

**39:10-19.5; 39:10-39 to 39:10-42 et al**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2021 **CHAPTER:** 462

**NJSA:** 39:10-19.5; 39:10-39 to 39:10-42 et al (Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions.)

**BILL NO:** A5033 (Substituted for S3279 (1R))

**SPONSOR(S)** Benson, Daniel R. and others

**DATE INTRODUCED:** 11/19/2020

**COMMITTEE:** **ASSEMBLY:** Transportation & Independent Authorities

**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** 1/10/2022

**SENATE:** 1/10/2022

**DATE OF APPROVAL:** 1/18/2022

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Third Reprint enacted) Yes

**A5033**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**S3279 (1R)**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:** \_\_\_\_\_ **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

Yes

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

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

RWH/JA



§3  
C.39:10-19.5  
§§4-7  
C.39:10-39 to  
39:10-42  
§8  
C.39:10-4.1

P.L. 2021, CHAPTER 462, *approved January 18, 2022*  
Assembly, No. 5033 (*Third Reprint*)

1 **AN ACT** concerning the sale of motor vehicles by motor vehicle  
2 dealers, amending various parts of the statutory law, and  
3 supplementing Title 39 of the Revised Statutes.

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

7  
8 1. R.S.39:10-2 is amended to read as follows:

9 39:10-2. As used in this chapter unless other meaning is clearly  
10 apparent from the language or context, or unless inconsistent with  
11 the manifest intention of the Legislature:

12 <sup>2</sup>“Authorized signatory” means a dealer or leasing dealer and any  
13 employee, officer, director, partner, or other holder of an ownership  
14 interest in the licensed business authorized to execute documents on  
15 behalf of the dealer or leasing dealer, but shall not include any  
16 attorney-in-fact who is not an employee, officer, director, partner,  
17 or holder of an ownership interest.<sup>2</sup>

18 "New motor vehicle" means only a newly manufactured motor  
19 vehicle, except a nonconventional type motor vehicle, and includes  
20 all such vehicles propelled otherwise than by muscular power, and  
21 motorcycles, motorized bicycles, trailers and tractors, and  
22 manufactured homes not subject to real property taxation pursuant  
23 to P.L.1983, c.400 (C.54:4-1.2 et seq.), excepting such vehicles as  
24 run only upon rails or tracks and manufactured homes subject to  
25 real property taxation.

26 "Used motor vehicle" means every motor vehicle and motorized  
27 bicycle, except a nonconventional type motor vehicle, title to, or  
28 possession of, which has been transferred from the person who first  
29 acquired it from the manufacturer or dealer, and so used as to  
30 become what is commonly known as "secondhand" within the  
31 ordinary meaning thereof, and includes every motor vehicle and  
32 motorized bicycle other than a "new motor vehicle," a  
33 "nonconventional type motor vehicle" or a manufactured home  
34 subject to real property taxation.

**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 STR committee amendments adopted May 6, 2021.

<sup>2</sup>Senate floor amendments adopted June 3, 2021.

<sup>3</sup>Senate amendments adopted in accordance with Governor's  
recommendations November 8, 2021.

1 "Any motor vehicle," "every motor vehicle," or similar term,  
2 means both new and used motor vehicles, except a  
3 "nonconventional type motor vehicle."

4 "Nonconventional type motor vehicle" means every vehicle not  
5 designed or used primarily for the transportation of persons or  
6 property and only incidentally operated or moved over a highway,  
7 including, but not limited to, ditch-digging apparatus, well-boring  
8 apparatus, road and general purpose construction and maintenance  
9 machinery, asphalt spreaders, bituminous mixers, bucket loaders,  
10 ditchers, leveling graders, finishing machines, motor graders, road  
11 rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,  
12 drag lines, self-propelled cranes, earth-moving equipment, trailers  
13 and semitrailers which weigh less than 2,500 pounds, except that no  
14 mobile or manufactured home or travel trailer shall be classified as  
15 a nonconventional type motor vehicle, motorized wheelchairs,  
16 motorized lawn mowers, bogies, farm equipment having a factory  
17 shipping weight of less than 1,500 pounds, whether or not  
18 motorized, including farm tractors within said weight limitation,  
19 industrial tractors, scooters, go-carts, gas buggies and golf carts.  
20 The **【Director of Motor Vehicles】** Chief Administrator of the New  
21 Jersey Motor Vehicle Commission shall have power to make,  
22 amend and repeal regulations, not inconsistent with the provisions  
23 of this paragraph, prescribing what further vehicles or types of  
24 vehicles, not specified in this paragraph, shall be included in the  
25 category of nonconventional type motor vehicles.

26 "Motor vehicles which constitute inventory held for sale"  
27 means <sup>1</sup> new motor vehicles and used motor vehicles held for the  
28 purpose of sale by new motor vehicle dealers <sup>1</sup>**【**and used motor  
29 vehicles held for sale by new or used motor vehicle dealers which  
30 can be identified by a manufacturer's Vehicle Identification  
31 Number (VIN) and title is or right to title is held by the used motor  
32 vehicle owner. and used motor vehicles held for the purpose of sale  
33 by used motor vehicle dealers, and excludes**】** which can be  
34 identified by a manufacturer's Vehicle Identification Number (VIN)  
35 and have been invoiced to, allocated to, or reserved by a new motor  
36 vehicle dealer licensed to do business in New Jersey, and such  
37 vehicle can be shipped by the manufacturer or distributor within a  
38 reasonable period of time and used motor vehicles held for the  
39 purpose of sale by new or used motor vehicle dealers which can be  
40 identified by a manufacturer's VIN and title papers or right to title  
41 is held by the used motor vehicle <sup>2</sup>**【owner】** dealer<sup>2</sup>. This term shall  
42 exclude<sup>1</sup> motor vehicles held for the purpose of lease or rental by a  
43 person engaged in the motor vehicle leasing or rental business.

44 "Manufacturer's or importer's certificate of origin" means the  
45 original written instrument or document required to be executed and  
46 delivered by the manufacturer to his agent or a dealer, or a person  
47 purchasing direct from the manufacturer, certifying the origin of the  
48 vehicle.

1 "Certificate of ownership" means the document issued in  
2 conformance with this chapter, certifying ownership of a motor  
3 vehicle, other than manufacturer's or importer's certificate of origin.

4 "Assignment" means the execution of a prescribed form  
5 transferring ownership of a motor vehicle from the person named  
6 therein to the purchaser.

7 "Contract" means conditional sale agreement, bailment, lease,  
8 chattel mortgage, trust receipt or any other form of security or  
9 possession agreement executed prior to January 1, 1963, wherein  
10 and whereby possession of a motor vehicle is delivered to the buyer  
11 and title therein is to vest in the buyer at a subsequent time upon the  
12 payment of part or all of the price, or upon the performance of any  
13 other condition or happening of any contingency, or upon the  
14 payment of a sum substantially equivalent to the value of the motor  
15 vehicle, by which contract it is agreed that the buyer is bound to  
16 become, or has the option of becoming, the owner of the motor  
17 vehicle upon full compliance with the terms of the contract.

18 "Abstract" means the duplicate copy of the original certificate of  
19 ownership recording any encumbrance or upon which the existence  
20 of a security interest is noted.

21 "Title papers" means any instrument or document that is  
22 evidence of ownership of a vehicle.

23 **["Director" means the Director of Motor Vehicles, his deputy or  
24 duly authorized agent]**

25 "Chief Administrator" means the Chief Administrator of the  
26 New Jersey Motor Vehicle Commission.

27 "Manufacturer" means the person who originally manufactured  
28 the motor vehicle.

29 **["Dealer" means the agent, distributor or authorized dealer of the  
30 manufacturer of the new motor vehicle, and who has an established  
31 place of business]**

32 "Licensee" means any person that is licensed to buy, sell or deal  
33 in, or lease motor vehicles pursuant to R.S.39:10-19.

34 "Established place of business" means a permanent, properly  
35 identified location within the State where the books, records, and  
36 files necessary to buy, sell, or deal in motor vehicles are kept and  
37 maintained, including, but not limited to, all documents required by  
38 R.S.39:10-6, title papers, manufacturers' or importers' certificates  
39 of origin, motor vehicle registration records, contracts, security  
40 agreements, all payroll records, including, but not limited to,  
41 <sup>1</sup>**[W4] IRS Form W-2<sup>1</sup>** and <sup>1</sup>**[W2] IRS Form W-4<sup>1</sup>** records,  
42 checkbooks, ledgers for business accounts and trust accounts,  
43 corporate authorities and licenses, dealer plates, ledgers listing all  
44 issued and unissued dealer assignments, and dealer plates.

45 "New motor vehicle dealer" means the agent, distributor, or  
46 authorized dealer of the manufacturer of the new motor vehicle who  
47 has an established place of business. A new motor vehicle dealer  
48 <sup>2</sup>shall sell a minimum of four or more new motor vehicles within a

1 12-month timeframe and<sup>2</sup> may engage in the business of buying,  
2 selling, or dealing in used motor vehicles in this State under the  
3 provisions of this chapter.

4 "Used motor vehicle dealer" means a person engaged in the  
5 business of selling, buying or dealing in four or more used motor  
6 vehicles **【**, and who has**】** per year at an established place of  
7 business, but who is not a licensed new motor vehicle dealer. A  
8 used motor vehicle dealer shall engage only in the business of  
9 buying, selling, or dealing in used motor vehicles in this State under  
10 the provisions of this chapter and shall not engage in the business of  
11 buying, selling, or dealing in new motor vehicles in this State.

12 "Person" includes natural persons, firms or copartnerships,  
13 corporations, associations, or other artificial bodies, receivers,  
14 trustees, common law or statutory assignees, executors,  
15 administrators, sheriffs, constables, marshals, or other persons in  
16 representative or official capacity, and members, officers, agents,  
17 employees, or other representatives of those hereinbefore  
18 enumerated.

19 "Buyer" includes purchaser, debtor, lessee, bailee, transferee,  
20 and any person buying, attempting to buy, or receiving a motor  
21 vehicle subject to a security interest, lease, bailment or transfer  
22 agreement, and their legal successors in interest.

23 "Seller" means manufacturer, dealer, lessor, bailor, transferor  
24 with or without a security interest, and any other person selling,  
25 attempting to sell, or delivering a motor vehicle, and their legal  
26 successors in interest.

27 The terms "sell," **【or】** "sale," "buy," or "purchase" and any form  
28 thereof include absolute or voluntary sales and purchases,  
29 agreements to sell and purchase, bailments, leases, security  
30 agreements whereby any motor vehicles are sold and purchased, or  
31 agreed to be sold and purchased, involuntary, statutory and judicial  
32 sales, inheritance, devise, or bequest, gift or any other form or  
33 manner of sale or agreement of sale thereof, or the giving or  
34 transferring possession of a motor vehicle to a person for a  
35 permanent use; continued possession for 60 days or more is to be  
36 construed as permanent use.

37 "Online sale" means buying, selling, or dealing in motor vehicles  
38 in this State over the Internet using electronic means.

39 "Electronic" means relating to technology having electrical,  
40 digital, magnetic, optical, electromagnetic, or similar capabilities.

41 "Manufacturer's number" means the original manufacturer's  
42 vehicle identification number die stamped upon the body, or frame,  
43 or either or both of them, of a motor vehicle or the original  
44 manufacturer's number die stamped upon the engine or motor of a  
45 motor vehicle.

46 "Purchaser" means a person who takes possession of a motor  
47 vehicle by transfer of ownership, either for use or resale, except a  
48 dealer when he takes possession through a certificate of origin.

1 "Debtor" means the person who owes payment or other  
2 performance of the obligation secured by a security interest in a  
3 motor vehicle.

4 "Security interest" means an interest in a motor vehicle which  
5 secures payment or other performance of an obligation.

6 "Security agreement" means an agreement which creates or  
7 provides for a security interest in a motor vehicle.

8 "Secured party" means a lender, seller or other person in whose  
9 favor there is a security interest.

10 "Gross vehicle weight rating" means the value specified by the  
11 manufacturer as the loaded weight of the single or combination  
12 vehicle and, if the manufacturer has not specified a value for a  
13 towed vehicle, means the value specified for the towing vehicle plus  
14 the loaded weight of the towed unit.

15 (cf: P.L.1990, c.115, s.4)

16

17 2. R.S.39:10-19 is amended to read as follows:

18 39:10-19. No person shall engage in the business of buying,  
19 selling or dealing in motor vehicles in this State, nor shall a person  
20 engage in activity that would qualify the person as a leasing dealer,  
21 as defined in section 2 of P.L.1994, c.190 (C.56:12-61), unless: a.  
22 the person is a licensed real estate broker acting as an agent or  
23 broker in the sale of mobile homes without their own motor power  
24 other than recreation vehicles as defined in section 3 of  
25 P.L.1990, c.103 (C.39:3-10.11), or manufactured homes as defined  
26 in section 3 of P.L.1983, c.400 (C.54:4-1.4); or b. the person is  
27 authorized to do so under the provisions of this chapter and  
28 P.L.1985, c.361 (C.56:10-26 et seq.).

29 The chief administrator may, upon application in such form as  
30 the chief administrator prescribes, license any proper person as  
31 **[such]** a new motor vehicle dealer, a used motor vehicle dealer or a  
32 leasing dealer. A licensed real estate broker shall be entitled to act  
33 as an agent or broker in the sale of a mobile or manufactured home  
34 as defined in subsection a. of this section without obtaining a  
35 license from the chief administrator. For the purposes of this  
36 chapter, a "licensed real estate broker" means a real estate broker  
37 licensed by the New Jersey Real Estate Commission pursuant to the  
38 provisions of chapter 15 of Title 45 of the Revised Statutes. Any  
39 sale or transfer of a mobile or manufactured home, in which a  
40 licensed real estate broker acts as a broker or agent pursuant to this  
41 section, which sale or transfer is subject to any other requirements  
42 of R.S.39:10-1 et seq., shall comply with all of those requirements.

