

39:6B-2 and 39:6B-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:6B-2 and 39:6B-3

(Driving without insurance -
increases fine)

LAWS OF: 1983

CHAPTER: 141

Bill No: S489

Sponsor(s): Costello

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: YES

Amendments during passage denoted
by asterisks.

Date of Passage:

Assembly: February 14, 1983

Senate: May 17, 1983

Date of Approval: April 20, 1983

Following statements are attached if available:

Sponsor statement: YES

Committee statement: Assembly YES

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: NO

Following were printed:

Reports: NO

Hearings: NO

DO NOT REMOVE FROM LIBRARY

141 83
4-20-83

[OFFICIAL COPY REPRINT]

SENATE, No. 489

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator COSTELLO

AN ACT concerning compulsory motor vehicle insurance coverage
and amending and supplementing P. L. 1972, c. 197.

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

1 1. Section 2 of P. L. 1972, c. 197 (C. 39:6B-2) is amended to
2 read as follows:

3 2. Any owner, or registrant of a motor vehicle registered or
4 principally garaged in this State who operates or causes to be
5 operated a motor vehicle upon any public road or highway in this
6 State without motor vehicle liability insurance coverage required
7 by this act, and any operator who operates or causes a motor vehicle
8 to be operated and who knows or should know from the attendant
9 circumstances that the motor vehicle is without motor vehicle
10 liability insurance coverage required by this act shall be subject,
11 for the first offense, to a fine of not less than **[\$50.00]** *\$100.00* nor
12 more than **[\$200.00]** *\$300.00* or imprisonment for a term of not less
13 than 30 days nor more than 3 months or both, in the discretion
14 of the municipal judge, and shall forthwith forfeit his right to
15 operate a motor vehicle over the highways of this State for a period
16 of 6 months from the date of conviction. Upon subsequent convic-
17 tion, he shall be **[imprisoned]** *subject to a fine of not less than*
18 *\$250.00 nor more than \$500.00* ***[or]*** **and may be subject to** im-
19 *prisonment for a term of not less than 3 months nor more than 6*
20 *months in the discretion of the municipal judge* ***and shall be or-**
21 **dered by the court to perform community service for a period of**

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted September 30, 1982.

22 *30 days, which shall be of such form and on such terms as the court*
 23 *shall deem appropriate under the circumstances,** and shall forfeit
 24 his right to operate a motor vehicle for a period of 2 years from
 25 the date of his conviction, and, after the expiration of said period,
 26 he may make application to the Director of the Division of Motor
 27 Vehicles for a license to operate a motor vehicle, which application
 28 may be granted at the discretion of the director. The director's
 29 discretion shall be based upon an assessment of the likelihood that
 30 the individual will operate or cause a motor vehicle to be operated
 31 in the future without the insurance coverage required by this act.
 32 A complaint for violation of this act may be made to a municipal
 33 court at any time within 6 months after the date of the alleged
 34 offense.

1 2. (New section) The Uninsured Motorist Prevention Fund
 2 (hereinafter referred to as the "fund") is established as a non-
 3 lapsing, revolving fund into which shall be deposited all revenues
 4 from the fines imposed pursuant to section 2 of P. L. 1972, c. 197
 5 (C. 39:6B-2). Interest received on moneys in the fund shall be
 6 credited to the fund. The fund shall be administered by the Divi-
 7 sion of Motor Vehicles in the Department of Law and Public Safety.
 8 Moneys in the fund shall be allocated and used for the purpose of
 9 **the** administrative **expenses of the fund and** enforcement of
 10 the compulsory motor vehicle insurance law, P. L. 1972, c. 197
 11 (C. 39:6B-1 et seq.) by the Division of Motor Vehicles.

1 **3. (New section) The Administrative Office of the Courts shall*
 2 *report to the Legislature, 18 months after the effective date of this*
 3 *act, regarding the number of persons involved and the type of*
 4 *community service performed pursuant to the provisions of section*
 5 *2 of this act.**

1 ***[3.]*** **4.** This act shall take effect immediately.

