealer includes any person,  
8 firm, corporation, partnership, or other entity engaged in the business  
9 of buying, selling or dealing in new motor vehicles under a  
10 manufacturer's or importer's contract for each such make of vehicle,  
11 and may, incidental to such business, sell used motor vehicles and  
12 repair motor vehicles or cause them to be repaired by qualified persons  
13 in his employ. A used car dealership includes any person, firm,  
14 corporation, partnership or other entity engaged in the business of  
15 buying, selling, or dealing in motor vehicles other than new who may,  
16 incidental to such business, repair motor vehicles or cause them to be  
17 repaired by qualified persons in his employ. A wholesale dealer is  
18 deemed to be any person, firm, corporation, partnership or other entity  
19 that engages in buying, selling or dealing in wholesale vehicles and  
20 whose activities are restricted solely to dealing with retail dealers and  
21 dealer auctions.

22 (cf: P.L.1994, c.190, s.9)

23

24 42. (New Section) The provisions of Executive Reorganization  
25 Plan No. 002-1995, which provides for the transfer and reorganization  
26 of the Division of Motor Vehicles within the Department of  
27 Transportation, are hereby amended to specify that the functions set  
28 forth therein are now the functions of the New Jersey Motor Vehicle  
29 Commission.

30

31 43. (New section) The provisions of Executive Reorganization  
32 Plan No. 005-1998, which provides for the reorganization and transfer  
33 of certain school bus safety functions from the Department of  
34 Education and the State Board of Education to the Department of  
35 Transportation, are hereby amended to specify that the functions set  
36 forth therein are now the functions of the New Jersey Motor Vehicle  
37 Commission.

38

39 44. R.S.39:2-3 is amended to read as follows:

40 39:2-3. The [commissioner] commission shall:

41 a. Have all the powers and perform all the duties conferred or  
42 imposed upon [him or the department] it by this subtitle;

43 b. Have [personal] charge and supervision of the administration  
44 and enforcement of this subtitle and attend to the enforcement thereof,  
45 and for the purpose of enforcement may communicate with the police  
46 departments and police officers in the state;

1 c. Collect such data with respect to the proper restrictions to be  
2 placed upon motor vehicles and their use upon the public roads,  
3 turnpikes and thoroughfares as shall seem for the public good;

4 d. Execute all contracts entered into by the [department]  
5 commission and approve all bills for disbursement of money under any  
6 provision of this chapter and chapter 3 of this title (s. 39:3-1 et seq.),  
7 which bills shall be paid by the [state treasurer upon the warrant of the  
8 comptroller out of any appropriation regularly made therefor]  
9 commission.

10 (cf: R.S.39:2-3)

11  
12 45. R.S.39:3-3 is amended to read as follows:

13 39:3-3. The [director] administrator shall designate at least 1  
14 person in each county for each 300,000 inhabitants or fraction thereof  
15 to be his agent for the registering of motor vehicles, issuing  
16 registration certificates and licensing of drivers, subject to the  
17 requirements of this subtitle and to any rules and regulations the  
18 [director] commission imposes. The agent shall so act until his  
19 authority is revoked by the [director] commission. All moneys  
20 received by such agents for registrations and licenses granted under  
21 the provisions of this chapter shall forthwith be deposited as received  
22 with the State Treasurer. The fee allowed the agent for registration  
23 certificates issued by him and for every license granted by him shall be  
24 fixed by the [director] commission on the basis of the registration or  
25 license fees collected by the agent. The [director] commission may  
26 limit the fee so paid to a maximum. Such fee shall be paid to the agent  
27 by the State Treasurer upon the voucher of the director in the same  
28 manner as other State expenses are paid.

29 (cf: P.L.1959, c.145, s.1)

30  
31 46. R.S.39:3-47 is amended to read as follows:

32 39:3-47. No person shall drive, move, park or be in custody of any  
33 vehicle or combination of vehicles on any street or highway unless  
34 such vehicle or combination of vehicles is equipped with lamps and  
35 illuminating devices as hereinafter in this article respectively required  
36 for different classes of vehicles.

37 a. No person shall drive, move, park or be in custody of any  
38 vehicle or combination of vehicles on any street or highway during the  
39 times when lighted lamps are required unless such vehicle or  
40 combination of vehicles displays lighted lamps and illuminating devices  
41 as hereinafter in this article required. Failure to use lighted lamps  
42 when lighted lamps are required may result in a fine not to exceed  
43 \$50.00. In no case shall motor vehicle points or automobile insurance  
44 eligibility points pursuant to section 26 of P.L.1990, c.8 (C:17:33B-  
45 14) be assessed against any person for a violation of this subsection.  
46 A person who is fined under this subsection for a violation of this

1 subsection shall not be subject to a surcharge under the New Jersey  
2 Merit Rating Plan as provided in section 6 of P.L.1983, c.65  
3 (C:17:29A-35).

4 b. No person shall use on any vehicle any approved electric lamp  
5 or similar device unless the light source of such lamp or device  
6 complies with the conditions of approval as to focus and rated  
7 candlepower.

8 c. No person shall alter the equipment or performance of  
9 equipment of any vehicle which has been approved at an official  
10 inspection station designated by the [commissioner] commission with  
11 intent to defeat the purpose of such inspection, and no person shall  
12 drive or use any vehicle with equipment so altered.

13 (cf: P.L.1995, c.305, s.2)

14

15 47. R.S.39:3-69 is amended to read as follows:

16 39:3-69. Every motor vehicle except a motor-drawn vehicle when  
17 operated upon a highway shall be equipped with a horn in good  
18 working order and capable of emitting sound audible under normal  
19 conditions from a distance of not less than 200 feet, but no horn or  
20 other warning device shall emit an unreasonably loud or harsh sound  
21 or a whistle. The driver of a motor vehicle shall, when reasonably  
22 necessary to insure safe operation, give audible warning with his horn  
23 but shall not otherwise use such horn when upon a highway.

24 No vehicle shall be equipped with nor shall any person use upon a  
25 vehicle any siren, whistle or bell except as otherwise permitted in this  
26 section. It is permissible but not required that any vehicle be equipped  
27 with a theft alarm signal device which is so arranged that it cannot be  
28 used by the driver as an ordinary warning signal. Any emergency  
29 vehicle authorized by the [commissioner] commission may be  
30 equipped with a siren, whistle, or bell capable of emitting sound  
31 audible under normal conditions from a distance of not less than 500  
32 feet and of a type approved by the [commissioner] commission, but  
33 such siren, whistle or bell shall not be used except when such vehicle  
34 is operated in response to an emergency call or in the immediate  
35 pursuit of an actual or suspected violator of the law, in which said  
36 latter events the driver of such vehicle shall sound said siren, whistle  
37 or bell when necessary to warn pedestrians and other drivers of the  
38 approach thereof.

39 No person shall install or use on the exhaust system of any motor  
40 vehicle any device which emits an audible sound unless authorized to  
41 do so by the [commissioner] commission.

42 No bicycle shall be equipped with nor shall any person use upon a  
43 bicycle any siren or whistle.

44 The [commissioner] commission is hereby authorized in [his] its  
45 discretion to promulgate standards concerning the audibility of audible  
46 warning devices.

1 (cf: P.L.1968, c.97, s.1)

2 48. Section 2 of P.L.1938, c.352 (C.39:3-85.2) is amended to read  
3 as follows:

4 2. Every chief of police or other peace officer in the State of New  
5 Jersey, upon receiving reliable information that any motor vehicle has  
6 been stolen or any registration plates have been lost or stolen, shall  
7 within twenty-four hours report this information to the Superintendent  
8 of State Police and the [Commissioner of Motor Vehicles]  
9 commission.

10 Any chief of police or other peace officer, upon receiving reliable  
11 information that any motor vehicle or registration plates, which he  
12 previously reported as stolen or lost has been recovered, shall within  
13 twenty-four hours report the fact of such recovery to the  
14 Superintendent of State Police and the [Commissioner of Motor  
15 Vehicles] commission.

16 (cf: P.L.1938, c.352, s.2)

17

18 49. Section 3 of P.L.1938, c.352 (C.39:3-85.3) is amended to read  
19 as follows:

20 3. The Superintendent of State Police and the [Commissioner of  
21 Motor Vehicles] commission having been notified of the theft of a  
22 motor vehicle or the loss or theft of registration plates by a chief of  
23 police or other peace officer, shall index and file this information in  
24 such a manner that a motor vehicle or registration plates can be  
25 properly identified. These records shall be available to all police  
26 officers and other interested agencies. The Superintendent of State  
27 Police and the [Commissioner of Motor Vehicles] commission shall  
28 co-operate with and assist all peace officers and other agencies in  
29 tracing or examining any questionable automobiles to determine the  
30 ownership thereof.

31 (cf: P.L.1938, c.352, s.3)

32

33 50. R.S.39:4-6 is amended to read as follows:

34 39:4-6. The [director] commissioner shall investigate traffic  
35 conditions, means for their improvement and the enforcement of laws  
36 and regulations relating to traffic, including pedestrian travel on the  
37 public streets and highways. He shall report annually to the Governor  
38 and the Legislature the result of his investigations together with his  
39 recommendations. He may determine, regulate and control the  
40 character, type, location, placing of and operation of all official traffic  
41 control devices on the streets, highways and public places in the State,  
42 or cause the removal of such devices determined to be unnecessary.  
43 He shall see that the laws relating to such devices are enforced,  
44 investigate the manner of enforcing the laws regarding the parking of  
45 vehicles on public highways, the use of streets by pedestrians,  
46 investigate the location of "stop" signs and cause the removal of those

1 which in his opinion are installed in violation of this chapter, and cause  
2 the removal of all colored lights so located as to be confused with  
3 traffic signals. He shall also enforce the provisions of this chapter and  
4 promulgate rules and regulations for the enforcement of his duties  
5 hereunder.

6 This section shall not be construed to in any way curtail the powers  
7 of actual enforcement vested by law in the local authorities.

8 (cf: P.L.1951, c.23, s.6)

9

10 51. R.S.39:4-7 is amended to read as follows:

11 39:4-7. The [director] commissioner shall hold hearings when in  
12 his judgment they are necessary. He may issue subpoenas to compel  
13 the attendance of witnesses and the production of books, papers and  
14 records applicable to the provisions of this chapter.

15 (cf: P.L.1951, c.23, s.7)

16

17 52. Section 2 of P.L.1975, c.250 (C.39:4-14.3) is amended to read  
18 as follows:

19 2. a. Motorized bicycles shall not be operated upon interstate  
20 highways or upon public highways divided by a grass or concrete  
21 median or highways with posted speed limits in excess of 50 miles per  
22 hour or upon the railroad or right-of-way of an operating railroad  
23 within the State of New Jersey or upon any public land where  
24 expressly prohibited by the governing body, department or agency  
25 having jurisdiction thereof.

26 The [Director of the Division of Motor Vehicles] commissioner is  
27 authorized to adopt regulations either prohibiting the operation of  
28 motorized bicycles on any, public road or highway with a speed limit  
29 in excess of 40 miles per hour, which in his discretion are hazardous  
30 for the operation of motorized bicycles or permitting the operation of  
31 motorized bicycles on any public road or highway, upon which the  
32 operation of motorized bicycles is otherwise prohibited by the  
33 provisions of this section, which in his discretion are safe for the  
34 operation of motorized bicycles. In no case, however, shall the  
35 [director] commissioner adopt a regulation permitting motorized  
36 bicycles to be operated on any highway with a posted speed in excess  
37 of 50 miles per hour.

38 b. No municipality shall limit or otherwise restrict the operation of  
39 motorized bicycles on any public roads or highways under its  
40 jurisdiction in contravention of the provisions of this act or any  
41 regulations adopted by the director pursuant thereto.

42 c. Motorized bicycles shall not be operated by a person under 15  
43 years of age.

44 d. No person shall operate a motorized bicycle unless he is in  
45 possession of a valid driver's license of any class or a motorized  
46 bicycle license, which shall be issued by the [director] commission to



1 any person 15 years of age or older, upon proof of identity and date  
2 of birth, and after he has passed a satisfactory examination as to his  
3 ability as an operator. Such examination shall include a test of the  
4 applicant's knowledge of such portions of the mechanism of motorized  
5 bicycles as is necessary to insure their safe operation and of the laws  
6 and ordinary usages of the road and a demonstration of his ability to  
7 operate a motorized bicycle.

8 The demonstration of an applicant's ability to operate a motorized  
9 bicycle shall be administered at such municipalities that the [director]  
10 commission shall designate, under the supervision of the [director]  
11 commission, or an officer, employee, or authorized agent of the  
12 [Division of Motor Vehicles] commission, in accordance with rules  
13 and regulations promulgated by the [division] commission.

14 The [director] administrator may, in his discretion, issue a learner's  
15 permit to a person 15 years of age or older, upon proof of identity and  
16 date of birth, allowing such person, for the purpose of fitting himself  
17 to become a motorized bicycle driver, to operate a motorized bicycle  
18 during daylight hours without supervision for a period not to exceed  
19 45 days. The permit shall be sufficient license for the person to  
20 operate a motorized bicycle. No permit shall be issued unless the  
21 person applying therefor shall pay the sum of \$5.00 to the [director]  
22 commission, or an officer, employee or agent of the [division]  
23 commission.

24 e. The valid driver's license, the insurance identification card, and  
25 the registration certificate shall be in the possession of the operator at  
26 all times when he is operating a motorized bicycle with motor engaged  
27 on the highways of this State. The operator shall exhibit his driver's  
28 license when requested to do so by any police officer or magistrate,  
29 while in the performance of the duties of his office and shall write his  
30 name in the presence of the officer, so that the officer may thereby  
31 determine the identity of the licensee and at the same time determine  
32 the correctness of the registration certificate, as it relates to the  
33 registration number and number plates of the motorized bicycle for  
34 which it was issued and the correctness of the evidence of a policy of  
35 insurance, as it relates to the coverage of the motorized bicycle for  
36 which it was issued. Any person violating this subsection shall be  
37 subject to a fine not exceeding \$50.00.

38 If a person charged with a violation of this subsection can exhibit  
39 his valid driver's license, insurance identification card, and registration  
40 certificate, which were valid on the day he was charged, to the judge  
41 of the municipal court before whom he is summoned to answer to the  
42 charge, the judge may dismiss the charge; however, the judge may  
43 impose court costs.

44 f. Unless otherwise determined by the [director] commissioner,  
45 statutes, rules and regulations applicable to bicycles shall apply  
46 whenever a motorized bicycle is operated upon any highway or upon

1 any public land.

2 Every person operating a motorized bicycle upon a public road or  
3 highway shall be subject to all of the duties applicable to the driver of  
4 a vehicle by chapter 4 of Title 39 and N.J.S.2C:11-5 and all  
5 amendments and supplements thereto.

6 (cf: P.L.1983, c.105, s.7)

7

8 53. Section 42 of P.L.1951, c.23 (C.39:4-85.1) is amended to read  
9 as follows:

10 42. The [State Highway] commissioner with respect to highways  
11 under his jurisdiction may by regulation, and local and county  
12 authorities with respect to highways under their jurisdiction may by  
13 ordinance or resolution[, subject to the approval of the Director of the  
14 Division of Motor Vehicles,] designate any such highway or any  
15 separate roadway of such highway for one-way traffic and shall erect  
16 appropriate signs giving notice thereon.

17 Upon a highway or roadway properly designated and signed for  
18 one-way traffic, a vehicle shall be driven only in the direction  
19 designated.

20 (cf: P.L.1951, c.23, s.42)

21

22 54. R.S.39:4-120 is amended to read as follows:

23 39:4-120. The [director] commissioner may determine the  
24 character, type, location, placing and operation of all traffic control  
25 signal devices on the highways of this State. The [director]  
26 commissioner may adopt a manual and specifications for a uniform  
27 system of traffic control signals consistent with the provisions of this  
28 act for use upon public highways within the State. Such uniform  
29 system shall correlate with and so far as possible conform to the  
30 system then current as specified in the "Manual on Uniform Traffic  
31 Control Devices for Streets and Highways."

32 (cf: P.L.1951, c.23, s.61)

33

34 55. Section 1 of P.L.1948, c.342 (C.39:4-138.1) is amended to  
35 read as follows:

36 1. The [State Highway Commissioner] commissioner, by  
37 regulations [subject to the approval of the Director of the Division of  
38 Motor Vehicles], shall have authority to establish and maintain "no  
39 parking" zones on portions of State highways where parking is deemed  
40 hazardous or inimical to the proper flow of traffic.

41 "No parking" zones so established shall be clearly marked by  
42 appropriate signs of a type and design according to specifications  
43 adopted by the [Director of the Division of Motor Vehicles]  
44 commissioner.

45 (cf: P.L.1951, c.23, s.78)

1       56. Section 7 of P.L.1941, c.345 (C.39:4-183.6) is amended to  
2 read as follows:

3       7. The [Director of the Division of Motor Vehicles] commissioner  
4 may determine the character, type, location, wording or symbol, and  
5 use of all traffic signs on the highways of this State; may adopt a  
6 manual and specifications for a uniform system of traffic signs  
7 consistent with the provisions of this act for use upon public highways  
8 within the State. Such uniform system shall correlate with and so far  
9 as possible conform to the system then current as specified in the  
10 “Manual on Uniform Traffic Control Devices for Streets and  
11 Highways.”

12 (cf: P.L.1951, c.23, s.82)

13

14       57. Section 10 of P.L.1941, c.345 (C.39:4-183.9) is amended to  
15 read as follows:

16       10. The design of all traffic signs shall conform to and have the  
17 minimum dimensions of the specifications adopted by the [Director of  
18 the Division of Motor Vehicles] commissioner, except as otherwise  
19 approved by the [director] commissioner. Where conditions require  
20 greater visibility necessitating a larger sign, standard shapes and colors  
21 shall be used, and standard proportions shall be retained, so far as  
22 practicable.

23       This is not to be deemed to prohibit the erection of enlarged bridge  
24 type signs or narrow longitudinal type signs suspended from mast  
25 arms, over the roadway.

26 (cf: P.L.1956, c.107, s.7)

27

28       58. Section 3 of P.L.1971, c.393 (C.39:4-183.21a) is amended to  
29 read as follows:

30       3. The [Director of the Division of Motor Vehicles] commissioner  
31 shall, upon receiving notice from a railroad company that it has  
32 abandoned a particular line and the grade crossings thereon, order the  
33 removal of any advance warning signs erected pursuant to section 22  
34 of P.L.1941, c. 345 (C. 39:4-183.21).

35 (cf: P.L.1971, c.393, s.3)

36

37       59. Section 25 of P.L.1941, c.345 (C.39:4-183.24) is amended to  
38 read as follows:

39       25. Standard location and information signs shall conform to the  
40 design and specifications adopted by the [Director of the Division of  
41 Motor Vehicles] commissioner.

42 (cf: P.L.1951, c.23, s.98)

43

44       60. Section 114 of P.L.1951, c.23 (C.39:4-201.1) is amended to  
45 read as follows:

1 114. With respect to highways under his jurisdiction the [State  
2 Highway] commissioner, by regulations [subject to the approval of  
3 the Director of the Division of Motor Vehicles], shall have authority  
4 to establish and maintain as “no passing” zones portions of such  
5 highways where overtaking and passing, or driving to the left of the  
6 roadway is deemed especially hazardous. Notice to the public of the  
7 establishment of said “no-passing” zones, shall be given in the manner  
8 provided in section 39:4-198 of the Revised Statutes.

9 (cf: P.L.1951, c.23, s.114)

10  
11 61. Section 5 of P.L.1950, c.16 (C.39:4-212) is amended as  
12 follows:

13 5. The said division and any such board, body or officer is  
14 authorized to consult and co-operate with the [Division of Motor  
15 Vehicles in the said department] commissioner, and the county and  
16 municipal officials having jurisdiction over the highways and traffic  
17 regulations and enforcement in the city of Trenton, or in the  
18 municipality in which the State institution may be located, as the case  
19 may be, in making and enforcing the said regulations.

20 (cf: P.L.1956, c.47, s.4)

21  
22 62. R.S.39:5-32 is amended as follows:

23 39:5-32. The [commissioner] commission shall, at all times, have  
24 the power to validate a driver’s license that has been revoked, or to  
25 grant a new license to any person whose license to drive motor  
26 vehicles shall have been revoked.

27 (cf: R.S.39:5-32)

28  
29 63. R.S.39:5-33 is amended to read as follows:

30 39:5-33. If a driver of motor vehicles shall have had his license  
31 suspended or revoked, a new license granted to him shall be void and  
32 of no effect, unless it shall be granted by the [commissioner in person]  
33 commission.

34 (cf: R.S.39:5-33)

35  
36 64. R.S.39:5-34 is amended to read as follows:

37 39:5-34. If a registration or registration certificate shall have been  
38 suspended or revoked, a new registration or registration certificate  
39 issued shall be void and of no effect, unless the new registration shall  
40 be made and the new certificate issued under the [personal] direction  
41 of the [commissioner] commission.

42 (cf: R.S.39:5-34)

43  
44 65. R.S.39:5-46 is amended to read as follows:

45 39:5-46. The clerk of every court wherein a person licensed to

1 operate a motor vehicle in this or another state is convicted of stealing  
2 produce from a farm in this state, shall, within three days after the  
3 conviction, make a report in writing to the [commissioner]  
4 commission of all such cases heard before the court, upon blanks  
5 provided by the [commissioner] commission for the purpose. The  
6 report shall state the name and address of the person convicted, the  
7 date thereof, the sentence imposed by the court and any  
8 recommendations the court may deem of value to the [commissioner]  
9 commission in determining whether action should be taken against the  
10 convicted person's license.

11 (cf: R.S.39:5-46)

12

13 66. R.S.39:5-47 is amended to read as follows:

14 39:5-47. The [commissioner] commission may authorize the  
15 seizure of a motor vehicle operated over the highways of this state  
16 when [he] it has reason to believe that the motor vehicle has been  
17 stolen or is otherwise being operated under suspicious circumstances  
18 and may retain it in the name of the [department] commission until  
19 such time as the identity of ownership is established, whereupon [he]  
20 it shall order the release of the motor vehicle to its owner.

21 After the expiration of ninety days from the date the motor vehicle  
22 came into the possession of the [commissioner] commission by  
23 seizure or otherwise, [he] it shall sell it at public sale, upon notice of  
24 the sale being first published for the space of two weeks in one or  
25 more newspapers published and circulating in this state, and also by  
26 posting the notice in five public places in this state. The newspapers  
27 and places of posting shall be designated by the [commissioner]  
28 commission. Upon the sale of the motor vehicle all claims for interest  
29 therein shall be forever barred and the proceeds realized therefrom  
30 shall become the sole property of the state, to be used as other moneys  
31 received under chapter 3 of this title (§ 39:3-1 et seq.).

32 (cf: R.S.39:5-47)

33

34 67. R.S.39:10-4 is amended to read as follows:

35 39:10-4. The enforcement of this chapter shall be intrusted to the  
36 [commissioner] commission and [he] it may make rules and  
37 regulations necessary in [his] its judgment for the administration and  
38 enforcement thereof in addition thereto but not inconsistent therewith.  
39 [He] The commission may employ and discharge any person [he] it  
40 requires for the administration and enforcement of this chapter and fix  
41 their compensation.