43 No person who has been convicted of a crime, arising out of  
44 fraud or misrepresentation in the sale, leasing or financing of a  
45 motor vehicle, shall be eligible to receive a license. For the  
46 purposes of this section, each applicant for a license shall submit to  
47 the chief administrator the applicant's name, address, fingerprints,  
48 and written consent for a criminal history record background check



1 to be performed. The chief administrator is hereby authorized to  
2 exchange fingerprint data with and receive criminal history record  
3 information from the State Bureau of Identification in the Division  
4 of State Police and the Federal Bureau of Investigation consistent  
5 with applicable State and federal laws, rules, and regulations, for  
6 purposes of facilitating determinations concerning licensure  
7 eligibility. The applicant shall bear the cost for the criminal history  
8 record background check, including all costs of administering and  
9 processing the check. The Division of State Police shall promptly  
10 notify the chief administrator in the event a current holder of a  
11 license or prospective applicant, who was the subject of a criminal  
12 history record background check pursuant to this section, is arrested  
13 for a crime or offense in this State after the date the background  
14 check was performed.

15 Each applicant for a new motor vehicle dealer license shall at the  
16 time such license is issued have established and maintained, or by  
17 that application shall agree to establish and maintain, within 90  
18 days after the issuance thereof, a place of business consisting of a  
19 permanent building not less than 1,000 square feet in floor space  
20 located in the State of New Jersey to be used principally for the  
21 servicing and display of motor vehicles with such equipment  
22 installed therein as shall be requisite for the servicing of motor  
23 vehicles in such manner as to make them comply with the laws of  
24 this State and with any rules and regulations made by the board  
25 governing the equipment, use, and operation of motor vehicles  
26 within the State. **【However, a leasing dealer, who is not engaged in**  
27 **the business of buying, selling, or dealing in motor vehicles in the**  
28 **State, shall not be required to maintain a place of business with**  
29 **floor space available for the servicing or display of motor vehicles**  
30 **or to have an exterior sign at the lessor's place of business.】**  
31 <sup>2</sup>However, a leasing dealer, who is not engaged in the business of  
32 buying, selling, or dealing in motor vehicles in the State, shall not  
33 be required to maintain a place of business with floor space  
34 available for the servicing or display of motor vehicles or to have an  
35 exterior sign at the lessor's place of business.<sup>2</sup>

36 Each applicant for a used motor vehicle dealer license shall at the  
37 time such license is issued maintain an established place of business  
38 <sup>2</sup>【consisting of a minimum office space of 72 square feet within a  
39 permanent, enclosed building located in the State of New Jersey,  
40 and where there are included or immediately contiguous, clearly  
41 identified, fixed facilities for the licensee to display at least two  
42 automobiles.】 located in the State of New Jersey. The commission  
43 shall establish, by regulation, the requirements for an established  
44 place of business.<sup>2</sup>

45 An established place of business of a new motor vehicle dealer  
46 or a used motor vehicle dealer shall display an exterior sign  
47 permanently affixed to the land or building, which sign is consistent  
48 with local ordinances and has letters easily readable from the major

1 avenues of traffic. The sign shall include the dealer name or trade  
2 name, provided such trade name has been previously disclosed to  
3 the chief administrator.

4 A license fee of \$200 shall be paid by an applicant upon the  
5 applicant's initial application for a license. The chief administrator  
6 may renew an applicant's license upon application for renewal on a  
7 form prescribed by the chief administrator and accompanied by a  
8 renewal fee of \$200. Every license shall expire 24 months from the  
9 date on which it is issued. The chief administrator may, at the chief  
10 administrator's discretion and for good cause shown, extend an  
11 applicant's license for an additional period not to exceed 12 months  
12 from the date on which it is scheduled to expire. The chief  
13 administrator may, at the chief administrator's discretion and for  
14 good cause shown, issue a license which shall expire on a date fixed  
15 by the chief administrator. The fee for licenses with an expiration  
16 date fixed by the chief administrator shall be fixed by the chief  
17 administrator in an amount proportionately less or greater than the  
18 fee established herein.

19 For the purposes of this section, a leasing dealer or an assignee  
20 of a leasing dealer whose leasing activities are limited to buying  
21 motor vehicles for the purpose of leasing them and selling motor  
22 vehicles at the termination of a lease to <sup>2</sup>the lessee<sup>2</sup> shall not be  
23 deemed to be engaged in the business of buying, selling, or dealing  
24 in motor vehicles in this State. <sup>2</sup>[A leasing dealer, who is not  
25 engaged in the business of buying, selling, or dealing in motor  
26 vehicles in the State, shall not be required to maintain a place of  
27 business with floor space available for the servicing or display of  
28 motor vehicles or have an exterior sign at the lessor's place of  
29 business.] Provided however, that a leasing dealer who wishes to  
30 engage in the business of buying, selling, or dealing in motor  
31 vehicles in this State by selling any vehicle at the end of the lease  
32 term to a consumer other than the lessee, shall be required to obtain  
33 a used car dealer license pursuant to this section.<sup>2</sup>

34 (cf: P.L.2015, c.24, s.1)

35  
36 <sup>2</sup>[3. Section 1 of P.L.2005, c.351 (C.39:10-19.1) is amended to  
37 read as follows:

38 1. As used in this act:

39 "Off-site sale" means the display and sale of new or used  
40 recreational vehicles by a recreational vehicle dealer, or used motor  
41 vehicles registered in New Jersey by a used motor vehicle dealer,  
42 licensed under the provisions of R.S.39:10-19, at a location other  
43 than the dealer's established place of business. An "off-site sale"  
44 includes any off-site display of vehicles at which a recreational  
45 vehicle or used motor vehicle dealer has a sales person or employee  
46 present. For the purposes of this act, "off-site sale" does not  
47 include:

- 1 a. An off-site display of vehicles at which a recreational
- 2 vehicle or used motor vehicle dealer has no sales personnel present;
- 3 b. The sale of a vehicle at an auction at which only wholesale
- 4 purchases are permitted; **or**
- 5 c. The use of telephones, telephone call-forwarding, email,
- 6 internet websites or other internet communications which allow a
- 7 licensed dealer or dealership employee to communicate with
- 8 customers while either the customer or the dealer or employee
- 9 thereof is not present at the licensed physical location of the
- 10 dealership, provided the contract for the sale of a vehicle is
- 11 finalized and the sale transaction completed at the licensed location;
- 12 or
- 13 d. An online sale authorized pursuant to section 4 of
- 14 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 15 "Sponsoring organization" means:
- 16 a. a credit union, automobile club, or other such not for profit
- 17 organization or entity that makes the opportunity to attend and
- 18 purchase a motor vehicle at an off-site sale available to its
- 19 members; or
- 20 b. a trade show coordinator, or other such organization, entity,
- 21 or individual that makes the opportunity to attend and purchase a
- 22 recreational vehicle at an off-site sale available to ticketed
- 23 individuals.
- 24 (cf: P.L.2007, c.335, s.25)]<sup>2</sup>
- 25
- 26 <sup>2</sup>**[4.] 3.**<sup>2</sup> (New section) a. A licensee may conduct online sales
- 27 of motor vehicles anywhere in this State in accordance with this
- 28 chapter subject to the additional requirements set forth in subsection
- 29 b. of this section.
- 30 b. In addition to meeting the requirements set forth in this
- 31 chapter for engaging in the business of buying, selling, and dealing
- 32 in motor vehicles in this State, licensees conducting online sales of
- 33 motor vehicles in this State shall meet the following requirements:
- 34 (1) <sup>1</sup>Licensees shall maintain a physical presence in the State of
- 35 New Jersey equal to or greater than the minimum established place
- 36 of business requirements for new and used motor vehicle
- 37 dealerships pursuant to R.S. 39:10-19;
- 38 (2)<sup>1</sup> Licensees may keep and maintain non-physical, electronic
- 39 records of online sales of motor vehicles <sup>2</sup>and shall have a stable
- 40 Internet connection in the office<sup>2</sup>, but the records shall be kept and
- 41 maintained in a format that allows immediate inspection and
- 42 examination by the chief administrator or his or her agent; and
- 43 <sup>1</sup>**[(2)] (3)**<sup>1</sup> Licensees shall only conduct online sales of motor
- 44 vehicles that constitute inventory held for sale by the licensee or a
- 45 <sup>2</sup>licensed<sup>2</sup> parent or <sup>2</sup>licensed<sup>2</sup> affiliate thereof.

1       <sup>2</sup>[5.] 4.<sup>2</sup> (New section) Sections <sup>2</sup>[5] 4<sup>2</sup> through <sup>2</sup>[8] 7<sup>2</sup> of  
 2 P.L. , c. (C. through C. ) (pending before the  
 3 Legislature as this bill) shall be known and may be cited as the  
 4 “Motor Vehicle Transaction Modernization Act.”

5  
 6       <sup>2</sup>[6.] 5.<sup>2</sup> (New section) As used in sections <sup>2</sup>[5] 4<sup>2</sup> through  
 7 <sup>2</sup>[8] 7<sup>2</sup> of P.L. , c. (C. through C. ) (pending before  
 8 the Legislature as this bill):

9       “Buyer” includes a purchaser, debtor, lessee, bailee, transferee,  
 10 and any person buying, attempting to buy, or receiving a motor  
 11 vehicle subject to a security interest, lease, bailment or transfer  
 12 agreement, or their legal successors in interest.

13       “Electronic” means relating to technology having electrical,  
 14 digital, magnetic, optical, electromagnetic, or similar capabilities.

15       “Electronic signature” means an electronic symbol, sound, or  
 16 process attached to, or logically associated with, a record and  
 17 executed or adopted by an individual with the intent to sign the  
 18 record.

19       “Licensee” means any natural person or entity that is licensed to  
 20 buy, sell or deal in, <sup>3</sup>[on] or<sup>3</sup> lease motor vehicles pursuant to  
 21 R.S.39:10-19.

22       “Motor vehicle transaction” means any “sale,” “purchase,” or  
 23 “online sale” as those terms are defined pursuant to R.S.39:10-2 or  
 24 any lease as defined pursuant to section 2 of P.L.1994, c.190  
 25 (C.56:12-61), conducted by a licensee.

26       <sup>3</sup>[“Transaction documents” means any documents required to  
 27 complete the sale or lease of a motor vehicle in the State, including,  
 28 but not limited to, title papers, manufacturers’ or importers’  
 29 certificates of origin, contracts, security agreements, assignments,  
 30 abstracts, or any other documents required by chapters 3 and 10 of  
 31 Title 39 of the Revised Statutes. Transaction documents shall also  
 32 include, but not be limited to, any powers of attorney granted by a  
 33 buyer <sup>1</sup>through electronic signature<sup>1</sup> to a licensee for purposes of  
 34 execution of any other transaction documents.]<sup>3</sup>

35  
 36       <sup>2</sup>[7.] 6.<sup>2</sup> (New section) a. Notwithstanding any provision of  
 37 law or regulation to the contrary, during a motor vehicle transaction  
 38 conducted by a licensee <sup>1</sup>authorized to conduct online sales  
 39 pursuant to section <sup>2</sup>[4] 3<sup>2</sup> of P.L. , c. (C. ) (pending before  
 40 the Legislature as this bill)<sup>1</sup>, the buyer and <sup>1</sup>authorized<sup>1</sup> licensee  
 41 may execute and acknowledge <sup>3</sup>[all]<sup>3</sup> <sup>1</sup>[transaction] power of  
 42 attorney<sup>1</sup> documents by electronic signature.

43       b. When executing <sup>1</sup>[transaction] power of attorney<sup>1</sup>  
 44 documents <sup>3</sup>pursuant to this section<sup>3</sup>, an electronic signature shall  
 45 be attributable to a person if it is the action of the person. The act  
 46 of the person may be shown in any manner, including a showing of

1 the efficacy of any security procedure applied to determine the  
2 person to which the electronic signature is attributable.

3 c. The effect of an electronic signature attributed to a person  
4 under subsection b. of this section shall be determined from the  
5 context and surrounding circumstances at the time of the creation,  
6 execution, or adoption of the electronic signature, including the  
7 parties' agreement, if any, and as otherwise provided by law.

8 d. <sup>1</sup>Electronic signatures <sup>3</sup>permitted under this section<sup>3</sup> shall be  
9 executed in accordance with the minimum security requirements set  
10 forth by the National Highway Traffic Safety Administration under  
11 49 C.F.R. s.580.1 et seq. for Assurance Level 2.

12 e.<sup>1</sup> Nothing in sections <sup>2</sup>[5] <sup>4</sup><sup>2</sup> through <sup>2</sup>[8] <sup>7</sup><sup>2</sup> of P.L. ,  
13 c. (C. through C. ) (pending before the Legislature as  
14 this bill) shall mandate the use of electronic signatures or require  
15 buyers and <sup>1</sup>authorized<sup>1</sup> licensees to provide electronic signatures  
16 <sup>3</sup>on power of attorney documents<sup>3</sup>. An electronic signature shall be  
17 a valid and acceptable alternative to a traditional ink signature for  
18 the purposes of executing <sup>1</sup>[transaction] power of attorney<sup>1</sup>  
19 documents <sup>3</sup>executed in accordance with this section<sup>3</sup>.

