

4:1-11.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 34

NJSA: 4:1-11.1 (Establishes and increases fees and penalties)

BILL NO: A2506 (Substituted for S1508)

SPONSOR(S): Cohen

DATE INTRODUCED: June 6, 2002

COMMITTEE: **ASSEMBLY:** Budget

SENATE: ----

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2002

SENATE: June 30, 2002

DATE OF APPROVAL: July 1, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

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

A2506

[SPONSORS STATEMENT](#): (Begins on page 48 of original bill) [Yes](#)

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

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

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

S1508

[SPONSORS STATEMENT](#): (Begins on page 40 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

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

FLOOR AMENDMENT STATEMENT: No

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

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§33 - C.2B:1-6
§41 - C.54:49-12.6
§42 - C.52:18A-8.4
§49 - Repealer
§50 - C.2C:25-29.4
§51 - C.2C:43-3.7
§52 - C.52:27D-
138.1
§53 - C.17:33A-5.1
§54 - C.App.A:9-78
§55 - Approp.
§56 - Note

P.L. 2002, CHAPTER 34, *approved July 1, 2002*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 2506

1 AN ACT establishing and increasing certain fees and penalties and
2 providing for the use thereof, revising various parts of the
3 statutory law, repealing N.J.S.22A:4-13 and making an
4 appropriation.

5

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

8

9 1. Section 3 of P.L.1993, c.265 (C.4:1-11.1) is amended to read
10 as follows:

11 3. The board may adopt, pursuant to the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and
13 regulations as may be necessary to carry out the provisions of this
14 Title, including the amendment of fees and penalties authorized
15 pursuant to this Title.

16 (cf: P.L.1993, c.265, s.3)

17

18 2. Section 4 of P.L.1970, c.338 (C.4:4-20.4) is amended to read
19 as follows:

20 4. a. Every person engaged in the manufacture of commercial
21 feed or customer formula feed to be distributed in this State shall on
22 January 1 of each year, or prior to manufacture or distribution of such
23 feed, register each facility on a form furnished by the State Chemist,
24 the application to be accompanied by a fee of ~~[\$25.00]~~ ^{\$250.00}.
25 Upon approval by the State board, a copy of the registration shall be
26 furnished to the applicant and displayed in or on the facility.

27 b. The State board is empowered to refuse registration of any
28 facility not in compliance with the provisions of this act or to cancel
29 the registration of any facility subsequently found not to be in
30 compliance with any provision of this act, provided, however, that no

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 28, 2002.

1 registration shall be refused or canceled until the registrant shall have
2 been given an opportunity to be heard before the secretary or his
3 agent.

4 c. Before a commercial feed may be offered for sale which
5 contains drugs, chemical additives or other ingredients which are
6 potentially harmful to animals, the registrant may be required to submit
7 evidence to show the safety of the feed when used according to the
8 directions which the distributor furnished with the feed.
9 (cf: P.L.1970, c.338, s.4)

10

11 3. Section 9 of P.L.1970, c.338 (C.4:4-20.9) is amended to read
12 as follows:

13 9. Inspection fees and reports. a. An inspection fee at the rate of
14 ~~[\$0.15]~~ \$0.30 per ton shall be paid on commercial feeds distributed
15 in this State by the person who distributes the commercial feed to the
16 consumer subject to the following:

17 (1) No fee shall be paid on a commercial feed if the payment has
18 been made by a previous distributor.

19 (2) No fee shall be paid on customer formula feeds if the
20 inspection fee is paid on the commercial feeds which are used as
21 ingredients therein.

22 (3) No fee shall be paid on commercial feeds which are used as
23 ingredients for the manufacture of commercial feeds which are subject
24 to the inspection fee. If the fee has already been paid, credit shall be
25 given for such payment.

26 (4) In the case of a person who manufacturers or distributes
27 commercial feed in the State, a minimum annual fee of ~~[\$25.00]~~
28 \$250.00 shall be paid.

29 b. Each person who is liable for the payment of such fee shall:

30 (1) File, not later than January 31 of each year, a statement,
31 setting forth the number of net tons of commercial feeds distributed
32 in this State during the preceding calendar year; and upon filing such
33 statement shall pay the inspection fee at the rate stated in ~~[paragraph~~
34 "a."] subsection a. of this section. Inspection fees which are due and
35 owing and have not been remitted to the department within 15 days
36 following the due date shall have a penalty fee of 10% (minimum
37 \$10.00) added to the amount due when payment is finally made. The
38 assessment of this penalty fee shall not prevent the department from
39 taking other actions as provided in this act.

40 (2) Keep such records as may be necessary or required by the
41 State board to indicate accurately the tonnage of commercial feed
42 distributed in this State, and the department shall have the right to
43 examine such records to verify statements of tonnage.

44 Failure to make an accurate statement of tonnage or to pay the
45 inspection fee or comply as provided herein shall constitute sufficient
46 cause for the cancellation of all registrations on file for the distributor.

1 c. Fees imposed by, and fines collected for violations of this act,
2 shall be deposited in the State Treasury.

3 (cf: P.L.1975, c.370, s.1)

4

5 4. Section 13 of P.L.1970, c.338 (C.4:4-20.13) is amended to read
6 as follows:

7 13. Penalties. a. Any person convicted of violating any of the
8 provisions of this act or the rules and regulations promulgated
9 thereunder or who shall impede, hinder, or otherwise prevent, or
10 attempt to prevent, said secretary or his duly authorized agent in
11 performance of his duty in connection with the provisions of this act,
12 shall be fined not less than [~~\$50.00~~] \$100.00 or more than [~~\$100.00~~]
13 \$500.00 for the first violation, and not less than [~~\$100.00~~] \$200.00
14 or more than [~~\$500.00~~] \$1,000.00 for a subsequent violation in any
15 [~~one~~] two years.

16 b. Nothing in this act shall be construed as requiring the State
17 Chemist or his representative to: (1) report for prosecution, or (2)
18 institute seizure proceedings, or (3) issue a withdrawal from
19 distribution order, as a result of minor violations of the act, or when
20 he believes the public interest will best be served by suitable notice of
21 warning in writing.

22 c. It shall be the duty of the Attorney General to whom any
23 violation is reported to cause appropriate proceedings to be instituted
24 and prosecuted in a court of competent jurisdiction without delay.
25 Before the State Chemist reports a violation for such prosecution, an
26 opportunity shall be given the distributor to present his view to the
27 secretary.

28 d. The secretary is hereby authorized to apply for and the court to
29 grant in an appropriate case, a temporary or permanent injunction
30 restraining any person from violating or continuing to violate any of
31 the provisions of this act or any rule or regulation promulgated under
32 the act, notwithstanding the existence of other remedies at law. Said
33 injunction to be issued without bond.

34 e. Any person adversely affected by an act, order, or ruling made
35 pursuant to the provisions of this act may seek judicial review by
36 appeal to the Superior Court by a proceeding in lieu of prerogative
37 writs.

38 f. Any person who used to his own advantage, or reveals to other
39 than the secretary, or officers of the New Jersey Department of
40 Agriculture, or to the courts when relevant in any judicial proceeding,
41 any information acquired under the authority of this act, concerning
42 any method, records, formulations, or processes which as a trade
43 secret is entitled to protection, is guilty of a misdemeanor and shall on
44 conviction thereof be fined not less than \$500.00 or imprisoned for
45 not less than 1 year or both, provided that, this prohibition shall not
46 be deemed as prohibiting the secretary or his duly authorized agent,

1 from exchanging information of a regulatory nature with duly
2 appointed officials of the United States Government, or of other
3 states, who are similarly prohibited by law from revealing this
4 information.

5 g. Upon receiving any information of a violation of any provisions
6 of this act or of any rule or regulation adopted thereunder, the
7 secretary or any agent designated by him for such purpose, is
8 empowered to hold hearings upon said violation and, upon finding the
9 violation to have been committed, to assess a penalty against the
10 violator in such amount, [not to exceed the maximum limit set forth
11 in this section], as the secretary deems proper under the
12 circumstances. If the violator pays such penalty as settlement, no
13 further prosecution shall be had upon that violation. Payment of such
14 a penalty shall be deemed equivalent to a conviction for violation of
15 this act.

16 (cf: P.L.1970, c.338, s.13)

17

18 5. Section 6 of P.L.1970, c.66 (C.4:9-15.6) is amended to read as
19 follows:

20 6. The minimum annual license fee for a manufacturer or
21 distributor shall be [~~\$125.00~~] \$250.00. In the case of each person
22 who owns or operates more than one manufacturing facility within this
23 State there shall be an additional annual license fee of [~~\$125.00~~]
24 \$250.00 for each such additional manufacturing facility. In the case
25 of each person who owns or operates any manufacturing facilities
26 located outside of New Jersey which distribute commercial fertilizers
27 or soil conditions within this State, there shall be an additional annual
28 license fee of [~~\$125.00~~] \$250.00 covering all such manufacturing
29 facilities. Fees collected pursuant to this section shall be forwarded
30 to the State Treasurer.

31 (cf: P.L.1975, c.139, s.1)

32

33 6. Section 16 of P.L.1970, c.66 (C.4:9-15.16) is amended to read
34 as follows:

35 16. Each licensee shall pay to the Department of Agriculture for
36 all commercial fertilizers and soil conditioners distributed in this State
37 an inspection fee at the rate of [~~\$0.15~~] \$0.30 per ton on all tonnage
38 in excess of 10 tons per semiannual statement. Fees so collected by
39 the department shall be forwarded to the State Treasurer.

40 Sales to persons owning or operating manufacturing facilities or
41 exchanges between such persons are exempted from the inspection fee.

42 (cf: P.L.1970, c.66, s.16)

43

44 7. Section 25 of P.L.1970, c.66 (C.4:9-15.25) is amended to read
45 as follows:

46 25. If an official analysis shows that a commercial fertilizer is

1 deficient in one or more of its guaranteed primary plant nutrients
2 (nitrogen, available phosphoric acid, and soluble potash) beyond the
3 investigational allowance as established by regulation or if the over-all
4 index value of the fertilizer is below the level established by regulation,
5 a penalty of ~~3~~ 5 times the commercial value of such deficiency shall
6 be assessed by the State Chemist against the licensee. Subsequent
7 violations within two years of the first violation shall be subject to an
8 additional penalty of not less than \$200.00 or more than \$1,000.00.
9 (cf: P.L.1970, c.66, s.25)

10

11 8. Section 7 of P.L.1968, c.392 (C.4:9-21.7) is amended to read
12 as follows:

13 7. The annual license fee shall be ~~\$100.00~~ \$250.00 payable on
14 January 1 of each year or prior to the distribution in such year.
15 (cf: P.L.1975, c.140, s.3)

16

17 9. Section 8 of P.L.1968, c.392 (C.4:9-21.8) is amended to read
18 as follows:

19 8. Within the 30-day period following December 31 of each year,
20 each licensee shall submit on a form furnished by the State board or its
21 authorized agent a statement setting forth the number of net tons of
22 each agricultural liming material sold by him for use in the State during
23 the previous 12-month period. Such statement shall be accompanied
24 by payment of the inspection fee at the rate of ~~\$0.02~~ \$0.05 per ton.
25 Such reports shall be confidential and no information therein shall be
26 disclosed in any manner that will reveal the operation of any licensee.
27 Fees collected pursuant to this section shall be forwarded to the State
28 Treasurer.