42 (cf: R.S.39:10-4)

43

44 68. R.S.39:11-2 is amended to read as follows:

45 39:11-12. The terms "motor vehicle junk business" or "motor

1 vehicle junk yard” shall mean and describe any business and any place  
2 of storage or deposit adjacent to or visible from a state highway,  
3 which displays, or in or upon which there are displayed, to the public  
4 view, two or more unregistered motor vehicles which, in the opinion  
5 of the [commissioner] commission, are unfit for reconditioning for use  
6 for highway transportation, or used parts of motor vehicles or material  
7 which has been a part of a motor vehicle, the sum of which parts or  
8 material shall, in the opinion of the commissioner, be equal in bulk to  
9 two or more motor vehicles.

10 (cf: R.S.39:11-2)

11

12 69. R.S.39:11-3 is amended to read as follows:

13 39:11-3. The [commissioner] commission may, in [his] its  
14 discretion, issue licenses permitting the establishment and maintenance  
15 of a motor vehicle junk yard or business, and no such business shall be  
16 established or maintained unless it is licensed in accordance with this  
17 chapter.

18 (cf: R.S.39:11-3)

19

20 70. R.S.39:11-4 is amended to read as follows:

21 39:11-4. Before making application to the [commissioner]  
22 commission for a license for the motor vehicle junk business or motor  
23 vehicle junk yard, the applicant shall first obtain a permit or certificate  
24 approving its proposed location from the governing body or zoning  
25 commission of the municipality in which it is proposed to establish or  
26 maintain the junk yard or business.

27 (cf: R.S.39:11-4)

28

29 71. R.S.39:11-6 is amended to read as follows:

30 39:11-6. Upon request of the governing body or zoning  
31 commission, as the case may be, of the municipality in which the yard  
32 or business is proposed to be located, the [commissioner] commission  
33 shall hold a public hearing within the municipality not less than three  
34 nor more than five weeks from the date of the application. Notice of  
35 the hearing shall be given to the applicant and to the council or mayor,  
36 by mail, postage prepaid, and be published once in a newspaper having  
37 a circulation within the municipality, not less than seven days before  
38 the date of the hearing. The hearing shall be conducted by the  
39 [commissioner] commission or [his] its authorized representative,  
40 and the applicant shall pay to the [commissioner] commission or [his]  
41 its representative a fee of twenty-five dollars, the costs of the notices  
42 and the expenses of the hearing. Upon the conclusion of the hearing,  
43 the [commissioner] commission shall, within five days, recommend in  
44 writing to the governing body or the zoning commission, as the case  
45 may be, the granting or refusal of the local permit or certificate of  
46 approval, giving [his] its reasons for the recommendation.

**S2121 SACCO**

1 (cf: R.S.39:11-6)

2 72. R.S.39:11-7 is amended to read as follows:

3 39:11-7. Application for a state license for the motor vehicle junk  
4 yard or business shall be made to the [commissioner] commission, in  
5 writing, upon a form to be supplied by [him] it. With the application  
6 there shall be submitted a local permit or certificate of approval, as  
7 hereinbefore described, and the application shall be accompanied by  
8 the amount of the fees herein fixed for the license applied for. The  
9 [commissioner] commission or [his] its representative, upon receipt  
10 of the application, shall examine the location of the motor vehicle junk  
11 yard or business proposed to be established or maintained, and shall  
12 grant the license if in [his] its judgment there is no valid reason why  
13 it should not be granted. The [commissioner] commission in granting  
14 the license, may impose upon the establishment or maintenance of the  
15 yard or business, such conditions as [he] it deems advisable, having  
16 regard to the depreciation of surrounding property and the health,  
17 safety and general welfare of the public, and no license for the junk  
18 yard or business shall be issued until these conditions have been  
19 complied with.

20 (cf: R.S.39:11-7)

21

22 73. R.S.39:11-8 is amended to read as follows:

23 39:11-8. An applicant for the license shall pay to the [director]  
24 commission a fee of \$50.00 for the examination of the proposed  
25 location of each motor vehicle junk yard or business and a license fee  
26 therefor [to the director] of \$100.00. No license shall be effective for  
27 more than 1 year from the date of issue.

28 (cf: P.L.1975, c.180, s.20)

29

30 74. R.S.39:11-9 is amended to read as follows:

31 39:11-9. Every person holding a license issued in accordance with  
32 this chapter and a dealer's license issued in accordance with subtitle 1  
33 of this title (s. 39:1-1 et seq.), shall certify to the [commissioner]  
34 commission, upon the sale by him of a motor vehicle, that, at the time  
35 of the sale, the motor vehicle was or was not, as the case may be, in  
36 suitable condition to be operated on the highways.

37 (cf: R.S.39:11-9)

38

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

40 39:11-10. A person aggrieved by the action of the governing body  
41 or zoning commission of a municipality under this chapter, or a person  
42 aggrieved by an action of the [director] commission or [his] its  
43 authorized representative under this chapter, may obtain a review in  
44 the Superior Court by a proceeding in lieu of prerogative writ.

45 (cf: P.L.1953, c.36, s.36)

**S2121 SACCO**

47

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

2 39:11-11. A person who violates any provision of R.S.39:11-3 or  
3 R.S.39:11-9 of this Title shall be fined not less than \$25.00 nor more  
4 than \$100.00 or be imprisoned not more than 90 days, or both.

5 The provisions of said sections shall be enforced and all penalties  
6 for the violation thereof shall be recovered in accordance with the  
7 provisions of “the penalty enforcement law” (N.J.S.2A:58-1 et seq.),  
8 and in addition to the provisions and remedies therein contained, the  
9 following provisions and remedies shall be applicable in any  
10 proceeding brought for a violation of any of the provisions of said  
11 sections:

12 a. The several municipal courts shall have jurisdiction of any such  
13 proceeding, in addition to the courts prescribed in “the penalty  
14 enforcement law;”

15 b. The complaint in any such proceeding may be made on  
16 information and belief by the [director] commission, or any police or  
17 peace officer of any municipality, any county or the State;

18 c. A warrant may issue in lieu of summons;

19 d. Any police or peace officer shall be empowered to serve and  
20 execute process in any such proceeding;

21 e. The hearing in any such proceeding shall be without a jury;

22 f. Any such proceeding may be brought in the name of the  
23 [Director of the Division of Motor Vehicles in the Department of Law  
24 and Public Safety] commission or in the name of the State of New  
25 Jersey;

26 g. Any sums received in payment of any fines imposed in any such  
27 proceeding shall be paid to the [Director of the Division of Motor  
28 Vehicles] commission and shall be paid by [him] it into the State  
29 treasury;

30 h. The director or judge before whom any hearing under said  
31 sections is had may revoke the license of any person to maintain a  
32 motor vehicle junk yard when such person shall have been guilty of  
33 such willful violation of any of the said provisions as shall in the  
34 discretion of the director or judge justify such revocation.

35 (cf: P.L.1983, c.403, s.34)

36

37 77. Section 2 of P.L.1983, c.360 (C.39:13-2) is amended to read  
38 as follows:

39 2. a. The [director] commission shall establish a system for the  
40 licensure of auto body repair facilities. This system may provide for  
41 licenses based upon the type or types of motor vehicles repaired by the  
42 facility and the equipment required for repair of the vehicles. At a  
43 minimum, the [director] commission shall provide for a full service  
44 auto body repair facility license, the qualifications for which are  
45 established under section 7 of this amendatory and supplementary act,  
46 and an automobile dealer sublet license, the qualifications for which



1 are established under section 8 of this amendatory and supplementary  
2 act. All facilities licensed pursuant to this section may hold themselves  
3 out to the public as licensed auto body repair facilities.

4 b. No person may engage in the business of an auto body repair  
5 facility unless it is licensed by the [director] commission. An auto  
6 body repair facility shall be licensed by the [director] commission  
7 upon submission and approval of an application and payment of a  
8 reasonable application fee sufficient to cover the cost of implementing  
9 the provisions of this act and to be prescribed by the [director]  
10 commission. The [director] commission may require biennial renewal  
11 of applications for licensure and may stagger the renewal dates and  
12 adjust the application fees accordingly. Revenue received from  
13 application fees and renewals shall be annually appropriated to the  
14 [Department of Transportation for the use of the Division of Motor  
15 Vehicles] commission in implementing and administering the  
16 provisions of P.L.1983, c.360 (C.39:13-1 et seq.), as amended and  
17 supplemented.

18 (cf: P.L.2001, c.53, s.2)

19  
20 78. R.S.39:8-1 is amended to read as follows:

21 39:8-1. a. Every motor vehicle registered in this State which is  
22 used over any public road, street, or highway or any public or quasi-  
23 public property in this State, and every vehicle subject to enhanced  
24 inspection and maintenance programs pursuant to 40 C.F.R. § 51.356,  
25 except historic motor vehicles registered as such, collector motor  
26 vehicles designated as such pursuant to this subsection, and those  
27 vehicles over 8,500 pounds gross weight that are under the inspection  
28 jurisdiction of the [Department of Transportation] commission  
29 pursuant to Titles 27 and 48 (as amended by this legislation) of the  
30 Revised Statutes, shall be inspected by designated examiners or at  
31 official inspection facilities to be designated by the [director]  
32 commission or at licensed private inspection facilities. The [director]  
33 commission shall adopt rules and regulations establishing a procedure  
34 for the designation of motor vehicles as collector motor vehicles,  
35 which designation shall include consideration by the [director]  
36 commission of one or more of the following factors: the age of the  
37 vehicle, the number of such vehicles originally manufactured, the  
38 number of such vehicles that are currently in use, the total number of  
39 miles the vehicle has been driven, the number of miles the vehicle has  
40 been driven during the previous year or other period of time  
41 determined by the [director] commission, and whether the vehicle has  
42 a collector classification for insurance purposes.

43 b. The [director] commission shall determine the official  
44 inspection facility or private inspection facility at which a motor  
45 vehicle, depending upon its characteristics, shall be inspected. The

1 [director] commission, with the concurrence of the Department of  
2 Environmental Protection, may exclude by regulation from this  
3 inspection requirement any category of motor vehicle if good cause for  
4 such exclusion exists, unless the exclusion is likely to prevent this  
5 State from meeting the applicable performance standard established by  
6 the United States Environmental Protection Agency. The [director]  
7 commission may determine that a vehicle is in compliance with the  
8 inspection requirements of this section if the vehicle has been  
9 inspected and passed under a similar inspection program of another  
10 state, district, or territory of the United States.

11 (cf: P.L.1995, c.112, s.19)

12

13 79. Section 2 of P.L.1995, c.157 (C.39:8-60) is amended to read  
14 as follows:

15 2. As used in this act:

16 “Diesel bus” means any diesel-powered autobus or motorbus of any  
17 size or configuration, whether registered in this State or elsewhere,  
18 that is designed or used for intrastate or interstate transportation of  
19 passengers for hire or otherwise on a public road, street or highway or  
20 any public or quasi-public property in this State, and shall include, but  
21 need not be limited to: autobuses under the jurisdiction of the  
22 [Department of Transportation] commission pursuant to Titles 27 or  
23 48 of the Revised Statutes; autobuses of the New Jersey Transit  
24 Corporation and its contract carriers that are under the inspection  
25 jurisdiction of the [Department of Transportation] commission;  
26 autobuses that are subject to federal motor carrier safety regulations;  
27 autobuses under the authority of the Interstate Commerce Commission  
28 or its successor agency; school buses, as defined pursuant to R.S.39:1-  
29 1; hotel, casino, charter, and special buses; and any other diesel-  
30 powered autobus or motorbus as determined by rule or regulation  
31 adopted by the [Division of Motor Vehicles] commission in  
32 consultation with the Department of Transportation;

33 “Diesel-powered motor vehicle” means a vehicle, whether  
34 registered in this State or elsewhere, that is self-propelled by a  
35 compression ignition type of internal combustion engine using diesel  
36 fuel and that (1) is designed or used for transporting persons or  
37 property on any public road, street or highway or any public or quasi-  
38 public property in this State, (2) is greater than 8,500 pounds gross  
39 vehicle weight, (3) is not a diesel bus or heavy-duty diesel truck, and  
40 (4) is not a heavy-duty diesel truck or other diesel-powered motor  
41 vehicle owned and operated by a county, municipality, fire district, or  
42 duly incorporated nonprofit organization for first aid, emergency,  
43 ambulance, rescue, or fire-fighting purposes. Diesel-powered motor  
44 vehicle shall also mean a vehicle that is designed or used for  
45 construction or farming purposes and is greater than 8,500 pounds  
46 gross vehicle weight, except that the [Division of Motor Vehicles]

1 commission, in consultation with the Department of Environmental  
2 Protection, may exempt from the requirements of this act diesel-  
3 powered motor vehicles that are registered as construction vehicles  
4 under Titles 39 and 41 of the Revised Statutes or that are greater than  
5 8,500 pounds gross vehicle weight and are designed or used for  
6 construction or farming purposes;

7 ["Director" means the Director of the Division of Motor Vehicles;

8 "Division" means the Division of Motor Vehicles;]

9 "EPA" means the United States Environmental Protection Agency;

10 "Gross vehicle weight rating" or "GVWR" means the value  
11 specified by the manufacturer as the loaded weight of a single or  
12 combination (articulated) vehicle. The GVWR of a combination  
13 (articulated) vehicle, commonly referred to as the "gross combination  
14 weight rating" or "GCWR," is the GVWR of the power unit plus the  
15 GVWR of the towed unit or units;

16 "Heavy-duty diesel truck" means any diesel-powered motor vehicle,  
17 whether registered in this State or elsewhere, with a GVWR of 18,000  
18 or more pounds that is designed or used for the transporting of  
19 property on any public road, street or highway or any public or quasi-  
20 public property in this State. Heavy-duty diesel truck shall not mean  
21 a heavy-duty diesel truck owned and operated by a county,  
22 municipality, fire district, or duly incorporated nonprofit organization  
23 for first aid, emergency, ambulance, rescue, or fire-fighting purposes;

24 "Periodic inspection program" or "periodic inspection" means a  
25 program in which diesel buses, heavy-duty diesel trucks, and other  
26 diesel-powered motor vehicles registered in this State are periodically  
27 inspected in accordance with the provisions of this act;

28 "Person" means a corporation, company, association, society, firm,  
29 partnership, or joint stock company, or an individual, and shall also  
30 include the State and all of its political subdivisions and any agencies,  
31 authorities, corporations, or instrumentalities of the State or any  
32 political subdivision thereof; and

33 "Roadside enforcement program" or "roadside inspection" means  
34 a roadside examination program conducted pursuant to this act for the  
35 inspection of exhaust emissions, emission control apparatus and such  
36 other items as the Department of Environmental Protection, in  
37 consultation with the [Director of the Division of Motor Vehicles]  
38 commission and the Commissioner of Transportation, prescribes, of  
39 diesel buses, heavy-duty diesel trucks, and other diesel-powered motor  
40 vehicles along any public road, street or highway or any public or  
41 quasi-public property in this State or at such other locations as may be  
42 designated by the [director] commission in consultation with the  
43 Commissioner of Transportation.

44 (cf: P.L.1995, c.157, s.2)

45

46 80. Section 3 of P.L.1995, c.157 (C.39:8-61) is amended to read

1 as follows:

2 3. The Department of Environmental Protection, in consultation  
3 with the [Division of Motor Vehicles] commission and the  
4 Department of Transportation, shall adopt rules and regulations  
5 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
6 (C.52:14B-1 et seq.) establishing exhaust emissions standards and test  
7 methods, and standards for emission control apparatus and related  
8 items, in accordance with P.L.1966, c.16 (C.26:2C-8.1 et seq.) or as  
9 may be authorized or provided otherwise by federal law, rule or  
10 regulation, for diesel buses, heavy-duty diesel trucks, and other diesel-  
11 powered motor vehicles. The test methods shall be accurate,  
12 objective, and capable of being performed routinely in the periodic  
13 inspection program and the roadside enforcement program. In  
14 adopting such standards and test methods, the Department of  
15 Environmental Protection may consider, but need not necessarily  
16 adopt, exhaust control technology current at the time of adoption of  
17 the rules and regulations, as well as guidance, standards, directives,  
18 and other information issued by the EPA, any other state, or any  
19 governmental agency, scientific research entity, or industry. The  
20 Department of Environmental Protection may provide that the  
21 standards and test methods vary according to the age of the vehicle or  
22 according to other relevant factors, and the department may provide  
23 exemptions based upon good cause, including, but not limited to,  
24 whether the vehicle has been tested within the previous six months or  
25 other reasonable period of time in accordance with the law of another  
26 state or jurisdiction and has been found to be in compliance with the  
27 exhaust emissions standards of the state or jurisdiction in which the  
28 vehicle was tested. The provisions of this act shall not apply to any  
29 heavy-duty diesel truck or other diesel-powered motor vehicle owned  
30 and operated by a county, municipality, fire district, or duly  
31 incorporated nonprofit organization for first aid, emergency,  
32 ambulance, rescue, or fire-fighting purposes.

33 (cf: P.L.1995, c.157, s.3)

34

35 81. Section 5 of P.L.1995, c.157 (C.39:8-63) is amended to read  
36 as follows:

37 5. a. The owner and the lessee, if any, of a heavy-duty diesel truck  
38 operated in violation of section 4 of this act shall be jointly and  
39 severally liable for a civil penalty of: \$700 for the first violation,  
40 except as otherwise provided in this subsection; and \$1,300 for the  
41 second or subsequent violation, except as otherwise provided in this  
42 subsection. A second or subsequent violation is one that occurs within  
43 one year of the occurrence of a previous violation committed with  
44 respect to the same heavy-duty diesel truck, without regard to the date  
45 of the hearing that adjudicated the violation and without regard to the  
46 identity of the defendant against whom it was adjudicated. The

1 complaint and summons shall state whether the charges pertain to a  
2 first violation or to a second or subsequent violation, but if the  
3 complaint and summons fail to allege a second or subsequent violation,  
4 the civil penalty imposed shall be that for a first violation. The penalty  
5 for a first violation may be reduced to \$150 and the penalty for a  
6 second or subsequent violation may be reduced to \$500 if the  
7 defendant provides a certification of the repairs to the vehicle that is  
8 satisfactory to the court and in compliance with emissions standards.  
9 The [director] commission may specify by rule or regulation the  
10 manner of the repairs and the certification necessary to effect a  
11 reduction of penalty. The [director] commission may, by rule or  
12 regulation, provide that information pertaining to penalties, the repairs  
13 that may effect a reduction of penalty, and the certification necessary  
14 to substantiate those repairs and compliance with emissions standards  
15 be served with the complaint and summons. The [director]  
16 commission may, by rule or regulation, prescribe a form for certifying  
17 repairs and compliance with emissions standards, with instructions as  
18 to how the form should be completed and certified. The [director]  
19 commission may provide that the form be served with the complaint  
20 and summons.

21 Notwithstanding any other provision of law or any rule or  
22 regulation adopted pursuant thereto to the contrary, repairs to effect  
23 a reduction of penalty under the provisions of this subsection shall be  
24 made before the hearing date or within 45 days of the occurrence of  
25 the violation, whichever is sooner. A defendant who is permitted to  
26 waive appearance and plead guilty by mail shall also be permitted to  
27 submit the certification of repairs by mail; provided that if the court  
28 deems the certification to be inadequate, it shall afford the defendant  
29 the option to withdraw the defendant's guilty plea.

30 b. The owner and the lessee, if any, of a diesel bus operated in  
31 violation of section 4 of this act shall be jointly and severally liable for  
32 a civil penalty determined by a penalty schedule that the [director]  
33 commission, in consultation with the Commissioner of Transportation,  
34 shall adopt by rule or regulation pursuant to the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but in no event  
36 shall the penalties established thereby exceed the penalties established  
37 by subsection a. of this section for heavy-duty diesel trucks. The  
38 penalty schedule may provide for a reduction of penalty if the  
39 defendant provides a certification of the repairs to the vehicle that is  
40 satisfactory to the court and in compliance with emissions standards.  
41 The [director] commission, in consultation with the Commissioner of  
42 Transportation, may, by rule or regulation, specify the timing and  
43 manner of the repairs and compliance with emissions standards, and  
44 the certification necessary to effect a reduction of penalty. The  
45 [director] commission, in consultation with the Commissioner of  
46 Transportation, may, by rule or regulation, provide whether

1 information pertaining to repairs and compliance with emissions  
2 standards, and whether a form to certify those repairs and that  
3 compliance, should be served with the complaint and summons.

4 Notwithstanding the provisions of this subsection to the contrary,  
5 the New Jersey Transit Corporation shall not be liable for any civil  
6 penalty assessed for a violation of section 4 or a violation of any other  
7 provision of this act if the diesel bus that is the subject of the violation  
8 is operated by a lessee or contractor, or an employee or agent of a  
9 lessee or contractor, of the New Jersey Transit Corporation.  
10 However, if a diesel bus that is the subject of a violation is leased by  
11 the New Jersey Transit Corporation from another person, and the  
12 diesel bus is operated by the New Jersey Transit Corporation or an  
13 employee thereof, the New Jersey Transit Corporation as lessee, and  
14 not the owner of the diesel bus, shall be liable for any civil penalty  
15 assessed for the violation.

16 c. The owner and the lessee, if any, of a diesel-powered motor  
17 vehicle operated in violation of section 4 of this act shall be jointly and  
18 severally liable for a civil penalty determined by a penalty schedule that  
19 the director shall adopt by rule or regulation pursuant to the  
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
21 seq.), but in no event shall the penalties established thereby exceed the  
22 penalties established by subsection a. of this section for heavy-duty  
23 diesel trucks. The penalty schedule may provide for a reduction of  
24 penalty if the defendant provides a certification of the repairs to the  
25 vehicle that is satisfactory to the court and in compliance with  
26 emissions standards. The [director] commission may, by rule or  
27 regulation, specify the timing and manner of the repairs and  
28 compliance with emissions standards, and the certification necessary  
29 to effect a reduction of penalty. The [director] commission may, by  
30 rule or regulation, provide whether information pertaining to repairs  
31 and compliance with emissions standards, and whether a form to  
32 certify those repairs and that compliance, should be served with the  
33 complaint and summons.

