

39:10-11

LEGISLATIVE HISTORY CHECKLIST

(Title reassignment certificates, attach to certificates of ownership when sending to Motor Vehicles Dept.)

NJSA 39:10-11

LAWS 1982

CHAPTER 27

Bill No. A761

Sponsor(s) Karcher

Date Introduced Feb. 1, 1982

Committee: Assembly _____

Senate _____

Amended during passage XXX

NoSubstituted for S910 (not attached since identical to A761 Senate statement to S910 attached)

Date of Passage: Assembly Feb. 8, 1982

Senate Feb. 25, 1982

Date of approval April 29, 1982

Following statements are attached if available:

Sponsor statement	Yes	XXX
Committee Statement:	Assembly	XXX No
	Senate	XXX No
Fiscal Note	XXX	No
Veto Message	XXX <i>NO</i>	XXX
Message on signing	XXX <i>YES</i>	XXX

Following were printed:

Reports	XXX	No
Hearings	XXX	No

6/22/81

ASSEMBLY, No. 761

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman KARCHER

(Without Reference)

AN ACT concerning submission of proof of the purchase of motor vehicles and amending R. S. 39:10-11.

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

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

2 39:10-11. A. The purchaser of a motor vehicle in this State, *other*
3 *than a dealer licensed pursuant to the provisions of R. S. 39:10-19*
4 *shall, within 10 working days after its purchase, submit to the*
5 *director evidence of the purchase. Upon presentation to the director*
6 *of the certificate of origin, or certificate of ownership, or bill of*
7 *sale issued prior to October 1, 1946, with proper assignment and*
8 *certification of the seller, a record of the transaction shall be made*
9 *and filed. A certificate of ownership shall be issued by the director*
10 *and delivered to the buyer, in case of a sale not subject to a security*
11 *interest, and the director shall collect a fee of \$4.00 for the issuance*
12 *and filing thereof.*

13 B. In the case of a sale subject to a security interest, a certificate
14 of ownership, with the name and address of the holder of the
15 encumbrance or secured party or his assignee recorded thereon,
16 shall be delivered to the holder of the encumbrance or secured party
17 or his assignee and a copy thereof shall be delivered to the buyer.
18 The director shall collect a fee of \$4.00 for his services in issuing
19 a certificate and copy thereof, and for making a record of and
20 filing the record of the transaction pursuant to this subsection.

21 C. Except as hereinafter in this section otherwise expressly
22 provided, whenever a security interest is created in a motor vehicle,
23 other than a security interest which is required to be noted on the
24 certificate of origin or the certificate of ownership as provided in
25 **[sections] R. S. 39:10-8 and R. S. 39:10-9 [of this Title]**, there
26 shall be filed with the director, the certificate of ownership of the
27 motor vehicle, together with a financing statement on a form pre-

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

28 scribed by the director. The director shall make and file a record
29 of the transaction and shall issue a certificate of ownership record-
30 ing the name and address of the secured party or his assignee
31 thereon, and shall deliver it to the secured party or his assignee.
32 A copy of the certificate of ownership so issued shall be delivered
33 to the buyer. The director shall collect a fee of \$4.00 for his services
34 in issuing a certificate and copy thereof and for making a record of
35 and filing the record of the transaction pursuant to this subsection.

36 D. The financing statement required to be filed pursuant to sub-
37 section C. hereof shall be signed only by the buyer, shall not be
38 required to be acknowledged or proved, and shall show, in addition
39 to such matters as the director may require for the proper identi-
40 fication of the motor vehicle affected, the date of the security
41 agreement, and the names and addresses of the parties thereto.
42 Nothing in this section 39:10-11 contained shall be construed as
43 requiring that the security agreement or a copy thereof, or any
44 proof of execution thereof other than that contained in the financing
45 statement, shall be presented to the director. When the buyer is a
46 corporation, it shall be sufficient if the financing statement is signed
47 by any officer thereof, or by any agent designated by the corpora-
48 tion for that purpose, and it shall not be necessary that the financing
49 statement recite the authorization of the agent. When there is
50 more than one buyer, it shall be sufficient if the financing statement
51 is signed by any one of them.