20 <sup>1</sup>[e.] <sup>1</sup>f.<sup>1</sup> The Chief Administrator of the New Jersey Motor  
21 Vehicle Commission shall not reject <sup>1</sup>[transaction] power of  
22 attorney<sup>1</sup> documents submitted by a licensee <sup>3</sup>in accordance with  
23 this section<sup>3</sup> on the basis that such documents bear electronic  
24 signatures. <sup>3</sup>Nothing in this section shall permit the electronic  
25 execution of any documents for the purpose of mileage disclosure  
26 subject to R.S.39:10-9 or the federal Truth in Mileage Act of 1986,  
27 Pub.L.99-579 (49 U.S.C. s.32705) unless authorized by the chief  
28 administrator by regulations adopted pursuant to section 8 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>3</sup>  
30

31 <sup>2</sup>[8.] <sup>7</sup><sup>2</sup> (New section) Notwithstanding any provision of law  
32 or regulation to the contrary, during a motor vehicle transaction  
33 conducted by <sup>1</sup>[a] an authorized<sup>1</sup> licensee, the Chief Administrator  
34 of the New Jersey Motor Vehicle Commission shall not require a  
35 notarized signature on any <sup>3</sup>[transaction documents] electronically  
36 signed power of attorney permitted by section 6 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>3</sup>  
38

39 <sup>2</sup>[<sup>19</sup>.] <sup>8</sup><sup>2</sup> (New section) Not later than <sup>3</sup>[90 days] <sup>24 months</sup><sup>3</sup>  
40 after the effective date of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), the Chief Administrator of the New Jersey  
42 Motor Vehicle Commission shall <sup>3</sup>[engage with the industry to  
43 update any rules or regulations to enable the commission to accept  
44 electronic signatures on all transaction documents. The commission  
45 shall accept electronic signatures on all transaction documents no  
46 later than 24 months after the effective date of P.L. , c. (C. )  
47 (pending before the Legislature as this bill).<sup>1</sup>] , in accordance with

1 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1  
 2 et seq.), adopt rules and regulations necessary to establish and  
 3 administer a system to permit new motor vehicle sales transaction  
 4 documents to be prepared by or submitted to the commission in  
 5 electronic form, or processed electronically in compliance with  
 6 R.S.39:10-1 et seq., the federal Truth in Mileage Act of 1986,  
 7 Pub.L.99-579 (49 U.S.C. s.32705), and the regulations promulgated  
 8 pursuant to the federal Truth in Mileage Act of 1986, Pub.L.99-579  
 9 (49 U.S.C. s.32705).

10 The chief administrator shall, by regulations adopted pursuant to  
 11 this section, establish a schedule to permit used motor vehicle sales  
 12 transaction documents to be prepared by or submitted to the  
 13 commission in electronic form, or processed electronically, in  
 14 compliance with R.S.39:10-1 et seq., the federal Truth in Mileage  
 15 Act of 1986, Pub.L.99-579 (49 U.S.C. s.32705), and the regulations  
 16 promulgated pursuant to the federal Truth in Mileage Act of 1986,  
 17 Pub.L.99-579 (49 U.S.C. s.32705).

18 Notwithstanding the provisions of P.L.2017, c.308 (C.39:10-11.2  
 19 to 11.6) to the contrary, the system established by the commission  
 20 pursuant to this section shall include the notification, recording,  
 21 transfer, and release of security interests and title information by the  
 22 lienholders of motor vehicles in lieu of a paper-based system used  
 23 for those purposes.<sup>3</sup>

24  
 25 <sup>1</sup>[9.] <sup>2</sup>[10.1] <sup>9.</sup><sup>2</sup> Section 1 of P.L.1999, c.149 (C.39:2-3.8) is  
 26 amended to read as follows:

27 1. a. Whenever any law, rule or regulation requires or permits  
 28 documents or information to be prepared by or submitted to the  
 29 **Division of Motor Vehicles in the Department of Transportation**  
 30 New Jersey Motor Vehicle Commission, the **director** chief  
 31 administrator may permit the documents or information to be  
 32 prepared by or submitted to the **division** commission in electronic  
 33 or digital form, or processed electronically<sup>3</sup>**], except that the**  
 34 commission shall permit documents or information related to the  
 35 “Motor Vehicle Transaction Modernization Act” pursuant to  
 36 sections <sup>2</sup>[5] <sup>4</sup> through <sup>2</sup>[8] <sup>7</sup> of P.L. , c. (C. through  
 37 C. ) (pending before the Legislature as this bill) to be prepared  
 38 by or submitted to the commission in electronic or digital form, or  
 39 processed electronically]<sup>3</sup>. In no event shall an individual be  
 40 required to submit documents or information only in electronic or  
 41 digital form; nor shall documents or information be made available  
 42 to an individual only in electronic or digital form. Submission in  
 43 electronic or digital form **[may]** <sup>3</sup>**[shall]** may<sup>3</sup> be permitted  
 44 pursuant to this section notwithstanding that any law, rule or  
 45 regulation requires documents or information to be written or to be  
 46 submitted in writing, specifies that documents or information be  
 47 signed, certified, verified or witnessed, or otherwise explicitly or  
 48 implicitly requires the preparation or submission of documents or

1 information on paper or in written form. As used in this subsection,  
2 "individual" means a natural person.

3 b. The **【director】** chief administrator, after consultation with  
4 the State Records Committee **【in the Department of State】**, shall  
5 adopt, pursuant to the "Administrative Procedure Act,"  
6 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations specifying <sup>3</sup>how  
7 the signature, verification, certification, witnessing or other formal  
8 requirements shall be met with respect to documents or information  
9 permitted to be prepared or submitted in electronic or digital form  
10 pursuant to this section and specifying such additional safeguards as  
11 the chief administrator deems necessary to protect the privacy, and  
12 prevent improper access to or disclosure, of any personal  
13 information as defined in section 1 of P.L.1997, c.188 (C.39:2-3.3)  
14 that may be transmitted in an electronic or digital form, or  
15 processed electronically<sup>3</sup> <sup>1</sup>**【how the signature, verification,**  
16 **certification, witnessing or other formal requirements shall be met**  
17 **with respect to documents or information permitted to be prepared**  
18 **or submitted in electronic or digital form pursuant to this section**  
19 **and specifying such additional safeguards as the 【director】 chief**  
20 **administrator deems necessary to protect the privacy, and prevent**  
21 **improper access to or disclosure, of any personal information as**  
22 **defined in section 1 of P.L.1997, c.188 (C.39:2-3.3) that may be**  
23 **transmitted in an electronic or digital form, or processed**  
24 **electronically】** <sup>3</sup>**【how electronic signatures shall be obtained in**  
25 **accordance with the requirements set forth by National Highway**  
26 **Traffic Safety Administration under 49 C.F.R. s.580.1 et seq. for**  
27 **Assurance Level 2<sup>1</sup>】**<sup>3</sup>. Regulations adopted pursuant to this  
28 subsection **【may】** <sup>3</sup>**【shall】 may<sup>3</sup>** permit the use of digital signature  
29 technology for the signing of documents and other appropriate  
30 purposes. <sup>3</sup>**【If necessary, the chief administrator may adopt**  
31 **regulations to implement the provisions of**  
32 **P.L. , c. (C. ) (pending before the Legislature as this bill)**  
33 **not later than 60 days after the effective date of**  
34 **P.L. , c. (C. ) (pending before the Legislature as this bill).**  
35 <sup>1</sup>**【If the chief administrator does not adopt regulations within 60**  
36 **days, then all electronic signatures shall be obtained in accordance**  
37 **with the requirements set forth by the National Highway Traffic**  
38 **Safety Administration under 49 C.F.R. s.580.1 et seq. for**  
39 **Assurance Level 2.<sup>1</sup>】**<sup>3</sup>  
40 (cf: P.L.1999, c.149, s.1)

41  
42 <sup>1</sup>**【10.】** <sup>2</sup>**【11.<sup>1</sup>】** <sup>10.2</sup> This act shall take effect immediately.

43  
44  
45  
46  
47 Authorizes motor vehicle dealers to sell motor vehicles online  
48 and obtain electronic signatures for motor vehicle transactions.

**ASSEMBLY, No. 5033**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED NOVEMBER 19, 2020

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblyman Freiman, Assemblywoman Murphy, Assemblyman Chiaravalloti, Assemblywoman Quijano, Assemblymen Moen, Houghtaling and Assemblywoman Downey**

**SYNOPSIS**

Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/11/2021)**



1 AN ACT concerning the sale of motor vehicles by motor vehicle  
2 dealers, amending various parts of the statutory law, and  
3 supplementing Title 39 of the Revised Statutes.

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

7  
8 1. R.S.39:10-2 is amended to read as follows:

9 39:10-2. As used in this chapter unless other meaning is clearly  
10 apparent from the language or context, or unless inconsistent with  
11 the manifest intention of the Legislature:

12 "New motor vehicle" means only a newly manufactured motor  
13 vehicle, except a nonconventional type motor vehicle, and includes  
14 all such vehicles propelled otherwise than by muscular power, and  
15 motorcycles, motorized bicycles, trailers and tractors, and  
16 manufactured homes not subject to real property taxation pursuant  
17 to P.L.1983, c.400 (C.54:4-1.2 et seq.), excepting such vehicles as  
18 run only upon rails or tracks and manufactured homes subject to  
19 real property taxation.

20 "Used motor vehicle" means every motor vehicle and motorized  
21 bicycle, except a nonconventional type motor vehicle, title to, or  
22 possession of, which has been transferred from the person who first  
23 acquired it from the manufacturer or dealer, and so used as to  
24 become what is commonly known as "secondhand" within the  
25 ordinary meaning thereof, and includes every motor vehicle and  
26 motorized bicycle other than a "new motor vehicle," a  
27 "nonconventional type motor vehicle" or a manufactured home  
28 subject to real property taxation.

29 "Any motor vehicle," "every motor vehicle," or similar term,  
30 means both new and used motor vehicles, except a  
31 "nonconventional type motor vehicle."

32 "Nonconventional type motor vehicle" means every vehicle not  
33 designed or used primarily for the transportation of persons or  
34 property and only incidentally operated or moved over a highway,  
35 including, but not limited to, ditch-digging apparatus, well-boring  
36 apparatus, road and general purpose construction and maintenance  
37 machinery, asphalt spreaders, bituminous mixers, bucket loaders,  
38 ditchers, leveling graders, finishing machines, motor graders, road  
39 rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,  
40 drag lines, self-propelled cranes, earth-moving equipment, trailers  
41 and semitrailers which weigh less than 2,500 pounds, except that no  
42 mobile or manufactured home or travel trailer shall be classified as  
43 a nonconventional type motor vehicle, motorized wheelchairs,  
44 motorized lawn mowers, bogies, farm equipment having a factory  
45 shipping weight of less than 1,500 pounds, whether or not

**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 motorized, including farm tractors within said weight limitation,  
2 industrial tractors, scooters, go-carts, gas buggies and golf carts.  
3 The **【Director of Motor Vehicles】** Chief Administrator of the New  
4 Jersey Motor Vehicle Commission shall have power to make,  
5 amend and repeal regulations, not inconsistent with the provisions  
6 of this paragraph, prescribing what further vehicles or types of  
7 vehicles, not specified in this paragraph, shall be included in the  
8 category of nonconventional type motor vehicles.

9 "Motor vehicles which constitute inventory held for sale" means  
10 new motor vehicles and used motor vehicles held for the purpose of  
11 sale by new motor vehicle dealers and used motor vehicles held for  
12 the purpose of sale by used motor vehicle dealers, and excludes  
13 motor vehicles held for the purpose of lease or rental by a person  
14 engaged in the motor vehicle leasing or rental business.

15 "Manufacturer's or importer's certificate of origin" means the  
16 original written instrument or document required to be executed and  
17 delivered by the manufacturer to his agent or a dealer, or a person  
18 purchasing direct from the manufacturer, certifying the origin of the  
19 vehicle.

20 "Certificate of ownership" means the document issued in  
21 conformance with this chapter, certifying ownership of a motor  
22 vehicle, other than manufacturer's or importer's certificate of origin.

23 "Assignment" means the execution of a prescribed form  
24 transferring ownership of a motor vehicle from the person named  
25 therein to the purchaser.

26 "Contract" means conditional sale agreement, bailment, lease,  
27 chattel mortgage, trust receipt or any other form of security or  
28 possession agreement executed prior to January 1, 1963, wherein  
29 and whereby possession of a motor vehicle is delivered to the buyer  
30 and title therein is to vest in the buyer at a subsequent time upon the  
31 payment of part or all of the price, or upon the performance of any  
32 other condition or happening of any contingency, or upon the  
33 payment of a sum substantially equivalent to the value of the motor  
34 vehicle, by which contract it is agreed that the buyer is bound to  
35 become, or has the option of becoming, the owner of the motor  
36 vehicle upon full compliance with the terms of the contract.

37 "Abstract" means the duplicate copy of the original certificate of  
38 ownership recording any encumbrance or upon which the existence  
39 of a security interest is noted.

40 "Title papers" means any instrument or document that is  
41 evidence of ownership of a vehicle.

42 **【"Director" means the Director of Motor Vehicles, his deputy or**  
43 **duly authorized agent】**

44 "Chief Administrator" means the Chief Administrator of the  
45 New Jersey Motor Vehicle Commission.

46 "Manufacturer" means the person who originally manufactured  
47 the motor vehicle.

1       **["Dealer"** means the agent, distributor or authorized dealer of the  
2 manufacturer of the new motor vehicle, and who has an established  
3 place of business**】**

4       "Licensee" means any person that is licensed to buy, sell or deal  
5 in, or lease motor vehicles pursuant to R.S.39:10-19.

6       "Established place of business" means a permanent, properly  
7 identified location within the State where the books, records, and  
8 files necessary to buy, sell, or deal in motor vehicles are kept and  
9 maintained, including, but not limited to, all documents required by  
10 R.S.39:10-6, title papers, manufacturers' or importers' certificates  
11 of origin, motor vehicle registration records, contracts, security  
12 agreements, all payroll records, including, but not limited to, W4  
13 and W2 records, checkbooks, ledgers for business accounts and  
14 trust accounts, corporate authorities and licenses, dealer plates,  
15 ledgers listing all issued and unissued dealer assignments, and  
16 dealer plates.

17       "New motor vehicle dealer" means the agent, distributor, or  
18 authorized dealer of the manufacturer of the new motor vehicle who  
19 has an established place of business. A new motor vehicle dealer  
20 may engage in the business of buying, selling, or dealing in used  
21 motor vehicles in this State under the provisions of this chapter.

22       "Used motor vehicle dealer" means a person engaged in the  
23 business of selling, buying or dealing in four or more used motor  
24 vehicles【, and who has】 per year at an established place of  
25 business, but who is not a licensed new motor vehicle dealer. A  
26 used motor vehicle dealer shall engage only in the business of  
27 buying, selling, or dealing in used motor vehicles in this State under  
28 the provisions of this chapter and shall not engage in the business of  
29 buying, selling, or dealing in new motor vehicles in this State.