29 (cf: P.L.1995, c.390, s.5)

30

31 10. Section 10 of P.L.1968, c.392 (C.4:9-21.10) is amended to
32 read as follows:

33 10. Any person convicted of violating any provision of this act or
34 any rule or regulation promulgated thereunder shall be subject to a
35 penalty of not less than ~~\$50~~ \$100.00 nor more than ~~\$200~~ \$500.00
36 to be enforced by summary proceedings under "the penalty
37 enforcement law," N.J.S.2A:58-1 et seq. Upon receiving any
38 information of a violation of any part of this act other than a violation
39 involving a weighed or measured deficiency or the rules and
40 regulations issued thereunder, the secretary, or any assistant
41 designated by him for such purpose, is empowered to hold hearings,
42 formal or informal, upon said violation and upon finding the violation
43 to have been committed, to assess a penalty against the person alleged
44 to have committed such violation, in an amount not to exceed the
45 maximum limit set forth in this section as the secretary deems proper
46 under the circumstances. In the event the violator makes satisfactory

1 settlement, no further prosecution shall be had upon that violation.
2 Payment of a penalty, in the form of a settlement, shall be deemed
3 equivalent to a conviction for a violation of this act. Violations not
4 settled in this manner may be referred to the court of competent
5 jurisdiction. Nothing in this act shall be construed as requiring the
6 State board or its authorized agent to report for prosecution or for the
7 institution of seizure proceedings as a result of minor violations of
8 "The New Jersey Agricultural Liming Materials Act," P.L.1968, c.392
9 (C.4:9-21.1 et seq.) when it believes that the public interest will best
10 be served by a suitable written warning.
11 (cf: P.L.1995, c.390, s.7)

12

13 11. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to
14 read as follows:

15 1. a. Except as provided in subsection b. of this section
16 concerning law enforcement officer and firefighter examinations, the
17 Commissioner of the Department of Personnel shall establish a **[\$5]**
18 \$15 fee for each application for an open competitive or promotional
19 examination. Persons receiving public assistance benefits pursuant to
20 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
21 seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to
22 pay this fee if they apply for an open competitive examination.
23 Receipts derived from application fees established by this subsection
24 shall be appropriated to the department.

25 b. The commissioner shall establish a fee for each application for
26 an open competitive or promotional examination for a law
27 enforcement officer or firefighter title. The fee shall not exceed the
28 cost of developing, procuring and administering the examination,
29 including the processing of any appeals or reviews associated with the
30 examination. Persons receiving public assistance benefits pursuant to
31 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
32 seq.), or P.L.1997 c.38 (C.44:10-55 et seq.) shall not be required to
33 pay this fee if they apply for an open competitive examination.
34 Receipts derived from application fees established by this subsection
35 shall be appropriated to the department for use in developing,
36 procuring and administering law enforcement officer and firefighter
37 examinations, including the processing of any appeals or reviews
38 associated with those examinations.

39 c. In addition to the fees established in subsections a. and b. of this
40 section, the commissioner shall establish a **[\$5]** \$15 fee for each
41 application for an open competitive or promotional examination for a
42 position in State service. Persons receiving public assistance benefits
43 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256
44 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not
45 be required to pay this fee if they apply for an open competitive
46 examination. Receipts derived from the application fee established

1 pursuant to this subsection shall be appropriated annually to the
2 department for the costs of the displaced workers pool program. This
3 fee shall not be assessed and collected unless the commissioner
4 implements a displaced workers pool program. If the displaced
5 workers pool program is terminated at any time by the commissioner,
6 the assessment and collection of this additional fee shall also be
7 terminated.

8 (cf: P.L.1998, c.63, s.1)

9

10 12. Section 12 of P.L.1962, c.73 (C.12:7-34.47) is amended to
11 read as follows:

12 12. The fees for the initial numbering of all vessels and for each
13 renewal of the certificate of number issued thereto, unless otherwise
14 provided by law, shall be:

15 (a) For all vessels less than 16 feet, [~~\$6~~] \$12 per year; 16 feet or
16 more but less than 26 feet, [~~\$14~~] \$28 per year; 26 feet or more but
17 less than 40 feet, [~~\$26~~] \$52 per year; 40 feet or more but less than 65
18 feet, [~~\$40~~] \$80 per year; 65 feet or more, [~~\$125~~] \$250 per year.

19 ¹The revenue derived from the increase, pursuant to the amendatory
20 provisions of section 12 of P.L. , c. (pending before the
21 Legislature as this bill), in the amount of the fees imposed under this
22 subsection shall be deposited into the "Maritime Industry Fund"
23 established pursuant to section 8 of P.L.2001, c.429 (C.27:1A-82), as
24 follows: in fiscal year 2003, 50% of the revenue derived from the
25 increase in fees; in fiscal year 2004, 75% of the revenue derived from
26 the increase in fees; and in fiscal year 2005 and thereafter, 100% of the
27 revenue derived from the increase in fees.¹

28 (b) (Deleted by amendment.)

29 (c) Special numbers including up to three duplicates thereof and
30 up to four sets of temporary numbers bearing a number corresponding
31 to the special number, shall be assigned to boat dealers and
32 manufacturers, as provided for under rules and regulations to be
33 promulgated by the division, and such numbers shall be displayed
34 temporarily upon boats being tested, demonstrated, photographed or
35 transported, said display to be as prescribed in the rules and
36 regulations aforementioned.

37 For each such special number so assigned the fee shall be \$75 for
38 one year.

39 (d) A fee shall not be charged for the numbering of any marine
40 equipment operated and maintained by the State of New Jersey; a
41 county; a municipality; a volunteer first aid, rescue, or emergency
42 squad; a search and rescue unit established within a fire district created
43 pursuant to N.J.S.40A:14-70; or a volunteer fire company created
44 pursuant to N.J.S.40A:14-70.1. This subsection shall apply only to
45 marine equipment which is used exclusively in the performance of the
46 prescribed duties of the governmental entities and organizations

1 described above.
2 (cf: P.L.1995, c.401, s.27)

3
4 13. R.S.39:3-20 is amended to read as follows:

5 39:3-20. For the purpose of this section, gross weight means the
6 weight of the vehicle or combination of vehicles, including load or
7 contents.

8 a. The director is authorized to issue registrations for commercial
9 motor vehicles other than omnibuses or motor-drawn vehicles upon
10 application therefor and payment of a fee based on the gross weight of
11 the vehicle, including the gross weight of all vehicles in any
12 combination of vehicles of which the commercial motor vehicle is the
13 drawing vehicle. The gross weight of a disabled commercial vehicle
14 or combination of disabled commercial vehicles being removed from
15 a highway shall not be included in the calculation of the registration
16 fee for the drawing vehicle.

17 Except as otherwise provided in this subsection, every registration
18 for a commercial motor vehicle other than an omnibus or motor-drawn
19 vehicle shall expire and the certificate thereof shall become void on the
20 last day of the eleventh calendar month following the month in which
21 the certificate was issued; provided, however, that the director may
22 require registrations which shall expire, and issue certificates thereof
23 which shall become void, on a date fixed by the director, which shall
24 not be sooner than three months or later than 26 months after the date
25 of issuance of such certificates, and the fees for such registrations or
26 registration applications, including any other fees or charges collected
27 in connection with the registration fee, shall be fixed by the director in
28 amounts proportionately less or greater than the fees established by
29 law. The director may fix the expiration date for registration
30 certificates at a date other than 11 months if the director determines
31 that such change is necessary, appropriate or convenient in order to
32 aid in implementing the vehicle inspection requirements of chapter 8
33 of Title 39 or for other good cause. The minimum registration fee
34 shall be as follows:

35 (1) In the case of vehicles other than trucks transporting ready-
36 mixed concrete, asphalt, stone, sand, gravel, clay and cleanfill:

37 For vehicles not in excess of 5,000 pounds, \$53.50.

38 For vehicles in excess of 5,000 pounds and not in excess of
39 ~~[18,000]~~ 10,000 pounds, \$53.50 plus \$11.50 for each 1,000 pounds
40 or portion thereof in excess of 5,000 pounds.

41 For vehicles in excess of 10,000 pounds and not in excess of 18,000
42 pounds, \$53.50 plus \$13.50 for each 1,000 pounds or portion thereof
43 in excess of 5,000 pounds.

44 For vehicles in excess of 18,000 pounds and not in excess of
45 50,000 pounds, \$53.50 plus ~~[\$12.50]~~ \$14.50 for each 1,000 pounds
46 or portion thereof in excess of 5,000 pounds.

1 For vehicles in excess of 50,000 pounds, \$53.50 plus ~~[\$13.50]~~
2 \$15.50 for each 1,000 pounds or portion thereof in excess of 5,000
3 pounds; and

4 (2) In the case of trucks transporting ready-mixed concrete,
5 asphalt, stone, sand, gravel, clay and cleanfill:

6 For vehicles not in excess of 5,000 pounds, \$53.50.

7 For vehicles in excess of 5,000 pounds and not in excess of 18,000
8 pounds, \$53.50 plus \$11.50 for each 1,000 pounds or portion thereof
9 in excess of 5,000 pounds.

10 For vehicles in excess of 18,000 pounds and not in excess of
11 50,000 pounds, \$53.50 plus \$12.50 for each 1,000 pounds or portion
12 thereof in excess of 5,000 pounds.

13 For vehicles in excess of 50,000 pounds, \$53.50 plus \$13.50 for
14 each 1,000 pounds or portion thereof in excess of 5,000 pounds.

15 b. The director is also authorized to issue registrations for
16 commercial motor vehicles having three or more axles and a gross
17 weight over 40,000 pounds but not exceeding 70,000 pounds, upon
18 application therefor and proof to the satisfaction of the director that
19 the applicant is actually engaged in construction work or in the
20 business of supplying material, transporting material, or using such
21 registered vehicle for construction work.

22 Except as otherwise provided in this subsection, every registration
23 for these commercial motor vehicles shall expire and the certificate
24 thereof shall become void on the last day of the eleventh calendar
25 month following the month in which the certificate was issued;
26 provided, however, that the director may require registrations which
27 shall expire, and issue certificates thereof which shall become void on
28 a date fixed by the director, which shall not be sooner than three
29 months or later than 26 months after the date of issuance of such
30 certificates, and the fees for such registrations or registration
31 applications, including any other fees or charges collected in
32 connection with the registration fee, shall be fixed by the director in
33 amounts proportionately less or greater than the fees established by
34 law. The director may fix the expiration date for registration
35 certificates at a date other than 11 months if the director determines
36 that such change is necessary, appropriate or convenient in order to
37 aid in implementing the vehicle inspection requirements of chapter 8
38 of Title 39 or for other good cause.

39 The registration fee shall be \$22.50 for each 1,000 pounds or
40 portion thereof.

41 For purposes of calculating this fee, weight means the gross
42 weight, including the gross weight of all vehicles in any combination
43 of which such commercial motor vehicle is the drawing vehicle.

44 Such commercial motor vehicle shall be operated in compliance
45 with the speed limitations of Title 39 of the Revised Statutes and shall
46 not be operated at a speed greater than 45 miles per hour when one or

1 more of its axles has a load which exceeds the limitations prescribed
2 in R.S.39:3-84.