52 E. Nothing in subsections C. and D. of this section shall apply
53 to security interests in motor vehicles which constitute inventory
54 held for sale, but such interests shall be subject to chapter 9 of
55 Title 12A of the New Jersey Statutes, nor shall anything in the
56 said subsections apply to interests in personal property subject to
57 chapter 28 of [the Title, Property (46:28-4 et seq.)] *Title 46 of the*
57A *Revised Statutes.*

58 F. In addition to the fees elsewhere in this section provided
59 for, there shall be paid to the director a fee of \$1.00 for notice of
60 satisfaction of the lien or encumbrance of the record or abstract,
61 or of the termination of the security interest where the motor
62 vehicle is subject to a lien or encumbrance or a security interest as
63 provided in [section] R. S. 39:10-14 [of this Title].

64 G. Notwithstanding any other provision [in] of this [section
65 contained] *chapter*, when any dealer licensed under the provisions
66 of [section] R. S. 39:10-19 [of this Title] is the purchaser of a
67 motor vehicle in this State, he [shall] *may*, within 10 *working* days
68 after its purchase, submit to the director the evidence of purchase.
69 Upon presentation of the certificate of ownership with proper
70 assignment and certification of the seller to the director, a record

71 of the transaction shall be made and filed. A certificate of ownership
 72 shall be issued by the director and delivered to such purchaser and
 73 the director shall collect a fee of \$2.00 for the issuing and filing
 73A thereof.

74 *If a dealer does not submit the evidence of purchase, upon resale*
 75 *of the motor vehicle he shall execute and attach to the certificate*
 76 *of ownership a dealer reassignment certificate. The director shall*
 77 *issue dealer reassignment certificates in lots upon payment or a*
 78 *fee of \$2.00 for each certificate.*

79 H. Any purchaser of a motor vehicle who fails to comply with
 80 the provisions of this section shall pay to the director a penalty
 81 of \$10.00 plus the issuing and filing fee.

82 I. The failure of any person to comply with the requirements of
 83 this section shall not constitute a misdemeanor within the provi-
 84 sions of **[section] R. S. 39:10-24 [of this Title]**, nor shall such
 85 failure affect the validity of any instrument creating or reserving a
 86 security interest in a motor vehicle, as between the parties to such
 86A instrument.

87 J. The notation of the name and business or residence address
 88 of a secured party or his assignee, on the certificate of origin or on
 89 the certificate of ownership, as provided in **[sections] R. S. 39:10-8**
 90 **and R. S. 39:10-9 [of this Title]**, and the presentation to the
 91 director in accordance with **[section] R. S. 39:10-11 [of this Title]**,
 92 of the certificate of origin or certificate of ownership so noted, and
 93 the compliance with the requirements of subsections C. and D. of
 94 **[section] R. S. 39:10-11 [of this Title]**, shall be in lieu of all filing
 95 requirements imposed by chapter 9 of Title 12A of the New Jersey
 96 Statutes and shall constitute the perfection of a security interest
 97 in the motor vehicle, and the rights and remedies of the debtors
 98 and the secured parties in respect to such security interest shall,
 99 except as otherwise expressly provided in this chapter, be subject to
 100 and governed by chapter 9 of Title 12A of the New Jersey Statutes.

1 2. This act shall take effect immediately.

STATEMENT

This bill would revise title reassignment procedures for auto-
 mobile dealers by permitting them to attach title reassignment
 certificates to certificates of ownership when submitting the paper-
 work to the division. The division would issue title reassignment
 certificates to dealers in lots upon payment of \$2.00 per certificate.
 That represents the present fee for a standard title reassignment.

The purposes are to simplify the process for title reassignment
 and reduce the number of transactions at the local agencies by
 approximately 100,000 annually.

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A761 (1982)

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE, APRIL 29, 1982

CONTACT: CARL GOLDEN

Legislation providing that interest earned on investment of revenue from the Casino Revenue Fund be credited to the fund was signed into law today by Governor Thomas H. Kean.

The bill, A-42, was sponsored by Assemblyman Michael Matthews, D-Atlantic.

The Governor noted that he had supported the proposal during his campaign last year and that it is appropriate for these funds to be used now that the voters have approved additional uses for the casino tax revenue.

The Governor also signed three other bills:

S-913, sponsored by Senator John Caufield, D-Essex, to permit a mayor to appoint a local official as commissioner of the local government insurance fund and to provide for the appointment of a secretary to the fund by the local governing body.

A-761, sponsored by Assembly Speaker Alan Karcher, D-Middlesex, to simplify the title reassignment procedures now in use in the Division of Motor Vehicles.

A-762, sponsored by Karcher, to permit the Division of Motor Vehicles to impose a 30-day suspension of a license for a moped driver upon a second offense.

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