30       "Person" includes natural persons, firms or copartnerships,  
31 corporations, associations, or other artificial bodies, receivers,  
32 trustees, common law or statutory assignees, executors,  
33 administrators, sheriffs, constables, marshals, or other persons in  
34 representative or official capacity, and members, officers, agents,  
35 employees, or other representatives of those hereinbefore  
36 enumerated.

37       "Buyer" includes purchaser, debtor, lessee, bailee, transferee,  
38 and any person buying, attempting to buy, or receiving a motor  
39 vehicle subject to a security interest, lease, bailment or transfer  
40 agreement, and their legal successors in interest.

41       "Seller" means manufacturer, dealer, lessor, bailor, transferor  
42 with or without a security interest, and any other person selling,  
43 attempting to sell, or delivering a motor vehicle, and their legal  
44 successors in interest.

45       The terms "sell," 【or】 "sale," "buy," or "purchase" and any form  
46 thereof include absolute or voluntary sales and purchases,  
47 agreements to sell and purchase, bailments, leases, security  
48 agreements whereby any motor vehicles are sold and purchased, or

1 agreed to be sold and purchased, involuntary, statutory and judicial  
2 sales, inheritance, devise, or bequest, gift or any other form or  
3 manner of sale or agreement of sale thereof, or the giving or  
4 transferring possession of a motor vehicle to a person for a  
5 permanent use; continued possession for 60 days or more is to be  
6 construed as permanent use.

7 "Online sale" means buying, selling, or dealing in motor vehicles  
8 in this State over the Internet using electronic means.

9 "Electronic" means relating to technology having electrical,  
10 digital, magnetic, optical, electromagnetic, or similar capabilities.

11 "Manufacturer's number" means the original manufacturer's  
12 vehicle identification number die stamped upon the body, or frame,  
13 or either or both of them, of a motor vehicle or the original  
14 manufacturer's number die stamped upon the engine or motor of a  
15 motor vehicle.

16 "Purchaser" means a person who takes possession of a motor  
17 vehicle by transfer of ownership, either for use or resale, except a  
18 dealer when he takes possession through a certificate of origin.

19 "Debtor" means the person who owes payment or other  
20 performance of the obligation secured by a security interest in a  
21 motor vehicle.

22 "Security interest" means an interest in a motor vehicle which  
23 secures payment or other performance of an obligation.

24 "Security agreement" means an agreement which creates or  
25 provides for a security interest in a motor vehicle.

26 "Secured party" means a lender, seller or other person in whose  
27 favor there is a security interest.

28 "Gross vehicle weight rating" means the value specified by the  
29 manufacturer as the loaded weight of the single or combination  
30 vehicle and, if the manufacturer has not specified a value for a  
31 towed vehicle, means the value specified for the towing vehicle plus  
32 the loaded weight of the towed unit.

33 (cf: P.L.1990, c.115, s.4)

34  
35 2. R.S.39:10-19 is amended to read as follows:

36 39:10-19. No person shall engage in the business of buying,  
37 selling or dealing in motor vehicles in this State, nor shall a person  
38 engage in activity that would qualify the person as a leasing dealer,  
39 as defined in section 2 of P.L.1994, c.190 (C.56:12-61), unless: a.  
40 the person is a licensed real estate broker acting as an agent or  
41 broker in the sale of mobile homes without their own motor power  
42 other than recreation vehicles as defined in section 3 of  
43 P.L.1990, c.103 (C.39:3-10.11), or manufactured homes as defined  
44 in section 3 of P.L.1983, c.400 (C.54:4-1.4); or b. the person is  
45 authorized to do so under the provisions of this chapter and  
46 P.L.1985, c.361 (C.56:10-26 et seq.).

47 The chief administrator may, upon application in such form as  
48 the chief administrator prescribes, license any proper person as

1 **【such】** a new motor vehicle dealer, a used motor vehicle dealer or a  
2 leasing dealer. A licensed real estate broker shall be entitled to act  
3 as an agent or broker in the sale of a mobile or manufactured home  
4 as defined in subsection a. of this section without obtaining a  
5 license from the chief administrator. For the purposes of this  
6 chapter, a "licensed real estate broker" means a real estate broker  
7 licensed by the New Jersey Real Estate Commission pursuant to the  
8 provisions of chapter 15 of Title 45 of the Revised Statutes. Any  
9 sale or transfer of a mobile or manufactured home, in which a  
10 licensed real estate broker acts as a broker or agent pursuant to this  
11 section, which sale or transfer is subject to any other requirements  
12 of R.S.39:10-1 et seq., shall comply with all of those requirements.

13 No person who has been convicted of a crime, arising out of  
14 fraud or misrepresentation in the sale, leasing or financing of a  
15 motor vehicle, shall be eligible to receive a license. For the  
16 purposes of this section, each applicant for a license shall submit to  
17 the chief administrator the applicant's name, address, fingerprints,  
18 and written consent for a criminal history record background check  
19 to be performed. The chief administrator is hereby authorized to  
20 exchange fingerprint data with and receive criminal history record  
21 information from the State Bureau of Identification in the Division  
22 of State Police and the Federal Bureau of Investigation consistent  
23 with applicable State and federal laws, rules, and regulations, for  
24 purposes of facilitating determinations concerning licensure  
25 eligibility. The applicant shall bear the cost for the criminal history  
26 record background check, including all costs of administering and  
27 processing the check. The Division of State Police shall promptly  
28 notify the chief administrator in the event a current holder of a  
29 license or prospective applicant, who was the subject of a criminal  
30 history record background check pursuant to this section, is arrested  
31 for a crime or offense in this State after the date the background  
32 check was performed.

33 Each applicant for a new motor vehicle dealer license shall at the  
34 time such license is issued have established and maintained, or by  
35 that application shall agree to establish and maintain, within 90  
36 days after the issuance thereof, a place of business consisting of a  
37 permanent building not less than 1,000 square feet in floor space  
38 located in the State of New Jersey to be used principally for the  
39 servicing and display of motor vehicles with such equipment  
40 installed therein as shall be requisite for the servicing of motor  
41 vehicles in such manner as to make them comply with the laws of  
42 this State and with any rules and regulations made by the board  
43 governing the equipment, use, and operation of motor vehicles  
44 within the State. **【However, a leasing dealer, who is not engaged in**  
45 **the business of buying, selling, or dealing in motor vehicles in the**  
46 **State, shall not be required to maintain a place of business with**  
47 **floor space available for the servicing or display of motor vehicles**  
48 **or to have an exterior sign at the lessor's place of business.】**

1     Each applicant for a used motor vehicle dealer license shall at the  
2 time such license is issued maintain an established place of business  
3 consisting of a minimum office space of 72 square feet within a  
4 permanent, enclosed building located in the State of New Jersey,  
5 and where there are included or immediately contiguous, clearly  
6 identified, fixed facilities for the licensee to display at least two  
7 automobiles.

8     An established place of business of a new motor vehicle dealer  
9 or a used motor vehicle dealer shall display an exterior sign  
10 permanently affixed to the land or building, which sign is consistent  
11 with local ordinances and has letters easily readable from the major  
12 avenues of traffic. The sign shall include the dealer name or trade  
13 name, provided such trade name has been previously disclosed to  
14 the chief administrator.

15     A license fee of \$200 shall be paid by an applicant upon the  
16 applicant's initial application for a license. The chief administrator  
17 may renew an applicant's license upon application for renewal on a  
18 form prescribed by the chief administrator and accompanied by a  
19 renewal fee of \$200. Every license shall expire 24 months from the  
20 date on which it is issued. The chief administrator may, at the chief  
21 administrator's discretion and for good cause shown, extend an  
22 applicant's license for an additional period not to exceed 12 months  
23 from the date on which it is scheduled to expire. The chief  
24 administrator may, at the chief administrator's discretion and for  
25 good cause shown, issue a license which shall expire on a date fixed  
26 by the chief administrator. The fee for licenses with an expiration  
27 date fixed by the chief administrator shall be fixed by the chief  
28 administrator in an amount proportionately less or greater than the  
29 fee established herein.

30     For the purposes of this section, a leasing dealer or an assignee  
31 of a leasing dealer whose leasing activities are limited to buying  
32 motor vehicles for the purpose of leasing them and selling motor  
33 vehicles at the termination of a lease shall not be deemed to be  
34 engaged in the business of buying, selling, or dealing in motor  
35 vehicles in this State. A leasing dealer, who is not engaged in the  
36 business of buying, selling, or dealing in motor vehicles in the  
37 State, shall not be required to maintain a place of business with  
38 floor space available for the servicing or display of motor vehicles  
39 or have an exterior sign at the lessor's place of business.

40 (cf: P.L.2015, c.24, s.1)

41  
42     3. Section 1 of P.L.2005, c.351 (C.39:10-19.1) is amended to  
43 read as follows:

44     1. As used in this act:

45     "Off-site sale" means the display and sale of new or used  
46 recreational vehicles by a recreational vehicle dealer, or used motor  
47 vehicles registered in New Jersey by a used motor vehicle dealer,  
48 licensed under the provisions of R.S.39:10-19, at a location other

1 than the dealer's established place of business. An "off-site sale"  
2 includes any off-site display of vehicles at which a recreational  
3 vehicle or used motor vehicle dealer has a sales person or employee  
4 present. For the purposes of this act, "off-site sale" does not  
5 include:

6 a. An off-site display of vehicles at which a recreational  
7 vehicle or used motor vehicle dealer has no sales personnel present;

8 b. The sale of a vehicle at an auction at which only wholesale  
9 purchases are permitted; **[or]**

10 c. The use of telephones, telephone call-forwarding, email,  
11 internet websites or other internet communications which allow a  
12 licensed dealer or dealership employee to communicate with  
13 customers while either the customer or the dealer or employee  
14 thereof is not present at the licensed physical location of the  
15 dealership, provided the contract for the sale of a vehicle is  
16 finalized and the sale transaction completed at the licensed location;  
17 or

18 d. An online sale authorized pursuant to section 4 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill).

20 "Sponsoring organization" means:

21 a. a credit union, automobile club, or other such not for profit  
22 organization or entity that makes the opportunity to attend and  
23 purchase a motor vehicle at an off-site sale available to its  
24 members; or

25 b. a trade show coordinator, or other such organization, entity,  
26 or individual that makes the opportunity to attend and purchase a  
27 recreational vehicle at an off-site sale available to ticketed  
28 individuals.

29 (cf: P.L.2007, c.335, s.25)

30  
31 4. (New section) a. A licensee may conduct online sales of  
32 motor vehicles anywhere in this State in accordance with this  
33 chapter subject to the additional requirements set forth in subsection  
34 b. of this section.

35 b. In addition to meeting the requirements set forth in this  
36 chapter for engaging in the business of buying, selling, and dealing  
37 in motor vehicles in this State, licensees conducting online sales of  
38 motor vehicles in this State shall meet the following requirements:

39 (1) Licensees may keep and maintain non-physical, electronic  
40 records of online sales of motor vehicles, but the records shall be  
41 kept and maintained in a format that allows immediate inspection  
42 and examination by the chief administrator or his or her agent; and

43 (2) Licensees shall only conduct online sales of motor vehicles  
44 that constitute inventory held for sale by the licensee or a parent or  
45 affiliate thereof.

46  
47 5. (New section) Sections 5 through 8 of P.L. , c.  
48 (C. through C. ) (pending before the Legislature as this

1 bill) shall be known and may be cited as the “Motor Vehicle  
2 Transaction Modernization Act.”

3  
4 6. (New section) As used in sections 5 through 8 of P.L. , c.  
5 (C. through C. ) (pending before the Legislature as this  
6 bill):

7 “Buyer” includes a purchaser, debtor, lessee, bailee, transferee,  
8 and any person buying, attempting to buy, or receiving a motor  
9 vehicle subject to a security interest, lease, bailment or transfer  
10 agreement, or their legal successors in interest.

11 “Electronic” means relating to technology having electrical,  
12 digital, magnetic, optical, electromagnetic, or similar capabilities.

13 “Electronic signature” means an electronic symbol, sound, or  
14 process attached to, or logically associated with, a record and  
15 executed or adopted by an individual with the intent to sign the  
16 record.

17 “Licensee” means any natural person or entity that is licensed to  
18 buy, sell or deal in, or lease motor vehicles pursuant to R.S.39:10-  
19 19.

20 “Motor vehicle transaction” means any “sale,” “purchase,” or  
21 “online sale” as those terms are defined pursuant to R.S.39:10-2 or  
22 any lease as defined pursuant to section 2 of P.L.1994, c.190  
23 (C.56:12-61), conducted by a licensee.

24 “Transaction documents” means any documents required to  
25 complete the sale or lease of a motor vehicle in the State, including,  
26 but not limited to, title papers, manufacturers’ or importers’  
27 certificates of origin, contracts, security agreements, assignments,  
28 abstracts, or any other documents required by chapters 3 and 10 of  
29 Title 39 of the Revised Statutes. Transaction documents shall also  
30 include, but not be limited to, any powers of attorney granted by a  
31 buyer to a licensee for purposes of execution of any other  
32 transaction documents.

33  
34 7. (New section) a. Notwithstanding any provision of law  
35 or regulation to the contrary, during a motor vehicle transaction  
36 conducted by a licensee, the buyer and licensee may execute and  
37 acknowledge all transaction documents by electronic signature.

38 b. When executing transaction documents, an electronic  
39 signature shall be attributable to a person if it is the action of the  
40 person. The act of the person may be shown in any manner,  
41 including a showing of the efficacy of any security procedure  
42 applied to determine the person to which the electronic signature is  
43 attributable.

44 c. The effect of an electronic signature attributed to a person  
45 under subsection b. of this section shall be determined from the  
46 context and surrounding circumstances at the time of the creation,  
47 execution, or adoption of the electronic signature, including the  
48 parties’ agreement, if any, and as otherwise provided by law.