3 c. The director is also authorized to issue registrations for each of
4 the following solid waste vehicles: two-axle vehicles having a gross
5 weight not exceeding 42,000 pounds; tandem three-axle and four-axle
6 vehicles having a gross weight not exceeding 60,000 pounds; four-axle
7 tractor-trailer combination vehicles having a gross weight not
8 exceeding 60,000 pounds. Registration is based upon application to
9 the director and proof to his satisfaction that the applicant is actually
10 engaged in the performance of solid waste disposal or collection
11 functions and holds a certificate of convenience and necessity therefor
12 issued by the Department of Environmental Protection.

13 Except as otherwise provided in this subsection, every registration
14 for a solid waste vehicle shall expire and the certificate thereof shall
15 become void on the last day of the eleventh calendar month following
16 the month in which the certificate was issued.

17 The registration fee shall be \$50 plus \$11.50 for each 1,000
18 pounds or portion thereof in excess of 5,000 pounds.

19 d. The director is also authorized to issue registrations for
20 commercial motor-drawn vehicles upon application therefor. The
21 registration year for commercial motor-drawn vehicles shall be April
22 1 to the following March 31 and the fee therefor shall be \$18 for each
23 such vehicle.

24 At the discretion of the director, an applicant for registration for
25 a commercial motor-drawn vehicle may be provided the option of
26 registering such vehicle for a period of four years. In the event that
27 the applicant for registration exercises the four-year option, a fee of
28 \$64 for each such vehicle shall be paid to the director in advance.

29 If any commercial motor-drawn vehicle registered for a four-year
30 period is sold or withdrawn from use on the highways, the director
31 may, upon surrender of the vehicle registration and plate, refund \$16
32 for each full year of unused prepaid registration.

33 e. It shall be unlawful for any vehicle or combination of vehicles
34 registered under this act, having a gross weight, including load or
35 contents, in excess of the gross weight provided on the registration
36 certificate to be operated on the highways of this State.

37 The owner, lessee, bailee or any one of the aforesaid of a vehicle
38 or combination of vehicles, including load or contents, found or
39 operated on any public road, street or highway or on any public or
40 quasi-public property in this State with a gross weight of that vehicle
41 or combination of vehicles, including load or contents, in excess of the
42 weight limitation permitted by the certificate of registration for the
43 vehicle or combination of vehicles, pursuant to the provisions of this
44 section, shall be assessed a penalty of \$500 plus an amount equal to
45 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of
46 weight in excess of the weight limitation permitted by the certificate

1 of registration for that vehicle or combination of vehicles. A vehicle
2 or combination of vehicles for which there is no valid certificate of
3 registration is deemed to have been registered for zero pounds for the
4 purposes of the enforcement of this act, in addition to any other
5 violation of this Title, but is not deemed to be lawfully or validly
6 registered pursuant to the provisions of this Title.

7 This section shall not be construed to supersede or repeal the
8 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

9 f. Of the registration fees collected by the director pursuant to this
10 section for vehicles with gross vehicle weights in excess of 5,000
11 pounds, an amount equal to \$3 per 1,000 pounds or portion thereof in
12 excess of 5,000 pounds for each registration shall be forwarded to the
13 State Treasurer for deposit in the Commercial Vehicle Enforcement
14 Fund established pursuant to section 17 of this [act] P.L.1995, c.157
15 (C.39:8-75). Moneys in the fund shall be used by the Department of
16 Law and Public Safety and the Department of Transportation for
17 enforcement of laws and regulations governing commercial motor
18 vehicles.

19 (cf: P.L.1997, c.313, s.1)

20
21 14. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to
22 read as follows:

23 23. The Director of Motor Vehicles shall charge a fee of **[\$50]**
24 \$100 for the restoration of any license which has been suspended or
25 revoked by reason of the licensee's violation of any law or regulation
26 and for the restoration of vehicle registrations that have been
27 suspended pursuant to any law. The director may promulgate such
28 regulations hereunder as he may deem necessary.

29 (cf: P.L.1994, c.60, s.14)

30
31 15. R.S.39:8-2 is amended to read as follows:

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

39 b. (1) The director shall adopt, pursuant to the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
41 regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and
42 with the requirements of the federal Clean Air Act with respect to the
43 type and character of the inspections to be made, the facility at which
44 the vehicle shall be inspected, the frequency of inspections of motor
45 vehicles and the approval or rejection of motor vehicles as a result of
46 these inspections. These rules and regulations shall require the use of

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

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

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

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

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

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

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

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

1 by the Joint Budget Oversight Committee for the purpose of
2 purchasing, leasing or acquiring property pursuant to paragraph (1) of
3 this subsection, except that any moneys derived therefrom and not
4 approved for that purpose shall be appropriated to the Department of
5 Transportation to provide for mass transit improvements.

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

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

36 i. (1) The director shall make a charge of \$2.50 for the initial
37 inspection for each vehicle subject to inspection, which amount shall
38 be paid to the director or his representative when payment of the
39 registration fees fixed in chapter 3 of this Title is made; provided
40 however, that on and after January 1, 1999, a school bus as defined
41 pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a
42 registration period commencing on or after January 1, 1999, shall be
43 subject to an inspection fee for each in-terminal or in-lieu-of terminal
44 inspection in accordance with the following schedule:

1	School Bus Specification Inspection	\$50 per bus
2	School Bus Inspection	\$25 per bus
3		
4	<u>School Bus Reinspection \$25 per bus subject to the conditions set</u>	
5	<u>forth below:</u>	
6		

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

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

43 j. There is established in the General Fund a special dedicated,
44 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"
45 which shall be administered by the State Treasurer. The State
46 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"

1 \$11.50 from each motor vehicle registration fee received by the State
2 after June 30, 1995. The Legislature shall annually appropriate from
3 the fund an amount necessary to pay the reasonable and necessary
4 expenses of the implementation and operation of the motor vehicle
5 inspection program. The State Treasurer shall:

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

12 (2) Transfer from the fund to the Division of Motor Vehicles and
13 the Department of Environmental Protection the amounts necessary to
14 finance the costs of administering and implementing all aspects of the
15 inspection and maintenance program, and to the Office of
16 Telecommunications and Information Systems in the Department of
17 the Treasury the amount necessary for computer support upgrades;

18 Moneys remaining in the fund and any unexpended balance of
19 appropriations from the fund at the end of each fiscal year shall be
20 reappropriated for the purposes of the fund. Any interest earned on
21 moneys in the fund shall be credited to the fund.

22 (cf: P.L.1999, c.5, s.8)

23

24 16. Section 20 of P.L.1952, c.173 (C.39:6-42) is amended to read
25 as follows:

26 20. Upon the request of any insurance company, any person
27 furnishing any financial responsibility or any surety on a bond herein
28 provided for, the director shall furnish such company person or surety
29 a certified abstract of the operating record of any person subject to the
30 provisions of this act. If there is no record of his conviction of a
31 violation of a provision of law relating to the operation of motor
32 vehicles or of an injury or damage caused by him as herein provided,
33 the director shall so certify. The director shall collect a fee of \$10 for
34 each certified or uncertified abstract so issued[, but may, in the
35 director's discretion, establish by regulation a lesser fee of not less than
36 \$2 per abstract when, due to the number of abstracts requested and the
37 division's ability to comply with the request by providing computerized
38 data rather than individual documents, the processing of the request
39 will result in lower costs per abstract to the division]. The director
40 shall use the same schedule of fees established above for abstracts
41 requested by persons authorized by law to receive them.

42 (cf: P.L.1994, c.60, s.25)

43

44 17. R.S.39:4-50 is amended to read as follows:

45 39:4-50. (a) Except as provided in subsection (g) of this section,
46 a person who operates a motor vehicle while under the influence of

1 intoxicating liquor, narcotic, hallucinogenic or habit-producing drug,
2 or operates a motor vehicle with a blood alcohol concentration of
3 0.10% or more by weight of alcohol in the defendant's blood or
4 permits another person who is under the influence of intoxicating
5 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
6 motor vehicle owned by him or in his custody or control or permits
7 another to operate a motor vehicle with a blood alcohol concentration
8 of 0.10% or more by weight of alcohol in the defendant's blood shall
9 be subject:

10 (1) For the first offense, to a fine of not less than \$250.00 nor
11 more than \$400.00 and a period of detainment of not less than 12
12 hours nor more than 48 hours spent during two consecutive days of
13 not less than six hours each day and served as prescribed by the
14 program requirements of the Intoxicated Driver Resource Centers
15 established under subsection (f) of this section and, in the discretion
16 of the court, a term of imprisonment of not more than 30 days and
17 shall forthwith forfeit his right to operate a motor vehicle over the
18 highways of this State for a period of not less than six months nor
19 more than one year. For a first offense, a person also shall be subject
20 to the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

21 (2) For a second violation, a person shall be subject to a fine of
22 not less than \$500.00 nor more than \$1,000.00, and shall be ordered
23 by the court to perform community service for a period of 30 days,
24 which shall be of such form and on such terms as the court shall deem
25 appropriate under the circumstances, and shall be sentenced to
26 imprisonment for a term of not less than 48 consecutive hours, which
27 shall not be suspended or served on probation, nor more than 90 days,
28 and shall forfeit his right to operate a motor vehicle over the highways
29 of this State for a period of two years upon conviction, and, after the
30 expiration of said period, he may make application to the Director of
31 the Division of Motor Vehicles for a license to operate a motor
32 vehicle, which application may be granted at the discretion of the
33 director, consistent with subsection (b) of this section. For a second
34 violation, a person also shall be required to install an ignition interlock
35 device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.)
36 or shall have his registration certificate and registration plates revoked
37 for two years under the provisions of section 2 of P.L.1995, c.286
38 (C.39:3-40.1).

39 (3) For a third or subsequent violation, a person shall be subject
40 to a fine of \$1,000.00, and shall be sentenced to imprisonment for a
41 term of not less than 180 days, except that the court may lower such
42 term for each day, not exceeding 90 days, served performing
43 community service in such form and on such terms as the court shall
44 deem appropriate under the circumstances and shall thereafter forfeit
45 his right to operate a motor vehicle over the highways of this State for
46 10 years. For a third or subsequent violation, a person also shall be

1 required to install an ignition interlock device under the provisions of
2 P.L.1999, c.417 (C.39:4-50.16 et al.) or shall have his registration
3 certificate and registration plates revoked for 10 years under the
4 provisions of section 2 of P.L.1995, c.286 (C.39:3-40.1).

5 As used in this section, the phrase "narcotic, hallucinogenic or
6 habit-producing drug" includes an inhalant or other substance
7 containing a chemical capable of releasing any toxic vapors or fumes
8 for the purpose of inducing a condition of intoxication, such as any
9 glue, cement or any other substance containing one or more of the
10 following chemical compounds: acetone and acetate, amyl nitrite or
11 amyl nitrate or their isomers, benzene, butyl alcohol, butyl nitrite,
12 butyl nitrate or their isomers, ethyl acetate, ethyl alcohol, ethyl nitrite
13 or ethyl nitrate, ethylene dichloride, isobutyl alcohol or isopropyl
14 alcohol, methyl alcohol, methyl ethyl ketone, nitrous oxide, n-propyl
15 alcohol, pentachlorophenol, petroleum ether, propyl nitrate or propyl
16 nitrate or their isomers, toluene, toluol or xylene or any other chemical
17 substance capable of causing a condition of intoxication, inebriation,
18 excitement, stupefaction or the dulling of the brain or nervous system
19 as a result of the inhalation of the fumes or vapors of such chemical
20 substance.