27 erate or cause a motor vehicle to be operated in the future without
 28 the insurance coverage required by this act. A complaint for vio-
 29 lation of this act may be made to a municipal court at any time
 30 within 6 months after the date of the alleged offense.

1 2. (New section) The Uninsured Motorist Prevention Fund
 2 (hereinafter referred to as the "fund") is established as a non-
 3 lapsing, revolving fund into which shall be deposited all revenues
 4 from the fines imposed pursuant to section 2 of P. L. 1972, c. 197
 5 (C. 39:6B-2). Interest received on moneys in the fund shall be
 6 credited to the fund. The fund shall be administered by the Divi-
 7 sion of Motor Vehicles in the Department of Law and Public Safety.
 8 Moneys in the fund shall be allocated and used for the purpose of
 9 administrative enforcement of the compulsory motor vehicle in-
 10 surance law, P. L. 1972, c. 197 (C. 39:6B-1 et seq.) by the Division
 11 of Motor Vehicles.

1 3. This act shall take effect immediately.

STATEMENT

This bill would change the penalties for driving without compul-
 sory insurance. For a first conviction, it would raise the minimum
 fine from \$50.00 to \$100.00 and the maximum from \$200.00 to \$300.00.

For a second or subsequent conviction, it would establish a mini-
 mum fine of \$250.00 and a maximum fine of \$500.00. In addition,
 it would eliminate the requirement for a mandatory 3 month jail
 sentence for a second or subsequent conviction of driving without
 insurance, though the court could still sentence the person if the
 judge felt the circumstances warranted it.

Finally, the bill would establish a dedicated fund from the fines
 collected under the act to be used by the Division of Motor Vehicles
 to improve their system of administrative enforcement of the com-
 pulsory insurance law.

It is estimated that there are as many as 500,000 uninsured
 motorists driving in this State and efforts to enforce the law by
 the division are hampered by a lack of sufficient resources. This
 bill would specifically address that problem and remove the manda-
 tory jail sentence which has not had the deterrent effect which was
 envisioned when the law was originally passed in 1972.

5489(1983)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 489

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1982

This bill, as amended, would change the penalties for driving without compulsory insurance.

For a first conviction, it would raise the minimum fine from \$50.00 to \$100.00 and the maximum from \$200.00 to \$300.00. This bill retains a provision now in the law allowing imprisonment for not less than 30 days and not more than three months at the discretion of the municipal judge, and requiring suspension of driving privileges for six months.

For a second or subsequent conviction, the bill would establish a minimum fine of \$250.00 and a maximum fine of \$500.00. In addition, it would eliminate the requirement, now in the law, of a mandatory three month jail sentence for a second or subsequent conviction, though the court could still sentence the person if the judge felt the circumstances warranted it. The committee amended the bill to require that upon a second or subsequent conviction, the court would impose a mandatory period of 30 days community service. A provision requiring the Administrative Office of the Courts to report to the Legislature 18 months after the effective date of the act regarding the implementation of this community service requirement was also added. The bill would retain the requirement now in the law of a mandatory suspension of driving privileges for two years.

Finally, the bill would establish a dedicated fund from the fines collected under the act to be used by the Division of Motor Vehicles in its system of administrative enforcement of the compulsory insurance law. Technical amendments were made to this provision of the bill.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 489

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

This bill would change the penalties for driving without compulsory insurance.

For a first conviction, it would raise the minimum fine from \$50.00 to \$100.00 and the maximum from \$200.00 to \$300.00. This bill retains a provision now in the law allowing imprisonment for not less than 30 days and not more than 3 months at the discretion of the municipal judge, and requiring suspension of driving privileges for 6 months.

For a second or subsequent conviction, the bill would establish a minimum fine of \$250.00 and a maximum fine of \$500.00. In addition, it would eliminate the requirement, now in the law, of a mandatory 3 month jail sentence for a second or subsequent conviction, though the court could still sentence the person if the judge felt the circumstances warranted it. The bill would retain the requirement now in the law of a mandatory suspension of driving privileges for 2 years.

Finally, the bill would establish a dedicated fund from the fines collected under the act to be used by the Division of Motor Vehicles in its system of administrative enforcement of the compulsory insurance law.