1 d. Nothing in sections 5 through 8 of P.L. , c.  
2 (C. through C. ) (pending before the Legislature as this  
3 bill) shall mandate the use of electronic signatures or require buyers  
4 and licensees to provide electronic signatures. An electronic  
5 signature shall be a valid and acceptable alternative to a traditional  
6 ink signature for the purposes of executing transaction documents.

7 e. The Chief Administrator of the New Jersey Motor Vehicle  
8 Commission shall not reject transaction documents submitted by a  
9 licensee on the basis that such documents bear electronic signatures.

10  
11 8. (New section) Notwithstanding any provision of law or  
12 regulation to the contrary, during a motor vehicle transaction  
13 conducted by a licensee, the Chief Administrator of the New Jersey  
14 Motor Vehicle Commission shall not require a notarized signature  
15 on any transaction documents.

16  
17 9. Section 1 of P.L.1999, c.149 (C.39:2-3.8) is amended to read  
18 as follows:

19 1. a. Whenever any law, rule or regulation requires or permits  
20 documents or information to be prepared by or submitted to the  
21 **【Division of Motor Vehicles in the Department of Transportation】**  
22 New Jersey Motor Vehicle Commission, the **【director】** chief  
23 administrator may permit the documents or information to be  
24 prepared by or submitted to the **【division】** commission in electronic  
25 or digital form, or processed electronically, except that the  
26 commission shall permit documents or information related to the  
27 “Motor Vehicle Transaction Modernization Act” pursuant to  
28 sections 5 through 8 of P.L. , c. (C. through C. )  
29 (pending before the Legislature as this bill) to be prepared by or  
30 submitted to the commission in electronic or digital form, or  
31 processed electronically. In no event shall an individual be required  
32 to submit documents or information only in electronic or digital  
33 form; nor shall documents or information be made available to an  
34 individual only in electronic or digital form. Submission in  
35 electronic or digital form **【may】** shall be permitted pursuant to this  
36 section notwithstanding that any law, rule or regulation requires  
37 documents or information to be written or to be submitted in  
38 writing, specifies that documents or information be signed,  
39 certified, verified or witnessed, or otherwise explicitly or implicitly  
40 requires the preparation or submission of documents or information  
41 on paper or in written form. As used in this subsection,  
42 "individual" means a natural person.

43 b. The **【director】** chief administrator, after consultation with  
44 the State Records Committee **【in the Department of State】**, shall  
45 adopt, pursuant to the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations specifying how  
47 the signature, verification, certification, witnessing or other formal

1 requirements shall be met with respect to documents or information  
2 permitted to be prepared or submitted in electronic or digital form  
3 pursuant to this section and specifying such additional safeguards as  
4 the **【director】** chief administrator deems necessary to protect the  
5 privacy, and prevent improper access to or disclosure, of any  
6 personal information as defined in section 1 of P.L.1997, c.188  
7 (C.39:2-3.3) that may be transmitted in an electronic or digital  
8 form, or processed electronically. Regulations adopted pursuant to  
9 this subsection **【may】** shall permit the use of digital signature  
10 technology for the signing of documents and other appropriate  
11 purposes. If necessary, the chief administrator may adopt  
12 regulations to implement the provisions of P.L. , c. (C. )  
13 (pending before the Legislature as this bill) not later than 60 days  
14 after the effective date of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).  
16 (cf: P.L.1999, c.149, s.1)

17  
18 10. This act shall take effect immediately.

#### 21 STATEMENT

22  
23 This bill authorizes motor vehicle dealers to sell motor vehicles  
24 online. Further, to facilitate the online sale of motor vehicles, this  
25 bill allows the buyer and the licensed motor vehicle dealer to  
26 acknowledge all motor vehicle transaction documents by electronic  
27 signature, as a valid and acceptable alternative to a traditional ink  
28 signature. Under the bill, an off-site sale of a motor vehicle does  
29 not include an online sale of a motor vehicle that meets the  
30 requirements under the bill.

31 The bill prohibits the Chief Administrator of the New Jersey  
32 Motor Vehicle Commission (commission) from refusing to accept  
33 electronically signed transaction documents and from requiring a  
34 notarized signature of any transaction documents completed by a  
35 licensed motor vehicle dealer. The bill also requires the  
36 commission to permit the use of digital signature technology for the  
37 signing of documents and other appropriate purposes and to allow  
38 documents to be submitted in electronic form if the documents  
39 pertain to the provisions of the “Motor Vehicle Transaction  
40 Modernization Act.”

41 The bill adds certain definitions and modifies the definition of a  
42 “used motor vehicle dealer” to provide that a person meets the  
43 definition of a used motor vehicle dealer if the person engages in  
44 the business of selling, buying, or dealing in four or more used  
45 motor vehicles per year at an established place of business. The bill  
46 prohibits a used motor vehicle dealer from engaging in the business  
47 of buying, selling, or dealing in new motor vehicles in New Jersey.

**A5033 BENSON, DANCER**

12

1       The bill requires a used motor vehicle dealer to maintain an  
2       established place of business that meets certain requirements  
3       described in the bill. The bill also requires that the established  
4       place of business of a new motor vehicle dealer or used motor  
5       vehicle dealer display an exterior sign that meets certain  
6       requirements described in the bill.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5033**

**STATE OF NEW JERSEY**

DATED: DECEMBER 10, 2020

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 5033.

As reported, this bill authorizes motor vehicle dealers to sell motor vehicles online. Further, to facilitate the online sale of motor vehicles, this bill allows the buyer and the licensed motor vehicle dealer to acknowledge all motor vehicle transaction documents by electronic signature, as a valid and acceptable alternative to a traditional ink signature. Under the bill, an off-site sale of a motor vehicle does not include an online sale of a motor vehicle that meets the requirements under the bill.

The bill prohibits the Chief Administrator of the New Jersey Motor Vehicle Commission (commission) from refusing to accept electronically signed transaction documents and from requiring a notarized signature of any transaction documents completed by a licensed motor vehicle dealer. The bill also requires the commission to permit the use of digital signature technology for the signing of documents and other appropriate purposes and to allow documents to be submitted in electronic form if the documents pertain to the provisions of the “Motor Vehicle Transaction Modernization Act.”

The bill adds certain definitions and modifies the definition of a “used motor vehicle dealer” to provide that a person meets the definition of a used motor vehicle dealer if the person engages in the business of selling, buying, or dealing in four or more used motor vehicles per year at an established place of business. The bill prohibits a used motor vehicle dealer from engaging in the business of buying, selling, or dealing in new motor vehicles in New Jersey.

The bill requires a used motor vehicle dealer to maintain an established place of business that meets certain requirements described in the bill. The bill also requires that the established place of business of a new motor vehicle dealer or used motor vehicle dealer display an exterior sign that meets certain requirements described in the bill.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5033**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 6, 2021

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 5033.

As amended and reported, this bill authorizes motor vehicle dealers to sell motor vehicles online. Further, to facilitate the online sale of motor vehicles, this bill allows the buyer and the licensed motor vehicle dealer to acknowledge all motor vehicle transaction documents by electronic signature, as a valid and acceptable alternative to a traditional ink signature. Under the bill, an off-site sale of a motor vehicle does not include an online sale of a motor vehicle that meets the requirements under the bill.

The bill prohibits the Chief Administrator of the New Jersey Motor Vehicle Commission (commission) from refusing to accept electronically signed transaction documents and from requiring a notarized signature of any transaction documents completed by a licensed motor vehicle dealer. The bill also requires the commission to permit the use of digital signature technology for the signing of documents and other appropriate purposes and to allow documents to be submitted in electronic form if the documents pertain to the provisions of the “Motor Vehicle Transaction Modernization Act.”

The bill adds certain definitions and modifies the definition of a “used motor vehicle dealer” to provide that a person meets the definition of a used motor vehicle dealer if the person engages in the business of selling, buying, or dealing in four or more used motor vehicles per year at an established place of business. The bill prohibits a used motor vehicle dealer from engaging in the business of buying, selling, or dealing in new motor vehicles in New Jersey.

The bill requires a used motor vehicle dealer to maintain an established place of business that meets certain requirements described in the bill. The bill also requires that the established place of business of a new motor vehicle dealer or used motor vehicle dealer display an exterior sign that meets certain requirements described in the bill.

The committee amended the bill to update defined terms, increase requirements for licensees, and to include certain allowances for electronic signatures.

As amended and reported, Assembly Bill No. 5033 is identical to Senate Bill No. 3279, which was also amended and reported by the committee on this date.

STATEMENT TO  
**ASSEMBLY, No. 5033**

with Senate Floor Amendments  
(Proposed by Senator GOPAL)

ADOPTED: JUNE 3, 2021

These floor amendments add a definition for the term “authorized signatory” and revise other defined terms, clarify that a use motor vehicle dealer place of business is required to be located within the State, direct the New Jersey Motor Vehicle Commission to regulate the requirements for an established place of business, require leasing dealers to obtain a used car dealer license if the leading dealer wishes to sell a vehicle at the end of a lease term to a person other than the lessee, require licensees to have a stable Internet connection in their offices, and provide that licensees may only conduct online sales with inventory of a parent or affiliate if the parent or affiliate is licensed.

**SENATE, No. 3279**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED DECEMBER 14, 2020

**Sponsored by:**  
**Senator VIN GOPAL**  
**District 11 (Monmouth)**

**SYNOPSIS**

Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions.

**CURRENT VERSION OF TEXT**

As introduced.





1   **AN ACT** concerning the sale of motor vehicles by motor vehicle  
2       dealers, amending various parts of the statutory law, and  
3       supplementing Title 39 of the Revised Statutes.

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

7  
8       1. R.S.39:10-2 is amended to read as follows:

9       39:10-2. As used in this chapter unless other meaning is clearly  
10      apparent from the language or context, or unless inconsistent with  
11      the manifest intention of the Legislature:

12      "New motor vehicle" means only a newly manufactured motor  
13      vehicle, except a nonconventional type motor vehicle, and includes  
14      all such vehicles propelled otherwise than by muscular power, and  
15      motorcycles, motorized bicycles, trailers and tractors, and  
16      manufactured homes not subject to real property taxation pursuant  
17      to P.L.1983, c.400 (C.54:4-1.2 et seq.), excepting such vehicles as  
18      run only upon rails or tracks and manufactured homes subject to  
19      real property taxation.

20      "Used motor vehicle" means every motor vehicle and motorized  
21      bicycle, except a nonconventional type motor vehicle, title to, or  
22      possession of, which has been transferred from the person who first  
23      acquired it from the manufacturer or dealer, and so used as to  
24      become what is commonly known as "secondhand" within the  
25      ordinary meaning thereof, and includes every motor vehicle and  
26      motorized bicycle other than a "new motor vehicle," a  
27      "nonconventional type motor vehicle" or a manufactured home  
28      subject to real property taxation.

29      "Any motor vehicle," "every motor vehicle," or similar term,  
30      means both new and used motor vehicles, except a  
31      "nonconventional type motor vehicle."

32      "Nonconventional type motor vehicle" means every vehicle not  
33      designed or used primarily for the transportation of persons or  
34      property and only incidentally operated or moved over a highway,  
35      including, but not limited to, ditch-digging apparatus, well-boring  
36      apparatus, road and general purpose construction and maintenance  
37      machinery, asphalt spreaders, bituminous mixers, bucket loaders,  
38      ditchers, leveling graders, finishing machines, motor graders, road  
39      rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,  
40      drag lines, self-propelled cranes, earth-moving equipment, trailers  
41      and semitrailers which weigh less than 2,500 pounds, except that no  
42      mobile or manufactured home or travel trailer shall be classified as  
43      a nonconventional type motor vehicle, motorized wheelchairs,  
44      motorized lawn mowers, bogies, farm equipment having a factory  
45      shipping weight of less than 1,500 pounds, whether or not

**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 motorized, including farm tractors within said weight limitation,  
2 industrial tractors, scooters, go-carts, gas buggies and golf carts.  
3 The **【Director of Motor Vehicles】** Chief Administrator of the New  
4 Jersey Motor Vehicle Commission shall have power to make,  
5 amend and repeal regulations, not inconsistent with the provisions  
6 of this paragraph, prescribing what further vehicles or types of  
7 vehicles, not specified in this paragraph, shall be included in the  
8 category of nonconventional type motor vehicles.

9 "Motor vehicles which constitute inventory held for sale" means  
10 new motor vehicles and used motor vehicles held for the purpose of  
11 sale by new motor vehicle dealers and used motor vehicles held for  
12 the purpose of sale by used motor vehicle dealers, and excludes  
13 motor vehicles held for the purpose of lease or rental by a person  
14 engaged in the motor vehicle leasing or rental business.

15 "Manufacturer's or importer's certificate of origin" means the  
16 original written instrument or document required to be executed and  
17 delivered by the manufacturer to his agent or a dealer, or a person  
18 purchasing direct from the manufacturer, certifying the origin of the  
19 vehicle.

20 "Certificate of ownership" means the document issued in  
21 conformance with this chapter, certifying ownership of a motor  
22 vehicle, other than manufacturer's or importer's certificate of origin.

23 "Assignment" means the execution of a prescribed form  
24 transferring ownership of a motor vehicle from the person named  
25 therein to the purchaser.

26 "Contract" means conditional sale agreement, bailment, lease,  
27 chattel mortgage, trust receipt or any other form of security or  
28 possession agreement executed prior to January 1, 1963, wherein  
29 and whereby possession of a motor vehicle is delivered to the buyer  
30 and title therein is to vest in the buyer at a subsequent time upon the  
31 payment of part or all of the price, or upon the performance of any  
32 other condition or happening of any contingency, or upon the  
33 payment of a sum substantially equivalent to the value of the motor  
34 vehicle, by which contract it is agreed that the buyer is bound to  
35 become, or has the option of becoming, the owner of the motor  
36 vehicle upon full compliance with the terms of the contract.

37 "Abstract" means the duplicate copy of the original certificate of  
38 ownership recording any encumbrance or upon which the existence  
39 of a security interest is noted.

40 "Title papers" means any instrument or document that is  
41 evidence of ownership of a vehicle.