21 Whenever an operator of a motor vehicle has been involved in an
22 accident resulting in death, bodily injury or property damage, a police
23 officer shall consider that fact along with all other facts and
24 circumstances in determining whether there are reasonable grounds to
25 believe that person was operating a motor vehicle in violation of this
26 section.

27 A conviction of a violation of a law of a substantially similar nature
28 in another jurisdiction, regardless of whether that jurisdiction is a
29 signatory to the Interstate Driver License Compact pursuant to
30 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction
31 under this subsection unless the defendant can demonstrate by clear
32 and convincing evidence that the conviction in the other jurisdiction
33 was based exclusively upon a violation of a proscribed blood alcohol
34 concentration of less than 0.10%.

35 If the driving privilege of any person is under revocation or
36 suspension for a violation of any provision of this Title or Title 2C of
37 the New Jersey Statutes at the time of any conviction for a violation
38 of this section, the revocation or suspension period imposed shall
39 commence as of the date of termination of the existing revocation or
40 suspension period. In the case of any person who at the time of the
41 imposition of sentence is less than 17 years of age, the forfeiture,
42 suspension or revocation of the driving privilege imposed by the court
43 under this section shall commence immediately, run through the
44 offender's seventeenth birthday and continue from that date for the
45 period set by the court pursuant to paragraphs (1) through (3) of this
46 subsection. A court that imposes a term of imprisonment under this

1 section may sentence the person so convicted to the county jail, to the
2 workhouse of the county wherein the offense was committed, to an
3 inpatient rehabilitation program or to an Intoxicated Driver Resource
4 Center or other facility approved by the chief of the Intoxicated
5 Driving Program Unit in the Department of Health and Senior
6 Services; provided that for a third or subsequent offense a person shall
7 not serve a term of imprisonment at an Intoxicated Driver Resource
8 Center as provided in subsection (f).

9 A person who has been convicted of a previous violation of this
10 section need not be charged as a second or subsequent offender in the
11 complaint made against him in order to render him liable to the
12 punishment imposed by this section on a second or subsequent
13 offender, but if the second offense occurs more than 10 years after the
14 first offense, the court shall treat the second conviction as a first
15 offense for sentencing purposes and if a third offense occurs more than
16 10 years after the second offense, the court shall treat the third
17 conviction as a second offense for sentencing purposes.

18 (b) A person convicted under this section must satisfy the
19 screening, evaluation, referral, program and fee requirements of the
20 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program
21 Unit, and of the Intoxicated Driver Resource Centers and a program
22 of alcohol and drug education and highway safety, as prescribed by the
23 Director of the Division of Motor Vehicles. The sentencing court shall
24 inform the person convicted that failure to satisfy such requirements
25 shall result in a mandatory two-day term of imprisonment in a county
26 jail and a driver license revocation or suspension and continuation of
27 revocation or suspension until such requirements are satisfied, unless
28 stayed by court order in accordance with the Rules Governing the
29 Courts of the State of New Jersey, or R.S.39:5-22. Upon sentencing,
30 the court shall forward to the Division of Alcoholism and Drug
31 Abuse's Intoxicated Driving Program Unit a copy of a person's
32 conviction record. A fee of \$100.00 shall be payable to the Alcohol
33 Education, Rehabilitation and Enforcement Fund established pursuant
34 to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
35 Intoxicated Driving Program Unit.

36 (c) Upon conviction of a violation of this section, the court shall
37 collect forthwith the New Jersey driver's license or licenses of the
38 person so convicted and forward such license or licenses to the
39 Director of the Division of Motor Vehicles. The court shall inform the
40 person convicted that if he is convicted of personally operating a
41 motor vehicle during the period of license suspension imposed
42 pursuant to subsection (a) of this section, he shall, upon conviction, be
43 subject to the penalties established in R.S.39:3-40. The person
44 convicted shall be informed orally and in writing. A person shall be
45 required to acknowledge receipt of that written notice in writing.
46 Failure to receive a written notice or failure to acknowledge in writing

1 the receipt of a written notice shall not be a defense to a subsequent
2 charge of a violation of R.S.39:3-40. In the event that a person
3 convicted under this section is the holder of any out-of-State driver's
4 license, the court shall not collect the license but shall notify forthwith
5 the director, who shall, in turn, notify appropriate officials in the
6 licensing jurisdiction. The court shall, however, revoke the
7 nonresident's driving privilege to operate a motor vehicle in this State,
8 in accordance with this section. Upon conviction of a violation of this
9 section, the court shall notify the person convicted, orally and in
10 writing, of the penalties for a second, third or subsequent violation of
11 this section. A person shall be required to acknowledge receipt of that
12 written notice in writing. Failure to receive a written notice or failure
13 to acknowledge in writing the receipt of a written notice shall not be
14 a defense to a subsequent charge of a violation of this section.

15 (d) The Director of the Division of Motor Vehicles shall
16 promulgate rules and regulations pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to
18 establish a program of alcohol education and highway safety, as
19 prescribed by this act.

20 (e) Any person accused of a violation of this section who is liable
21 to punishment imposed by this section as a second or subsequent
22 offender shall be entitled to the same rights of discovery as allowed
23 defendants pursuant to the Rules Governing the Courts of the State of
24 New Jersey.

25 (f) The counties, in cooperation with the Division of Alcoholism
26 and Drug Abuse and the Division of Motor Vehicles, but subject to the
27 approval of the Division of Alcoholism and Drug Abuse, shall
28 designate and establish on a county or regional basis Intoxicated
29 Driver Resource Centers. These centers shall have the capability of
30 serving as community treatment referral centers and as court monitors
31 of a person's compliance with the ordered treatment, service
32 alternative or community service. All centers established pursuant to
33 this subsection shall be administered by a counselor certified by the
34 Alcohol and Drug Counselor Certification Board of New Jersey or
35 other professional with a minimum of five years' experience in the
36 treatment of alcoholism. All centers shall be required to develop
37 individualized treatment plans for all persons attending the centers;
38 provided that the duration of any ordered treatment or referral shall
39 not exceed one year. It shall be the center's responsibility to establish
40 networks with the community alcohol and drug education, treatment
41 and rehabilitation resources and to receive monthly reports from the
42 referral agencies regarding a person's participation and compliance
43 with the program. Nothing in this subsection shall bar these centers
44 from developing their own education and treatment programs;
45 provided that they are approved by the Division of Alcoholism and
46 Drug Abuse.

1 Upon a person's failure to report to the initial screening or any
2 subsequent ordered referral, the Intoxicated Driver Resource Center
3 shall promptly notify the sentencing court of the person's failure to
4 comply.

5 Required detention periods at the Intoxicated Driver Resource
6 Centers shall be determined according to the individual treatment
7 classification assigned by the Intoxicated Driving Program Unit. Upon
8 attendance at an Intoxicated Driver Resource Center, a person shall be
9 required to pay a per diem fee of \$75.00 for the first offender program
10 or a per diem fee of \$100.00 for the second offender program, as
11 appropriate. Any increases in the per diem fees after the first full year
12 shall be determined pursuant to rules and regulations adopted by the
13 Commissioner of Health and Senior Services in consultation with the
14 Governor's Council on Alcoholism and Drug Abuse pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.).

17 The centers shall conduct a program of alcohol and drug education
18 and highway safety, as prescribed by the Director of the Division of
19 Motor Vehicles.

20 The Commissioner of Health and Senior Services shall adopt rules
21 and regulations pursuant to the "Administrative Procedure Act,"
22 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
23 purposes of this subsection.

24 (g) When a violation of this section occurs while:

25 (1) on any school property used for school purposes which is
26 owned by or leased to any elementary or secondary school or school
27 board, or within 1,000 feet of such school property;

28 (2) driving through a school crossing as defined in R.S.39:1-1 if
29 the municipality, by ordinance or resolution, has designated the school
30 crossing as such; or

31 (3) driving through a school crossing as defined in R.S.39:1-1
32 knowing that juveniles are present if the municipality has not
33 designated the school crossing as such by ordinance or resolution, the
34 convicted person shall: for a first offense, be fined not less than \$500
35 or more than \$800, be imprisoned for not more than 60 days and have
36 his license to operate a motor vehicle suspended for a period of not
37 less than one year or more than two years; for a second offense, be
38 fined not less than \$1,000 or more than \$2,000, perform community
39 service for a period of 60 days, be imprisoned for not less than 96
40 consecutive hours, which shall not be suspended or served on
41 probation, nor more than 180 days, except that the court may lower
42 such term for each day, not exceeding 90 days, served performing
43 community service in such form and on such terms as the court shall
44 deem appropriate under the circumstances and have his license to
45 operate a motor vehicle suspended for a period of not less than four
46 years; and, for a third offense, be fined \$2,000, imprisoned for 180

1 days and have his license to operate a motor vehicle suspended for a
2 period of 20 years; the period of license suspension shall commence
3 upon the completion of any prison sentence imposed upon that person.

4 A map or true copy of a map depicting the location and boundaries
5 of the area on or within 1,000 feet of any property used for school
6 purposes which is owned by or leased to any elementary or secondary
7 school or school board produced pursuant to section 1 of P.L.1987,
8 c.101 (C.2C:35-7) may be used in a prosecution under paragraph (1)
9 of this subsection.

10 It shall not be relevant to the imposition of sentence pursuant to
11 paragraph (1) or (2) of this subsection that the defendant was unaware
12 that the prohibited conduct took place while on or within 1,000 feet
13 of any school property or while driving through a school crossing.
14 Nor shall it be relevant to the imposition of sentence that no juveniles
15 were present on the school property or crossing zone at the time of the
16 offense or that the school was not in session.

17 (h) A court also may order a person convicted pursuant to
18 subsection a. of this section, to participate in a supervised visitation
19 program as either a condition of probation or a form of community
20 service, giving preference to those who were under the age of 21 at
21 the time of the offense. Prior to ordering a person to participate in
22 such a program, the court may consult with any person who may
23 provide useful information on the defendant's physical, emotional and
24 mental suitability for the visit to ensure that it will not cause any injury
25 to the defendant. The court also may order that the defendant
26 participate in a counseling session under the supervision of the
27 Intoxicated Driving Program Unit prior to participating in the
28 supervised visitation program. The supervised visitation program
29 shall be at one or more of the following facilities which have agreed to
30 participate in the program under the supervision of the facility's
31 personnel and the probation department:

32 (1) a trauma center, critical care center or acute care hospital
33 having basic emergency services, which receives victims of motor
34 vehicle accidents for the purpose of observing appropriate victims of
35 drunk drivers and victims who are, themselves, drunk drivers;

36 (2) a facility which cares for advanced alcoholics or drug abusers,
37 to observe persons in the advanced stages of alcoholism or drug abuse;
38 or

39 (3) if approved by a county medical examiner, the office of the
40 county medical examiner or a public morgue to observe appropriate
41 victims of vehicle accidents involving drunk drivers.

42 As used in this section, "appropriate victim" means a victim whose
43 condition is determined by the facility's supervisory personnel and the
44 probation officer to be appropriate for demonstrating the results of
45 accidents involving drunk drivers without being unnecessarily
46 gruesome or traumatic to the defendant.