34 (cf: P.L.1995, c.157, s.5)

35

36 82. Section 6 of P.L.1995, c.157 (C.39:8-64) is amended to read  
37 as follows:

38 6. a. The [director] commission, in consultation with the  
39 Department of Environmental Protection and the Department of  
40 Transportation and with the approval of the Attorney General, shall  
41 establish and implement a periodic inspection program and a roadside  
42 enforcement program to implement the standards and test methods  
43 adopted pursuant to section 3 of this act. These programs shall be  
44 designed to measure exhaust emissions and to inspect emission control  
45 apparatus and related items on diesel buses, heavy-duty diesel trucks,  
46 and other diesel-powered motor vehicles. The programs shall include,

1 at a minimum, diesel buses and heavy-duty diesel trucks subject to the  
2 rules and regulations adopted pursuant to section 3 of this act;  
3 provided that the [director] commission, in consultation with the  
4 Department of Transportation, may exempt vehicles from either  
5 program for good cause, which may include that vehicles belonging to  
6 an exempted class are, by law, subject to emissions testing in another  
7 program. The [director] commission, in consultation with the  
8 Department of Environmental Protection and with the approval of the  
9 Attorney General, may, by rule or regulation, expand the periodic  
10 inspection program and the roadside enforcement program to include  
11 other diesel-powered motor vehicles that are subject to the rules and  
12 regulations adopted pursuant to section 3 of this act. The [director]  
13 commission, in consultation with the Commissioner of Transportation,  
14 may, by rule or regulation, impose upon every owner and lessee of a  
15 diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
16 vehicle subject to periodic inspection the obligation to have the vehicle  
17 periodically inspected in a manner determined by the [director]  
18 commission in consultation with the Commissioner of Transportation,  
19 to effect repairs or to abstain from operating or to limit the operation  
20 of a rejected vehicle or a vehicle overdue for inspection, and may take  
21 other action necessary or appropriate for implementation of the  
22 periodic inspection program. The [director] commission, in  
23 consultation with the Commissioner of Transportation, may, by rule or  
24 regulation, impose upon every owner and lessee of a diesel bus, heavy-  
25 duty diesel truck, or other diesel-powered motor vehicle subject to  
26 roadside inspection the obligation to abstain from operating or to limit  
27 the operation of a vehicle that has been tested and found to be in  
28 violation of the rules and regulations adopted pursuant to section 3 of  
29 this act, or to effect repairs, and may take other action necessary or  
30 appropriate for implementation of the roadside enforcement program.  
31 A school bus, as defined pursuant to R.S.39:1-1, shall be exempt from  
32 the roadside enforcement program. However, nothing in this  
33 subsection allowing or mandating exemptions from the periodic  
34 inspection program or the roadside enforcement program shall be  
35 construed to limit any other enforcement actions permitted by law.

36 b. The [Department of Transportation] commission shall exercise  
37 all authority, including but not limited to administrative,  
38 implementation, enforcement, and penalty authority, [of the director  
39 and the division for the purposes of this act] in connection with the  
40 periodic inspection program for diesel buses and the roadside  
41 enforcement program for diesel buses that are under the jurisdiction of  
42 the [Department of Transportation] commission pursuant to Titles 27  
43 and 48 of the Revised Statutes or any other law, rule, or regulation.  
44 The [Department of Transportation] commission shall consult with  
45 [the division and] the Department of Environmental Protection and

1 the Department of Transportation in conducting the periodic  
2 inspection program for diesel buses and the roadside enforcement  
3 program for diesel buses that are under the jurisdiction of the  
4 **[Department of Transportation]** commission. Any periodic inspection  
5 that may be required pursuant to this act for a diesel bus under the  
6 jurisdiction of the **[Department of Transportation]** commission shall  
7 be conducted only in conjunction with any periodic safety inspection  
8 required for that diesel bus pursuant to law, rule, or regulation. Any  
9 suspension of registration privileges with respect to diesel buses  
10 **[requested by the Department of Transportation]** for a violation of  
11 this act or any rule or regulation adopted pursuant thereto shall be  
12 implemented by the **[division]** commission.

13 (cf: P.L.1995, c.157, s.6)

14

15 83. Section 7 of P.L.1995, c.197 (C.39:8-65) is amended to read  
16 as follows:

17 7. In implementing the roadside enforcement program, the  
18 **[director]** commission, in consultation with the Commissioner of  
19 Transportation, shall phase in roadside inspections by establishing a  
20 pilot roadside enforcement program providing a six-month grace  
21 period in which warnings shall be issued in lieu of the civil penalties  
22 established by this act or any rule or regulation adopted pursuant  
23 thereto. Notwithstanding the provisions of the “Administrative  
24 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), procedures for  
25 the pilot program may be adopted immediately.

26 (cf: P.L.1995, c.157, s.7)

27

28 84. Section 8 of P.L.1995, c.157 (C.39:8-66) is amended to read  
29 as follows:

30 8. a. The **[director]** commission, in consultation with the  
31 Department of Environmental Protection and the Department of  
32 Transportation, shall establish procedures by which test methods  
33 established pursuant to section 3 of this act shall be conducted in the  
34 periodic inspection program and in the roadside enforcement program.

35 b. The **[director]** commission, in consultation with the Department  
36 of Transportation and with the approval of the Attorney General, may,  
37 by rule or regulation, require that personnel from, and agents of, the  
38 **[division]** commission and the Department of Transportation, and  
39 personnel from the Division of State Police, who perform the test  
40 methods utilized in the roadside enforcement program, and licensees  
41 and persons employed by licensees who perform the tests and test  
42 methods utilized in the periodic inspection program in accordance with  
43 the provisions of section 11 of this act, be trained to do so and be  
44 examined, periodically if the rule or regulation so provides, to ensure  
45 that their training and competence are adequate. Testing in the  
46 roadside enforcement program may be conducted by personnel from



1 the [division, the Department of Transportation] commission, or the  
2 Division of State Police, or by agents appointed by or under contract  
3 with the [director or the Department of Transportation] commission.  
4 c. The [director] commission, in consultation with the Department  
5 of Environmental Protection and the Department of Transportation  
6 and with the approval of the Attorney General, shall designate one or  
7 more test methods among those established pursuant to section 3 of  
8 this act that shall be utilized in the roadside enforcement program  
9 established pursuant to section 6 of this act. The [director]  
10 commission, in consultation with the Department of Transportation  
11 and with the approval of the Attorney General, shall establish a form  
12 or forms upon which the results of these designated tests or test  
13 methods shall be reported in the ordinary course. The form shall  
14 contain a statement or statements establishing the following: the type  
15 of test performed; the result achieved; that the person completing the  
16 form is the person who performed the test; that the tester has been  
17 certified by the [director] commission as having adequate training and  
18 competence to perform the test; that the tester is an employee or agent  
19 of the State and was acting in an official capacity when the tester  
20 performed the test; and any other information that the [director]  
21 commission may prescribe. The form shall contain a certification  
22 subscribed by the person performing the test and certifying that that  
23 person did perform the test in a proper manner and believes the test  
24 results to be valid and accurate. The presentation of a form prepared  
25 in accordance with the provisions of this subsection to a court by any  
26 party to a proceeding shall be evidence that all of the requirements and  
27 provisions of this subsection have been met and that the form has been  
28 prepared in accordance with the provisions of this subsection. The  
29 form shall be admissible evidence as proof of the statements contained  
30 therein in any civil penalty proceeding brought pursuant to the  
31 provisions of this act or any rule or regulation adopted pursuant  
32 thereto. A copy of the form shall be served, if practicable, with the  
33 complaint and summons upon the defendant or the defendant's agent  
34 for service of process; and, in any event, shall be served upon such  
35 person at least 20 days before the hearing. Whenever the form is  
36 served upon a defendant or a defendant's agent, together with the  
37 complaint and summons, the law enforcement officer serving the form  
38 shall execute and file with the court a proof of service on a form  
39 prescribed by the Administrative Director of the Courts and in a  
40 manner consistent with the Rules Governing the Courts of the State of  
41 New Jersey. The form shall not be admissible if it is not served at least  
42 20 days before the hearing, provided that the court, upon a showing  
43 of good cause and that the defendant is not prejudiced, may postpone  
44 the hearing, subject to the Rules Governing the Courts of the State of  
45 New Jersey.

1 d. A roadside inspection of a diesel bus to enforce standards  
2 adopted pursuant to section 3 of this act shall be conducted only in  
3 conjunction with a roadside safety inspection that is conducted  
4 pursuant to law, rule or regulation.

5 (cf: P.L.1995, c.157, s.8)

6

7 85. Section 9 of P.L.1995, c.157 (C.39:8-67) is amended to read  
8 as follows:

9 9. The Superintendent of the State Police, in consultation with and  
10 subject to the approval of the Attorney General, shall provide State  
11 Police officers to assist the [director and the Department of  
12 Transportation] commission in conducting the roadside enforcement  
13 program and the pilot roadside enforcement program. The State  
14 Police officers shall have authority to direct diesel buses, heavy-duty  
15 diesel trucks, or other diesel-powered motor vehicles from the  
16 roadway for the purpose of inspection, and shall perform other police  
17 duties necessary for or helpful to the implementation of the programs.

18 (cf: P.L.1995, c.157, s.9)

19

20 86. Section 10 of P.L.1995, c.157 (C.39:8-68) is amended to read  
21 as follows:

22 10. In addition to any other penalties that may be applicable, the  
23 operator of a diesel bus, heavy-duty diesel truck, or other diesel-  
24 powered motor vehicle who fails to comply with any direction given  
25 pursuant to section 9 of this act, or who refuses to submit or resists  
26 submitting a vehicle under the operator's control for roadside  
27 inspection, or who fails to comply with any other obligation imposed  
28 upon that person as part of the roadside enforcement program shall be  
29 jointly and severally liable with the owner and the lessee, if any, of the  
30 vehicle for a civil penalty of \$500. The owner and the lessee, if any,  
31 of a diesel bus, heavy-duty diesel truck, or other diesel-powered motor  
32 vehicle subject to periodic inspections who violates any rule or  
33 regulation adopted pursuant to section 6 of this act pertaining to  
34 periodic inspections shall be liable for a civil penalty determined by a  
35 penalty schedule that the [director] commission, in consultation with  
36 the Commissioner of Transportation, shall adopt by rule or regulation  
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
38 (C.52:14B-1 et seq.), but in no event shall a penalty established  
39 thereby exceed \$500.

40

41 Notwithstanding the provisions of this section to the contrary, the  
42 New Jersey Transit Corporation shall not be liable for any civil penalty  
43 assessed for a violation of this section if the diesel bus that is the  
44 subject of the violation is operated by a lessee or contractor, or an  
45 employee or agent of a lessee or contractor, of the New Jersey Transit  
46 Corporation. However, if a diesel bus that is the subject of a violation  
of this section is leased by the New Jersey Transit Corporation from

1 another person, and the diesel bus is operated by the New Jersey  
2 Transit Corporation or an employee thereof, the New Jersey Transit  
3 Corporation as lessee, and not the owner of the diesel bus, shall be  
4 liable for any civil penalty assessed for the violation.

5 (cf: P.L.1995, c.157, s.10)

6

7 87. Section 11 of P.L.1995, c.157 (C.39:8-69) is amended to read  
8 as follows:

9 11. a. The **[director]** commission, in consultation with the  
10 Department of Transportation and after appropriate inquiry and  
11 investigation, shall issue licenses to operate diesel emission inspection  
12 centers to as many qualified and properly equipped persons, including  
13 owners or lessees of diesel buses, heavy-duty diesel trucks, or other  
14 diesel-powered motor vehicles, as the **[director]** commission  
15 determines shall be necessary to conduct periodic inspections. A  
16 licensee shall inspect and pass or reject a diesel bus, heavy-duty diesel  
17 truck, or other diesel-powered motor vehicle presented to the licensee  
18 for inspection. Passing shall indicate that the licensee or the licensee's  
19 employee has inspected the diesel bus, heavy-duty diesel truck, or  
20 other diesel-powered motor vehicle as prescribed by the **[director]**  
21 commission and has found that the vehicle conforms to the standards  
22 established by law and rule or regulation. The **[director]** commission,  
23 in consultation with the Department of Transportation and with the  
24 approval of the Attorney General, may establish by rule or regulation  
25 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
26 c.410 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
27 emission inspection centers, which fee shall not exceed \$250 per year.

28 b. For the purpose of documenting compliance with periodic  
29 inspection requirements, the **[director]** commission shall furnish  
30 official inspection forms to licensed diesel emission inspection centers.  
31 The **[director]** commission shall require each diesel emission  
32 inspection center and each owner or lessee of a diesel bus, heavy-duty  
33 diesel truck, or other diesel-powered motor vehicle subject to periodic  
34 inspection to keep such records and file such reports regarding these  
35 inspections as the director shall deem necessary. The **[director]**  
36 commission may conduct such audits or inspections of these centers  
37 as the director deems appropriate.

38 c. The **[director]** commission may deny, suspend or revoke a  
39 diesel emission inspection center license or refuse renewal thereof for  
40 cause, including, but not limited to, one or more of the following:

41 (1) Violation of any provision of this act or of any rule or  
42 regulation adopted pursuant thereto; or

43 (2) Fraud or misrepresentation in securing a license or in the  
44 conduct of the licensed activity; or

45 (3) Conviction of a crime demonstrating that the applicant or  
46 licensee is unfit; or

1 (4) Improper, negligent, or fraudulent inspection of a diesel bus,  
2 heavy-duty diesel truck, or other diesel-powered motor vehicle; or

3 (5) Other good cause.

4 d. In addition to any other civil or criminal penalties that may be  
5 applicable, a person licensed by the [director] commission to operate  
6 a diesel emission inspection center who commits fraud or  
7 misrepresentation in securing a license or in the conduct of the  
8 licensed activity or who improperly or negligently or fraudulently  
9 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
10 other diesel-powered motor vehicle shall be liable for a civil penalty of  
11 \$1,500. In addition to any other civil or criminal penalties that may be  
12 applicable, a person licensed by the [director] commission to operate  
13 a diesel emission inspection center who otherwise violates any  
14 provision of this act or of any rule or regulation adopted pursuant  
15 thereto shall be liable for a civil penalty of \$500.

16 (cf: P.L.1995, c.157, s.11)

17

18 88. Section 12 of P.L.1995, c.157 (C.39:8-70) is amended to read  
19 as follows:

20 12. Any person who violates any provision of sections 2 through  
21 20 of this act or any rule or regulation adopted pursuant thereto shall  
22 be liable for a civil penalty. The amount of the penalty shall be that  
23 specified in the other sections of this act or in the rules or regulations  
24 adopted pursuant to this act; but if no amount is otherwise specified,  
25 then the amount shall be \$200. Additionally, the [director]  
26 commission may suspend the registration privileges of a vehicle  
27 registered in this State that is operated in violation of this act or any  
28 rule or regulation adopted pursuant thereto.

29 (cf: P.L.1995, c.157, s.12)

30

31 89. Section 13 of P.L.1995, c.157 (C.39:8-71) is amended to read  
32 as follows:

33 13. a. A complaint and summons charging a violation of this act or  
34 any rule or regulation adopted pursuant thereto and seeking the  
35 imposition of a civil penalty in accordance with the provisions of this  
36 act or any rule or regulation adopted pursuant to this act shall be a  
37 ticket in the form prescribed by the Administrative Director of the  
38 Courts pursuant to the Rules Governing the Courts of the State of  
39 New Jersey and may contain information advising the persons to  
40 whom it is issued of the manner in which and time within which an  
41 answer to the alleged violation is required. The ticket may also advise  
42 that penalties may result from a failure to answer, that the failure to  
43 answer or appear shall be considered an admission of liability, and that  
44 a default judgment may be entered. Service of the ticket shall be  
45 subject to the Rules Governing the Courts of the State of New Jersey.  
46 The ticket may be served personally upon the operator of a vehicle,

1 and the owner's or the lessee's name may be recorded on the ticket,  
2 together with the plate number and state or jurisdiction as shown by  
3 the registration plates of the vehicle and the make or model of the  
4 vehicle. A ticket may be served upon the owner or the lessee of the  
5 vehicle by affixing the ticket to the vehicle in a conspicuous place. A  
6 ticket may be served by mail upon the owner or the lessee of the  
7 vehicle on file with the [division, the Department of Transportation]  
8 commission, or the licensing authority of another jurisdiction by  
9 mailing the ticket to the vehicle owner or lessee by regular or certified  
10 mail to the address on file with the [division, the Department of  
11 Transportation] commission, or the licensing authority of another  
12 jurisdiction. Service of a ticket by regular or certified mail shall have  
13 the same effect as if the ticket were served personally, subject to the  
14 Rules Governing the Courts of the State of New Jersey.

15 b. Subject to the Rules Governing the Courts of the State of New  
16 Jersey, the ticket shall contain sufficient information to identify the  
17 person or persons charged and to inform them of the nature, date, time  
18 and location of the alleged violation. Subject to the Rules Governing  
19 the Courts of the State of New Jersey, the original of the ticket shall  
20 be signed by the complaining witness, who shall certify to the truth of  
21 the facts set forth therein. Any person may serve as the complaining  
22 witness. For the purposes of the certification, the complaining witness  
23 may rely upon information from the [division, the Department of  
24 Transportation] commission, or the Division of State Police, upon  
25 official reports, and upon any form prepared in accordance with  
26 subsection c. of section 8 of this act. The original ticket or a true copy  
27 of the ticket shall be considered a record kept in the ordinary business  
28 of the [division] commission and shall be prima facie evidence of the  
29 facts contained therein.

30 c. Any operator who drives a vehicle in this State when the owner  
31 or lessee of that vehicle causes, authorizes, or otherwise permits such  
32 operation shall be the owner's or lessee's agent for service of any  
33 ticket, process, or penalty or other notice against the owner or lessee  
34 arising out of any alleged violation of this act or any rule or regulation  
35 adopted pursuant thereto. The owner and the lessee, if any, of a  
36 vehicle driven by any operator in this State shall be the operator's  
37 agent or agents for service of any ticket, process, or penalty or other  
38 notice arising out of any alleged violation of section 10 of this act  
39 pertaining to a roadside inspection. Subject to the Rules Governing  
40 the Courts of the State of New Jersey, any service of ticket, process,  
41 or penalty or other notice served on an operator who operates in this  
42 State, or on an owner or lessee of the vehicle, shall also constitute  
43 service upon the remaining persons, so long as the ticket, process, or  
44 penalty or other notice advises the person actually served of that  
45 person's responsibility to notify the remaining persons.

1 d. Subject to the Rules Governing the Courts of the State of New  
2 Jersey, judicial proceedings under this act may be instituted on any day  
3 of the week, and the institution of the proceedings on a Sunday or a  
4 holiday shall not be a bar to the successful prosecution thereof.  
5 Subject to the Rules Governing the Courts of the State of New Jersey,  
6 any process served on a Sunday or holiday shall be as valid as if served  
7 on any other day of the week.

8 e. A municipal court before which proceedings pursuant to this act  
9 are instituted shall, subject to the Rules Governing the Courts of the  
10 State of New Jersey, immediately, upon expiration of the time for a  
11 defendant to answer or appear: (1) with respect to a resident of New  
12 Jersey, mail notice as provided in the Rules Governing the Courts of  
13 the State of New Jersey; or (2) with respect to a non-resident of New  
14 Jersey, mail notice as provided in the Rules Governing the Courts of  
15 the State of New Jersey. The notice shall be upon a form approved by  
16 the Administrative Director of the Courts that informs the defendant  
17 of the following: the infraction charged; the time and date of the  
18 infraction; the amount of penalties due; the defendant's right to have  
19 a hearing; and that a civil judgment may be entered against the  
20 defendant for failure to answer or appear or pay the amount of  
21 penalties due. Upon failure to answer or appear in response to the  
22 notice, the court shall give notice of that fact to the [division]  
23 commission in a manner prescribed by the [director] commission, and  
24 money judgment shall be entered and execution shall issue in  
25 accordance with the Rules Governing the Courts of the State of New  
26 Jersey. If the judgment has been docketed in the Superior Court  
27 pursuant to section 15 of this act, execution shall be under the  
28 jurisdiction of that court. In no case of an unsatisfied judgment shall  
29 an arrest warrant or execution against the body of the defendant issue  
30 unless otherwise provided by the Rules Governing the Courts of the  
31 State of New Jersey. If notice has been given under this subsection of  
32 a person's failure to respond to a failure to appear notice and if the  
33 person appears or if the case is dismissed or otherwise disposed of, the  
34 court shall promptly give notice to that effect to the [division]  
35 commission.

36 f. If the defendant is the owner or lessee of a vehicle that is the  
37 subject of the violation and if the defendant fails to respond to a failure  
38 to appear notice, the judge or the [division] commission may suspend  
39 the registration privileges of the defendant in this State. The [division]  
40 commission shall keep a record of a suspension ordered by the court  
41 pursuant to this subsection. If the registration privileges of the  
42 defendant have been suspended pursuant to this subsection and if the  
43 defendant appears or the case is disposed of and if the defendant  
44 satisfies all penalties and costs that are owing, the court shall forward  
45 to the [division] commission a notice to restore the defendant's  
46 registration privileges. Upon receiving a notice to restore and upon the

1 defendant's payment of the restoration fee in accordance with section  
2 23 of P.L.1975, c.180 (C.39:3-10a), the division shall record the  
3 restoration and notify the defendant of the restoration.

4 (cf: P.L.1995, c.157, s.13)

5  
6 90. Section 14 of P.L.1995, c.157 (C.39:8-72) is amended to read  
7 as follows:

8 14. An action for the recovery of a civil penalty for violation of this  
9 act or any rule or regulation adopted pursuant to this act shall be  
10 within the jurisdiction of and may be brought before the municipal  
11 court in the municipality where the offense was committed or where  
12 the defendant may be found, or where the measurement of emissions  
13 was physically made. The municipal prosecutor shall proceed in the  
14 matter on behalf of the State, unless the county prosecutor or the  
15 Attorney General assumes responsibility for the prosecution. The civil  
16 penalties provided by this act or any rule or regulation adopted  
17 pursuant thereto shall be recovered in the name of the [division or the  
18 Department of Transportation] commission, as appropriate, and any  
19 money collected by the court in payment of a civil penalty shall be  
20 conveyed to the State Treasurer for deposit into the State General  
21 Fund. The civil penalties provided by this act or any rule or regulation  
22 adopted pursuant thereto shall be collected and enforced by summary  
23 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1  
24 et seq. If the ticket has not been marked to indicate that a court  
25 appearance is required, the defendant shall have the option to waive  
26 trial, enter a plea of guilty, and pay the penalty, either by mail or in  
27 person, to the violations clerk, subject to the Rules Governing the  
28 Courts of the State of New Jersey.

29 (cf: P.L.1995, c.157, s.14)

30  
31 91. Section 15 of P.L.1995, c.157 (C.39:8-73) is amended to read  
32 as follows:

33 15. a. The court administrator of the municipal court shall docket  
34 in the Superior Court a municipal court judgment imposing a civil  
35 penalty pursuant to this act, or any rule or regulation adopted pursuant  
36 thereto, that remains unpaid at the time of the judgment's entry in the  
37 municipal court. The court administrator shall give notice of the  
38 docketing to the division in a manner prescribed by the [director]  
39 commission. The provisions and procedures of N.J.S.2B:12-26 shall  
40 apply to the docketing, except that the court administrator of the  
41 municipal court, rather than the division, shall effect the docketing;  
42 provided that nothing in this act shall be construed to prohibit the  
43 [director or the director's designee] commission or its designee from  
44 docketing the judgment on behalf of the [division] commission and in  
45 accordance with N.J.S.2B:12-26 if the court administrator of the  
46 municipal court fails to do so or if the [director or the director's

1 designee] commission or its designee chooses to do so for any other  
2 reason. No fee shall be charged to docket the judgment. The  
3 docketing shall have the same force and effect as a civil judgment  
4 docketed in the Superior Court, and the [director and the director's  
5 designees] commission or its designee shall have all of the remedies  
6 and may take all of the proceedings for the collection thereof that may  
7 be had or taken upon recovery of a judgment in an action, but without  
8 prejudice to any right of appeal.

9 b. If the defendant is the owner or lessee of a vehicle that is the  
10 subject of the violation, and if the defendant fails to pay a civil penalty  
11 imposed pursuant to this act or any rule or regulation adopted  
12 pursuant thereto, the [director] commission may suspend the  
13 registration privileges of the defendant in this State.