42 **【"Director" means the Director of Motor Vehicles, his deputy or**  
43 **duly authorized agent】**

44 "Chief Administrator" means the Chief Administrator of the  
45 New Jersey Motor Vehicle Commission.

46 "Manufacturer" means the person who originally manufactured  
47 the motor vehicle.

1       **["Dealer"** means the agent, distributor or authorized dealer of the  
2 manufacturer of the new motor vehicle, and who has an established  
3 place of business**】**

4       "Licensee" means any person that is licensed to buy, sell or deal  
5 in, or lease motor vehicles pursuant to R.S.39:10-19.

6       "Established place of business" means a permanent, properly  
7 identified location within the State where the books, records, and  
8 files necessary to buy, sell, or deal in motor vehicles are kept and  
9 maintained, including, but not limited to, all documents required by  
10 R.S.39:10-6, title papers, manufacturers' or importers' certificates  
11 of origin, motor vehicle registration records, contracts, security  
12 agreements, all payroll records, including, but not limited to, W4  
13 and W2 records, checkbooks, ledgers for business accounts and  
14 trust accounts, corporate authorities and licenses, dealer plates,  
15 ledgers listing all issued and unissued dealer assignments, and  
16 dealer plates.

17       "New motor vehicle dealer" means the agent, distributor, or  
18 authorized dealer of the manufacturer of the new motor vehicle who  
19 has an established place of business. A new motor vehicle dealer  
20 may engage in the business of buying, selling, or dealing in used  
21 motor vehicles in this State under the provisions of this chapter.

22       "Used motor vehicle dealer" means a person engaged in the  
23 business of selling, buying or dealing in four or more used motor  
24 vehicles【, and who has】 per year at an established place of  
25 business, but who is not a licensed new motor vehicle dealer. A  
26 used motor vehicle dealer shall engage only in the business of  
27 buying, selling, or dealing in used motor vehicles in this State under  
28 the provisions of this chapter and shall not engage in the business of  
29 buying, selling, or dealing in new motor vehicles in this State.

30       "Person" includes natural persons, firms or copartnerships,  
31 corporations, associations, or other artificial bodies, receivers,  
32 trustees, common law or statutory assignees, executors,  
33 administrators, sheriffs, constables, marshals, or other persons in  
34 representative or official capacity, and members, officers, agents,  
35 employees, or other representatives of those hereinbefore  
36 enumerated.

37       "Buyer" includes purchaser, debtor, lessee, bailee, transferee,  
38 and any person buying, attempting to buy, or receiving a motor  
39 vehicle subject to a security interest, lease, bailment or transfer  
40 agreement, and their legal successors in interest.

41       "Seller" means manufacturer, dealer, lessor, bailor, transferor  
42 with or without a security interest, and any other person selling,  
43 attempting to sell, or delivering a motor vehicle, and their legal  
44 successors in interest.

45       The terms "sell," 【or】 "sale," "buy," or "purchase" and any form  
46 thereof include absolute or voluntary sales and purchases,  
47 agreements to sell and purchase, bailments, leases, security  
48 agreements whereby any motor vehicles are sold and purchased, or

1 agreed to be sold and purchased, involuntary, statutory and judicial  
2 sales, inheritance, devise, or bequest, gift or any other form or  
3 manner of sale or agreement of sale thereof, or the giving or  
4 transferring possession of a motor vehicle to a person for a  
5 permanent use; continued possession for 60 days or more is to be  
6 construed as permanent use.

7 "Online sale" means buying, selling, or dealing in motor vehicles  
8 in this State over the Internet using electronic means.

9 "Electronic" means relating to technology having electrical,  
10 digital, magnetic, optical, electromagnetic, or similar capabilities.

11 "Manufacturer's number" means the original manufacturer's  
12 vehicle identification number die stamped upon the body, or frame,  
13 or either or both of them, of a motor vehicle or the original  
14 manufacturer's number die stamped upon the engine or motor of a  
15 motor vehicle.

16 "Purchaser" means a person who takes possession of a motor  
17 vehicle by transfer of ownership, either for use or resale, except a  
18 dealer when he takes possession through a certificate of origin.

19 "Debtor" means the person who owes payment or other  
20 performance of the obligation secured by a security interest in a  
21 motor vehicle.

22 "Security interest" means an interest in a motor vehicle which  
23 secures payment or other performance of an obligation.

24 "Security agreement" means an agreement which creates or  
25 provides for a security interest in a motor vehicle.

26 "Secured party" means a lender, seller or other person in whose  
27 favor there is a security interest.

28 "Gross vehicle weight rating" means the value specified by the  
29 manufacturer as the loaded weight of the single or combination  
30 vehicle and, if the manufacturer has not specified a value for a  
31 towed vehicle, means the value specified for the towing vehicle plus  
32 the loaded weight of the towed unit.

33 (cf: P.L.1990, c.115, s.4)

34  
35 2. R.S.39:10-19 is amended to read as follows:

36 39:10-19. No person shall engage in the business of buying,  
37 selling or dealing in motor vehicles in this State, nor shall a person  
38 engage in activity that would qualify the person as a leasing dealer,  
39 as defined in section 2 of P.L.1994, c.190 (C.56:12-61), unless: a.  
40 the person is a licensed real estate broker acting as an agent or  
41 broker in the sale of mobile homes without their own motor power  
42 other than recreation vehicles as defined in section 3 of  
43 P.L.1990, c.103 (C.39:3-10.11), or manufactured homes as defined  
44 in section 3 of P.L.1983, c.400 (C.54:4-1.4); or b. the person is  
45 authorized to do so under the provisions of this chapter and  
46 P.L.1985, c.361 (C.56:10-26 et seq.).

47 The chief administrator may, upon application in such form as  
48 the chief administrator prescribes, license any proper person as

1 **【such】** a new motor vehicle dealer, a used motor vehicle dealer or a  
2 leasing dealer. A licensed real estate broker shall be entitled to act  
3 as an agent or broker in the sale of a mobile or manufactured home  
4 as defined in subsection a. of this section without obtaining a  
5 license from the chief administrator. For the purposes of this  
6 chapter, a "licensed real estate broker" means a real estate broker  
7 licensed by the New Jersey Real Estate Commission pursuant to the  
8 provisions of chapter 15 of Title 45 of the Revised Statutes. Any  
9 sale or transfer of a mobile or manufactured home, in which a  
10 licensed real estate broker acts as a broker or agent pursuant to this  
11 section, which sale or transfer is subject to any other requirements  
12 of R.S.39:10-1 et seq., shall comply with all of those requirements.

13 No person who has been convicted of a crime, arising out of  
14 fraud or misrepresentation in the sale, leasing or financing of a  
15 motor vehicle, shall be eligible to receive a license. For the  
16 purposes of this section, each applicant for a license shall submit to  
17 the chief administrator the applicant's name, address, fingerprints,  
18 and written consent for a criminal history record background check  
19 to be performed. The chief administrator is hereby authorized to  
20 exchange fingerprint data with and receive criminal history record  
21 information from the State Bureau of Identification in the Division  
22 of State Police and the Federal Bureau of Investigation consistent  
23 with applicable State and federal laws, rules, and regulations, for  
24 purposes of facilitating determinations concerning licensure  
25 eligibility. The applicant shall bear the cost for the criminal history  
26 record background check, including all costs of administering and  
27 processing the check. The Division of State Police shall promptly  
28 notify the chief administrator in the event a current holder of a  
29 license or prospective applicant, who was the subject of a criminal  
30 history record background check pursuant to this section, is arrested  
31 for a crime or offense in this State after the date the background  
32 check was performed.

33 Each applicant for a new motor vehicle dealer license shall at the  
34 time such license is issued have established and maintained, or by  
35 that application shall agree to establish and maintain, within 90  
36 days after the issuance thereof, a place of business consisting of a  
37 permanent building not less than 1,000 square feet in floor space  
38 located in the State of New Jersey to be used principally for the  
39 servicing and display of motor vehicles with such equipment  
40 installed therein as shall be requisite for the servicing of motor  
41 vehicles in such manner as to make them comply with the laws of  
42 this State and with any rules and regulations made by the board  
43 governing the equipment, use, and operation of motor vehicles  
44 within the State. **【However, a leasing dealer, who is not engaged in**  
45 **the business of buying, selling, or dealing in motor vehicles in the**  
46 **State, shall not be required to maintain a place of business with**  
47 **floor space available for the servicing or display of motor vehicles**  
48 **or to have an exterior sign at the lessor's place of business.】**

1     Each applicant for a used motor vehicle dealer license shall at the  
2     time such license is issued maintain an established place of business  
3     consisting of a minimum office space of 72 square feet within a  
4     permanent, enclosed building located in the State of New Jersey,  
5     and where there are included or immediately contiguous, clearly  
6     identified, fixed facilities for the licensee to display at least two  
7     automobiles.

8     An established place of business of a new motor vehicle dealer  
9     or a used motor vehicle dealer shall display an exterior sign  
10    permanently affixed to the land or building, which sign is consistent  
11    with local ordinances and has letters easily readable from the major  
12    avenues of traffic. The sign shall include the dealer name or trade  
13    name, provided such trade name has been previously disclosed to  
14    the chief administrator.

15    A license fee of \$200 shall be paid by an applicant upon the  
16    applicant's initial application for a license. The chief administrator  
17    may renew an applicant's license upon application for renewal on a  
18    form prescribed by the chief administrator and accompanied by a  
19    renewal fee of \$200. Every license shall expire 24 months from the  
20    date on which it is issued. The chief administrator may, at the chief  
21    administrator's discretion and for good cause shown, extend an  
22    applicant's license for an additional period not to exceed 12 months  
23    from the date on which it is scheduled to expire. The chief  
24    administrator may, at the chief administrator's discretion and for  
25    good cause shown, issue a license which shall expire on a date fixed  
26    by the chief administrator. The fee for licenses with an expiration  
27    date fixed by the chief administrator shall be fixed by the chief  
28    administrator in an amount proportionately less or greater than the  
29    fee established herein.

30    For the purposes of this section, a leasing dealer or an assignee  
31    of a leasing dealer whose leasing activities are limited to buying  
32    motor vehicles for the purpose of leasing them and selling motor  
33    vehicles at the termination of a lease shall not be deemed to be  
34    engaged in the business of buying, selling, or dealing in motor  
35    vehicles in this State. A leasing dealer, who is not engaged in the  
36    business of buying, selling, or dealing in motor vehicles in the  
37    State, shall not be required to maintain a place of business with  
38    floor space available for the servicing or display of motor vehicles  
39    or have an exterior sign at the lessor's place of business.

40    (cf: P.L.2015, c.24, s.1)

42    3. Section 1 of P.L.2005, c.351 (C.39:10-19.1) is amended to  
43    read as follows:

44    1. As used in this act:

45    "Off-site sale" means the display and sale of new or used  
46    recreational vehicles by a recreational vehicle dealer, or used motor  
47    vehicles registered in New Jersey by a used motor vehicle dealer,  
48    licensed under the provisions of R.S.39:10-19, at a location other

1 than the dealer's established place of business. An "off-site sale"  
2 includes any off-site display of vehicles at which a recreational  
3 vehicle or used motor vehicle dealer has a sales person or employee  
4 present. For the purposes of this act, "off-site sale" does not  
5 include:

6 a. An off-site display of vehicles at which a recreational  
7 vehicle or used motor vehicle dealer has no sales personnel present;

8 b. The sale of a vehicle at an auction at which only wholesale  
9 purchases are permitted; **[or]**

10 c. The use of telephones, telephone call-forwarding, email,  
11 internet websites or other internet communications which allow a  
12 licensed dealer or dealership employee to communicate with  
13 customers while either the customer or the dealer or employee  
14 thereof is not present at the licensed physical location of the  
15 dealership, provided the contract for the sale of a vehicle is  
16 finalized and the sale transaction completed at the licensed location;  
17 or

18 d. An online sale authorized pursuant to section 4 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill).

20 "Sponsoring organization" means:

21 a. a credit union, automobile club, or other such not for profit  
22 organization or entity that makes the opportunity to attend and  
23 purchase a motor vehicle at an off-site sale available to its  
24 members; or

25 b. a trade show coordinator, or other such organization, entity,  
26 or individual that makes the opportunity to attend and purchase a  
27 recreational vehicle at an off-site sale available to ticketed  
28 individuals.

29 (cf: P.L.2007, c.335, s.25)

30  
31 4. (New section) a. A licensee may conduct online sales of  
32 motor vehicles anywhere in this State in accordance with this  
33 chapter subject to the additional requirements set forth in subsection  
34 b. of this section.

35 b. In addition to meeting the requirements set forth in this  
36 chapter for engaging in the business of buying, selling, and dealing  
37 in motor vehicles in this State, licensees conducting online sales of  
38 motor vehicles in this State shall meet the following requirements:

39 (1) Licensees may keep and maintain non-physical, electronic  
40 records of online sales of motor vehicles, but the records shall be  
41 kept and maintained in a format that allows immediate inspection  
42 and examination by the chief administrator or his or her agent; and

43 (2) Licensees shall only conduct online sales of motor vehicles  
44 that constitute inventory held for sale by the licensee or a parent or  
45 affiliate thereof.

46  
47 5. (New section) Sections 5 through 8 of P.L. , c.  
48 (C. through C. ) (pending before the Legislature as this

1 bill) shall be known and may be cited as the “Motor Vehicle  
2 Transaction Modernization Act.”

3  
4 6. (New section) As used in sections 5 through 8 of P.L. , c.  
5 (C. through C. ) (pending before the Legislature as this  
6 bill):

7 “Buyer” includes a purchaser, debtor, lessee, bailee, transferee,  
8 and any person buying, attempting to buy, or receiving a motor  
9 vehicle subject to a security interest, lease, bailment or transfer  
10 agreement, or their legal successors in interest.

11 “Electronic” means relating to technology having electrical,  
12 digital, magnetic, optical, electromagnetic, or similar capabilities.

13 “Electronic signature” means an electronic symbol, sound, or  
14 process attached to, or logically associated with, a record and  
15 executed or adopted by an individual with the intent to sign the  
16 record.