1 If at any time before or during a visitation the facility's supervisory
2 personnel and the probation officer determine that the visitation may
3 be or is traumatic or otherwise inappropriate for that defendant, the
4 visitation shall be terminated without prejudice to the defendant. The
5 program may include a personal conference after the visitation, which
6 may include the sentencing judge or the judge who coordinates the
7 program for the court, the defendant, defendant's counsel, and, if
8 available, the defendant's parents to discuss the visitation and its effect
9 on the defendant's future conduct. If a personal conference is not
10 practicable because of the defendant's absence from the jurisdiction,
11 conflicting time schedules, or any other reason, the court shall require
12 the defendant to submit a written report concerning the visitation
13 experience and its impact on the defendant. The county, a court, any
14 facility visited pursuant to the program, any agents, employees, or
15 independent contractors of the court, county, or facility visited
16 pursuant to the program, and any person supervising a defendant
17 during the visitation, are not liable for any civil damages resulting from
18 injury to the defendant, or for civil damages associated with the
19 visitation which are caused by the defendant, except for willful or
20 grossly negligent acts intended to, or reasonably expected to result in,
21 that injury or damage.

22 The Supreme Court may adopt court rules or directives to
23 effectuate the purposes of this subsection.

24 (i) In addition to any other fine, fee, or other charge imposed
25 pursuant to law, the court shall assess a person convicted of a
26 violation of the provisions of this section a surcharge of \$100, of
27 which amount \$50 shall be payable to the municipality in which the
28 conviction was obtained and \$50 shall be payable to the Treasurer of
29 the State of New Jersey for deposit into the General Fund.

30 (cf: P.L.2001, c.12, s.1)

31

32 18. Section 23 of P.L.1973, c.337 (C.26:2J-23) is amended to
33 read as follows:

34 23. Every health maintenance organization subject to this act shall
35 pay to the commissioner the following fees:

36 a. for filing an application for a certificate of authority or
37 amendment thereto, \$100.00;

38 b. for filing each annual report, \$10.00[.] ; and

39 c. for the purpose of supporting the activities of the Department
40 of Health and Senior Services associated with the regulation of health
41 maintenance organizations, \$1.50 per life per year, with payment being
42 made annually no later than July 15 for the preceding calendar year.
43 Payments made by a health maintenance organization pursuant to this
44 act shall not in any way reduce payments that may be owed by a health
45 maintenance organization pursuant to P.L.1995, c.156 (C.17:1C-19
46 et seq.) and subsequent amendments thereto. No such payment shall

1 be required for any per life per year that is funded through the
2 Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-
3 1et seq.), the "Children's Health Care Coverage Program" established
4 pursuant to P.L.1997, c.272 (C.30:4I-1 et seq.), or the "FamilyCare
5 Health Coverage Program" established pursuant to P.L.2000, c.71
6 (C.30:4J-1 et seq.).

7 In accordance with the Administrative Procedure Act, P.L.1968,
8 c.410 (C.52:14B-1 et seq.), the commissioner may promulgate rules
9 and regulations directing that additional fees be paid.

10 From fees collected under the provisions of subsection c. of this
11 section, the Legislature shall in each fiscal year appropriate to the
12 community health law project the sum of \$100,000 to fund a grant in
13 support of a program to provide any senior citizen resident of this
14 State who is covered as an enrollee in or beneficiary of a health plan
15 administered by a health maintenance organization with information
16 concerning the person's rights under the program and assistance with
17 the procedures for receiving the benefits to which the person is entitled
18 under the program.

19 (cf: P.L.1973, c. 337, s. 23)

20

21 19. N.J.S.12A:9-525 is amended to read as follows:

22 12A:9-525. Fees. (a) Initial financing statement or other record:
23 general rule. Except as otherwise provided in subsection (d), the fees
24 for filing and indexing records under this part are:

- 25 (1) \$25 for financing statement;
26 (2) \$25 for continuation statement;
27 (3) \$25 for amendment statement;
28 (4) \$25 for partial release;
29 (5) \$25 for assignment;
30 (6) \$25 termination statement; and
31 (7) \$1 per page for copy of any filed financing statement.

32 (b) Number of names. Except as otherwise provided in subsection
33 (d), the number of names required to be indexed does not affect the
34 amount of the fee in subsection (a).

35 (c) Response to information request. The fee for responding to a
36 request for information from the filing office, including for issuing a
37 certificate of search showing whether there is on file any financing
38 statement naming a particular debtor, is \$25.

39 (d) Record of mortgage. This section does not require a fee with
40 respect to a record of mortgage which is effective as a financing
41 statement filed as a fixture filing or as a financing statement covering
42 as-extracted collateral or timber to be cut under 12A:9-502 (c).
43 However, the recording and satisfaction fees that otherwise would be
44 applicable to the record of the mortgage apply.

45 (cf: P.L.2001, c.386, s.89)

1 20. N.J.S.14A:15-2 is amended to read as follows:

2 14A:15-2. On filing any certificate or other papers relative to
3 corporations in the [office of the Secretary of State] Department of
4 the Treasury, there shall be paid to the [Secretary of State] State
5 Treasurer, filing fees as follows:

6 (1) Certificate of incorporation and amendments thereto:

7 (a) for filing the original certificate of incorporation. [\$100.00]
8 \$125.00

9 (b) for filing a certificate of amendment of
10 the certificate of incorporation, including
11 any number of amendments [50.00] 75.00

12 (c) for filing a certificate of abandonment
13 of one or more amendments of the
14 certificate of incorporation [50.00] 75.00

15 (d) for filing a certificate of merger or
16 a certificate of consolidation [50.00] 75.00

17 (e) for filing a certificate of abandonment
18 of a merger or consolidation [50.00] 75.00

19 (2) Restated certificate of incorporation:

20 for filing a restated certificate of incorporation,
21 including any amendments of the certificate of
22 incorporation concurrently adopted [50.00] 75.00

23 (3) Dissolution of corporation:

24 (a) for filing a certificate of dissolution..... [50.00] 75.00

25 (b) for filing a certificate of revocation of
26 dissolution proceedings [50.00] 75.00

27 (4) Admission and withdrawal of foreign corporation:

28 (a) for filing an application for a certificate of
29 authority to transact business in this State and
30 issuing a certificate of authority [100.00] 125.00

31 (b) for filing an application for an amended
32 certificate of authority to transact business
33 in this State and issuing an amended
34 certificate of authority..... [50.00] 75.00

35 (c) for filing an application for withdrawal
36 from this State and issuing a
37 certificate of withdrawal [50.00] 75.00

38 (d) for filing a certificate of change of post-office
39 address to which process may be mailed by the
40 [Secretary of State] State Treasurer 25.00

41 (e) for filing a certificate, order or decree
42 with respect to the dissolution of a
43 foreign corporation, the termination of
44 its existence, or the cancellation of its
45 authority, and issuing a certificate

- 1 of withdrawal [50.00] 75.00
- 2 (5) Registered office and registered agent:
- 3 (a) for filing a certificate of change of address
- 4 of registered office, or change of
- 5 registered agent, or both [10.00] 25.00
- 6 (b) (i) for filing a certificate of change of address
- 7 of registered agent, where such certificate effects
- 8 a change in the address of the registered office
- 9 of one to 499 corporations or of 500 or more
- 10 corporations in cases where the filing information
- 11 is not transmitted to the [Secretary of State] State Treasurer
- 12 in a machine readable format agreeable to the
- 13 Division of Commercial Recording, for each
- 14 corporation named in the certificate [10.00] 25.00
- 15 (ii) for filing a certificate of change of address
- 16 of registered agent, where such certificate
- 17 effects a change in the address of the registered
- 18 office of 500 or more corporations in cases
- 19 where the filing information is transmitted
- 20 to the [Secretary of State] State Treasurer
- 21 in a machine readable format agreeable to
- 22 the Division of Commercial Recording 5,000.00
- 23 (iii) In addition to the fee imposed pursuant to
- 24 subparagraph (ii) of this paragraph, the [Secretary of State]
- 25 State Treasurer may assess an additional fee
- 26 not to exceed those administrative costs
- 27 associated with the technical transmission of
- 28 the filing information.
- 29 (c) for filing an affidavit of resignation of
- 30 a registered agent [10.00] 25.00
- 31 (6) Annual report:
- 32 for each such report required to be filed.....[40.00] 50.00
- 33 (7) Tax clearance certificate from the Director of
- 34 the Division of Taxation: for each such certificate
- 35 required to be filed 20.00
- 36 (cf: P.L.1994, c.60, s.2)
- 37
- 38 21. N.J.S.14A:15-3 is amended to read as follows:
- 39 14A:15-3. Additional corporate filing fees. The [Secretary of
- 40 State] State Treasurer shall also charge and collect for:
- 41 (1) filing an application to reserve a
- 42 specified corporate name and issuing
- 43 a certificate of reservation \$50.00
- 44 if application is for the first name available for
- 45 corporate use among not more than

1	three specified names	\$50.00
2	(2) filing a notice of transfer of a	
3	reserved corporate name	\$25.00
4	(3) filing an application by a foreign corporation	
5	to register its corporate name	\$50.00
6	(4) filing an application by a foreign corporation	
7	to renew the registration of its corporate name	\$50.00
8	(5) filing a statement of cancellation of shares	[\$50.00] <u>\$75.00</u>
9	(6) filing a statement of reduction of	
10	stated capital	[\$50.00] <u>\$75.00</u>
11	(7) filing a certificate as to the acquisition of	
12	the shares or a class of shares of	
13	a domestic corporation	[50.00] <u>\$75.00</u>
14	(8) issuing a certificate of standing, including	
15	registered agent and registered office	\$25.00
16	(9) issuing a certificate of standing, same as	
17	above, but including incorporators, officers	
18	and directors, and authorized shares	\$25.00
19	(10) issuing a certificate of standing,	
20	listing charter documents	\$25.00
21	(11) issuing a certificate of availability of	
22	corporate name (one to three names)	\$25.00
23	(12) filing a certificate of registration of	
24	alternate name	\$50.00
25	(13) filing a certificate of renewal of	
26	registration of alternate name	\$25.00
27	(14) filing a certificate of correction, in addition	
28	to any applicable license fee	\$10.00
29	(15) filing and issuing a reinstatement	
30	of charter	[\$50.00] <u>\$75.00</u>
31	(16) corporate status reports -- per name	\$5.00
32	(17) accepting service of process	
33	against corporation pursuant	
34	to N.J.S.2A:15-26 et seq.	\$25.00
35	(18) filing a termination of alternate name	[\$50.00] <u>\$75.00</u>
36	(cf: P.L.1988, c.94, s.70)	

37

38 22. N.J.S.14A:4-5 is amended to read as follows:

39 14A:4-5. Annual report to [Secretary of State] State Treasurer.