14 c. Any vehicle that is registered or present in this State and for  
15 which a civil penalty has been assessed pursuant to this act or any rule  
16 or regulation adopted pursuant thereto may be placed out of service  
17 by the [division] commission or the Division of State Police if the civil  
18 penalty remains unpaid after the date on which it became due and  
19 owing. A vehicle placed out of service pursuant to this act by either  
20 the [division] commission or the Division of State Police shall not be  
21 operated until all civil penalties that are due and owing are paid to the  
22 [division] commission. When a vehicle is placed out of service  
23 pursuant to this act, an administrative out-of-service order shall be  
24 prepared on a form or forms specified by the [director] commission  
25 and a copy served upon the operator of the vehicle or upon the owner  
26 or lessee of the vehicle. The operator of a vehicle served with an out-  
27 of-service order pursuant to this act shall report the issuance of the  
28 out-of-service order to the owner and the lessee, if any, of the vehicle  
29 within 24 hours. When a vehicle is placed out of service pursuant to  
30 this act it shall be the responsibility of the owner or lessee of that  
31 vehicle to arrange for the prompt removal of that vehicle, by means  
32 other than operating the vehicle, and to pay all costs associated  
33 therewith. The vehicle shall be removed to a secure storage place  
34 where the [division] commission and the Division of State Police can  
35 readily confirm its non-operation. If the owner or lessee fails to  
36 comply, or is otherwise incapable of complying with this subsection,  
37 the [division] commission or the Division of State Police may make  
38 such arrangements for the removal of the vehicle to a secure storage  
39 place where the division and the Division of State Police can readily  
40 confirm its non-operation, with all attendant charges and expenses to  
41 be paid by the owner, lessee, or bailee. No entity of government of  
42 this State or any political subdivision thereof shall be held liable for  
43 costs associated with or incurred in the enforcement of this subsection.  
44 Upon payment by cashier's check or money order, or in such other  
45 form as may be determined by the director, subject to law or the Rules



1 Governing the Courts of the State of New Jersey, of all unpaid civil  
2 penalties and attendant storage charges and expenses for a vehicle that  
3 has been placed out of service, the director shall remove the out-of-  
4 service order. Any person who operates, and any owner or lessee who  
5 causes or allows to be operated, a vehicle in violation of an out-of-  
6 service order prepared and served in accordance with the provisions  
7 of this subsection shall be liable for a civil penalty of \$1,500, and, if  
8 the person has the vehicle registered in this State, the director may  
9 suspend the registration privileges of the vehicle.

10 d. The [Department of Transportation shall exercise the duties,  
11 powers, and responsibilities of the director and the division]  
12 commission shall exercise all duties powers and responsibilities set  
13 forth in this section with respect to the periodic inspection program for  
14 diesel buses and the roadside enforcement program for diesel buses  
15 under the jurisdiction of the department as set forth in subsection b. of  
16 section 6 of this act.] (Deleted by amendment, P.L. , c. (now  
17 before the Legislature as this bill))  
18 (cf: P.L.1995, c.157, 15)

19  
20 92. Section 16 of P.L.1995, c.157 (C.39:8-74) is amended to read  
21 as follows:

22 16. Notwithstanding any other provisions of this title to the  
23 contrary, all fees and other monies that the [division, the Department  
24 of Transportation] commission, or the State Treasurer receives  
25 pursuant to the provisions of this act or any rule or regulation adopted  
26 pursuant thereto shall be paid to the Commercial Vehicle Enforcement  
27 Fund established pursuant to section 17 of this act; except that monies  
28 received for attendant storage charges and expenses as provided in  
29 subsection c. of section 15 of this act shall be paid to the entity that  
30 incurred those charges and expenses.

31 (cf: P.L.1995, c.157, s.16)

32  
33 93. Section 17 of P.L.1995, c.157 (C.39:8-75) is amended to read  
34 as follows:

35 17. a. There is established in the General Fund a separate,  
36 nonlapsing, dedicated account to be known as the "Commercial  
37 Vehicle Enforcement Fund." The Commercial Vehicle Enforcement  
38 Fund shall be administered by the [division] commission in  
39 consultation with the Department of Transportation. All fees and  
40 other monies collected pursuant to this act or any rule or regulation  
41 adopted pursuant thereto shall be forwarded to the State Treasury for  
42 deposit into the Commercial Vehicle Enforcement Fund account. All  
43 fees and other monies deposited in the Commercial Vehicle  
44 Enforcement Fund account shall be used to fund the costs of  
45 administering the programs and activities of the Department of Law  
46 and Public Safety, the Department of Transportation and the

1 Department of Environmental Protection established or specified in  
2 this act and in subsection f. of R.S.39:3-20, subject to the approval of  
3 the Director of the Division of Budget and Accounting in the  
4 Department of the Treasury.

5 b. A municipality may be eligible for periodic grants from the fund  
6 in such amounts as the [director] commission, in consultation with the  
7 Commissioner of Transportation, may determine pursuant to rule or  
8 regulation to subsidize costs of prosecuting and trying actions  
9 pursuant to this act.

10 (cf: P.L.1995, c.157, s.17)

11

12 94. Section 19 of P.L.1995, c.157 (C.39:8-77) is amended to read  
13 as follows:

14 19. Except as otherwise provided in this act, the [division]  
15 commission, the Department of Environmental Protection, and the  
16 Department of Transportation may adopt rules and regulations  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

19 (cf: P.L.1995, c.157, s.19)

20

21 95. Section 20 of P.L.1995, c.157 (C.39:8-78) is amended to read  
22 as follows:

23 20. On the first day of the forty-eighth month after this act takes  
24 effect, the Attorney General, in consultation with the Commissioner of  
25 Environmental Protection, the commission, and the Commissioner of  
26 Transportation, shall submit to the Governor and to the members of  
27 the Legislature a report assessing the effectiveness of the programs  
28 required by this act and the necessity and feasibility of providing for  
29 periodic centralized emissions inspections of diesel buses, heavy-duty  
30 diesel trucks, and other diesel-powered motor vehicles.

31 (cf: P.L.1995, c.157, s.20)

32

33 96. Section 90 of P.L.1962, c.198 (C.48:4-2.1a) is amended to  
34 read as follows:

35 90. a. The [Commissioner of Transportation] commission may  
36 make rules, regulations and orders applicable to the construction,  
37 equipment and insurance required of every motor vehicle within the  
38 jurisdiction of the [Department of Transportation] commission, and  
39 shall inspect, through [the department's] its agents, inspectors and  
40 employees, any such motor vehicle to determine the manner of  
41 compliance with such rules, regulations and orders.

42 b. In the event of noncompliance with such rules, regulations and  
43 orders, or with statutory requirements, the [commissioner]  
44 commission may, through [the department's] its agents, inspectors and  
45 employees, cause the immediate discontinuance of the operation of  
46 such motor vehicle, and no such motor vehicle shall be restored to

1 service without the express approval of the [commissioner]  
2 commission.

3 c. Any person who shall remove or deface any notice of  
4 discontinuance that has been affixed or otherwise attached to the  
5 motor vehicle without approval of the [commissioner] commission is  
6 guilty of a crime of the fourth degree. In addition to any other  
7 penalties or remedies provided by law, a person who violates this  
8 subsection is subject to a civil penalty of \$1,000.

9 d. Any person who owns or causes to be operated a motor vehicle  
10 subject to this section without a valid certificate of inspection issued  
11 by the [commissioner] commission, or in violation of rules or orders  
12 made by the [commissioner] commission concerning insurance  
13 requirements of that vehicle, is a disorderly person. In addition to any  
14 other penalties or remedies provided by law, a person who violates this  
15 subsection is subject to a civil penalty of \$500 per day for each vehicle  
16 so operated.

17 e. Any person who operates a motor vehicle subject to this section  
18 without a valid certificate of inspection issued by the [commissioner]  
19 commission, or in violation of rules or orders made by the  
20 [commissioner] commission concerning insurance requirements of  
21 that vehicle, is a petty disorderly person.

22 f. Any inspection conducted pursuant to this section relating to  
23 emissions from a motor vehicle powered with diesel fuel that is also  
24 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
25 conducted in accordance with the provisions of that act.

26 (cf: P.L.1995, c.157, s.36)

27

28 97. Section 1 of P.L.1987, c.373 (C.48:4-2.1b) is amended to read  
29 as follows:

30 1. The [Commissioner of Transportation] commission may, in  
31 conjunction with any program of self-inspection established to ensure  
32 compliance with regulations adopted under section 90 of P.L.1962,  
33 c.198 (C.48:4-2.1a), and at the request of any owner or operator of a  
34 motor vehicle required to be self-inspected, authorize [Department of  
35 Transportation] commission personnel to conduct vehicle emission  
36 tests and brake tests. The [commissioner] commission may adopt  
37 regulations setting the amount of and providing for the charging and  
38 collecting of a fee for each vehicle emission test and each brake test  
39 conducted pursuant to this section, which fee shall be in an amount  
40 necessary to cover only the actual costs of the program.

41 Any inspection conducted pursuant to this section relating to  
42 emissions from a motor vehicle powered with diesel fuel that is also  
43 subject to the provisions of P.L.1995, c.157 (C.39:8-59 et al.) shall be  
44 conducted in accordance with the provisions of that act.

45 (cf: P.L.1995, c.157, s.37)

1 98. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to read  
2 as follows:

3 3. As used in this act:

4 "Bus" or "buses" means and includes all autobuses, of whatever size  
5 or configuration, under the jurisdiction of the [Department of  
6 Transportation] commission; all autobuses of NJ Transit and its  
7 contract carriers which are under the inspection jurisdiction of the  
8 [department] commission; all autobuses of whatever size or  
9 configuration, that are subject to Federal Motor Carrier Safety  
10 Regulations, operated on public highways or in public places in this  
11 State; and all autobuses operated on public highways or in public  
12 places in this State under the authority of the Interstate Commerce  
13 Commission, or its successor agency.

14 "Bus safety out-of-service violation" means any serious mechanical,  
15 electrical or vehicular condition that is determined to be so unsafe as  
16 to potentially cause an accident or breakdown, or would potentially  
17 contribute to loss of control of the vehicle by the driver.

18 "Category 1 violation" means any bus safety out-of-service  
19 violation that should have been detected during the daily pre-trip  
20 inspection or during periodic repair and maintenance procedures  
21 conducted by the driver or the operator.

22 "Category 2 violation" means any bus safety out-of-service  
23 violation that may have occurred after the daily pre-trip inspection and  
24 therefore might not have been detected by the operator or driver  
25 during the daily pre-trip inspection or during periodic repair and  
26 maintenance procedures.

27 "Operator" means the person responsible for the day to day  
28 maintenance and operation of buses.

29 (cf: P.L.1995, c.225, s.3)

30

31 99. Section 4 of P.L.1995, c.225 (C.48:4-2.1f) is amended to read  
32 as follows:

33 4. a. The [Commissioner of Transportation] commission shall  
34 establish by regulation, in accordance with the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of  
36 bus safety out-of-service violations and applicable sanctions and  
37 penalties for buses operating with bus safety out-of-service violations.  
38 The regulations shall promote uniformity with national safety  
39 standards. The regulations shall establish penalties for category 1 and  
40 category 2 safety violations which shall be proportional with the  
41 severity of such violations as determined by the [commissioner]  
42 commission. The bus operator shall be responsible for all penalties.

43 b. The schedule of bus safety out-of-service violations shall  
44 establish and specify those violations which the [commissioner]  
45 commission determines to be category 1 violations, and shall further  
46 establish and specify the monetary civil penalty for category 1

1 violations. The monetary civil penalties established and specified by  
2 the [commissioner] commission in the schedule shall be proportional  
3 to the nature, severity and repetition of the violation. The minimum  
4 monetary civil penalty for a category 1 violation shall be \$300 and the  
5 maximum monetary civil penalty for a category 1 violation shall be  
6 \$5,000.

7 c. The schedule of bus safety out-of-service violations shall  
8 establish and specify those violations which the [commissioner]  
9 commission determines to be category 2 violations, and shall further  
10 establish and specify the monetary civil penalty for category 2  
11 violations. The monetary civil penalties established and specified by  
12 the [commissioner] commission in the schedule shall be proportional  
13 to the nature, severity and repetition of the violation. The maximum  
14 monetary civil penalty for a category 2 violation shall be \$500.

15 (cf: P.L.1995, c.225, s.4)

16

17 100. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to read  
18 as follows:

19 7. a. The [commissioner] commission or any duly authorized  
20 representative of the [commissioner] commission is authorized to  
21 direct any bus operated in this State to immediately proceed to a  
22 designated facility for inspection. If a driver fails to immediately report  
23 as directed to the designated facility, the operator shall be subject to  
24 a penalty of \$1,000.

25 b. At the time of inspection, the [commissioner] commission or  
26 any duly authorized representative of the [commissioner] commission  
27 is authorized to demand and examine the driver's operating credentials.

28 (cf: P.L.1995, c.225, s.7)

29

30 101. Section 9 of P.L.1995, c.225 (C.48:4-2.1k) is amended to  
31 read as follows:

32 9. Any penalty imposed pursuant to this act may be collected, with  
33 costs, in a summary proceeding pursuant to ["the penalty enforcement  
34 law," N.J.S.2A:58-1 et seq] the "Penalty Enforcement Law of 1999,  
35 c.274 (C.2A:58-10 et seq.). The Superior Court or Municipal Court  
36 of the county or municipality, respectively, wherein the violation  
37 occurs, or wherein the operator resides or has a place of business or  
38 principal office in this State, shall have jurisdiction to enforce the  
39 provisions of ["the penalty enforcement law,"] the "Penalty  
40 Enforcement Law," in connection with this act. The [Commissioner  
41 of Transportation] commission or any duly authorized representative  
42 of the [commissioner] commission may issue a summons and  
43 complaint returnable in a municipal court or other court of competent  
44 jurisdiction for a violation of this act and any rule or regulation  
45 adopted pursuant thereto, except that when conducting an inspection

1 at the site of an owner or operator's business, the [commissioner]  
2 commission or [the commissioner's representative] a representative of  
3 the commission shall not issue a summons and complaint for a  
4 violation of this act, but shall take any other enforcement action  
5 authorized by law for that violation. Municipal, county, and State  
6 prosecutors are authorized to assist the commissioner in the  
7 enforcement of this act. The [commissioner] commission may  
8 institute an action in the Superior Court for injunctive relief to prevent  
9 or restrain any violation of this act, or any order issued, or rule of  
10 regulation adopted, pursuant to this act.

11 (cf: P.L.1995, c.225, s.9)

12

13 102. Section 2 of P.L.1983, c.517 (C.48:4-2.21) is amended to  
14 read as follows:

15 2. The [Commissioner of Transportation] commission shall  
16 establish annually a "zone of rate freedom" which will provide for a  
17 maximum permitted percentage adjustment to any rate, fare or charge  
18 for regular route autobus service. The [commissioner] commission  
19 shall promulgate this percentage within 60 days after the effective date  
20 of this act for the time remaining in the 1984 calendar year, and shall  
21 thereafter promulgate a percentage for each calendar year 60 days  
22 prior to the commencement of the calendar year. The [commissioner]  
23 commission shall consider all relevant factors, including but not limited  
24 to the availability of alternative modes of transportation, increases or  
25 decreases of the costs of bus operations, the interests of the consumers  
26 or users of bus services, and the rates, fares and charges prevailing in  
27 the bus industry, as well as in other related transportation services,  
28 such as rail services, in establishing the "zone of rate freedom" for  
29 each period. [Prior to the promulgation of the percentage the  
30 commissioner shall hold a public hearing pursuant to subsections (a)  
31 and (g) of section 4 of the "Administrative Procedure Act," P.L.1968,  
32 c.410 (C.52:14B-4).]

33 (cf: P.L.1983, c.513, s.2)

34

35 103. R.S.48:4-11 is amended to read as follows:

36 48:4-11. a. Any person who shall operate an autobus, charter bus  
37 operation or special bus operation within the State of New Jersey  
38 without complying with the provisions of this article shall be subject  
39 to the penalties provided herein.

40 Proceedings to prevent a person from operating an autobus without  
41 a valid certificate of public convenience and necessity, and to recover  
42 damages for lost revenues caused by those operations, may be  
43 instituted by an autobus public utility, the business or revenues of  
44 which are adversely affected thereby.

45 Except for proceedings instituted by an autobus public utility, every  
46 civil penalty for violation of any provision of this article and for a

1 violation of section 90 of P.L.1962, c.198 (C.48:4-2.1a) shall be sued  
2 for and recovered by and in the name of the [Commissioner of  
3 Transportation] commission and shall be collected and enforced by  
4 summary proceedings pursuant to ["the penalty enforcement law"  
5 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
6 P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall issue at the suit  
7 of the [commissioner] commission, as plaintiff, and shall be in the  
8 nature of a summons and complaint returnable in the Law or Chancery  
9 Division of the Superior Court or in the various municipal courts.  
10 Every day that a violation exists shall be a separate violation for which  
11 a penalty may be recovered. Proceedings may be instituted on any day  
12 of the week including Sunday or upon a holiday, and any process  
13 issued pursuant to this article or pursuant to section 90 of P.L.1962,  
14 c.198 (C.48:4-2.1a) shall be deemed valid as if served or issued on any  
15 other day.

16 b. The [commissioner] commission may, in addition to seeking a  
17 civil penalty, seek injunctive relief in the Chancery Division of the  
18 Superior Court as to any person found to have violated any provision  
19 of this article or any provision of section 90 of P.L.1962, c.198  
20 (C.48:4-2.1a).

21 (cf: P.L.1987, c.452, s.3)

22

23 104. Section 24 of P.L.1995, c.157 (C.39:3-6.14) is amended to  
24 read as follows:

25 24. a. The registration fee for an apportioned vehicle shall be  
26 determined by the number of in-jurisdiction miles an apportioned  
27 vehicle drives in the State of New Jersey and in each of the  
28 jurisdictions in which it is authorized to travel by its registration. The  
29 formula used for the registration fee shall be in accord with the  
30 International Registration Plan and shall be set forth in regulation.

31 b. In addition to the registration fee, the [Division of Motor  
32 Vehicles] commission shall set by regulation an administrative fee  
33 which will be collected from each registrant to subsidize the cost of  
34 the administration of the program.

35 c. The administrative fee collected pursuant to this act shall be  
36 forwarded to the State Treasurer and be deposited into the  
37 Commercial Vehicle Enforcement Fund established pursuant to section  
38 17 of this act.

39 (cf: P.L.1995, c.157, s.24)

40

41 105. R.S.39:3-21 is amended to read as follows:

42 39:3-21. The applicant for registration for a motorcycle shall pay  
43 to the [commissioner] commission for each registration a fee of  
44 \$10.00.

45 (cf: P.L.1968, c.130, s.7)

1 106. Section 3 of P.L.1942, c.227 (C.39:3-23.1) is amended to  
2 read as follows:

3 3. The [commissioner] commission may in [his] its discretion  
4 approve the use of any particular type of tire, of a material other than  
5 rubber, on vehicles operated upon the highways of this State, if [he]  
6 it finds the said tire will not damage the public highways and that the  
7 use of said tire is not likely to be hazardous to the public safety.

8 (cf: P.L.1942, c.227, s.3)

9

10 107. R.S.39:3-43 is amended to read as follows:

11 39:3-43. The [commissioner of motor vehicles] commission is  
12 hereby given authority to pass upon the construction and equipment  
13 of any vehicle, motor vehicle or motor-drawn vehicle with a view to  
14 its safety for use on a street or highway and it shall be lawful for the  
15 [commissioner] commission to refuse registration to any vehicle that  
16 in [his] its estimation is not a proper vehicle to be used upon a  
17 highway. The [commissioner] commission is hereby authorized to  
18 promulgate regulations, not inconsistent with this chapter, concerning  
19 the construction and equipment of any vehicle, motor vehicle or  
20 motor-drawn vehicle. The [commissioner] commission may require  
21 the approval of any equipment or device and may set up the procedure  
22 which shall be followed when any equipment or device is submitted for  
23 approval. The [commissioner] commission may revoke or suspend  
24 for cause and after hearing any certificate of approval that may be  
25 issued under this article. The [commissioner] commission at [his] its  
26 discretion is hereby authorized to disapprove any equipment or device.

27 (cf: R.S.39:3-43)

28

29 108. R.S.39:3-46 is amended to read as follows:

30 39:3-46. As used in this article, unless the context requires another  
31 or different construction:

32 "Approved" means approved by the [commissioner of motor  
33 vehicles] commission and when applied to lamps and other  
34 illuminating devices means that such lamps and devices must be in  
35 good working order and capable of operating at least 50% of their  
36 designed efficiency.

37 "Vehicle" means every device in, upon or by which a person or  
38 property is or may be transported upon a highway, excepting devices  
39 moved by human power or used exclusively upon stationary rails or  
40 tracks.

41 "When lighted lamps are required" means at any time from a half-  
42 hour after sunset to a half-hour before sunrise; whenever rain, mist,  
43 snow or other precipitation or atmospheric moisture requires the use  
44 of windshield wipers by motorists; and during any time when, due to  
45 smoke, fog, unfavorable atmospheric conditions or for any other cause



1 there is not sufficient light to render clearly discernible persons and  
2 vehicles on the highway at a distance of 500 feet ahead.

3 "Headlamp" means a major lighting device capable of providing  
4 general illumination ahead of a vehicle.

5 "Auxiliary driving lamp" means an additional lighting device on a  
6 motor vehicle used primarily to supplement the headlamps in providing  
7 general illumination ahead of a vehicle.

8 "Single beam headlamps" means headlamps or similar devices  
9 arranged so as to permit the driver of the vehicle to use but one  
10 distribution of light on the road.

11 "Multiple-beam headlamps" means headlamps or similar devices  
12 arranged so as to permit the driver of the vehicle to use one of two or  
13 more distributions of light on the road.

14 "Asymmetric headlamps" means headlamps or similar devices  
15 arranged so as to permit the driver of the vehicle to use one of several  
16 distributions of light on the road, at least one of which is asymmetric  
17 about the median vertical axis.

18 "Clear road beam" means the beam from multiple-beam headlamps  
19 designed to be used when not approaching other vehicles and designed  
20 to provide sufficient candlepower ahead to reveal obstacles at a safe  
21 distance ahead under ordinary conditions of road contour and of  
22 vehicle loading.

23 "Meeting beam" means the beam from multiple beam or asymmetric  
24 headlamps designed to be used when other vehicles are approaching  
25 within 500 feet or when signaled and designed so that the illumination  
26 on the left side of the road is reduced sufficiently to avoid dangerous  
27 glare for the approaching driver.

28 "Lower beam" means the beam from multiple beam or asymmetric  
29 headlamps designed to be directed low enough to avoid dangerous  
30 glare on both sides of the roadway.

31 "Reflector" means an approved device designed and used to give an  
32 indication by reflected light.