17 “Licensee” means any natural person or entity that is licensed to  
18 buy, sell or deal in, on lease motor vehicles pursuant to R.S.39:10-  
19 19.

20 “Motor vehicle transaction” means any “sale,” “purchase,” or  
21 “online sale” as those terms are defined pursuant to R.S.39:10-2 or  
22 any lease as defined pursuant to section 2 of P.L.1994, c.190  
23 (C.56:12-61), conducted by a licensee.

24 “Transaction documents” means any documents required to  
25 complete the sale or lease of a motor vehicle in the State, including,  
26 but not limited to, title papers, manufacturers’ or importers’  
27 certificates of origin, contracts, security agreements, assignments,  
28 abstracts, or any other documents required by chapters 3 and 10 of  
29 Title 39 of the Revised Statutes. Transaction documents shall also  
30 include, but not be limited to, any powers of attorney granted by a  
31 buyer to a licensee for purposes of execution of any other  
32 transaction documents.

33  
34 7. (New section) a. Notwithstanding any provision of law  
35 or regulation to the contrary, during a motor vehicle transaction  
36 conducted by a licensee, the buyer and licensee may execute and  
37 acknowledge all transaction documents by electronic signature.

38 b. When executing transaction documents, an electronic  
39 signature shall be attributable to a person if it is the action of the  
40 person. The act of the person may be shown in any manner,  
41 including a showing of the efficacy of any security procedure  
42 applied to determine the person to which the electronic signature is  
43 attributable.

44 c. The effect of an electronic signature attributed to a person  
45 under subsection b. of this section shall be determined from the  
46 context and surrounding circumstances at the time of the creation,  
47 execution, or adoption of the electronic signature, including the  
48 parties’ agreement, if any, and as otherwise provided by law.



1 d. Nothing in sections 5 through 8 of P.L. , c.  
2 (C. through C. ) (pending before the Legislature as this  
3 bill) shall mandate the use of electronic signatures or require buyers  
4 and licensees to provide electronic signatures. An electronic  
5 signature shall be a valid and acceptable alternative to a traditional  
6 ink signature for the purposes of executing transaction documents.

7 e. The Chief Administrator of the New Jersey Motor Vehicle  
8 Commission shall not reject transaction documents submitted by a  
9 licensee on the basis that such documents bear electronic signatures.

10  
11 8. (New section) Notwithstanding any provision of law or  
12 regulation to the contrary, during a motor vehicle transaction  
13 conducted by a licensee, the Chief Administrator of the New Jersey  
14 Motor Vehicle Commission shall not require a notarized signature  
15 on any transaction documents.

16  
17 9. Section 1 of P.L.1999, c.149 (C.39:2-3.8) is amended to read  
18 as follows:

19 1. a. Whenever any law, rule or regulation requires or permits  
20 documents or information to be prepared by or submitted to the  
21 **【Division of Motor Vehicles in the Department of Transportation】**  
22 New Jersey Motor Vehicle Commission, the **【director】** chief  
23 administrator may permit the documents or information to be  
24 prepared by or submitted to the **【division】** commission in electronic  
25 or digital form, or processed electronically, except that the  
26 commission shall permit documents or information related to the  
27 “Motor Vehicle Transaction Modernization Act” pursuant to  
28 sections 5 through 8 of P.L. , c. (C. through C. )  
29 (pending before the Legislature as this bill) to be prepared by or  
30 submitted to the commission in electronic or digital form, or  
31 processed electronically. In no event shall an individual be required  
32 to submit documents or information only in electronic or digital  
33 form; nor shall documents or information be made available to an  
34 individual only in electronic or digital form. Submission in  
35 electronic or digital form **【may】** shall be permitted pursuant to this  
36 section notwithstanding that any law, rule or regulation requires  
37 documents or information to be written or to be submitted in  
38 writing, specifies that documents or information be signed,  
39 certified, verified or witnessed, or otherwise explicitly or implicitly  
40 requires the preparation or submission of documents or information  
41 on paper or in written form. As used in this subsection,  
42 "individual" means a natural person.

43 b. The **【director】** chief administrator, after consultation with  
44 the State Records Committee **【in the Department of State】**, shall  
45 adopt, pursuant to the "Administrative Procedure Act,"  
46 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations specifying how  
47 the signature, verification, certification, witnessing or other formal

1 requirements shall be met with respect to documents or information  
2 permitted to be prepared or submitted in electronic or digital form  
3 pursuant to this section and specifying such additional safeguards as  
4 the **【director】** chief administrator deems necessary to protect the  
5 privacy, and prevent improper access to or disclosure, of any  
6 personal information as defined in section 1 of P.L.1997, c.188  
7 (C.39:2-3.3) that may be transmitted in an electronic or digital  
8 form, or processed electronically. Regulations adopted pursuant to  
9 this subsection **【may】** shall permit the use of digital signature  
10 technology for the signing of documents and other appropriate  
11 purposes. If necessary, the chief administrator may adopt  
12 regulations to implement the provisions of P.L. , c. (C. )  
13 (pending before the Legislature as this bill) not later than 60 days  
14 after the effective date of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).  
16 (cf: P.L.1999, c.149, s.1)

17  
18 10. This act shall take effect immediately.  
19  
20

## 21 STATEMENT

22  
23 This bill authorizes motor vehicle dealers to sell motor vehicles  
24 online. Further, to facilitate the online sale of motor vehicles, this  
25 bill allows the buyer and the licensed motor vehicle dealer to  
26 acknowledge all motor vehicle transaction documents by electronic  
27 signature, as a valid and acceptable alternative to a traditional ink  
28 signature. Under the bill, an off-site sale of a motor vehicle does  
29 not include an online sale of a motor vehicle that meets the  
30 requirements under the bill.

31 The bill prohibits the Chief Administrator of the New Jersey  
32 Motor Vehicle Commission (commission) from refusing to accept  
33 electronically signed transaction documents and from requiring a  
34 notarized signature of any transaction documents completed by a  
35 licensed motor vehicle dealer. The bill also requires the  
36 commission to permit the use of digital signature technology for the  
37 signing of documents and other appropriate purposes and to allow  
38 documents to be submitted in electronic form if the documents  
39 pertain to the provisions of the “Motor Vehicle Transaction  
40 Modernization Act.”

41 The bill adds certain definitions and modifies the definition of a  
42 “used motor vehicle dealer” to provide that a person meets the  
43 definition of a used motor vehicle dealer if the person engages in  
44 the business of selling, buying, or dealing in four or more used  
45 motor vehicles per year at an established place of business. The bill  
46 prohibits a used motor vehicle dealer from engaging in the business  
47 of buying, selling, or dealing in new motor vehicles in New Jersey.

1       The bill requires a used motor vehicle dealer to maintain an  
2       established place of business that meets certain requirements  
3       described in the bill. The bill also requires that the established  
4       place of business of a new motor vehicle dealer or used motor  
5       vehicle dealer display an exterior sign that meets certain  
6       requirements described in the bill.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 3279**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 6, 2021

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3279.

As amended and reported, this bill authorizes motor vehicle dealers to sell motor vehicles online. Further, to facilitate the online sale of motor vehicles, this bill allows the buyer and the licensed motor vehicle dealer to acknowledge all motor vehicle transaction documents by electronic signature, as a valid and acceptable alternative to a traditional ink signature. Under the bill, an off-site sale of a motor vehicle does not include an online sale of a motor vehicle that meets the requirements under the bill.

The bill prohibits the Chief Administrator of the New Jersey Motor Vehicle Commission (commission) from refusing to accept electronically signed transaction documents and from requiring a notarized signature of any transaction documents completed by a licensed motor vehicle dealer. The bill also requires the commission to permit the use of digital signature technology for the signing of documents and other appropriate purposes and to allow documents to be submitted in electronic form if the documents pertain to the provisions of the “Motor Vehicle Transaction Modernization Act.”

The bill adds certain definitions and modifies the definition of a “used motor vehicle dealer” to provide that a person meets the definition of a used motor vehicle dealer if the person engages in the business of selling, buying, or dealing in four or more used motor vehicles per year at an established place of business. The bill prohibits a used motor vehicle dealer from engaging in the business of buying, selling, or dealing in new motor vehicles in New Jersey.

The bill requires a used motor vehicle dealer to maintain an established place of business that meets certain requirements described in the bill. The bill also requires that the established place of business of a new motor vehicle dealer or used motor vehicle dealer display an exterior sign that meets certain requirements described in the bill.

The committee amended the bill to update defined terms, increase requirements for licensees, and to include certain allowances for electronic signatures.

As amended and reported, Senate Bill No. 3279 is identical to Assembly Bill No. 5033, which was also amended and reported by the committee on this date.

**ASSEMBLY BILL NO. 5033**  
**(Second Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 5033 (Second Reprint) with my recommendations for reconsideration.

Assembly Bill No. 5033 (Second Reprint) seeks to modernize how we buy and sell cars in New Jersey, primarily by facilitating online transactions. First, the bill amends statutory requirements and definitions related to motor vehicle dealers, enabling licensed dealers in New Jersey to sell cars online and augmenting the regulatory oversight capacity of the Motor Vehicle Commission ("MVC"). Second, the bill will allow buyers and licensed dealers to execute and submit powers of attorney with electronic signatures instead of "wet" signatures and eliminates the notarization requirement for those documents. Third, the bill requires MVC to begin accepting other motor vehicle transaction documents, such as titles and mileage disclosures, electronically within 24 months.

I commend the bill's sponsors for their sustained efforts to make buying a car as simple and as painless as possible, while also ensuring that MVC has sufficient authority and resources to combat fraud and punish bad actors. Online sales, electronic signatures, and, eventually, electronic titles will make purchasing a car more convenient and less expensive, and I am proud to help make these changes a reality.

Nevertheless, because our State's car titling system is currently paper-based, the best way of achieving the bill's goals while complying with federal law and maintaining security against fraud is for MVC to implement a fully electronic titling system. I am therefore recommending amendments to provide MVC the flexibility to implement an electronic titling system and to ensure the bill's consistency and accuracy in light of those changes.

To be clear, my recommended amendments do not change the structure, outcomes, or key timelines envisioned in Assembly Bill No. 5033 (Second Reprint). Immediately upon enactment, MVC will be able to accept

electronically signed, non-notarized powers of attorney for motor vehicle sales conducted by licensed dealers, unless otherwise prohibited by federal law. Per both the bill's original text and my recommended amendments, MVC will adopt rules and establish a fully electronic titling system – to enable the electronic submission and receipt of all motor vehicle transaction documents for new motor vehicles – within 24 months. This timeline does not extend to used motor vehicle transactions, as MVC may need additional time to adapt the electronic titling system to cover used motor vehicles given the additional complexities and higher potential for fraud involved in these transactions. My recommended revisions will also enable MVC to facilitate electronic instead of paper-based notification, and recording, transfer, and release of security interests and title information by motor vehicle lienholders, which will make motor vehicle financing and refinancing more efficient.

Therefore, I herewith return Assembly Bill No. 5033 (Second Reprint) and recommend that it be amended as follows:

|   |  |
|---|--|
| <u>Page 10, Section 5, Line 10:</u>     | Delete "on" and insert "or"  |
| <u>Page 10, Section 5, Lines 16-24:</u> | Delete in their entirety   |
| <u>Page 10, Section 6, Line 31:</u>     | Delete "all"   |
| <u>Page 10, Section 6, Line 34:</u>     | After "documents" insert "pursuant to this section"  |
| <u>Page 10, Section 6, Line 44:</u>     | After "signatures" insert "permitted under this section"   |
| <u>Page 11, Section 6, Line 4:</u>      | After "signatures" insert "on power of attorney documents"   |
| <u>Page 11, Section 6, Line 7:</u>      | After "documents" insert "executed in accordance with this section"  |
| <u>Page 11, Section 6, Line 10:</u>     | After "licensee" insert "in accordance with this section"  |
| <u>Page 11, Section 6, Line 11:</u>     | After "." insert "Nothing in this section shall permit the electronic execution of any documents for the purpose of mileage disclosure subject to R.S. 39:10-9 or the federal Truth in Mileage Act of 1986, Pub.L.99-579 (49 U.S.C. § s.32705) unless authorized by the chief administrator by regulations adopted pursuant to section 8 of P.L. , c. (C. )" |

(pending before the Legislature as this bill)."

Page 11, Section 7, Line 17:

Delete "transaction documents" and insert "electronically signed power of attorney permitted by section 6 of P.L. , c. (C. ) (pending before the Legislature as this bill)."

Page 11, Section 8, Line 19:

Delete "90 days" and insert "24 months"

Page 11, Section 8, Line 22:

Delete "engage with the industry to update" and insert ", in accordance with the 'Administrative Procedure Act,' P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to establish and administer a system to permit new motor vehicle sales transaction documents to be prepared by or submitted to the commission in electronic form, or processed electronically in compliance with R.S. 39:10-1 et seq., the federal Truth in Mileage Act of 1986, Pub. L.99-579 (49 U.S.C. s.32705), and the regulations promulgated pursuant to the federal Truth in Mileage Act of 1986, Pub. L. 99-579 (49 U.S.C. s.32705).

The chief administrator shall, by regulations adopted pursuant to this section, establish a schedule to permit used motor vehicle sales transaction documents to be prepared by or submitted to the commission in electronic form, or processed electronically, in compliance with R.S. 39:10-1 et seq., the federal Truth in Mileage Act of 1986, Pub. L.99-579 (49 U.S.C. s.32705), and the regulations promulgated pursuant to the federal Truth in Mileage Act of 1986, Pub. L. 99-579 (49 U.S.C. s.32705).

Notwithstanding the provisions of P.L.2017, c.308 (C.39:10-11.2 to -11.6) to the contrary, the system established by the commission pursuant to this section shall include the notification, recording, transfer, and release of security interests and title information by the lienholders of motor vehicles in lieu of a paper-based system used for those purposes."