40 (1) Every domestic corporation and every foreign corporation
41 authorized to transact business in this State shall file in the [office of
42 the Secretary of State] Department of the Treasury, within the time
43 prescribed by this section, an annual report, executed on behalf of the
44 corporation, or executed by the registered agent, setting forth

45 (a) The name of the corporation and, in the case of a foreign
46 corporation, the jurisdiction of its incorporation;

- 1 (b) The address of the registered office of the corporation in this
2 State, and the name of its registered agent in this State at such
3 address;
- 4 (c) The names and addresses of the directors and officers of the
5 corporation;
- 6 (d) (Deleted by amendment, P.L.1988, c.94.)
- 7 (e) The address of its main business or headquarters office; and
- 8 (f) The address of its principal business office in New Jersey, if
9 any.
- 10 (2) The [Secretary of State] State Treasurer shall designate a
11 date for filing annual reports for each corporation required to submit
12 a report pursuant to this section and shall annually notify the
13 corporation of the date so designated not less than 60 days prior to
14 such date. The corporation shall file the report within 30 days before
15 or 30 days after the date so designated. If the date so designated is
16 not more than six months after the date on which an annual report
17 pursuant to the provisions of prior law was filed or on which the
18 certificate of incorporation became effective, the corporation shall not
19 be required to file an annual report until one year after the first
20 occurrence of the date so designated.
- 21 (3) (Deleted by amendment, P.L.1997, c.139.)
- 22 (4) The [Secretary of State] State Treasurer shall furnish annual
23 report forms, shall keep in his office all such reports and shall prepare
24 an alphabetical index thereof, which reports and index shall be open to
25 public inspection at proper hours.
- 26 (5) In the event a domestic corporation fails to file an annual
27 report for two consecutive years with the [Secretary of State] State
28 Treasurer, then, after written notice by certified mail to the
29 corporation at its last known main business or headquarters office or
30 at the address of its registered agent, the [Secretary of State] State
31 Treasurer may issue a proclamation declaring that the certificate of
32 incorporation of the corporation has been revoked and that all powers
33 conferred by law upon it shall thereafter be inoperative and void. The
34 proclamation of the [Secretary of State] State Treasurer shall be filed
35 in the office of the [Secretary of State] State Treasurer. No
36 corporation's certificate of incorporation shall be revoked pursuant to
37 this subsection if, within 30 days after the giving of notice, it files the
38 reports required by law and pays to the [Secretary of State] State
39 Treasurer all of the fees due for the filing of the reports.
- 40 (6) In the event a foreign corporation fails to file an annual report
41 for two consecutive years with the [Secretary of State] State
42 Treasurer, then, after written notice by certified mail to the
43 corporation at its last known main business or headquarters office or
44 at the address of its registered agent, the [Secretary of State] State
45 Treasurer may issue a proclamation declaring that the certificate of

1 authority to do business of the corporation and the powers conferred
2 by law upon it shall be revoked. The proclamation of the [Secretary
3 of State] State Treasurer shall be filed in the office of the [Secretary
4 of State] State Treasurer. No corporation's certificate of authority
5 shall be revoked pursuant to this paragraph if, within 30 days after the
6 giving of notice, it files the reports required by law and pays to the
7 [Secretary of State] State Treasurer all of the fees due for the filing
8 of the reports.

9 (7) If the certificate of incorporation of a domestic corporation or
10 a certificate of authority of a foreign corporation has been revoked by
11 proclamation, the certificate shall be reinstated by proclamation of the
12 [Secretary of State] State Treasurer upon: (a) payment by the
13 corporation of all fees due to the [Secretary of State] State Treasurer,
14 consisting of a reinstatement filing fee of [\$50] \$75.00, tax clearance
15 filing fee of \$20, current annual report fee, all delinquent annual report
16 fees, and a reinstatement assessment of \$200; and (b) certification of
17 the Director of the Division of Taxation that no cause exists for
18 revocation of the corporation's certificate of incorporation or
19 certificate of authority pursuant to R.S.54:11-2. The reinstatement
20 relates back to the date of issuance of the proclamation revoking the
21 certificate of incorporation or the certificate of authority and shall
22 validate all actions taken in the interim. In the event that in the interim
23 the corporate name has become unavailable, the [Secretary of State]
24 State Treasurer shall issue the certificate upon, in the case of a
25 domestic corporation, the filing of an amendment to its certificate of
26 incorporation to change the corporate name to an available name, and,
27 in the case of a foreign corporation, the filing of an amended
28 certificate of authority adopting an assumed name. The [Secretary of
29 State] State Treasurer shall provide the forms necessary to effect
30 annual report reinstatements.

31 (cf: P.L.1997, c.139, s.3)

32

33 23. N.J.S.15A:15-1 is amended to read as follows:

34 15A:15-1. Filing Fees of the [Secretary of State] State Treasurer.
35 On filing any certificate or other papers relative to corporations in the
36 [office of the Secretary of State] Department of the Treasury, there
37 shall be paid to the [Secretary of State] State Treasurer filing fees as
38 follows:

39 a. Certificate of incorporation and amendments thereto:

- 40 (1) for filing the original certificate of
41 incorporation [\$50.00] \$75.00
42 (2) for filing a certificate of amendment of the
43 certificate of incorporation including any number
44 of amendments..... [\$50.00] \$75.00
45 (3) for filing a certificate of abandonment of one or

- 1 more amendments of the certificate of
- 2 incorporation.....**[\$50.00]** \$75.00
- 3 (4) for filing a certificate of merger or a certificate
- 4 of consolidation **[\$50.00]** \$75.00
- 5 (5) for filing a certificate of abandonment of a merger or
- 6 consolidation **[\$50.00]** \$75.00
- 7 b. Restated certificate of incorporation: for filing
- 8 a restated certificate of incorporation including
- 9 any amendments of the certificate of incorporation
- 10 concurrently adopted..... **[\$50.00]** \$75.00
- 11 c. Dissolution of corporation:
- 12 (1) for filing a certificate of dissolution **[\$50.00]** \$75.00
- 13 (2) for filing a certificate of revocation of
- 14 dissolution proceedings **[\$50.00]** \$75.00
- 15 d. Admission and withdrawal of foreign corporation:
- 16 (1) for filing an application for a certificate of authority to
- 17 conduct activities in this State and issuing a certificate of
- 18 authority.....**[\$100.00]** \$125.00
- 19 (2) for filing an application for an amended
- 20 certificate of authority to conduct activities
- 21 in this State and issuing an amended
- 22 certificate of authority.....**[\$50.00]** \$75.00
- 23 (3) for filing an application for withdrawal from
- 24 this State and issuing a certificate of
- 25 withdrawal**[\$50.00]** \$75.00
- 26 (4) for filing a certificate of change of post
- 27 office address to which process may be
- 28 mailed by the **[Secretary of State]** State Treasurer\$25.00
- 29 (5) for filing a certificate, order or decree
- 30 with respect to the dissolution of a foreign
- 31 corporation, the termination of its existence,
- 32 or the cancellation of its authority, and
- 33 issuing a certificate of withdrawal **[\$50.00]** \$75.00
- 34 e. Registered office and registered agent:
- 35 (1) for filing a certificate of change of
- 36 address of registered office, or change
- 37 of registered agent or both**[\$10.00]** \$25.00
- 38 (2) for filing a certificate of change of address
- 39 of registered agent where such certificate
- 40 effects a change in the address
- 41 of the registered office of one or more
- 42 corporations, for each corporation named
- 43 in the certificate **[\$10.00]** \$25.00
- 44 (3) for filing an affidavit of resignation of
- 45 a registered agent**[\$10.00]** \$25.00

- 1 f. Annual report:
- 2 for each such report required to be filed**[\$15.00]**
- 3 **\$25.00**
- 4 g. Reinstatement filing assessment:
- 5 payment of a reinstatement filing
- 6 assessment**[\$50.00] \$75.00.**

7 (cf: P.L.1997, c.138, s.3)

8

9 24. N.J.S.15A:15-2 is amended to read as follows:

10 15A:15-2. Additional Miscellaneous Fees.

11 The **[Secretary of State] State Treasurer** shall also charge and

12 collect for:

- 13 a. filing an application to reserve a specified
- 14 corporate name and issuing a certificate of
- 15 reservation \$50.00
- 16 (1) if application is for first name available
- 17 for corporate use among not more than three
- 18 specified names \$50.00
- 19 b. filing a notice of transfer of a reserved
- 20 corporate name \$50.00
- 21 c. filing an application by a foreign corporation
- 22 to register its corporate name \$50.00
- 23 d. filing an application by a foreign corporation
- 24 to renew the registration of its corporate
- 25 name \$50.00
- 26 e. issuing a certificate of standing, including
- 27 registered agent and registered office \$25.00
- 28 f. issuing a certificate of standing, same as above,
- 29 but including incorporators, officers and
- 30 trustees \$25.00
- 31 g. issuing a certificate of standing, listing
- 32 charter documents \$25.00
- 33 h. issuing a certificate of availability of
- 34 corporate name (1 to 3 names) \$25.00
- 35 i. filing a certificate of registration of alternate
- 36 name \$50.00
- 37 j. filing a certificate of renewal of registration
- 38 of alternate name \$50.00
- 39 k. filing a certificate of correction \$50.00
- 40 l. corporate status reports--per name \$5.00

41 (cf: P.L.1987, c.435, s.13)

42

43 25. N.J.S.22A:2-1 is amended to read as follows:

44 22A:2-1. For services hereinafter mentioned, the Clerk of the

45 Supreme Court shall be entitled to demand and receive the following

46 fees:

1 Upon the filing or entering of the notice of appeal, notice of
2 cross-appeal or notice of petition for certification, notice of
3 cross-petition for certification or notice of petition for review, the
4 appellant, cross-appellant, petitioner or cross-petitioner shall pay
5 ~~[\$175.00]~~ \$200.00.

6 Upon the filing of the first paper in any motion, petition or
7 application (including an order if it be the first paper), if not in a
8 pending cause or if made after judgment entered, the moving party
9 shall pay ~~[\$25.00]~~ \$30.00 shall cover all fees payable on such motion,
10 petition or application down to and including filing and entering the
11 order therein and taxation of costs.

12 (cf: P.L.1996, c.52, s.1)

13

14 26. N.J.S.22A:2-6 is amended to read as follows:

15 22A:2-6. Upon the filing or entering of the first paper or
16 proceeding in any action or proceeding in the Law Division of the
17 Superior Court, the plaintiff shall pay to the clerk ~~[\$175.00]~~ \$200.00
18 for the first paper filed by him, which shall cover all fees payable
19 therein down to, and including entry of final judgment, taxation of
20 costs, copy of costs and the issuance and recording of final process,
21 except such as may be otherwise provided herein, or provided by law,
22 or the rules of court. Any person filing an answer setting forth a
23 counterclaim or a third party claim in such cause shall pay to the clerk
24 ~~[\$175.00]~~ \$200.00 for the first paper filed by him. Any person other
25 than the plaintiff filing any other paper in any such cause shall pay to
26 the clerk ~~[\$110.00]~~ \$135.00 for the first paper filed by him.

27 Any person filing a motion in any action or proceeding shall pay to
28 the clerk ~~[\$15.00]~~ \$30.00.

29 (cf: P.L.1996, c.52, s.2)

30

31 27. N.J.S.22A:2-7 is amended to read as follows:

32 22A:2-7. a. Upon the filing, entering, docketing or recording of
33 the following papers, documents or proceedings by either party to any
34 action or proceeding in the Law Division of the Superior Court, the
35 party or parties filing, entering, docketing or recording the same shall
36 pay to the clerk of said court the following fees:

37 Filing of the first paper in any motion, petition or application, if not
38 in a pending action or proceeding under section 22A:2-6 of this Title,
39 or if made after dismissal or judgment entered other than withdrawal
40 of money deposited in court, the moving party shall pay ~~[\$15.00]~~
41 \$30.00 which shall cover all fees payable on such motion, petition or
42 application down to and including filing and entering of order therein
43 and taxation of costs.

44 For withdrawal of money deposited in court where the sum to be
45 withdrawn is less than \$100.00, no fee; where the sum is \$100.00 or
46 more but less than \$1,000.00, a fee of \$5.00; where such sum is

1 \$1,000.00 or more, a fee of \$10.00.

2 Entering judgment on bond and warrant by attorney and issuance
3 of one final process, \$15.00 in lieu of the fee required by section
4 22A:2-6 of this Title.