33 (cf: P.L.1995, c.305, s.1)

34

35 109. (New section) a. The first \$200,000,000 of fees and  
36 surcharges thereon collected pursuant to the following statutes shall  
37 be considered service charges which are revenues to be remitted to the  
38 New Jersey Motor Vehicle Commission and the remainder shall be  
39 remitted to the General Fund, provided that if the total amount of such  
40 fees, fines and surcharges collected, as verified by the relevant fiscal  
41 year New Jersey Comprehensive Annual Financial Report, produce  
42 more or less revenue than the sum of \$200,000,000 and the amount  
43 estimated in the fiscal year 2004 Appropriations Act, then the  
44 \$200,000,000 in revenue from those service charges to the commission  
45 shall be increased or lowered proportionately:

46 Section 4 of P.L.1995, c.401 (C.12:7-73); section 24 of P.L.1984,

1 c.152 (C.12:7A-24); section 28 of P.L.1984, c.152 (C.12:7A-28);  
2 section 9 of P.L.1998, c.108 (C.27:5F-42); R.S.39:2-10; section 1 of  
3 P.L.1969, c.301 (C.39:3-4b); section 2 of P.L.1969, c.301 (C.39:3-  
4 4c); R.S.39:3-8; section 2 of P.L.1968, c.439 (C.39:3-8.1); section 1  
5 of P.L.1992, c.87 (C.39:3-8.2); R.S.39:3-10; section 23 of P.L.1975,  
6 c.180 (C.39:3-10a); section 1 of P.L.1977, c.23 (C.39:3-10b); section  
7 1 of P.L.1979, c.261 (C.39:3-10f); section 22 of P.L.1990, c.103  
8 (C.39:3-10.30); R.S.39:3-13; R.S.39:3-18; R.S.39:3-19; section 2 of  
9 P.L.1974, c.162 (C.39:3-19.2); section 12 of P.L.1979, c.224 (C.39:3-  
10 19.5); R.S.39:3-20; section 1 of P.L.1973, c.319 (C.39:3-20.1);  
11 R.S.39:3-21; R.S.39:3-24; R.S.39:3-25; R.S.39:3-26; section 2 of  
12 P.L.1964, c.195 (C.39:3-27.4); section 2 of P.L.1968, c.247 (C.39:3-  
13 27.6); section 2 of P.L.1977, c.369 (C.39:3-27.9); section 2 of  
14 P.L.1979, c.457 (C.39:3-27.16); section 2 of P.L.1981, c.139 (C.39:3-  
15 27.19); R.S.39:3-28; R.S.39:3-30; R.S.39:3-31; section 1 of P.L.1961,  
16 c.77 (C.39:3-31.1); R.S.39:3-32; R.S.39:3-36; section 1 of P.L.1979,  
17 c.314 (C.39:3-54.14); section 2 of P.L.1999, c.308 (C.39:3-75.2);  
18 R.S.39:3-84; section 3 of P.L.1973, c.307 (C.39:3C-3); section 23 of  
19 P.L.1983, c.105 (C.39:4-14.3w); R.S.39:4-26; R.S.39:4-30; section  
20 1 of P.L.1972, c.38 (C.39:5-30.4); section 31 of P.L.1994, c.60  
21 (C.39:5-36.1); section 20 of P.L.1952, c.173 (C.39:6-42); R.S.39:7-3;  
22 section 3 of P.L.1975, c.156 (C.39:8-11); section 8 of P.L.1975, c.156  
23 (C.39:8-16); section 9 of P.L.1975, c.156 (C.39:8-17); section 15 of  
24 P.L.1975, c.156 (C.39:8-23); section 5 of P.L.1995, c.112 (C.39:8-  
25 45); section 7 of P.L.1995, c.112 (C.39:8-47); section 13 of P.L.1995,  
26 c.112 (C.39:8-53); R.S.39:10-11; R.S.39:10-12; R.S.39:10-14;  
27 R.S.39:10-16; R.S.39:10-19; R.S.39:10-25; section 5 of P.L.1983,  
28 c.323 (C.39:10-35); section 8 of P.L.1983, c.455 (C.39:10A-15);  
29 R.S.39:11-8; section 2 of P.L.1951, c.216 (C.39:12-2); section 5 of  
30 P.L.1951, c.216 (C.39:12-5); and section 2 of P.L.1983, c.360  
31 (C.39:13-2).

32 Proportional revenues remitted to the commission for the fiscal  
33 years beginning July 1, 2004 and thereafter shall have the same  
34 proportion as the proportional revenues remitted to the commission  
35 for the fiscal year beginning July 1, 2003.

36 b. In addition to the proportionately increased or lowered revenue  
37 provided for in subsection a. of this section, the commission shall  
38 receive 100 percent of any new fee or surcharge and 100 percent of  
39 any existing fee or surcharge increased by the commission pursuant to  
40 P.L. , c. (now before the Legislature as this bill). Any new or  
41 increased fee or surcharge shall not be included in the calculation of  
42 the proportional revenue remitted to the commission.

43 c. In addition to the revenues provided for in subsections a. and b.  
44 of this section, all fees collected pursuant to Chapter 3 of Title 39 of  
45 the Revised Statutes required to defray the costs of the commission  
46 with respect to producing, issuing, renewing, and publicizing license

1 plates, or related computer programming shall be considered revenues  
2 of the commission notwithstanding any other provision of law.

3 d. Revenues of the commission shall be non-lapsing, off-budget,  
4 and not subject to appropriation by the Legislature. In addition, the  
5 revenues of the commission shall not be restricted from use by the  
6 commission in any manner except as provided by law. Revenues of the  
7 commission may be used in the furtherance of any purpose of the  
8 commission or as otherwise provided for by law.

9  
10 110. Section 17 of P.L.1995, c.157 (C.39:8-75) is amended to read  
11 as follows:

12 17. a. There is established in the General Fund a separate,  
13 nonlapsing, dedicated account to be known as the "Commercial  
14 Vehicle Enforcement Fund." The Commercial Vehicle Enforcement  
15 Fund shall be administered by the [division] commission [in  
16 consultation with the Department of Transportation]. All fees and  
17 other monies collected pursuant to this act or any rule or regulation  
18 adopted pursuant thereto shall be forwarded to the State Treasury for  
19 deposit into the Commercial Vehicle Enforcement Fund account. The  
20 commission shall receive 40 percent of this fund annually, which  
21 monies shall be considered revenue of the commission. All remaining  
22 fees and other monies deposited in the Commercial Vehicle  
23 Enforcement Fund account shall be used to fund the costs of  
24 administering the programs and activities of the Department of Law  
25 and Public Safety, the Department of Transportation, the commission  
26 and the Department of Environmental Protection established or  
27 specified in this act and in subsection f. of R.S.39:3-20, subject to the  
28 approval of the Director of the Division of Budget and Accounting in  
29 the Department of the Treasury.

30 b. A municipality may be eligible for periodic grants from the fund  
31 in such amounts as the [director] commission, in consultation with the  
32 Commissioner of Transportation, may determine pursuant to rule or  
33 regulation to subsidize costs of prosecuting and trying actions  
34 pursuant to this act.

35 (cf: P.L.1995, c.157, s.17)

36  
37 111. R.S.39:8-2 is amended to read as follows:

38 39:8-2 a. The [director] commission may designate and appoint,  
39 subject to existing laws, competent examiners of motor vehicles to  
40 conduct examinations, other than the periodic inspections required  
41 pursuant to subsection b. of this section, of motor vehicles required to  
42 be inspected in accordance with the provisions of this chapter. The  
43 examiners may be delegated to enforce the provisions of the motor  
44 vehicle and traffic law.

45 b. (1) The [director] commission shall adopt, pursuant to the  
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-  
2 8.1 et seq.) and with the requirements of the federal Clean Air Act  
3 with respect to the type and character of the inspections to be made,  
4 the facility at which the vehicle shall be inspected, the frequency of  
5 inspections of motor vehicles and the approval or rejection of motor  
6 vehicles as a result of these inspections. These rules and regulations  
7 shall require the use of inspection tests that are designed to meet the  
8 enhanced inspection and maintenance requirements of the federal  
9 Clean Air Act and that have been proven to be feasible and effective  
10 for the inspection of large numbers of motor vehicles, except that  
11 these tests shall not include the "I/M 240" test. Nothing in this  
12 subsection shall preclude the use of the "I/M 240" test in sampling for  
13 performance evaluations only or the use of the test at the option of a  
14 private inspection facility. The rules and regulations may distinguish  
15 between vehicles based on model year, type, or other vehicle  
16 characteristics in order to facilitate inspections or to comply with the  
17 federal Clean Air Act. A low mileage vehicle shall not be subject to  
18 a tailpipe inspection test utilizing a dynamometer but may be subject  
19 to an idle test and a purge and pressure test. For the purpose of this  
20 paragraph, "low mileage vehicle" means a motor vehicle that is driven  
21 less than 10,000 miles during the biennial inspection period, except  
22 that the [director] commission may set the qualifying number of miles  
23 for this exemption at a lower number in order to meet the federal  
24 enhanced inspection and maintenance performance standard.

25 (2) The Department of Environmental Protection and the  
26 [director] commission shall investigate advanced testing technologies,  
27 including but not limited to remote sensing and onboard diagnostics,  
28 and shall, to the extent permitted by law, pursue the use of such  
29 technologies, other than the "I/M 240" test, in motor vehicle emission  
30 inspections required by the United States Environmental Protection  
31 Agency pursuant to the federal Clean Air Act. The [director]  
32 commission shall adopt, to the extent practicable, advanced  
33 technologies to facilitate the retrieval of testing and other information  
34 concerning motor vehicles, which technologies shall include but not be  
35 limited to the use of computer bar codes and personal cards containing  
36 encoded information, such as a person's operating license, motor  
37 vehicle registration, and motor vehicle insurance, the inspection status  
38 of a motor vehicle, and mass transit fares, that can be accessed quickly  
39 by a computer.

40 c. Except as modified by the [director] commission to distribute  
41 evenly the volume of inspections, all motor vehicles required by the  
42 [director] commission, in accordance with the provisions of R.S.39:8-  
43 1, to be inspected under this chapter shall be inspected biennially,  
44 except that (i) after certification by the [director] commission of the  
45 federal approval by the Environmental Protection Agency of the State  
46 waiver request, model year 2000 and newer motor vehicles shall be

1 inspected no later than four years from the last day of the month in  
2 which they were initially registered and thereafter biennially; and (ii)  
3 classes of vehicles that require more frequent inspections, such as  
4 school buses, shall be inspected at such shorter intervals as may be  
5 established by the [director] commission after consultation with the  
6 Department of Environmental Protection. At any time, the [director]  
7 commission may require the owner, lessee, or operator of a motor  
8 vehicle to submit the vehicle for inspection.

9 d. The [director] commission shall furnish to designated examiners  
10 or to other persons authorized to conduct inspections or to grant  
11 waivers official certificates of approval, rejection stickers or waiver  
12 certificates, the form, content and use of which [he] it shall establish.  
13 The certificates of approval, rejection stickers and waiver certificates  
14 shall be of a type, such as a windshield sticker or license plate decal,  
15 that can be attached to the vehicle or license plate in a location that is  
16 readily visible to anyone viewing the vehicle. If a certificate of  
17 approval cannot be issued, the driver shall be provided with a written  
18 inspection report describing the reasons for rejection and, if  
19 appropriate, the repairs needed or likely to be needed to bring the  
20 vehicle into compliance with applicable standards.

21 e. The [director] commission may, with the approval of the State  
22 House Commission, purchase, lease or acquire by the exercise of the  
23 power of eminent domain any property for the purpose of assisting  
24 [him] it in carrying out the provisions of this chapter. This property  
25 may also be used by the [director] commission for the exercise of the  
26 duties and powers conferred upon [him] it by the other chapters of  
27 this Title.

28 f. For the purpose of implementing the motor vehicle inspection  
29 requirements of the federal Clean Air Act and subject to the approval  
30 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
31 may:

32 (1) Purchase, lease or acquire by eminent domain any property for  
33 vehicle inspection purposes. Any other provision of law to the  
34 contrary notwithstanding, no further approval shall be required for  
35 transactions authorized by this paragraph, except that a proposed  
36 purchase, lease or acquisition by eminent domain shall require the  
37 approval of the Joint Budget Oversight Committee, and shall be  
38 submitted to the Joint Budget Oversight Committee, which shall  
39 review the proposed purchase, lease or acquisition by eminent domain  
40 within 15 business days; and

41 (2) Sell or lease, or grant an easement in, any property acquired,  
42 held or used for vehicle inspection purposes or any other suitable  
43 property held by the State that is not currently in use or dedicated to  
44 another purpose. For the purpose of this paragraph and  
45 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
46 the sale or lease of, or the granting of an easement in, real property

1 owned by the State shall be subject to the approval of the State House  
2 Commission, which shall meet at the call of the Governor to act on a  
3 proposed sale or lease or grant of an easement pursuant to this  
4 paragraph. A member of the State House Commission may permit a  
5 representative to act on that member's behalf in considering and voting  
6 on a sale or lease or grant of an easement pursuant to this paragraph.  
7 Any other provision of law to the contrary notwithstanding, any  
8 moneys derived from a sale, lease or granting of an easement by the  
9 State pursuant to this paragraph shall not be expended unless approved  
10 by the Joint Budget Oversight Committee for the purpose of  
11 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
12 this subsection, except that any moneys derived therefrom and not  
13 approved for that purpose shall be appropriated to the Department of  
14 Transportation to provide for mass transit improvements.

15 g. The [director] commission shall conduct roadside examinations  
16 of motor vehicles required to be inspected, using such inspection  
17 equipment and procedures, and standards established pursuant to  
18 section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited  
19 to, remote sensing technology, as the [director] commission shall  
20 deem appropriate to provide for the monitoring of motor vehicles  
21 pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of  
22 the total number of motor vehicles required to be inspected under this  
23 chapter, whichever is less, shall be inspected during each inspection  
24 cycle by roadside examination teams under the supervision of the  
25 [director] commission. The [director] commission may require any  
26 vehicle failing a roadside examination to be inspected at an official  
27 inspection facility or a private inspection facility within a time period  
28 fixed by the [director] commission. Failure to appear and pass  
29 inspection within the time period fixed by the [director] commission  
30 shall result in registration suspension in addition to any other penalties  
31 provided in this Title. The [director] commission shall conduct an  
32 aggressive roadside inspection program to ensure that all motor  
33 vehicles that are required to be inspected in this State are in  
34 compliance with State law.

35 h. The [director] commission, and, when appropriate, the  
36 Department of Environmental Protection, shall conduct inspections  
37 and audits of licensed private inspection facilities, official inspection  
38 facilities and designated examiners to ensure accurate test equipment  
39 calibration and use, and compliance with proper inspection procedures  
40 and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any  
41 regulations adopted pursuant thereto by the [Division of Motor  
42 Vehicles] commission or by the Department of Environmental  
43 Protection. These inspections and audits shall be conducted at such  
44 times and in such manner as the [director] commission, upon  
45 consultation with the Department of Environmental Protection, shall

1 determine in order to provide quality assurance in the performance of  
 2 the inspection and maintenance program.

3 i. (1) The [director] commission shall make a charge of \$2.50 for  
 4 the initial inspection for each vehicle subject to inspection, which  
 5 amount shall be paid to the [director] commission or [his] its  
 6 representative when payment of the registration fees fixed in chapter  
 7 3 of this Title is made which inspection charge shall be included in the  
 8 list of fees and surcharges that are subject to the calculation of  
 9 proportional revenue remitted to the commission pursuant to  
 10 subsection a. of section 109 of P.L. , c (now before the Legislature  
 11 as this bill); provided however, that on and after January 1, 1999, a  
 12 school bus as defined pursuant to section 3 of P.L.1999, c.5 (C.39:3B-  
 13 20) and having a registration period commencing on or after  
 14 January 1, 1999, shall be subject to an inspection fee for each in-  
 15 terminal or in-lieu-of terminal inspection in accordance with the  
 16 following schedule:

17

18	School Bus Specification Inspection	\$50 per bus
19	School Bus Inspection	\$25 per bus

20

21 The specification inspection is required when a school bus is put  
 22 into service in New Jersey, whether a new bus or a bus from another  
 23 state. The specification inspection is conducted to ensure that the  
 24 school bus meets New Jersey specification standards. The school bus  
 25 inspection fee shall be charged to the operator for each in-terminal or  
 26 in-lieu-of terminal inspection. School Vehicle Type I and School  
 27 Vehicle Type II buses shall be inspected semiannually. Retired school  
 28 buses shall be inspected annually. No school bus inspection fee shall  
 29 be charged for any reinspection conducted by the [division]  
 30 commission if the reinspection is conducted on the same day as the  
 31 inspection that necessitated the reinspection. If an additional trip is  
 32 required by the [division's] commission's inspectors for a reinspection  
 33 for out of service criteria, a fee of \$25 per bus shall be charged.  
 34 [Inspection] School bus inspection fees shall be paid to the [director]  
 35 commission or the [director's] commission's designee subject to the  
 36 terms and conditions prescribed by the [director] commission and  
 37 shall be considered service charges of the commission and not subject  
 38 to the calculation of proportional revenue remitted to the commission  
 39 pursuant to subsection a. of section 109 of P.L. c. (now before the  
 40 Legislature as this bill). Any law or rule or regulation adopted  
 41 pursuant thereto to the contrary notwithstanding, a registration fee  
 42 authorized pursuant to chapter 3 of Title 39 of the Revised Statutes  
 43 shall not be increased for the purpose of paying any costs associated  
 44 in any manner with the establishment, implementation or operation of  
 45 the motor vehicle inspection and maintenance program established  
 46 pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

1 (2) The [director] commission shall establish by regulation a fee  
2 to cover the costs of inspecting any vehicle that is required, or has the  
3 option, under federal law to be inspected in this State but is registered  
4 in another state or is owned or leased by the federal government. In  
5 determining these costs, the [director] commission shall include all  
6 capital and direct and indirect operating costs associated with the  
7 inspection of these vehicles including, but not limited to, the costs of  
8 the actual inspection, the creation and maintenance of the vehicle  
9 inspection record, administrative, oversight and quality assurance costs  
10 and the costs associated with reporting inspection information to the  
11 owner, the federal government and agencies of other states. All fees  
12 collected pursuant to this subsection shall be paid to the State  
13 Treasurer and deposited in the "Motor Vehicle Inspection Fund"  
14 established pursuant to subsection j. of this section.

15 j. There is established in the General Fund a special dedicated, non-  
16 lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
17 which shall be administered by the State Treasurer. The State  
18 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
19 \$11.50 from each motor vehicle registration fee received by the State  
20 after June 30, 1995. This fee shall be considered a service charge of  
21 the commission and shall not be subject to the calculation of  
22 proportional revenue remitted to the commission pursuant to  
23 subsection a. of section 109 of P.L. c. (now before the Legislature  
24 as this bill. The Legislature shall annually appropriate from the fund  
25 an amount necessary to pay the reasonable and necessary expenses of  
26 the implementation and operation of the motor vehicle inspection  
27 program. The State Treasurer shall:

28 (1) Pay to a private contractor or contractors contracted to design,  
29 construct, renovate, equip, establish, maintain and operate official  
30 inspection facilities under a contract or contracts entered into with the  
31 State Treasurer pursuant to subsection a. of section 4 of P.L.1995,  
32 c.112 (C.39:8-44) from the fund the amount necessary to meet the  
33 costs agreed to under the contract or contracts; and

34 (2) Transfer from the fund to the [Division of Motor Vehicles]  
35 commission as provided pursuant to section 109 of P.L. c. (now  
36 before the Legislature as this bill) and the Department of  
37 Environmental Protection the amounts necessary to finance the costs  
38 of administering and implementing all aspects of the inspection and  
39 maintenance program, and to the Office of Telecommunications and  
40 Information Systems in the Department of the Treasury the amount  
41 necessary for computer support upgrades;

42 Moneys remaining in the fund and any unexpended balance of  
43 appropriations from the fund at the end of each fiscal year shall be  
44 reappropriated for the purposes of the fund. Any interest earned on  
45 moneys in the fund shall be credited to the fund.

46 (cf: P.L.1999, c.5, s.8)



1 112. Section 2 of P.L.1993, c.124 (C.48:2-56.1) is amended to  
2 read as follows:

3 2. Moneys received from fees collected by the [Department of  
4 Transportation] commission pursuant to section 1 of P.L.1959, c.43  
5 (C.48:2-56) for the bus inspection program shall be [deposited in the  
6 General Fund and shall be disbursed to the department, subject to  
7 appropriation, to defray the expenses of the bus inspection program]  
8 revenues of the commission and shall not be subject to the calculation  
9 of proportional revenue remitted to the commission pursuant to  
10 subsection a. of section 109 of P.L. . . . , c. . . . (now before the  
11 Legislature as this bill).

12 (cf: P.L.1993, c.124, s.2)

13

14 113. Section 12 of P.L.1995, c.112 (C.39:8-52) is amended to read  
15 as follows:

16 12. a. A person shall not conduct any emission inspection required  
17 by the [director] commission on a motor vehicle unless that person is  
18 licensed as an emission inspector by the [director] commission. The  
19 [director] commission may establish a fee not to exceed \$50 for the  
20 licensure and relicensure of emission inspectors and shall establish  
21 standards and requirements for the licensure and relicensure of  
22 emission inspectors including, at a minimum, the successful completion  
23 of emission training and testing requirements determined by the  
24 [director] commission in consultation with the Department of  
25 Environmental Protection as a prerequisite to licensing. Any license  
26 issued pursuant to this section shall be valid for the period set by the  
27 [director] commission, which shall not be longer than two years. The  
28 successful completion of refresher training and testing, at a minimum,  
29 shall be required prior to license renewal. All fees collected pursuant  
30 to this subsection shall be [turned over to the State Treasurer and  
31 deposited in the "Motor Vehicle Inspection Fund" established pursuant  
32 to subsection j. of R.S.39:8-2.] revenue of the commission and shall  
33 not be subject to the calculation of proportional revenue remitted to  
34 the commission pursuant to subsection a. of section 109 of P.L. . . . c.  
35 (now before the Legislature as this bill).

36 b. The [director] commission may deny, suspend or revoke any  
37 license authorized to be issued by this section or refuse renewal  
38 thereof for cause, including but not limited to one or more of the  
39 following:

40 (1) Violation of any provision of P.L.1995, c.112 (C.39:8-41 et al.)  
41 or of any regulation adopted pursuant thereto;

42 (2) Fraud, misrepresentation or misstatement in securing the  
43 license or in the conduct of the licensed activity;

44 (3) Conviction of a crime involving fraud or moral turpitude;

45 (4) Violation of P.L.1960, c.39 (C.56:8-1 et seq.) or of any

1 regulation adopted pursuant thereto;

2 (5) Failure to successfully complete any training or testing  
3 requirements that are a prerequisite to licensure;

4 (6) Failure to pay any fee required by law; or

5 (7) Other good cause.

6 (cf: P.L.1995, c.112, s.12)

7

8 114. Section 13 of P.L.1995, 112 (C.39:8-53) is amended to read  
9 as follows:

10 13. a. The [director] commission shall adopt, after consultation  
11 with the Division of Consumer Affairs in the Department of Law and  
12 Public Safety, rules and regulations for the registration of facilities  
13 authorized to perform emission-related repairs on vehicles that fail a  
14 required emission test. A facility or business shall not correct, adjust  
15 or repair, for compensation, any motor vehicle that has failed an  
16 emission test required by the [director] commission unless it has first  
17 obtained from the [director] commission a motor vehicle repair  
18 facility registration authorizing the facility or business to repair  
19 vehicles that have failed an emission test required by [director] the  
20 commission. The [director] commission may establish an annual  
21 registration fee, which shall not exceed \$50, to defray the cost of  
22 registering these businesses and facilities. All fees collected pursuant  
23 to this section shall be [paid to the State Treasurer and deposited in  
24 the "Motor Vehicle Inspection Fund" established pursuant to  
25 subsection j. of R.S.39:8-2] revenue of the commission and shall not  
26 be subject to the calculation of proportional revenue remitted to the  
27 commission pursuant to subsection a. of section 109 of P.L. , c.  
28 (C. ) (now before the Legislature as this bill).