Page 11, Section 8, Lines 23-27:

Delete in their entirety



|   |   |
|---|---|
| <u>Page 11, Section 9, Line 37:</u>     | Delete ", except that the"  |
| <u>Page 11, Section 9, Lines 38-42:</u> | Delete in their entirety  |
| <u>Page 11, Section 9, Line 43:</u>     | Delete "processed electronically"   |
| <u>Page 11, Section 9, Line 47:</u>     | Delete "shall" and insert "may"   |
| <u>Page 12, Section 9, Line 11:</u>     | After "specifying" insert "how the signature, verification, certification, witnessing or other formal requirements shall be met with respect to documents or information permitted to be prepared or submitted in electronic or digital form pursuant to this section and specifying such additional safeguards as the chief administrator deems necessary to protect the privacy, and prevent improper access to or disclosure, of any personal information as defined in section 1 of P.L.1997, c.188 (C.39:2-3.3) that may be transmitted in an electronic or digital form, or processed electronically" |
| <u>Page 12, Section 9, Lines 20-22:</u> | Delete in their entirety  |
| <u>Page 12, Section 9, Line 23:</u>     | Delete "s.580.1 et seq. for Assurance Level 2"  |
| <u>Page 12, Section 9, Line 24:</u>     | Delete "shall" and insert "may"   |
| <u>Page 12, Section 9, Line 26:</u>     | Delete "If necessary, the chief administrator may"  |
| <u>Page 12, Section 9, Lines 27-35:</u> | Delete in their entirety  |
| [seal]                                  | Respectfully,   |
|   | /s/ Philip D. Murphy  |
|   | Governor  |

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

# Governor Murphy Takes Action on Legislation

11/8/2021

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

**S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttie)** – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

**S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce)** – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

**SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley)** – Requires residential landlords to install covers on steam radiators upon request of tenant

**S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttie)** – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

**S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttie)** – Requires certain student identification cards to contain telephone number for suicide prevention hotline

**SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley)** – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

**S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli)** – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

**S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy)** – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

**S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway)** – Requires public water systems to offer drinking water tests to customers in certain circumstances

**S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttie)** – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

**S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson)** – Permits counties and municipalities to bond for alternative fuel vehicles

**S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin)** – Concerns disclosure of certain information prior to sale of real estate

**S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly)** – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

**S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey)** – Authorizes imposition of fee for connection to municipal electric distribution system

**S-1259/A-2628 (Singleton/Murphy)** – Concerns labor contractors

**S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker)** – Prohibits sale of cosmetic products that have been tested on animals

**S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttie, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission's senior citizen housing recommendations

**S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property

**S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services

**S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttie)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program

**S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttie, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes

**S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology

**S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs

**S-3318/A-5893 (Sweeney, Pou/Vainieri Huttie, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey

**S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions

**S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university

**S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation

**SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as "Gun Violence Awareness Day"

**SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttie)** – Condemns hate and violent extremism and commits to defense of safe and just democracy

**A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge

**A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses

**A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities

**A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development

**ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

**A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal)** – Increases fee for New Jersey Waterfowl Stamps

**A-4138/S-2701 (Vainieri Huttie, Benson, Giblin/Gopal, Codey)** – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

**A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari)** – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

**A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale)** – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

**A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco)** – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

**A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey)** – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

**A-4633/S-2856 (Giblin, DeCroce/Pou)** – Permits certain nonresident Certified Public Accountants to provide attest services

**A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari)** – Clarifies classification in this State of criminal offenses committed in other states or under federal law

**A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner)** – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

**A-4861/S-3041 (Vainieri Huttie, Armato, Verrelli/Vitale, Gopal)** – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

**A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden)** – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

**A-5059/S-3031 (Conaway, Vainieri Huttie, Benson/Sweeney, Vitale)** – Requires DOH to establish certain nursing education and professional advancement programs

**A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan)** – Permits dentists to administer vaccines under certain circumstances

**A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal)** – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

**A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan)** – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

**A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan)** – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

**AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean)** – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

**AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton)** – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

**S-108/A-169 (Gill, Turner/Caputo, Wirths)** – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

### Copy of Statement

**S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttie) – CONDITIONAL** - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

### Copy of Statement

**S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL** - Creates special education unit within the Office of Administrative Law; requires annual report

### Copy of Statement

**S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL** - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

### Copy of Statement

**S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL** - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

### Copy of Statement

**S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL** - Mandates training on culturally responsive teaching for all candidates for teaching certification

### Copy of Statement

**S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL** - Expands scope of inmate reentry assistance and benefits

### Copy of Statement

**S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL** - Establishes New Jersey Easy Enrollment Health Insurance Program

### Copy of Statement

**S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL** - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

### Copy of Statement

**S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttie) – CONDITIONAL** - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

### Copy of Statement

**S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL** - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

### Copy of Statement

**A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL** - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

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**A-2455/S-2204 (Benson, Vainieri Huttie, DeAngelo/Greenstein, Oroho) – CONDITIONAL** - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

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**A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL** - Establishes three year Financial Empowerment Pilot Program

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**A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL** - Allows deduction of promotional gaming credit from gross revenue on sports wagering

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**A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL** - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

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**A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL** - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

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**A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL** - Concerns labor harmony agreements in retail and distribution center projects

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**A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL** - Requires that certain provider subsidy payments for child care services be based on enrollment

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**A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL** - Requires disclosure letter be included with mail falsely implying State government connection

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**A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL** - Establishes expedited construction inspection program

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**A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL** - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

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**A-5353/S-3421 (Conaway, Vainieri Huttie, Benson/Madden, Turner) – CONDITIONAL** - Provides for certification of temporary nurse aides

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**A-5599/S-3916 (Chiaravalloti, Vainieri Huttie, McKnight/Scutari, Gill) – CONDITIONAL** - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

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**A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL** - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

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Governor Murphy absolute vetoed the following bills:

**S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE** - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

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**S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL** - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

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**S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE** - Revises law relating to common interest communities

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**S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE** - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

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**S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsens) – ABSOLUTE** - Establishes county-based mitigation plan to allow businesses to operate during pandemic

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**S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE** - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

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**S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE** - Concerns construction code enforcing agency fee revenue

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**A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE** - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

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**A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE** - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

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**A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE** - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

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# Governor Murphy Takes Action on Legislation

01/18/2022

**TRENTON** – Governor Murphy today signed the following bills:

**S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttie, Wimberly, Mosquera, Downey, Chiaravalloti)** – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

**S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttie, Downey, Mosquera, Lampitt, Benson)** - Establishes mandatory domestic violence training for municipal prosecutors

**S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji)** – Adjusts statute of limitations on damage claim for construction defect in common interest communities

**S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttie, Downey)** – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

**SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez)** – Revises reporting requirements for charitable organizations and non-profit corporations

**S-867/A-2316 (Pou/Jimenez, Giblin, Johnson)** – Permits physical therapists to perform dry needling under certain circumstances

**S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy)** – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

**S-969wGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen)** – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

**S-994/A-6248 (Sweeney, Singleton/Lopez)** – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

**SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson)** – Restricts use of neonicotinoid pesticides

**S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo)** – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

**S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer)** – “New Jersey Insurance Fair Conduct Act”

**S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttie)** – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

**S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey)** – Creates special education unit within the Office of Administrative Law; requires annual report

**SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon)** – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

**S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake)** – “21st Century Integrated Digital Experience Act”

**S-2830/A-5291 (Ruiz, Singleton/Quijano)** – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

**S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey)** – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

**S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji)** – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

**S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttie, Quijano, Verrelli)** – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

**S-3081/A-5219 (Singleton/McKeon, Dunn)** – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

**S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttie, Giblin)** – Creates NJ Legislative Youth Council

**S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji)** – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

**S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake)** – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

**S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space)** – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

**S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman)** – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

**S-3493/A-5458 (Vitale, Gill/Vainieri Huttie, Mukherji, McKnight)** – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

**S-3539/A5409 (T. Kean, Gopal/Houghtaling)** – Directs DEP to establish grant program for local governments to support development of community gardens

**S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli)** – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

**S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight)** – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

**S-3673/A-6219 (Gopal, Greenstein/Burzichelli)** – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

**S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji)** – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

**S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttie, Downey, Zwicker)** – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

**S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak)** – Establishes Commission on Asian American Heritage in DOE

**S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano)** – "Responsible Collective Negotiations Act"

**S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak)** – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

**S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttie, DeAngelo)** – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

**S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson)** – Establishes database of certain appointed positions and elected offices

**S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter)** – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

**S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley)** – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

**S-4043/A-6005 (Cunningham/Jasey, Greenwald)** – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

**S-4063/A-6220 (Sweeney/Giblin, Egan)** – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

**S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick)** – Revises elective pass-through entity business alternative income tax

**S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter)** – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

**SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker)** – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

**S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer)** – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

**S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin)** – Concerns apprenticeship programs of public works contractors

**S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji)** – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

**S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker)** – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

**S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji)** – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

**S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez)** – Limits fees charged to patients and authorized third parties for copies of medical and billing records

**S-4252/A-6182 (Madden/Murphy, Chaparro)** – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

**A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio)** – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

**A-798/S-52 (Verrelli, Vainieri Huttie, Armato/Singer, Greenstein)** – Establishes local drug overdose fatality review teams

**A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou)** – Requires certain retailers to train employees on gift card fraud

**A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou)** – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

**A-953/S-4031 (Karabinchak, Houghtaling/Pou)** – Requires architects disclose insurance coverage

**ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttie/Ruiz, Beach, Singleton)** – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

**A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio)** – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

**A-1219wGR/S-1054 (Chaparro, McKnight/Stack)** – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

**A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttie, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton)** – Requires DCA to make information on homeless prevention programs and services available on its Internet website

**A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal)** – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

**A-1663/S-1842 (Quijano, Vainieri Huttie, Karabinchak/Cryan, Scutari)** – Establishes “New Jersey Nonprofit Security Grant Program”

**A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou)** – Establishes Statewide database of beds in shelters for the homeless

**A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack)** – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

**A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack)** – Concerns information on property condition disclosure statement

**A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal)** – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

**A-2877/S-1149 (Dancer, Vainieri Huttie, Reynolds-Jackson/Ruiz)** – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

**A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal)** – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

**A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach)** – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

**A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco)** – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

**A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou)** – “Defense Against Porch Pirates Act”; amends theft statute

**A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner)** – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

**A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo)** – Allows deduction of promotional gaming credit from gross revenue on sports wagering

**A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith)** – Creates program in Department of Agriculture for deer fencing on certain farmland

**A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer)** – Establishes minimum Medicaid reimbursement rate for adult medical day care services

**A-4241/S-2894 (Downey, Vainieri Huttie, Murphy/Pou)** – Requires DHS to conduct biennial survey of SNAP experience

**ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan)** – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

**A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein)** – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

**A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz)** – Establishes Student Wellness Grant Program in DOE

**A-4478/S2759 (Vainieri Huttie, Speight, Schepisi, DeCroce/Vitale, Madden)** – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

**A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner)** – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

**ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner)** – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

**A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton)** – Expands offenses eligible for expungement upon successful discharge from drug court

**A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach)** – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

**A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal)** – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

**ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco)** – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

**A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman)** – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

**A-5294/S-3418 (Speight, Vainieri Huttie, Verrelli/Gopal, Madden)** – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

**A-5296/S-3426 (Speight, Vainieri Huttie, McKnight/T. Kean, Schepisi)** – Provides for employment by State of certain persons with disabilities

**A-5322/S-3433 (Mosquera, Vainieri Huttie, DePhillips/Cruz-Perez, T. Kean)** – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

**A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden)** – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

**A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach)** – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

**A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden)** – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

**A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan)** – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

**A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan)** – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

**A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon)** – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

**A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal)** – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

**A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey)** – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

**A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham)** – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

**A-6073/S-4140 (Verrelli/Vitale)** – Temporarily waives certain basic life support services crewmember requirements

**A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal)** – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

**A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden)** – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

**A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal)** – Permits volunteer paramedics to operate within mobile intensive care units

**A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari)** – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

**A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou)** – Revises penalties for transfer of certain professional and occupational licenses

**A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz)** – Revises and renames Office of Food Insecurity Advocate

**A-6162/S-4246 (Benson, Stanley/Gopal)** – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

**A-6205/S-4270 (Coughlin, McKeon/Pou)** – Amends certain requirements concerning insurance holding companies

**A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho)** – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

**A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney)** – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

**A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez)** – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

**A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho)** – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

**A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein)** – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

**A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein)** – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

**A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado)** – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith)** – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith)** – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

**A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein)** – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

**A-6246/S-4295 (Karabinchak/Sweeney)** – Concerns changes in control of hotels and disruptions of hotel services

**A-6257/S-4311 (McKnight/Sweeney, Singleton)** – Imposes surcharge on casino hotel occupancies to fund public safety services

**A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances



**A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Appropriates \$2 million to Legislative Services Commission

**Governor Murphy pocket vetoed the following bills:**

**S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight)** – Establishes requirements for sale of cottage food products

**S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight)** – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

**S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy)** – Authorizes use of disability benefits for transportation provided by transportation network companies

**S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy)** – Requires paint producers to implement or participate in paint stewardship program

**S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter)** – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

**S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji)** – Revises out-of-network arbitration process

**S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn)** – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

**S-3715/A-5804 (Cryan/Quijano, Mukherji)** – Modifies certain definitions related to transient accommodation taxes and fees

**S-4189/A-6112 (Vitale, Cruz-Perez/Lopez)** – Permits PERS retiree to return to elective public office after retirement under certain circumstances

**A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon)** – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

**A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach)** – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

**A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho)** – Provides temporary exemption under sales and use tax for winterizing certain small business operations

**A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean)** – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

**A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana)** – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

**A-6033/S-4194 (Bramnick/Sweeney, T. Kean)** – Classifies golf caddies as independent contractors for purposes of State employment laws

**A-6157/S-4202 (Speight, Moen/Ruiz, Beach)** – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