5 Recording of judgment in the civil judgment and order docket,
6 ~~[\$25.00]~~ \$35.00 shall be paid to the clerk for use by the State, except
7 as provided in subsection b. of this section.

8 Docketing judgments or orders from other courts or divisions
9 except from the Special Civil Part, including Chancery Division
10 judgments, ~~[\$25.00]~~ \$35.00 shall be paid to the clerk for use by the
11 State, except as provided in subsection b. of this section and except
12 that no fee shall be paid by any municipal court to docket a judgment
13 of conviction and amount of assessment, restitution, fine, penalty or
14 fee pursuant to subsection a. of N.J.S.2C:46-1.

15 Docketing judgments or orders from the Special Civil Part,
16 ~~[\$5.00]~~ \$10.00 shall be paid to the clerk for use by the State, except
17 as provided in subsection b. of this section.

18 Satisfaction of judgment or other lien, ~~[\$25.00]~~ \$35.00.

19 Recording assignment of judgment or release, \$5.00.

20 Issuing of executions and recording same, except as otherwise
21 provided in this article, \$5.00.

22 Recording of instruments not otherwise provided for in this article,
23 \$5.00.

24 Filing and entering recognizance of civil bail, \$5.00.

25 Signing and issuing subpoena, \$5.00.

26 b. Moneys collected under the provisions of subsection a. of this
27 section for the recording and docketing of judgments and satisfactions
28 of judgments or other liens shall be deposited in the temporary reserve
29 fund created by section 25 of P.L.1993, c.275. After December 31,
30 1994, the moneys collected under the provisions of subsection a. shall
31 be for use by the State.

32 (cf: P.L.1995, c.135, s.10)

33

34 28. N.J.S.22A:2-12 is amended to read as follows:

35 22A:2-12. Upon the filing of the first paper in any action or
36 proceeding in the Chancery Division of the Superior Court, there shall
37 be paid to the clerk of the court, for the use of the State, the following
38 fees, which, except as hereinafter provided, shall constitute the entire
39 fees to be collected by the clerk for the use of the State, down to the
40 final disposition of the cause:

41 Receivership and partition, ~~[\$175.00]~~ \$200.00.

42 All other actions and proceedings except in probate cases and
43 actions and proceedings for divorce, ~~[\$175.00]~~ \$200.00.

44 Actions and proceedings for divorce, ~~[\$160.00]~~ \$200.00, \$25.00
45 of which shall be forwarded by the Clerk of the Superior Court as
46 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

1 Any person filing a motion in any action or proceeding shall pay to
2 the clerk ~~[\$15.00]~~ \$30.00.

3 (cf: P.L.1996, c.52, s.3)

4
5 29. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
6 to read as follows:

7 2. The Clerk of the Superior Court shall forward \$25.00 of the
8 ~~[\$160.00]~~ \$200.00 filing fee for divorce provided for in
9 N.J.S.22A:2-12 on a quarterly basis to the Department of Community
10 Affairs.

11 (cf: P.L.1993, c.188, s.2)

12
13 30. N.J.S.22A:2-13 is amended to read as follows:

14 22A:2-13. Each person other than the plaintiff filing an answering
15 pleading or other answering paper in the Chancery Division of the
16 Superior Court shall at the time of filing the first paper, pay to the
17 clerk the sum of ~~[\$105.00]~~ \$135.00; which shall cover all fees payable
18 therein except such as may be otherwise provided herein or by law or
19 the rules of court.

20 (cf: P.L.1996, c.52, s.4)

21
22 31. N.J.S.22A:2-29 is amended to read as follows:

23 22A:2-29. Upon the filing, indexing, entering or recording of the
24 following documents or papers in the office of the county clerk or
25 deputy clerk of the Superior Court, such parties, filing or having the
26 same recorded or indexed in the county clerk's office or with the
27 deputy clerk of the Superior Court in the various counties in this State
28 in all civil or criminal causes, shall pay the following fees in lieu of
29 the fees heretofore provided for the filing, recording or entering of
30 such documents or papers:

31 In general--

32 Issuing county clerk's certificate, any instrument	\$5.00
33 Comparing and making copies, per sheet.	\$2.00
34 Copies of all papers, typing and comparing of photostat, per page	
35 \$2.00	
36 Marking as a true copy, any instrument	\$2.00
37 Exemplification, any instrument	\$10.00
38 Plus \$1.00 per page of instrument.	

39 Recording or filing all instruments not herein stated. \$7.50

40 Bonds, bail, recognizances--

41 Recording all official bonds with acknowledgment and	
42 proof of the execution thereof	\$9.00

43 Filing [and entering] <u>all papers related to</u>	
44 recognizance or civil bail	[\$9.00] <u>\$18.00</u>

45 Filing discharge, attachment bond	\$9.00
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46 [Filing satisfaction or order discharging

1	recognizance of civil bail	\$9.00]
2	Filing and recording filiation bond	\$9.00
3	Filing satisfaction of or order discharging	
4	filiation bond	\$9.00
5	Recording or discharging sheriff's bond	\$9.00
6	Nonbusiness corporation, recording:	
7	Certificates of incorporation of churches, religious societies	
8	and congregations.	\$25.00
9	Amendments to certificates of incorporation of churches,	
10	religious societies and congregations, recording	\$25.00
11	Bank merger agreements, recording:	
12	First sheet	\$25.00
13	Each additional sheet	\$5.00
14	Certificates, each	\$5.00
15	Tradenames, firms, partnerships:	
16	Certificate of name, filing (see R.S.56:1-1 et seq.)	\$50.00
17	Certificate of dissolution of tradename	
18	(see R.S.56:1-6 et seq.)	\$25.00
19	Partnership agreement (see R.S.42:1-1 et seq.)	\$50.00
20	Building and loan or savings and loan associations:	
21	Change of name	\$25.00
22	Dissolution	\$25.00
23	Certificates for limited-dividend housing associations, recording:	
24	First page	\$20.00
25	Each additional page	\$5.00
26	Certificates for urban renewal associations, recording:	
27	First page	\$20.00
28	Each additional page	\$ 5.00
29	Judgments, et cetera--	
30	Recording judgments	\$15.00
31	Filing, entering and recording judgment on bond	
32	and warrant by attorney	\$37.50
33	Certificate for docketing Superior Court transcript	\$9.00
34	Recording assignment of judgment	\$15.00
35	Issuing transcript of judgment	\$7.50
36	Filing or entering on the record of discharge,	
37	cancellation, release or satisfaction of a judgment	
38	by satisfaction piece, execution returned satisfied	
39	or otherwise	\$15.00
40	For recording and indexing postponement of the lien	
41	of judgment.	\$20.00
42	Filing, indexing and recording mechanic's lien claim	\$9.00
43	Recording, filing and noting on the record the	
44	discharge, release or satisfaction of a	
45	mechanic's lien claim	\$9.00
46	Extension of lien claim	\$3.00

1	Filing statement in mechanic's lien proceeding	\$9.00
2	Filing, recording and indexing mechanic's notice	
3	of intention	\$4.50
4	Filing a certificate discharging a mechanic's notice	
5	of intention and noting the discharge on the	
6	record thereof	\$4.50
7	Filing certificate from court of commencement of	
8	suit	\$4.50
9	Filing a court order amending a mechanic's notice	
10	of intention	\$9.00
11	Construction lien	\$15.00
12	Notice of unpaid balance, discharge	\$15.00
13	Notation	\$5.00
14	Bond	\$25.00
15	Filing a court order to discharge notice of intention and noting	
16	the discharge on the record thereof	\$15.00
17	Filing, recording and indexing stop notice	\$ 4.50
18	Filing a certificate discharging a stop notice and noting the	
19	discharge on the record thereof.	\$ 4.50
20	Filing a court order discharging a stop notice and noting the	
21	discharge on the record thereof	\$ 9.00
22	Filing building contract	\$25.00
23	Filing discharge of building contract	\$15.00
24	Notation	\$ 5.00
25	Filing building specifications.	\$25.00
26	Filing building plans	\$25.00
27	Filing each notice of physician's lien	\$15.00
28	Entering upon the record the discharge of a	
29	physician's lien	\$15.00
30	Filing each hospital lien claim	\$15.00
31	Discharge of hospital lien	\$15.00
32	Filing satisfaction or order for discharge of	
33	attachment	
34	\$15.00	
35	Recording collateral inheritance waiver or receipt	\$15.00
36	Recording inheritance tax waiver.	\$15.00
37	Subordination, release, partial release or postponement	
38	of a lien to lien of mortgage	\$20.00
39	Notation	\$ 5.00
40	Commissions and oaths--	
41	Administering oaths to notaries public and	
42	commissioners of deeds	\$15.00
43	For issuing certificate of authority of notary to take	
44	proof, acknowledgment of affidavit	\$ 5.00
45	For issuing each certificate of the commission and	
46	qualification of notary public for filing with other	

1	county clerks	\$15.00
2	For filing each certificate of the commission	
3	and qualification of notary public, in	
4	office of county clerk of county other than	
5	where such notary has qualified	\$15.00
6	Miscellaneous--	
7	Filing and recording proceedings for laying out,	
8	vacating or dedicating roads	\$25.00
9	Recording firemen's certificates.	No charge.
10	Registering physician	\$25.00
11	Issuing alcoholic beverage identification card	\$10.00
12	Issuing of nonalcoholic beverage identification	
13	card to persons under twenty-one years of age	\$10.00
14	(cf: P.L.2001, c.370, s.2)	
15		
16	32. N.J.S.22A:2-37.1 is amended to read as follows:	
17	22A:2-37.1. a. In all civil actions and proceedings in the Special	
18	Civil Part of the Superior Court, Law Division, only the following fees	
19	shall be charged by the clerk and no service shall be performed until	
20	the specified fee has been paid:	
21	(1) Filing of small claim, one defendant	[\$12.00] <u>\$15.00</u>
22	Each additional defendant	\$2.00
23	(2) Filing of complaint in tenancy,	
24	one defendant	[\$20.00] <u>\$25.00</u>
25	Each additional defendant	\$2.00
26	(3) (a) Filing of complaint or other initial	
27	pleading containing a counterclaim, cross-claim	
28	or third party complaint in all other civil actions,	
29	whether commenced without process or by summons,	
30	capias, replevin or attachment where the amount	
31	exceeds the small claims monetary limit	[\$45.00] <u>\$50.00</u>
32	Each additional defendant	\$2.00
33	(b) Filing of complaint or other initial	
34	pleading containing a counterclaim, cross-claim	
35	or third party complaint in all other civil actions,	
36	whether commenced without process or by summons,	
37	capias, replevin or attachment where the amount	
38	does not exceed the small claims monetary limit	[\$27.00] <u>\$32.00</u>
39	Each additional defendant	\$ 2.00
40	(4) Filing of appearance or answer to a	
41	complaint or third party complaint in all	
42	matters except small claims	[\$10.00] <u>\$15.00</u>
43	(5) Service of Process:	
44	Summons by mail, each defendant	\$4.00
45	Summons by mail, each defendant at place of	
46	business or employment with postal instructions	