29 b. The [director] commission may deny, suspend or revoke any  
30 registration issued pursuant to this section, or refuse renewal thereof,  
31 for performance by a registered business or facility of an improper  
32 repair on a motor vehicle or for other good cause.

33 c. The [director] commission may establish or approve a repair  
34 technician certification program for persons who perform, for  
35 compensation, emission-related repairs on vehicles that fail a required  
36 emission test.

37 d. The Department of Education, in consultation with the  
38 Department of Environmental Protection, shall develop and make  
39 available a course of instruction, to be offered at State community  
40 colleges and other appropriate educational institutions, for the purpose  
41 of training repair technicians in the diagnosis and repair of motor  
42 vehicle emission control systems.

43 (cf: P.L.1995, c.112, s.13)

44

45 115. Section 14 of P.L.1995, c.112 (C.39:8-54) is amended to read

1 as follows:

2 14. A person who displays or causes or permits to be displayed any  
3 sign, mark, or advertisement, or otherwise identifies that person as a  
4 private inspection facility, a registered motor vehicle repair facility or  
5 an emission inspector when not holding a valid license or registration  
6 issued by the [director] commission, or who transfers or attempts to  
7 transfer a valid license or registration, shall be subject to a fine of not  
8 less than \$1,000 or imprisonment for not more than 30 days, or both.  
9 Any fine collected under the provisions of this section shall be [paid  
10 to the State Treasurer and deposited in the "Motor Vehicle Inspection  
11 Fund" established pursuant to subsection j. of R.S.39:8-2.] revenue of  
12 the commission and shall not be subject to the calculation of  
13 proportional revenue remitted to the commission pursuant to  
14 subsection a. of section 109 of P.L. , c. (C. )(now before the  
15 Legislature as this bill).

16 (cf: P.L.1995, c.112, s.14)

17

18 116. Section 11 of P.L.1995, c.157 (C.39:8-69) is amended to read  
19 as follows:

20 11. a. The [director] commission, in consultation with the  
21 Department of Transportation and after appropriate inquiry and  
22 investigation, shall issue licenses to operate diesel emission inspection  
23 centers to as many qualified and properly equipped persons, including  
24 owners or lessees of diesel buses, heavy-duty diesel trucks, or other  
25 diesel-powered motor vehicles, as the [director] commission  
26 determines shall be necessary to conduct periodic inspections. A  
27 licensee shall inspect and pass or reject a diesel bus, heavy-duty diesel  
28 truck, or other diesel-powered motor vehicle presented to the licensee  
29 for inspection. Passing shall indicate that the licensee or the licensee's  
30 employee has inspected the diesel bus, heavy-duty diesel truck, or  
31 other diesel-powered motor vehicle as prescribed by the [director]  
32 commission and has found that the vehicle conforms to the standards  
33 established by law and rule or regulation. The [director] commission,  
34 in consultation with the Department of Transportation and with the  
35 approval of the Attorney General, may establish by rule or regulation  
36 adopted pursuant to the "Administrative Procedure Act," P.L.1968,  
37 c.410 (C.52:14B-1 et seq.) an application fee for the licensing of diesel  
38 emission inspection centers, which fee shall not exceed \$250 per year  
39 which shall be revenue of the commission and shall not be subject to  
40 the calculation of proportional revenue remitted to the commission  
41 pursuant to subsection a. of section 109 of P.L. , c. (C. )(now  
42 pending before the Legislature as this bill).

43 b. For the purpose of documenting compliance with periodic  
44 inspection requirements, the [director] commission shall furnish  
45 official inspection forms to licensed diesel emission inspection centers.

1 The [director] commission shall require each diesel emission  
2 inspection center and each owner or lessee of a diesel bus, heavy-duty  
3 diesel truck, or other diesel-powered motor vehicle subject to periodic  
4 inspection to keep such records and file such reports regarding these  
5 inspections as the [director] commission shall deem necessary. The  
6 [director] commission may conduct such audits or inspections of  
7 these centers as the [director] commission deems appropriate.

8 c. The [director] commission may deny, suspend or revoke a  
9 diesel emission inspection center license or refuse renewal thereof for  
10 cause, including, but not limited to, one or more of the following:

11 (1) Violation of any provision of this act or of any rule or  
12 regulation adopted pursuant thereto; or

13 (2) Fraud or misrepresentation in securing a license or in the  
14 conduct of the licensed activity; or

15 (3) Conviction of a crime demonstrating that the applicant or  
16 licensee is unfit; or

17 (4) Improper, negligent, or fraudulent inspection of a diesel bus,  
18 heavy-duty diesel truck, or other diesel-powered motor vehicle; or

19 (5) Other good cause.

20 d. In addition to any other civil or criminal penalties that may be  
21 applicable, a person licensed by the [director] commission to operate  
22 a diesel emission inspection center who commits fraud or  
23 misrepresentation in securing a license or in the conduct of the  
24 licensed activity or who improperly or negligently or fraudulently  
25 conducts an inspection of a diesel bus, heavy-duty diesel truck, or  
26 other diesel-powered motor vehicle shall be liable for a civil penalty of  
27 \$1,500. In addition to any other civil or criminal penalties that may be  
28 applicable, a person licensed by the [director] commission to operate  
29 a diesel emission inspection center who otherwise violates any  
30 provision of this act or of any rule or regulation adopted pursuant  
31 thereto shall be liable for a civil penalty of \$500.

32 (cf: P.L.1995, c.157, s.11)

33

34 117. Section 1 of P.L.1999, c.192 (C.39:3-33a) is amended to read  
35 as follows:

36 1. Whenever the [Division of Motor Vehicles] commission is  
37 authorized to charge an additional application fee for the issuance of  
38 a personalized, courtesy or special license plate, the [division]  
39 commission shall charge that additional application fee only upon the  
40 initial issuance of the plate. If a personalized, courtesy or special plate  
41 is issued to a lessee in a motor vehicle leasing agreement, upon  
42 termination of the lease the lessee may apply to the [director]  
43 commission to have the plate reissued to another motor vehicle leased  
44 or owned by the lessee upon payment of a fee of \$4.50. If a  
45 personalized, courtesy or special license plate is issued to an owner of

1 a motor vehicle, the owner may apply to the [director] commission to  
2 have the plate reissued to another motor vehicle leased or owned by  
3 the owner upon payment of a fee of \$4.50. All additional fees  
4 collected pursuant to this section shall be revenues of the commission  
5 and shall not be subject to the calculation of proportional revenue  
6 remitted to the commission pursuant to subsection a. of section 109 of  
7 P.L. , c. (C. ) (now before the Legislature as this bill).  
8 Nothing in this section shall be construed as prohibiting the [division]  
9 commission from charging, at the time of annual registration renewal,  
10 the payment of the additional fee which has been required under any  
11 other section of law for a special license plate.

12 (cf: P.L.1999, c.192, s.1)

13

14 118. Section 1 of P.L.2001, c.35 (C.39:3-33b) is amended to read  
15 as follows:

16 1. a. The lessee in a motor vehicle leasing agreement or the owner  
17 of a motor vehicle who obtains a base set of personalized, courtesy or  
18 special license plates with special identifying marks may obtain and use  
19 a second set in a series for use upon another motor vehicle if it is  
20 owned or leased by that person.

21 b. The fees for the second set in a series shall be prescribed by the  
22 [director] commission and shall be revenues of the commission, and  
23 shall not be subject to the calculation of proportional revenue remitted  
24 to the commission pursuant to subsection a. of section 109 of  
25 P.L. , c. (C. ) (now before the Legislature as this bill).

26 c. The [director] commission may promulgate rules and  
27 regulations to effectuate the purposes of this act.

28 (cf: P.L.2001, c.35, s.1)

29

30 119. Section 2 of P.L.1959, c.56 (C.39:3-33.4) is amended to read  
31 as follows:

32 2. The [director] commission is authorized to charge an additional  
33 fee for the issuance of such particular identifying mark in such amount  
34 as he may fix from time to time but not in excess of \$30 for identifying  
35 marks defined by the [director] commission to be courtesy marks, and  
36 not in excess of \$100 for identifying marks defined by the [director]  
37 commission to be personalized marks, and the amount of such fee shall  
38 accompany the application. These fees shall be revenue of the  
39 commission and shall not be subject to the calculation of proportional  
40 revenue remitted to the commission pursuant to subsection a. of  
41 section 109 of P.L. , c. (C. )(now before the Legislature as  
42 this bill).

43 (cf: P.L.1994, c.60, s.21)

44

45 120. Section 4 of P.L.1959, c.56 (C.39:3-33.6) is amended to read  
46 as follows:

1       4. For a period commencing with the effective date of this act and  
2 terminating upon the completion of the first full fiscal year thereafter,  
3 All moneys received by the [director] commission pursuant to this act  
4 shall be [forthwith deposited as received with the State Treasurer, and  
5 the expenses of administration incurred by the director in carrying out  
6 the provisions of this act, during the aforementioned period are hereby  
7 appropriated to such purposes and shall be disbursed by the State  
8 Treasurer out of such funds in the same manner as other State  
9 expenses are paid. Upon the termination of the first full fiscal year  
10 after the effective date of this act, any excess of the moneys deposited  
11 with the State Treasurer as heretofore provided and over the amount  
12 of the expenses of administration during the period heretofore set  
13 forth, shall become a part of the General State Fund, and all moneys  
14 received thereafter by the director pursuant to this act, shall become  
15 a part of the General State Fund] revenues of the commission and  
16 shall not be subject to the calculation of proportional revenue remitted  
17 to the commission pursuant to subsection a. of section 109 of P.L. . . .  
18 c. (C. . . .) (now before the Legislature as this bill).  
19 (cf: P.L.1959, c.56, s.4)

20

21       121. Section 2 of P.L.1999, c.396 (C.39:3-84.7) is amended to  
22 read as follows:

23       2. a. Unless determined otherwise by the [director] commission  
24 pursuant to subsection b. of this section, the [director] commission  
25 shall issue distinctive markers for tow trucks operating under the  
26 provisions of this act. A fee of \$25 annually shall be charged for such  
27 markers. The fee for such markers is in addition to the fees otherwise  
28 prescribed by law for the registration of motor vehicles and the  
29 amount received from the fees shall be [annually appropriated to the  
30 department to defray costs incurred by the division in issuing the  
31 markers and implementing the provisions of P.L.1999, c.396 (C.39:3-  
32 84.6 et al.)] revenues of the commission and shall not be subject to the  
33 calculation of proportional revenue remitted to the commission  
34 pursuant to subsection a. of section 109 of P.L. .c. (now before  
35 the Legislature as this bill). The markers shall be available for tow  
36 trucks in two gross weight categories: light-medium duty and heavy-  
37 duty. The markers for each weight category shall have distinctive  
38 features.

39       b. The [director] commission may issue, in lieu of markers issued  
40 pursuant to subsection a. of this section, license plates for tow trucks  
41 operating under the provisions of this act. The license plates shall be  
42 issued for 12 months upon the filing of an application pursuant to  
43 section 3 of P.L.1999, c.396 (C.39:3-84.8) and upon payment of the  
44 registration fee. A surcharge on the registration fee shall be imposed  
45 by the [director] commission in the amount of \$25 and the amount

1 received from the surcharge shall be [annually appropriated to the  
2 department to defray costs incurred by the division in issuing the plates  
3 and implementing the provisions of P.L.1999, c.396 (C.39:3-84.6 et  
4 al.)] revenues of the commission and shall not be subject to the  
5 calculation of proportional revenue remitted to the commission  
6 pursuant to subsection a. of section 109 of P.L. , c. (now before  
7 the Legislature as this bill). The plates shall be available for tow  
8 trucks in two gross weight categories: light-medium duty and heavy-  
9 duty. The plates for each weight category shall have distinctive  
10 features conspicuous to passing motorists.

11 c. A person shall not operate or offer to operate a tow truck to  
12 tow, winch, or otherwise move a motor vehicle for any direct or  
13 indirect compensation unless the tow truck displays the proper marker  
14 or valid tow truck license plate issued by the [Division of Motor  
15 Vehicles] commission pursuant to this act. The [director]  
16 commission may exempt tow trucks that meet the definition of an  
17 apportioned vehicle pursuant to section 21 of P.L.1995, c.157  
18 (C.39:3-6.11) from the requirement to display a tow truck license  
19 plate.

20 (cf: P.L.1999, c.396, s.2)

21

22 122. Section 10 of P.L.1983, c.105 (C.39:4-14.3j) is amended to  
23 read as follows:

24 10. At the time of original sale of a motorized bicycle in this State,  
25 a motorized bicycle dealer shall complete a form, of a kind to be  
26 approved by the [director] commission, which shall contain the  
27 following information:

28 a. The year of manufacture, make, model, color, and unladen  
29 weight of the motorized bicycle;

30 b. The United States Department of Transportation head tag serial  
31 number of the motorized bicycle;

32 c. The name, street address, and age of the purchaser of the  
33 motorized bicycle;

34 d. The business name and address of the motorized bicycle dealer  
35 from whom the bicycle was purchased;

36 e. The amount of New Jersey sales tax collected by the dealer;

37 f. The motorized bicycle dealer's New Jersey sales tax  
38 authorization number;

39 g. Signatures of both the motorized bicycle dealer and the  
40 purchaser;

41 h. The month, day and year of sale;

42 i. The name of the insurer of the motorized bicycle and the policy  
43 number;

44 j. Any other information required by the [director] commission.

45 The dealer shall retain one copy of the form and present the other  
46 two to the purchaser. The form shall constitute temporary registration

1 for the vehicle for a period of 20 days from the date of purchase;  
2 provided, however, that the purchaser shall comply with all other laws,  
3 rules and regulations regarding operation of motorized bicycles.

4 The dealer shall issue the purchaser temporary license plates to be  
5 displayed on the motorized bicycle until permanent registration is  
6 completed and a motorized bicycle license plate is issued.

7 Within 20 days the purchaser shall present one copy of the form to  
8 the [Division of Motor Vehicles] commission, together with any  
9 additional information which the [director] commission may require,  
10 pay the requisite fee and register the motorized bicycle in the manner  
11 provided in this act.

12 The fee for the initial registration of a motorized bicycle by a given  
13 owner shall be \$8.00 which shall be revenue of the commission and  
14 shall not be subject to the calculation of proportional revenue remitted  
15 to the commission pursuant to subsection a. of section 109 of P.L. ,  
16 c. (C. ) (now before the Legislature as this bill). The yearly fee  
17 for each renewal of registration shall be \$8 which shall be revenue of  
18 the commission and shall not be subject to the calculation of  
19 proportional revenue remitted to the commission pursuant to  
20 subsection a. of section 110 of P.L. , c. (C. ) (now pending  
21 before the Legislature as this bill).

22 (cf: P.L.1994, c.60, s.23)

23

24 123. Section 2 of P.L.1983, c.141 (C.39:6B-3) is amended to read  
25 as follows:

26 2. [The Uninsured Motorist Prevention Fund (hereinafter referred  
27 to as the "fund") is established as a nonlapsing, revolving fund into  
28 which shall be deposited all] All revenues from the fines imposed  
29 pursuant to section 2 of P.L.1972, c.197 (C.39:6B-2) shall be revenues  
30 of the commission and shall not be subject to the calculation of  
31 proportional revenue remitted to the commission pursuant to  
32 subsection a. of section 109 P.L. , c. (C. ) (now before the  
33 Legislature as this bill). [Interest received on moneys in the fund shall  
34 be credited to the fund. The fund shall be administered by the Division  
35 of Motor Vehicles in the Department of Law and Public Safety.  
36 Moneys in the fund shall be allocated and used for the purpose of the  
37 administrative expenses of the fund and enforcement of the  
38 compulsory motor vehicle insurance law, P.L.1972, c.197 (C.39:6B-1  
39 et seq.) by the Division of Motor Vehicles.]

40 (cf: P.L.1983, c.141, s.2)

41

42 124. Section 11 of P.L.1985, c.14 (C.39:4-139.12) is amended to  
43 read as follows:

44 11. There shall be included in the fines and penalties imposed by  
45 the court on a person whose license has been suspended pursuant to  
46 subsection b. of section 9 of this act a fee of \$3.00 which shall be



1 transferred by the court to the [division] commission. All fees so  
2 transferred shall be [deposited in a fund established to effectuate]  
3 revenues of the commission and shall not be subject to the calculation  
4 of proportional revenue remitted to the commission pursuant to  
5 subsection a. of section 109 of P.L. , c. (now before the  
6 Legislature as this bill) [the purposes of this act].

7 (cf: P.L.1985, c.14, s.11)

8

9 125. (New section) The commissioner shall receive funds  
10 necessary to defray the cost of collection to implement the provisions  
11 of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing  
12 and collection of surcharges levied on drivers in accordance with the  
13 New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating  
14 System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as  
15 amended, from fees and service charges in lieu of the actual cost of  
16 collection receipts and from surcharges derived.

17

18 126. (New section) Notwithstanding any other provision of law,  
19 all fees established pursuant to P.L. 2001, c. 391 shall take effect on  
20 the first day following the fourth month after enactment of P.L. , c.  
21 (C. ) (now before the Legislature as this bill). The \$6 digitized  
22 picture fee shall be charged regardless of whether the license or  
23 identification card displays a picture, and shall be revenues of the  
24 commission for use in the furtherance of any commission purpose.  
25 This fee shall be considered revenues of the commission and shall not  
26 be subject to the calculation of proportional revenue remitted to the  
27 commission pursuant to subsection a. of section 109 of P.L. , c.  
28 (C. ) (now before the Legislature as this bill).

29 Revenues of the commission shall be non-lapsing, off-budget, and  
30 not subject to appropriation by the Legislature. In addition, the  
31 revenues of the commission shall not be restricted from use by the  
32 commission in any manner except as provided by law. Revenues of the  
33 commission may be used in the furtherance of any purpose of the  
34 commission or as otherwise provided for in law.

35

36 127. (New section) In addition to the motor vehicle registration  
37 fees imposed pursuant to the provisions of chapters 3, 4, and 8 of Title  
38 39 of the Revised Statutes, the commission shall impose and collect an  
39 additional \$8 for each new and renewal vehicle registration as a  
40 security surcharge, which surcharge shall take effect on the first day  
41 following the fourth month after enactment of P.L. , c. (C. )  
42 (now before the Legislature as this bill). The security surcharges  
43 collected pursuant to this section shall be revenues of the commission  
44 and shall not be subject to the calculation of proportional revenue  
45 remitted to the commission pursuant to subsection a. of section 109 of  
46 P.L. , c. (C. ) (now before the Legislature as this bill). The

1 security surcharge shall not be imposed on the registration of  
2 passenger vehicles registered to persons possessing a valid  
3 handicapped person identification card issued pursuant to section 2 of  
4 P.L. 1949, c.280 (C.39:4-205) or to persons aged 65 years of age or  
5 older at the time of registration or registration renewal. These  
6 revenues shall be considered revenues of the commission and shall not  
7 be subject to the calculation of proportional revenue remitted to the  
8 commission pursuant to subsection a. of section 109 of P.L. , c.  
9 (C. ) (now before the Legislature as this bill).

10 Revenues of the commission shall be non-lapsing, off-budget, and  
11 not subject to appropriation by the Legislature. In addition, the  
12 revenues of the commission shall not be restricted from use by the  
13 commission in any manner except as provided by law. Revenues of the  
14 commission may be used in the furtherance of any purpose of the  
15 commission or as otherwise provided for in law.

16  
17 128. Section 4 of P.L.1994, c.57 (C.34:1B-21.4) is amended to  
18 read as follows:

19 4. a. The authority shall have the power to issue Market Transition  
20 Facility bonds or notes in an amount not to exceed \$ 750 million,  
21 pursuant to the provisions of this act, under the powers given to it by  
22 and pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for the purpose  
23 of providing funds for the payment of the current and anticipated  
24 liabilities and expenses of the facility, as such liabilities and expenses  
25 are certified by the commissioner. Bonds issued for the purpose of  
26 refinancing previously issued bonds or notes shall not be included in  
27 the calculation of the dollar amount limitation and bonds issued for the  
28 purpose of refinancing previously issued bonds or notes shall be  
29 approved by the Joint Budget Oversight Committee prior to the  
30 refinancing. The bonds or notes shall be secured wholly or in part by  
31 the monies in the Market Transition Facility Revenue Fund. The  
32 authority may establish a debt service reserve fund, which may be  
33 augmented or replenished from time to time from funds in the Facility  
34 Revenue Fund. All Market Transition Facility bonds shall have a final  
35 maturity of not later than July 1, 2011.

36 b. The authority shall also have the power to issue New Jersey  
37 Motor Vehicle Commission bonds, notes or other obligations,  
38 pursuant to P.L.1994, c.57, as amended by P.L. , c. (C. ) (now  
39 before the Legislature as this bill) and to the powers given to it by and  
40 pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for the purpose of  
41 providing funds for the payment of the costs of any and all capital  
42 improvements to or for New Jersey Motor Vehicle Commission  
43 facilities, including, but not limited to, building improvements and the  
44 acquisition and installation of furniture, fixtures, machinery and  
45 equipment; provided, however, that bonds, notes or other obligations  
46 shall not be issued in an amount exceeding \$150 million without the

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1 prior approval of the Joint Budget Oversight Committee. Bonds  
2 issued for the purpose of refinancing previously issued bonds, notes or  
3 other obligations shall not be included in the calculation of the dollar  
4 amount limitation. The bonds, notes or other obligations shall be  
5 secured wholly or in part by the monies in the Market Transition  
6 Facility Revenue Fund from and after such time as all Market  
7 Transition Facility bonds, notes and obligations issued pursuant to the  
8 section and the costs thereof are discharged and no longer  
9 outstanding. The authority may establish a debt service reserve fund,  
10 which may be augmented or replenished from time to time from funds  
11 in the Market Transition Facility Revenue Fund.

12 (cf: P.L.1994, c.57, s.4)

13

14 129. Section 5 of P.L.1994, c.57 (C.34:1B-21.5) is amended to  
15 read as follows:

16 5. a. For the purpose of providing funds for payment of current  
17 and anticipated liabilities and expenses of the facility, the authority  
18 shall have the power to provide for the funding or refunding of any  
19 bonds or notes, incur indebtedness, borrow money and issue bonds or  
20 notes secured in whole or in part by the monies in the Facility Revenue  
21 Fund. The bonds or notes shall be payable from the monies in the  
22 Facility Revenue Fund. The bonds or notes shall be authorized by  
23 resolution, which shall stipulate the manner of execution and form of  
24 the bonds, whether the bonds are in one or more series, the date or  
25 dates of issue, time or times of maturity, which shall not exceed  
26 30 years, the rate or rates of interest payable on the bonds, the  
27 denomination or denominations in which the bonds are issued,  
28 conversion or registration privileges, the sources and medium of  
29 payment and place or places of payment, and terms of redemption. The  
30 bonds may be sold at a public or private sale at a price or prices  
31 determined by the authority.

32 b. For the purpose of providing funds for payment of any and all  
33 capital improvements to or for New Jersey Motor Vehicle Commission  
34 facilities, including, but not limited to, building improvements and the  
35 acquisition and installation of furniture, fixtures, machinery and  
36 equipment, the authority shall have the power to provide for the  
37 funding or refunding of any bonds or notes, incur indebtedness,  
38 borrow money and issue bonds or notes secured in whole or in part by  
39 the monies in the Facility Revenue Fund from and after such time as  
40 all Market Transition Facility bonds, notes and obligations issued  
41 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs  
42 thereof are discharged and no longer outstanding. The bonds or notes  
43 shall be payable solely from the monies in the Facility Revenue Fund.  
44 The bonds and notes shall be authorized by resolution, which shall  
45 stipulate the manner of execution and form of the bonds, whether the  
46 bonds are in one or more series, the date or dates of issue, time or

1 times of maturity, which shall not exceed 30 years, the rate or rates of  
2 interest payable on the bonds, the denomination or denominations in  
3 which the bonds are issued, conversion or registration privileges, the  
4 sources and medium of payment and place or places of payment, and  
5 terms of redemption. The bonds may be sold at a public or private  
6 sale at a price or prices determined by the authority.

7 (cf: P.L.1994, c.57, s.5)

8  
9 130. Section 6 of P.L.1994, c.57 (C.34:1B-21.6) is amended to  
10 read as follows:

11 6. The authority may, in any resolution authorizing the issuance of  
12 the bonds or notes, pledge the Facility Revenue Fund or a portion  
13 thereof for payment of the redemption of the Market Transition  
14 Facility bonds or notes and, from and after such time as all Market  
15 Transition Facility bonds, notes and obligations issued pursuant to  
16 section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof are  
17 discharged and no longer outstanding, Motor Vehicle Commission  
18 bonds or notes, and covenant as to the use and disposition of monies  
19 in the Facility Revenue Fund. All costs associated with the issuance of  
20 the bonds or notes by the authority for the purposes set forth in [this  
21 act] P.L.1994, c.57, as amended by P.L. , c. (C. ) (now  
22 before the Legislature as this bill) may be paid by the authority from  
23 the Facility Revenue Fund, which costs may include, but shall not be  
24 limited to, any costs related to the issuance of the bonds or notes,  
25 operating expenses of the authority attributable to the payment of  
26 facility current and anticipated liabilities and expenses, and costs of,  
27 and any payment due under, any agreement entered into pursuant to  
28 the provisions of subsection b. of section 8 of [this act] P.L.1994,  
29 c.57 (C.34:1B-21.8), as amended by P.L. , c. (C. ) (now  
30 before the Legislature as this bill). Monies in the Facility Revenue  
31 Fund shall not be used for any other project of the authority.

32 (cf: P.L.1994, c.57, s.6)

33  
34 131. Section 7 of P.L.1994, c.57 (C.34:1B-21.7) is amended to  
35 read as follows:

36 7. There is created within the authority a special nonlapsing fund,  
37 to be known as the "Market Transition Facility Revenue Fund." The  
38 Facility Revenue Fund shall consist of:

39 a. Such monies as may be transferred to the Facility Revenue Fund  
40 by the State Treasurer, upon appropriation by the Legislature,  
41 pursuant to section 14 of this act;

42 b. Such monies as may be appropriated to the Facility Revenue  
43 Fund by the Legislature from surcharges levied pursuant to the  
44 provisions of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-  
45 35), except that any such monies in excess of the amounts required to  
46 be used by the authority pursuant to any bond resolutions authorizing

1 the issuance of Market Transition Facility bonds and notes, [and] the  
2 authority's agreement with the State Treasurer authorized by section  
3 13 of this act and any bond resolutions authorizing the issuance of  
4 Motor Vehicle Commission bonds and notes shall be at least annually  
5 remitted to the General Fund;

6 c. Interest or other income derived from the investment of monies  
7 in the Facility Revenue Fund; and

8 d. Any other monies as may be deposited from time to time, except  
9 that such monies shall not be appropriated from the General Fund.

10 Monies in the Facility Revenue Fund shall be managed and invested  
11 by the Division of Investment in the Department of the Treasury.

12 (cf: P.L.1994, c.57, s.7)

13

14 132. Section 8 of P.L.1994, c.57 (C.34:1B-21.8) is amended to  
15 read as follows:

16 8. a. The authority may use the monies in the Market Transition  
17 Facility Revenue Fund to pay the principal and interest and premium,  
18 if any, on the Market Transition Facility bonds or notes issued by it  
19 pursuant to section 4 of [this act] P.L.1994, c.57, as amended by  
20 P.L. , c. (C. ) (now before the Legislature as this bill) and,  
21 from and after such time as all Market Transition Facility bonds notes  
22 and obligations issued pursuant to section 4 of P.L.1994, c.57  
23 (C.34:1B-21.4) and the costs thereof are discharged and no longer  
24 outstanding, Motor Vehicle Commission bonds or notes issued by it  
25 pursuant to section 4 of P.L.1994, c.57. The authority may create any  
26 other fund or funds by resolution of the authority which it deems  
27 necessary to further secure the Market Transition Facility bonds or  
28 notes or the Motor Vehicle Commission bonds or notes or otherwise  
29 effectuate the purposes of this act, including a fund for the deposit of  
30 the proceeds from Market Transition Facility bonds or notes or the  
31 Motor Vehicle Commission bonds or notes provided for in section 4  
32 of P.L.1994, c.57 , as amended by P.L. , c. (C. ) (now before  
33 the Legislature as this bill).

34 b. The authority may, in connection with its duties and  
35 responsibilities under [this act] P.L.1974, c.80, as amended by  
36 P.L. , c. (now before the Legislature as this bill) or in connection  
37 with any duties and responsibilities provided for in P.L.1974, c.80  
38 (C.34:1B-1 et seq.) as amended by P.L. , c. (now before the  
39 Legislature as this bill), enter into any revolving credit agreement,  
40 agreement establishing a line of credit or letter of credit,  
41 reimbursement agreement, interest rate exchange agreement, insurance  
42 contract, surety bond, commitment to purchase bonds, purchase or  
43 sale agreement, or commitments or other contracts or agreements in  
44 connection with the authorization, issuance, sale or payment of bonds.

45 c. All Market Transition Facility bonds or notes and Motor Vehicle  
46 Commission bonds or notes issued by the authority are deemed to be

1 issued by a body corporate and politic of the State for an essential  
2 governmental purpose, and the interest thereon and the income derived  
3 from all funds, revenues, incomes and other monies received or to be  
4 received by the authority and pledged and available to pay or secure  
5 the payment on Market Transition Facility bonds or notes and the  
6 Motor Vehicle Commission bonds or notes or pledged or available to  
7 pay or secure payment on such bonds or notes or interest thereon shall  
8 be exempt from all taxes levied pursuant to the provisions of Title 54  
9 of the Revised Statutes or Title 54A of the New Jersey Statutes,  
10 except for transfer inheritance and estate taxes pursuant to Subtitle 5  
11 of Title 54 of the Revised Statutes.

12 (cf: P.L.1994, c.57, s.8)

13

14 133. Section 9 of P.L.1994, c.57 (C.34:1B-21.9) is amended to  
15 read as follows:

16 9. Market Transition Facility bonds and notes issued by the  
17 authority shall be special and limited obligations which are payable  
18 only from monies on deposit in the Facility Revenue Fund. Motor  
19 Vehicle Commission bonds and notes issued by the authority shall be  
20 special and limited obligations which are payable only from monies on  
21 deposit in the Facility Revenue Fund from and after such time as all  
22 Market Transition Facility bonds, notes and obligations issued  
23 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs  
24 thereof are discharged and no longer outstanding. Neither the  
25 members of the authority nor any other person executing the Market  
26 Transition Facility bonds or notes or the Motor Vehicle Commission  
27 bonds or notes provided for in section 4 of [this act] P.L.1974, c. 57,  
28 as amended by P.L. , c. (now before the Legislature as this bill)  
29 shall be liable personally with respect to payment of interest and  
30 principal on these bonds or notes or obligations of the facility. Market  
31 Transition Facility bonds, or notes, Motor Vehicle Commission bonds  
32 or notes, or any other obligations issued pursuant to the provisions of  
33 [this act] P.L.1974, c. 80, as amended by P.L. , c. (C. ) (now  
34 before the Legislature as this bill) shall not be a debt or liability of the  
35 State or any agency or instrumentality thereof, either legal, moral, or  
36 otherwise, and nothing contained in this act shall be construed to  
37 authorize the authority to incur any indebtedness on behalf of or in any  
38 way to obligate the State or any political subdivision, and all debt  
39 instruments issued by the authority shall contain a statement to that  
40 effect on their face.

41 (cf: P.L.1994, c.57, s.9)

42

43 134. Section 10 of P.L.1994, c.57 (C.34:1B-21.10) is amended to  
44 read as follows:

45 10. The State hereby pledges and covenants with the holders of any  
46 Market Transition Facility bonds, notes or other obligations and Motor

1 Vehicle Commission bonds, notes or other obligations issued pursuant  
2 to the provisions of [this act] P.L.1974, c.57, as amended by P.L. .  
3 c. (C. \_\_\_\_\_) (now before the Legislature as this bill) that it will not  
4 limit or alter the rights or powers vested in the authority by this act,  
5 nor limit or alter the rights or powers of the State Treasurer in any  
6 manner which would jeopardize the interest of the holders or any  
7 trustee of such holders, or inhibit or prevent performance or fulfillment  
8 by the authority or the State Treasurer with respect to the terms of any  
9 agreement made with the holders of these bonds, notes, or other  
10 obligations. The State also pledges and covenants with the holders of  
11 any such bonds, notes, or obligations, that it will not act to prevent the  
12 authority from obtaining any of the revenues provided for in this act,  
13 which shall be sufficient to meet all costs and expenses in connection  
14 with the issuance of such obligations, until the bonds, notes, or other  
15 obligations, together with interest thereon, are fully met and  
16 discharged or payment thereof is fully provided for, except that the  
17 failure of the State to appropriate monies for any purpose of this act  
18 shall not be deemed a violation of this section.

19 (cf: P.L.1994, c.57, s.10)

20

21 135. Section 12 of P.L.1994, c.57 (C.34:1B-21.12) is amended to  
22 read as follows:

23 12. There is created within the Department of the Treasury a  
24 special nonlapsing fund to be known as the "Division of Motor  
25 Vehicles Surcharge Fund," which, beginning September 1, 1996 or  
26 earlier as provided pursuant to this section, shall be comprised of  
27 monies transferred to the DMV Surcharge Fund from the Market  
28 Transition Facility which, notwithstanding the provisions of this  
29 section to the contrary, may be appropriated, immediately upon receipt  
30 from the Market Transition Facility, by the Legislature to the Facility  
31 Revenue Fund and all monies collected pursuant to subsection b. of  
32 section 6 of P.L.1983, c.65 (C.17:29A-35) and any interest or other  
33 income earned thereon. Monies in the DMV Surcharge Fund shall be  
34 managed and invested by the Division of Investment in the Department  
35 of the Treasury. Commencing September 1, 1996, or at such earlier  
36 time as may be certified by the commissioner that monies on deposit  
37 in the New Jersey Automobile Insurance Guaranty Fund created  
38 pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5) are sufficient to  
39 satisfy the current and anticipated financial obligations of the New  
40 Jersey Automobile Full Insurance Underwriting Association, the  
41 monies in the DMV Surcharge Fund shall be disbursed from time to  
42 time by the State Treasurer, upon appropriation by the Legislature, to  
43 the Market Transition Facility Revenue Fund, for payment of principal,  
44 interest and premium on the Market Transition Facility bonds or notes  
45 and Motor Vehicle Commission bonds or notes issued by the authority  
46 pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4), as amended

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95

1 by P.L.2002, c. (now before the Legislature as this bill). From the  
2 amounts remaining in the fund after these payments are fully defrayed,  
3 there shall be remitted to the fund created in section 2 of P.L.2001,  
4 c.48 (C.26:2B-9.2), \$ 1.5 million in Fiscal Year 2002, \$ 3 million in  
5 Fiscal Year 2003, \$ 4.5 million in Fiscal Year 2004, \$ 6 million in  
6 Fiscal Year 2005, and \$ 7.5 million in Fiscal Year 2006 and each fiscal  
7 year thereafter.

8 (cf: P.L.2001, c.48, s.1)

9

10 136. Section 13 of P.L.1994, c.57 (C.34:1B-21.13) is amended to  
11 read as follows:

12 13. a. The State Treasurer and the authority may enter into any  
13 agreements as may be necessary to effectuate the provisions of this  
14 act, which may include, but not be limited to, procedures for the  
15 transfer of monies from the DMV Surcharge Fund to the Market  
16 Transition Facility Revenue Fund as provided for in section 12 of this  
17 act, commencing with the fiscal year beginning July 1, 1994, with  
18 respect to the terms and conditions relative to the securing of Market  
19 Transition Facility bonds, notes, and other obligations of the authority  
20 and Motor Vehicle Commission bonds, notes and other obligations of  
21 the authority, the pledge and assignment of any agreement or  
22 agreements authorized herein, or any payments to the trustees of these  
23 bondholders. Notwithstanding any provision of P.L.1974, c.80  
24 (C.34:1B-1 et seq.), this act or any regulation of the authority to the  
25 contrary, the authority shall be paid only such fees as shall be  
26 determined by the agreement.

27 b. The commissioner and the authority shall also enter into an  
28 agreement relative to a procedure for the transfer of monies for the  
29 purpose of paying the current and anticipated liabilities and expenses  
30 of the facility, including private passenger automobile claims and other  
31 claims against the facility. The agreement shall contain a provision  
32 that the commissioner shall certify from time to time, but not more  
33 frequently than monthly, an amount necessary to fund payments made,  
34 or anticipated to be made by or on behalf of the Market Transition  
35 Facility. The commissioner's certification shall be deemed conclusive.  
36 The authority shall cause the transfer to be made to the designated  
37 transferee within 15 days of the receipt of the commissioner's  
38 certification.

39 c. The authority is authorized to enter into an agreement with the  
40 Motor Vehicle Commission relative to the provision by the authority  
41 to the commission of the proceeds from the sale of the Motor Vehicle  
42 Commission bonds for the purpose of providing funds for the payment  
43 of the costs of any and all capital improvements to or for New Jersey  
44 Motor Vehicle Commission facilities, including, but not limited to,  
45 building improvements and the acquisition and installation of furniture,  
46 fixtures, machinery and equipment.



1 (cf: P.L.1994, c.57, s.13)

1 137. (New section) All acts and parts of acts inconsistent with any  
2 of the provisions of this act are superseded to the extent of such  
3 inconsistencies.

4  
5 138. (New section) The provisions of this act shall be deemed to  
6 be severable, and if any phrase, clause, sentence or provision of this  
7 act is declared to be unconstitutional or the applicability thereof to any  
8 person is held invalid, the remainder of this act shall not thereby be  
9 deemed to be unconstitutional or invalid.

10 This act shall be liberally construed to obtain the objectives and  
11 effect the purposes thereof.

12  
13 139. The following are repealed: R.S.39:2-5, R.S.39:2-12,  
14 R.S.39:4-2, R.S.39:4-3, R.S.39:4-4, and R.S.39:4-5.

15  
16 140. Sections 1, 2, 3, 12, 39 and 126 shall take effect immediately,  
17 section 109 shall take effect on July 1, 2003 and the remainder of this  
18 act shall take effect on the date the Commissioner of Transportation  
19 certifies to the Governor that a majority of the members of the  
20 commission have been appointed or are in office and that all necessary  
21 anticipatory actions have been accomplished, provided, that the  
22 amount of any fees or surcharges increased or dedicated or authorized  
23 to be collected pursuant to this act shall be remitted to the General  
24 Fund until the date of certification. The Commissioner of  
25 Transportation, the Director of the Division of Motor Vehicles and the  
26 commission may take such anticipatory administrative action in  
27 advance as shall be necessary for the implementation of the act.

28  
29  
30 STATEMENT

31  
32 This bill, entitled "The Motor Vehicle Security and Customer Act,"  
33 abolishes the Division of Motor Vehicles (DMV) in the Department of  
34 Transportation (DOT) and creates the New Jersey Motor Vehicle  
35 Commission (the commission) as a successor agency in but not of the  
36 DOT. The commission is modeled in part on the New Jersey Transit  
37 Corporation, which is also in but not of DOT. The Chair of the  
38 commission will also be the chief administrator, who will have broad  
39 responsibilities. As with other independent authorities and  
40 commissions, the Governor will have veto power over board minutes.

41 There are five advisory councils created to advise the commission,  
42 including (1) the Safety and Privacy Advisory Council, (2) the  
43 Customer Service Advisory Council (3) the Security Advisory Council  
44 (4) the Business Advisory Council and (5) the Technology Advisory  
45 Council.

1       The bill establishes a "Motor Vehicle Affordability & Fairness Task  
2 Force" to reform the surcharge suspension program, consider amnesty  
3 programs, and improve collections through flexible payments.

4       The bill contains various legislative initiatives of the DOT: (1) out-  
5 of-State license exchange; (2) a criminal history background check for  
6 commission employees; (3) criminal history and background check for  
7 hazmat and tank truck drivers; (4) dealer licensing revisions,  
8 establishing used and wholesale dealer categories; (5) more flexible  
9 insurance surcharge installment payments; and (6) permitting  
10 advertising on commission buildings, in order to generate revenue.

11       Finally, the bill provides for improved funding of the commission  
12 and its activities. The bill authorizes the New Jersey Economic  
13 Development Authority to issue bonds for capital improvements to  
14 motor vehicle facilities. In addition an \$8 surcharge is enacted on the  
15 motor vehicle registration fee, the revenue from which would be  
16 statutorily dedicated to the commission to reverse the deleterious  
17 effect of years of budget cuts. Seniors and the handicapped would be  
18 exempt from this surcharge. Also, the \$6 increase in the digitized  
19 driver's license fee previously authorized would be implemented  
20 immediately.

21       This bill is in response to the recent report of the FIX DMV  
22 Commission, established by the Governor's Executive Order No. 19 of  
23 2002, which recommends that the DMV be "ripped up by its roots"  
24 and replaced with the commission proposed in this legislation. Of  
25 particular importance in the report is the improvement of customer  
26 service which can be effectuated by improvement in commission  
27 facilities, including parking, computers and on-line technology, funded  
28 by this bill. Customer service and security can be further improved by  
29 privatization of the motor vehicle agencies, criminal history checks of  
30 employees, and other initiatives proposed in this bill and recommended  
31 in the report.

32       The bill repeals certain statutes relating to the organization of the  
33 Division of Motor Vehicles.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2121**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2002

The Senate Transportation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2121.

This substitute bill, entitled "The Motor Vehicle Security and Customer Service Act," abolishes the Division of Motor Vehicle (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (the "commission") as a successor agency in but not of the DOT.

#### ORGANIZATIONAL PROVISIONS

The commission is modeled in part on the New Jersey Transit Corporation which is also in but not of DOT. The membership of the commission is to consist of the following eight members: the Commissioner of Transportation, the State Attorney General, the Chair, the State Treasurer and four public members. The Commissioner of Transportation, the Attorney General and the State Treasurer would be ex officio voting members. The Chair, who would be a non-voting member, is to be appointed by the Governor with the advice and consent of the Senate and to serve at the pleasure of the Governor. The four public members are to be appointed by the Governor with the advice and consent of the Senate for four year terms and no more than two of the public members shall be of the same political party. The Chair of the commission would be the Chief Administrator of the commission, assigned to the State unclassified service, and devote full-time to the performance of his duties.

In section 13 of the bill, the commission is given various corporate powers, such as maintaining an office, adopting a seal, etc. Of special interest among these corporate powers is the power to impose, revise and collect service charges as needed by regulation pursuant to the "Administrative Procedure Act, P.L. 1968, c. 410, (C.52:14B-1 et seq.) The commission is also given the authority to review and approve the statement of vision, mission and goals of the commission; the strategic business plan of the commission, including the commission's long term objectives, policies and programs, including a facilities improvement and management plan and a table of organization; and the annual budget of the commission. The

commission is also to review and recommend all capital purchases and construction projects undertaken by the commission, and to authorize commission notes and other obligations. Finally, the commission is given the power to review proposed bills, joint resolutions or concurrent resolutions introduced in either House of the Legislature which establish and or modify any motor vehicle statute or regulation in this State and to suggest alternatives. The Governor is given veto power over the minutes of the commission.

The Chair and Chief Administrator of the commission is given the executive and administrative power of the commission and, except for those powers specifically given to the commission in section 13 and the power to adopt regulations, may exercise all administrative functions, powers and duties of the commission. The Chief Administrator may also be delegated powers by the commission.

The Chief Administrator, and the Deputy Chief Administrator under the Chief Administrator's direction, are charged in the bill with the improvement of the safety and security of the State's motor vehicle licensing, titling, registration and inspection system and are authorized to take various steps, such as making technological improvements, including the modernization of software and hardware, the addition of surveillance cameras and alarms, increasing the number of security-related employees, implementing additional proofs of identity verification and replacing the written driver's license knowledge test with an online test.

When the DMV is abolished, all of its career service employees are to be transferred to the commission and shall retain their present career service status. Upon action of the commission, all Motor Vehicle Agency employees shall become employees of the commission and if employed by the agency on or before January 1, 2003 and assigned to career service titles shall, upon successful completion of a special probationary period, attain a permanent, regular appointment in their respective titles and shall be covered under the State of New Jersey's collective bargaining agreement. Employees who have already completed a probationary period need not complete the special probationary period. Employees of a private motor vehicle agency shall receive seniority civil service credit for all years of employment with the agency if they were employees of DMV immediately prior to its privatization and return to State service as employees of the commission. Employees entering State service as employees of the commission in career service titles, following employment after January 1, 2003 with a private motor vehicle agency, shall be considered provisional employees subject to competitive testing. Officers and employees of the commission shall be enrolled in the Public Employees' Retirement System and eligible to participate in the State Health Benefits Program.

Motor vehicle agents are to be in the State unclassified service and serve at the pleasure of the Chief Administrator.

The bill requires the commission to issue an annual report which is to include the latest audited financial statement and a listing of revenues remitted to the commission, and to file semi-annually a report which details the number of criminal complaints filed against any commission employee or any other person, in connection with commission related activity, and which provides an assessment of the quality of service provided by the commission, the number of transactions reported and, to the extent practicable, the average waiting time to process a transaction at each commission agency or facility. In addition, a financial audit of the commission books and accounts by a certified public accountant is required.

There are five advisory councils created to advise the commission, including (1) the Safety and Privacy Advisory Council, (2) the Customer Service Advisory Council, (3) the Security Advisory Council, (4) the Business Advisory Council and (5) the Technology Advisory Council.

The bill also establishes a "Motor Vehicle Affordability & Fairness Task Force" to study the impact of non-driving related suspension of driving privileges, in particular the Merit Rating Plan Surcharges, on the driving public and to make recommendations for an amnesty policy and for the reform of the surcharge suspension program to increase motorist safety. The task force is also to examine "The Parking Offenses Adjudication Act" and municipal court process related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The bill requires the commission to fingerprint prospective and current employees of the commission and employees of its agents and certain contractors and to receive criminal history record information from the FBI. The commission is to require fingerprinting and criminal history record background checks on all applicants for commercial driver's licenses with hazardous material or tank vehicle endorsements.

#### FISCAL PROVISIONS

The bill alters the budgetary treatment of revenues from motor vehicle fees and the appropriations for the Division of Motor Vehicles (DMV). Presently, the motor vehicle fees are anticipated as General Fund revenue and a portion thereof is appropriated as Direct State Services spending authority for the DMV. This amount appropriated to the DMV is substantially less than the amount taken in as motor vehicle fees. The new method would not involve an "on-budget" appropriation to the commission for Direct State Services. Under the substitute, a constant proportion or percentage from certain motor vehicle fees and surcharges (called "service charges") will be excluded from the anticipated General Fund revenues and made available for the sole use of the commission. In the first fiscal year the

amount to be so reserved would be \$200 million. This amount would fluctuate annually based upon the revenues received from the stipulated service charges. If such revenues were to increase, the amount would be greater than \$200 million; if revenues were to decrease, the amount would be less than \$200 million. In addition to this revenue, the bill further reserves the revenue from the \$6 fee authorized for a picture on a new or renewed digitized driver's license and from an \$8 security surcharge immediately imposed by the bill on new and renewed motor vehicle registrations. Seniors and the handicapped are exempt from the security surcharge. The security surcharge will sunset in ten years. The \$6 fee is also to go into effect immediately irrespective of whether or not a picture is on the new or renewed license.

The bill authorizes the commission to establish or alter service charges by regulation, with the revenues being dedicated to the commission. All new fees so established, or increments to existing fees would be revenues of the commission.

Finally, the bill authorizes the New Jersey Economic Development Authority to issue New Jersey Motor Vehicle Commission Bonds to be secured by the Market Transition Facility Revenue Fund resources that are available when the current Market Transition Facility Bonds are retired. The Motor Vehicle Commission Bonds are to pay for the costs of any and all capital improvements to commission facilities, including, but not limited to, building improvements and the acquisition and installation of furniture, fixtures, machinery, computers and electronic equipment, provided that the bonds are not to be issued in an amount exceeding \$160 million in the aggregate without the prior approval of the Joint Budget Oversight Committee. \$10 million of the amount shall be transferred to the Administrative Office of the Courts for improvements to the Automated Traffic System.

#### TRANSITIONAL PROVISIONS

The bill provides immediate authorization for the members to be appointed to the commission. When the Commissioner of Transportation certifies to the Governor that a majority of the members of the commission are appointed or in office and that all necessary anticipatory actions have been accomplished, the organizational provisions of the bill become effective, the DMV is abolished and its functions, powers and duties are transferred to the commission. The person in office as Director of the DMV is to be the first Chair and Chief Administrator of the commission without the further requirement of Senate confirmation. Most of the other provisions of the bill take effect on the date of certification. The revenues from the \$6 fee collected for the digitized picture on driver's licenses are to be revenues of the commission upon enactment of this bill into law. The additional \$8 security surcharge on motor vehicle registration shall also take effect upon enactment. However, until the

DMV is abolished, the digitized picture fee and the security surcharge are appropriated to the DMV.

#### FIX DMV REPORT

The provisions of this bill address many of the concerns and problems raised in the recent report of the FIX DMV Commission. That commission, established by the Governor's Executive Order No. 19 of 2002, recommended that the DMV be "ripped up by its roots" and replaced with a commission. Of particular importance in the report was the need to improve customer services. Some of this improvement is expected to come with the upgraded facilities, additional parking, computers and on-line technology to be funded under this bill.

The ending of privatized motor vehicle agencies and criminal history background checks for employees and certain specialized vehicle operators, such as those holding hazmat licensees, are recommended in the report to ensure the integrity of the State's motor vehicle documents and data base and to protect the public safety.

Finally, the bill repeals certain statutes relating to the organization of the Division of Motor Vehicles.

This bill is identical to A3058 ACS.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2121**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 16, 2003

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2121.

This substitute bill, entitled "The Motor Vehicle Security and Customer Service Act," abolishes the Division of Motor Vehicle (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (the "commission") as a successor agency in but not of the DOT.

#### ORGANIZATIONAL PROVISIONS

The membership of the commission is to consist of the following eight members: the Commissioner of Transportation, the State Attorney General, the Chair, the State Treasurer and four public members. The Commissioner of Transportation, the Attorney General and the State Treasurer would be ex officio voting members. The Chair, who would be a non-voting member, is to be appointed by the Governor with the advice and consent of the Senate and to serve at the pleasure of the Governor. The four public members are to be appointed by the Governor with the advice and consent of the Senate for four year terms and no more than two of the public members shall be of the same political party. The Chair of the commission would be the Chief Administrator of the commission, assigned to the State unclassified service, and devote full-time to the performance of his duties.

In section 13 of the bill, the commission is given various powers, such as maintaining an office, adopting a seal, etc. The commission is also given the authority to review and approve the statement of vision, mission and goals of the commission; the strategic business plan of the commission, including the commission's long term objectives, policies and programs, including a facilities improvement and management plan and a table of organization; and the annual budget of the commission. The commission is also to review and recommend all capital purchases and construction projects undertaken by the commission. Finally, the commission is given the power to

review proposed bills, joint resolutions or concurrent resolutions introduced in either House of the Legislature which establish and or modify any motor vehicle statute or regulation in this State and to suggest alternatives. The Governor is given veto power over the minutes of the commission.

The Chair and Chief Administrator of the commission is given the executive and administrative power of the commission and, except for those powers specifically given to the commission in section 13 and the power to adopt regulations, may exercise all administrative functions, powers and duties of the commission. The Chief Administrator may also be delegated powers by the commission.

The Chief Administrator, and the Deputy Chief Administrator under the Chief Administrator's direction, are charged in the bill with the improvement of the safety and security of the State's motor vehicle licensing, titling, registration and inspection system and are authorized to take various steps, such as making technological improvements, including the modernization of software and hardware, the addition of surveillance cameras and alarms, increasing the number of security-related employees, implementing additional proofs of identity verification and replacing the written driver's license knowledge test with an online test.

When the DMV is abolished, all of its career service employees are to be transferred to the commission and shall retain their present career service status. Upon action of the commission, all Motor Vehicle Agency employees shall become employees of the commission and if employed by the agency on or before January 1, 2003 and assigned to career service titles shall, upon successful completion of a special probationary period, attain a permanent, regular appointment in their respective titles and shall be covered under the State of New Jersey's collective bargaining agreement. Employees who have already completed a probationary period need not complete the special probationary period. Employees of a private motor vehicle agency shall receive seniority civil service credit for all years of employment with the agency if they were employees of DMV immediately prior to its privatization and return to State service as employees of the commission. Employees entering State service as employees of the commission in career service titles, following employment after January 1, 2003 with a private motor vehicle agency, shall be considered provisional employees subject to competitive testing. Officers and employees of the commission shall be enrolled in the Public Employees' Retirement System and eligible to participate in the State Health Benefits Program.

Motor vehicle agents are to be in the State unclassified service and serve at the pleasure of the Chief Administrator.

The bill requires the commission to issue an annual report which is to include the latest audited financial statement and a listing of revenues remitted to the commission and to file semi-annually a report detailing the number of criminal complaints filed against any

commission employee or any other person, in connection with commission related activity, providing an assessment of the quality of service provided by the commission, the number of transactions reported and, to the extent practicable, the average waiting time to process a transaction at each commission agency or facility. In addition, a financial audit of the commission books and accounts by a certified public accountant is required.

There are five advisory councils created to advise the commission, including (1) the Safety and Privacy Advisory Council, (2) the Customer Service Advisory Council, (3) the Security Advisory Council, (4) the Business Advisory Council and (5) the Technology Advisory Council.

The bill also establishes a "Motor Vehicle Affordability & Fairness Task Force" to study the impact of non-driving related suspension of driving privileges, in particular the Merit Rating Plan Surcharges, on the driving public and to make recommendations for an amnesty policy and for the reform of the surcharge suspension program to increase motorist safety. The task force is also to examine "The Parking Offenses Adjudication Act" and municipal court process related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The bill requires the commission to fingerprint prospective employees and current employees of the commission and employees of its agents and certain contractors and to receive criminal history record information from the FBI. The commission is to require fingerprinting and criminal history record background checks on all applicants for commercial driver's licenses with hazardous material or tank vehicle endorsements.

#### FISCAL PROVISIONS

The substitute alters the budgetary treatment of revenues from motor vehicle fees and the appropriations for the Division of Motor Vehicles (DMV). Presently, the motor vehicle fees are anticipated as General Fund revenue and a portion thereof is appropriated as Direct State Services spending authority for the DMV. This amount appropriated to the DMV is substantially less than the amount taken in as motor vehicle fees. The new method would not involve an "on-budget" appropriation to the commission for Direct State Services. Under the substitute, a constant proportion or percentage from certain motor vehicle fees and surcharges (called "service charges") will be excluded from the anticipated General Fund revenues and made available for the sole use of the commission. In the first fiscal year the amount to be so reserved would be \$200 million. This amount would fluctuate annually based upon the revenues received from the stipulated service charges. If such revenues were to increase, the amount would be greater than \$200 million; if revenues were to decrease, the amount would be less than \$200 million. In addition to

this revenue, the bill further reserves the revenue from the \$6 fee authorized for a picture on a new or renewed digitized driver's license and from an \$7 security surcharge immediately imposed by the bill on new and renewed motor vehicle registrations. Seniors and the handicapped are exempt from the security surcharge. The security surcharge will sunset in ten years. The \$6 fee is also to go into effect immediately irrespective of whether or not a picture is on the new or renewed license.

Finally, the bill authorizes the New Jersey Economic Development Authority to issue New Jersey Motor Vehicle Commission Bonds to be secured by the Market Transition Facility Revenue Fund resources that are available when the current Market Transition Facility Bonds are retired. The Motor Vehicle Commission Bonds are to pay for the costs of any and all capital improvements to commission facilities, including, but not limited to, building improvements and the acquisition and installation of furniture, fixtures, machinery, computers and electronic equipment, provided that the bonds are not to be issued in an amount exceeding \$160 million in the aggregate without the prior approval of the Joint Budget Oversight Committee. \$10 million of the amount shall be transferred to the Administrative Office of the Courts for improvements to the Automated Traffic System.

#### TRANSITIONAL PROVISIONS

The bill provides immediate authorization for the members to be appointed to the commission. When the Commissioner of Transportation certifies to the Governor that a majority of the members of the commission are appointed or in office and that all necessary anticipatory actions have been accomplished, the organizational provisions of the bill become effective, the DMV is abolished and its functions, powers and duties are transferred to the commission. The person in office as Director of the DMV is to be the first Chair and Chief Administrator of the commission without the further requirement of Senate confirmation. Most of the other provisions of the bill take effect on the date of certification. The revenues from the \$6 fee collected for the digitized picture on driver's licenses are to be revenues of the commission upon enactment of this bill into law. The additional \$7 security surcharge on motor vehicle registration shall also take effect upon enactment. However, until the DMV is abolished, the digitized picture fee and the security surcharge are appropriated to the DMV.

#### FIX DMV REPORT

The provisions of this bill address many of the concerns and problems raised in the recent report of the FIX DMV Commission. That commission, established by the Governor's Executive Order No. 19 of 2002, recommended that the DMV be "ripped up by its roots" and replaced with a commission. Of particular importance in the study was the need to improve customer services. Some of this

improvement is expected to come with the upgraded facilities, additional parking, computers and on-line technology to be funded under this bill.

The ending of privatized motor vehicle agencies, criminal history background checks for employees and certain specialized vehicle operators, such as those holding hazmat licensees, are recommended to ensure the integrity of the State's motor vehicle documents and data base and to protect the public safety.

Finally, the bill repeals certain statutes relating to the organization of the Division of Motor Vehicles.

The provisions of this substitute bill are identical to those of Assembly Bill No. 3058 ACS, with committee amendments.

#### COMMITTEE AMENDMENTS

The committee amendments eliminate some of the powers of the commission, including the ability to increase fees, the right to own real property and the right to issue short-term bonds and notes. Various other changes to the bill reflect the status of the commission as a State agency.

The amendments also provide educational and experience qualifications for prospective motor vehicle agents and make them subject to three-way background checks. In addition no person shall be appointed as an agent who has contributed \$1,000 or more to any gubernatorial or State party committee in any one year during the five years preceding appointment.

The amendments reduce the registration security surcharge from \$8 to \$7 and makes clear that future fee increases must be legislated.

The amendments also incorporate a number of technical corrections.

#### FISCAL IMPACT

This substitute will effectively shift certain fee revenues and certain DMV expenditures which are currently reflected in the annual State budget to a "schedule 2" or "off-budget" status. For fiscal year 2004, \$200 million of revenue that would otherwise appear as general State revenue will be credited to the commission. At the same time, the appropriations for motor vehicle services will be removed from the direct state services section of the budget. In FY03 this appropriation was about \$154 million (\$136 million in the Department of Transportation and about \$18 million in Interdepartmental accounts).. If the appropriation for FY04 would have been at the same level, the net effect of this substitute would be a reduction of \$46 million in General Fund resources. In subsequent years the \$200 million funding to the commission will vary in proportion to changes in the revenues from certain enumerated sources.

The substitute also deals with two motor vehicle fees, the proceeds of which shall be credited to the commission. A new \$7 vehicle registration security surcharge is projected to raise about \$37 million

a year and the \$6 digitized drivers license fee, which will be imposed earlier than had been anticipated, is projected to raise \$8-12 million a year. The commission is authorized to establish new fees or modify existing fees to support its operations.

In addition, the substitute authorizes New Jersey Economic Development Authority to issue debt in an amount not to exceed \$160 million (or more with approval from the Joint Budget Oversight Committee) with the principal and interest to be paid from monies in the Market Transition Facility Revenue Fund. The repayment of the bonds would begin around 2012 from amounts on deposit in the MTF Fund, once its current obligations are discharged.

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2121**  
**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

DATED: FEBRUARY 19, 2003

**SUMMARY**

**Synopsis:** Entitled "The Motor Vehicle Security and Customer Service Act."  
**Type of Impact:** Creates Motor Vehicle Commission as successor agency to Division of Motor Vehicles, revenue decrease to General Fund, fee increases, revenue supported debt.  
**Agencies Affected:** Division of Motor Vehicles, Department of Transportation, Economic Development Authority, Administrative Office of the Courts, 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 Budget Impact:</b>	Revenues: Decrease of \$200 million annually Appropriations: Decrease of \$154 million annually		
<b>Motor Vehicle Commission:</b>	Revenues: Increase of \$45-\$49 million annually		

- ! The bill abolishes the Division of Motor Vehicles (DMV) in the Department of Transportation (DOT) and creates the New Jersey Motor Vehicle Commission (MVC) as the successor agency to DMV.
- ! The commission would receive an annual appropriation of \$200 million from revenues currently supporting the State budget, beginning with FY2004; this amount would be adjusted based on revenues actually collected from identified revenue sources. State budget appropriations which support DMV totaling about \$154 million in FY2003 would be eliminated from future State budgets. This reallocation reduces revenues available for support of the State budget by about \$46 million annually.
- ! The bill places a \$7 surcharge on the registration of vehicles; this revenue would be credited to the commission, and is projected to raise \$37 million annually.
- ! The bill directs the immediate collection of the \$6 fee (previously authorized by section 4 of P.L.2001, c.391 intended for a digitized color picture to be incorporated into a digitized driver's license), regardless of whether the licensee actually receives a digitized license.

- ! The bill authorizes the New Jersey Economic Development Authority to issue \$160 million in debt for capital improvements to the various facilities of the commission and the Administrative Office of the Courts, secured by surcharges and fines collected in the Market Transition Facility Revenue Fund.

## **BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill No. 2121 (1R) of 2002 abolishes the Division of Motor Vehicles in the DOT and creates the New Jersey Motor Vehicle Commission the successor agency to the DMV. The commission would assume the responsibilities of the DMV but, as an independent agency, would be in but not of DOT.

The various initiatives contained in this bill are the result of a comprehensive review of the DMV directed by the Governor in Executive Order No. 19 of 2002 and conducted by the FIX DMV Commission. As a result of that review, the FIX DMV Commission issued numerous findings and recommendations in its report to the Governor. Those findings and recommendations have been translated into this bill, the highlights of which are noted above.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The Office of Legislative Services (OLS) has informally discussed this bill with the Department of Transportation. The primary fiscal components of the legislation are:

- 1) net loss of revenues for support of the State budget.
- 2) new fee and surcharge established.
- 3) authority to finance with debt.

#### Net loss of revenues

This bill will effectively shift certain fee revenues and DMV appropriations which are currently included in the annual State budget directly to the MVC, with the intention that they be excluded from and in addition to State budget revenues and appropriations. Commencing with FY2004, \$200 million of revenue that would otherwise be anticipated as general State revenue will be credited to the commission. At the same time, State budget appropriations for motor vehicle services will be discontinued, and the MVC will be funded from revenues directly credited to it. In FY2003 these appropriations totaled about \$154 million, of which \$136 million was budgeted for Motor Vehicle Services and about \$18 million was budgeted in Interdepartmental accounts (\$12 million in fringe benefits and \$5.6 million in rent paid by the State). In addition, the DMV receives some direct funding from Federal and other sources. Under the bill, the State budget would experience a net loss of revenues of about \$46 million.



New fee and surcharge established

The bill imposes two motor vehicle fees, the proceeds of which shall be credited to the commission. The bill establishes a \$7 security surcharge on vehicle registrations as a new fee, and mandates the collection of a \$6 fee previously authorized by section 4 of P.L.2001, c.391 for a photo for a digitized driver's license (DDL). The total revenue raised by these two fees when fully implemented is estimated to be \$45-49 million per year.

1) \$7 Vehicle Registration Security Surcharge

The department estimates 6 million vehicles will be registered this year to which the new surcharge would apply, and further estimates that this surcharge will raise \$37 million annually. The department notes that some registrants will be exempted from the surcharge based on age or disability status. OLS is unable to independently verify the registrant population at this time, but believes the department's estimate, implying 5.25 million chargeable registrations annually, is reasonable. The surcharge is to be solely dedicated as revenue of the commission.

2) \$6 Digitized Drivers License Fee

The department estimates issuing about 2 million license documents per year to which the fee would apply. While license issuance fluctuates, the DMV reports that it typically issues about 1.4 million to 2 million license renewals per year. The department estimates that the \$6 DDL fee would raise approximately \$8 - \$12 million per year when fully implemented, and the fee is to be charged regardless of the whether the licensee is provided a DDL. OLS believes that estimate is reasonable. The fee is to be solely dedicated as revenue of the commission.

Authority to finance with debt

The bill authorizes the New Jersey Economic Development Authority to issue debt in the form of bonds, notes or other obligations, in an amount not to exceed \$160 million in aggregate outstanding amount for acquisition or improvement of capital facilities and equipment. Outstanding debt may exceed this amount with the approval of the Joint Budget Oversight Committee. Of this amount, \$10 million is reserved for the Administrative Office of the Courts' capital requirements of the Automated Traffic System. Such debt would be secured and refunded by revenue anticipated by the Market Transition Facility Revenue Fund, derived from fines and surcharges on licensees imposed pursuant to statute and alterable by future regulation. The repayment of the bonds would begin around 2012 from amounts on deposit in the MTF Fund, once its current obligations are discharged.

Section: *Authorities, Utilities, Transportation & Communications*

Analyst: *Mark Trease*  
*Assistant Fiscal Analyst*

Approved: *Alan R. Kooney*  
*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.

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**Press Releases**

PO BOX 004  
TRENTON, NJ 08625

Contact: Micah Rasmussen  
609-777-2600

RELEASE: January 28, 2003

[Previous Screen](#)

### **McGreevey Signs "Fix DMV" Measures Into Law**

(EDISON)—Following through on his commitment to overhaul the Division of Motor Vehicles, Governor James E. McGreevey signed the "Fix DMV" bill into law today, which mandates the implementation of initiatives that will address lapses in security and improve customer service.

"Today is a tremendous victory for New Jersey drivers," said McGreevey. "After 15 years of neglect, the Division of Motor Vehicles is getting a solid, concrete plan for improvement—a plan that addresses many of the security and customer service concerns that New Jersey drivers have tolerated for far too long."

"Today's signing of Governor McGreevey's Fix DMV bill is a historic moment for the Division of Motor Vehicles and the people of New Jersey," said Acting Transportation Commissioner Jack Lettiere. "For too long, the DMV has been left to fend for itself, its documents have been unprotected and its customers forced to endure long lines. This legislation provides us the tools to reverse years of neglect and provide quality service that our residents deserve."

Initially introduced in November, Assembly Bill 3058/ Senate Bill 2121, "The Motor Vehicle Security and Customer Service Act," includes comprehensive reform measures that will make the agency more responsive to the concerns of New Jersey motorists and address problems of fraud, corruption and identity theft. The legislation was sponsored by Assembly Speaker Albio Sires (D-Hudson), Assemblyman John Wisniewski (D-Middlesex) and Senator Nicholas Sacco (D-Bergen/ Hudson). The Governor signed the bill at the Edison DMV office.

"Let this measure serve as a wake-up call for terrorists who threaten our security, thieves who threaten our identities, and poor customer service which has threatened our patience for years," said Senator Sacco, Democratic Chairman of the Senate Transportation Committee and sponsor of the DMV reform legislation. "We are finally witnessing the beginning of real DMV reform."

"Most significant within the DMV reforms discussed today will be the closing of security

loopholes which have jeopardized the public safety of all New Jersey residents," said Senator Barbara Buono, D-Middlesex. "It is inexcusable that the previous administration allowed this agency to slip into such neglect and risk our security. I look forward to the day when the 'fake New Jersey ID' is no longer the brunt of campus jokes."

"Today marks a new beginning for New Jersey's notorious motor vehicle agency," said Assembly Speaker Albio Sires (D-Hudson). "With the enactment of the 'Fix DMV' measure, the agency can finally stop being a customer-service nightmare and perform more like a motorist's dream come true."

"This bill signing means the DMV can do a better job of combating criminals who wish to obtain fraudulent identification for nefarious purposes," said Assemblyman John S. Wisniewski (D-Middlesex). "Rather, it will be an agency that prides itself on providing quality service to the millions of honest New Jersey residents who seek DMV services."

Years of inadequate funding, antiquated technology, an untrained workforce and a high turnover of employees have resulted in poor customer service and several incidents of fraud and corruption.

In order to fund the reform measure, the new law will increase the annual motor vehicle registration fee by \$7. To tackle security concerns, the law will allow the agency to establish a greater police presence and install new security cameras, alarms and locks in every agency to thwart corruption and fraud.

In addition, to improve customer service, the new law will lead to Saturday hours at agencies, creation of a new telephone information center and expansion of online services in an effort to create more options for customers.

Other plans for improvement have already begun. DMV has enacted its customer service initiatives, including the first phase of DMV-mandated customer service training and the issuance of employee nametags.

Earlier this month, the Governor extended the time period of the initial inspections of new vehicles from two to four years after a review concluded that vehicles up to four years old had minimal safety and emissions problems. The extension provides the DMV with an opportunity to demonstrate its commitment to improve customer service.