1	to deliver to addressee only, additional fee	\$4.00
2	Reservice of summons by mail, each defendant.	\$4.00
3	Reservice of summons or other original process	
4	by court officer, one defendant	\$3.00
5	plus mileage	
6	Each additional defendant	\$2.00
7	plus mileage	
8	Substituted service of process by the clerk	
9	upon the Director of the Division of	
10	Motor Vehicles	\$10.00
11	Plus postage.	\$4.00
12	(6) Mileage of court officer in serving or executing any process,	
13	writ, order, execution, notice, or warrant, the distance to be computed	
14	by counting the number of miles in and out, by the most direct route	
15	from the place where process is issued, at the same rate per mile set by	
16	the State for other State employees and the total mileage fee rounded	
17	upward to the nearest dollar	
18	(7) Jury of six persons	\$50.00
19	(8) Warrant for possession in tenancy	\$15.00
20	(9) Warrant to arrest, commitment or writ	
21	of capias ad respondendum, each defendant	\$15.00
22	(10) Writ of execution or an order in	
23	the nature of execution, writs of replevin and	
24	attachment issued subsequent to summons	\$5.00
25	Wage execution by mail to a federal agency	
26	additional fee	\$4.00
27	(11) For advertising property under	
28	execution or any order	\$10.00
29	(12) For selling property under	
30	execution or any order	\$10.00
31	(13) Exemplified copy of judgment	
32	(two pages)	\$5.00
33	each additional page	\$1.00

34 b. [Except as provided in subsection c., the clerk shall pay over
35 to the treasurer of the county in which the action is filed all fees
36 collected pursuant to this section. After December 31, 1994, the clerk
37 shall pay over to the State all fees collected pursuant to this section,
38 including the entire fee collected pursuant to paragraph (3) of
39 subsection a.] (Deleted by amendment, P.L. , c. (now pending
40 before the Legislature as this bill))

41 c. [From July 1, 1991 to June 30, 1993, the clerk shall pay over
42 to the treasurer of the county in which the action is filed \$12.00 of
43 each fee paid to the clerk pursuant to paragraph (3) of subsection a.,
44 with the balance made available for use by the State.] (Deleted by
45 amendment, P.L. , c. (now pending before the Legislature as this
46 bill))

1 (cf: P.L.2000, c.129, s.1)

2 33. (New section) Revenue derived from the increase in fees
3 collected by the Judiciary pursuant to sections 25 through 32 of
4 P.L. , c. (C.)(now pending before the Legislature as this bill) and
5 related increases provided by operation of N.J.S.22A:2-5 and section
6 2 of P.L.1993, c.74 (C.22A:5-1), shall be deposited into a non-lapsing
7 "Court Technology Improvement Fund," which is hereby established
8 as a dedicated fund in the General Fund. The fund shall be
9 administered by the Administrative Office of the Courts and dedicated
10 to the development, establishment, operation and maintenance of
11 computerized court information systems in the Judiciary.

12

13 34. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
14 read as follows:

15 11. For services herein enumerated the State Treasurer shall
16 collect the following fees:

17 a. For filing any original business certificate for which no other fee
18 is fixed by statute or regulation, \$125.

19 For filing any change or amendment to a previously filed document
20 for which no other fee is fixed by statute or regulation, \$75.

21 For issuing any certificate or filing any other document for which
22 no other fee is fixed by statute or regulation, \$25.00, except that the
23 provisions of this subsection shall not apply to:

- 24 (1) certificates of appointments for gubernatorial appointees;
25 (2) documents filed by public bodies under the "Open Public
26 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);
27 (3) financial disclosures filed by State officials;
28 (4) oaths of office;
29 (5) resignation of office holders;
30 (6) documents filed by other State government entities indexed in
31 the department's miscellaneous file.

32 b. For certification or exemplification of any document on file,
33 \$25.00.

34 c. For certification or exemplification of any signature on file,
35 including the issuance of a certificate for proving a document outside
36 the United States, also known as an apostille, \$25.00; except that in
37 cases of adoption of a child, the fee for an apostille shall be \$5.00.

38 d. For filing a certified copy of an order of change of name,
39 \$50.00.

40 e. For a paper copy of any document on file, \$1.00 per page. If
41 a roll of microfilm images is requested, the State Treasurer shall
42 collect a fee of \$1.00 for each image on the microfilm roll. If a
43 microfiche copy of a microfiche is requested, \$3.00.

44 f. For filing a proof of publication, \$10.00.

45 (cf: P.L.2000, c.133, s.1)

46

1 35. Section 65 of P.L.1983 (C.42:2A-68) is amended to read as
2 follows:

3 65. Filing fees of the [Secretary of State] State Treasurer. On
4 filing any certificate or other papers relative to limited partnerships in
5 the [office of the Secretary of State] Department of Treasury, there
6 shall be paid to the [Secretary of State] State Treasurer, filing fees,
7 in addition to any applicable recording fees:

- 8 a. Filing an application to reserve
9 a specified limited partnership name and
10 issuing a certificate of reservation \$50.00
11 If application is for the first name available
12 for limited partnership use among not more
13 than three specified names \$50.00
- 14 b. Filing a notice of transfer of a
15 reserved limited partnership name \$50.00
- 16 c. Filing original certificate of limited
17 partnership ~~[\$100.00]~~ \$125.00
- 18 d. Filing a certificate of amendment to the
19 certificate of limited partnership, including
20 any number of amendments ~~[\$50.00]~~ \$75.00
- 21 e. Filing certificate of cancellation.....~~[\$50.00]~~ \$75.00
- 22 f. Filing order or judgment amending certificate
23 of limited partnership or cancellation~~[\$50.00]~~ \$75.00
- 24 g. Filing application by a foreign limited
25 partnership to transact business in this State
26 and issuing a certificate of authority~~[\$100.00]~~ \$125.00
- 27 h. Filing application by a foreign limited
28 partnership for amended certificate to
29 transact business in this State and issuing
30 an amended certificate of authority ~~[\$50.00]~~ \$75.00
- 31 i. Filing annual report ~~[\$40.00]~~ \$50.00
- 32 j. Filing a certificate or registration
33 of an alternate name \$50.00
- 34 k. Filing a renewal of registration of
35 alternate name \$50.00
- 36 l. Limited partnership status reports--
37 per name \$5.00
- 38 m. Filing a change of agent or office,
39 or both. [\$10.00] \$25.00
- 40 n. All other certificates issued or papers filed
41 but not otherwise provided for~~[\$15.00]~~ \$125.00
- 42 o. Issuing a standing certificate \$25.00
- 43 p. Issuing a certificate or providing name
44 availability up to three names \$25.00
- 45 q. Filing a certificate of correction \$50.00

1 (cf: P.L.1994, c.60, s.3)

2

3 36. Section 66 of P.L.1983, c.489 (C.42:2A-69) is amended to
4 read as follows:

5 66. Annual report to the [Secretary of State] State Treasurer by
6 domestic limited partnerships.

7 a. Every domestic limited partnership authorized in this State shall
8 file in the [Office of the Secretary of State] Department of the
9 Treasury, within the time prescribed by this section, an annual report,
10 executed on behalf of the limited partnership or executed by the
11 registered agent setting forth:

12 1. The name of the limited partnership;

13 2. The address, including the actual location as well as the postal
14 designation, if different, of the registered agent in this State; and

15 3. The name of the registered agent.

16 b. The [Secretary of State] State Treasurer shall designate a date
17 of filing annual reports for each limited partnership required to submit
18 a report pursuant to this section.

19 c. If the report is not filed for two consecutive years, the
20 certificate of limited partnership shall, after written demand for the
21 reports by the [Secretary of State] State Treasurer by mail addressed
22 to the limited partnership at the last address appearing of record in the
23 office of the [Secretary of State] State Treasurer, remain filed but be
24 transferred to an inactive list. A limited partnership shall not have its
25 certificate of limited partnership transferred to the inactive list if it
26 shall, within 60 days after the written demand, file the reports required
27 by law and pay to the [Secretary of State] State Treasurer the fee
28 provided by law for the filing of each report.

29 d. (1) Any domestic limited partnership on the inactive list may
30 return to active status by:

31 (a) Paying to the [Secretary of State] State Treasurer the current
32 annual report fee, all delinquent annual report fees, a reinstatement
33 filing fee of [\$50] \$75 and a reinstatement filing assessment of \$200;
34 and

35 (b) Submitting a certificate of amendment adopting a name which
36 complies with paragraph (4) of subsection a. of section 6 of P.L.1983,
37 c.489 (C.42:2A-6), if the name of the inactive limited partnership does
38 not comply with paragraph (4) of subsection a. of section 6.

39 (2) The [Secretary of State] State Treasurer shall provide the
40 forms necessary to effect annual report reinstatements.

41 e. A limited partnership whose certificate has been transferred to
42 the inactive list shall remain a limited partnership formed under this
43 chapter or under R.S.42:2-1 et seq., but no name reservations,
44 transfers of reserved names, or certificates of amendment may be filed
45 until the limited partnership whose certificate has been placed on the

1 inactive list regains active status. A limited partner of a limited
2 partnership is not liable as a general partner of the limited partnership
3 solely by reason of the transfer of the certificate of limited partnership
4 to the inactive list.

5 f. The [Secretary of State] State Treasurer shall furnish annual
6 report forms, shall keep all the reports and shall prepare an index
7 thereof. The reports shall be open to public inspection at proper
8 hours.

9 (cf: P.L.1997, c.139, s.6)

10

11 37. Section 67 of P.L.1983 (C.42:2A-70) is amended to read as
12 follows:

13 67. Annual report to [Secretary of State] State Treasurer by
14 foreign limited partnership.

15 a. Every foreign limited partnership authorized to transact
16 business in this State shall file in the office of the [Secretary of State]
17 State Treasurer, within the time prescribed by this section, an annual
18 report, executed on behalf of the foreign limited partnership setting
19 forth:

20 1. The name of the foreign limited partnership;

21 2. The address, including the actual location as well as postal
22 designation, if different, of the registered agent in this State; and

23 3. The name of the registered agent.

24 b. The [Secretary of State] State Treasurer shall designate a date
25 for filing annual reports for each foreign limited partnership required
26 to submit a report pursuant to this section.

27 c. If the report is not filed for two consecutive years, the
28 certificate of a foreign limited partnership to transact business in this
29 State shall, after written demand for the reports by the [Secretary of
30 State] State Treasurer by certified mail addressed to the foreign
31 limited partnership at the last address appearing of record in the office
32 of the [Secretary of State] State Treasurer, be revoked for the failure
33 to file reports. A foreign limited partnership shall not be subject to the
34 revocation of its certificate to transact business in this State if it shall,
35 within 60 days after the written demand, file the reports required by
36 law and pay to the [Secretary of State] State Treasurer the fee
37 provided by law for the filing of each report.

38 d. Any foreign limited partnership may, within two years of the
39 revocation of its certificate to transact business in this State, cause a
40 reinstatement of the certificate upon:

41 (1) payment to the [Secretary of State] State Treasurer of the
42 current annual report fee, all delinquent annual report fees, a
43 reinstatement filing fee of [\$50] \$75 and a reinstatement filing
44 assessment of \$200; and

45 (2) compliance with the requirements of subsection c. of section

1 6 of P.L.1983, c.489 (C.42:2A-6), if the name of the inactive foreign
2 limited partnership does not comply with the provisions of paragraph
3 (4) of subsection a. of section 6 of P.L.1983, c.489 (C.42:2A-6).

4 e. A limited partner of a foreign limited partnership is not liable as
5 a general partner of the foreign limited partnership solely by reason of
6 the revocation, pursuant to this section, of the certificate of authority
7 to transact business in this State.

8 f. The [Secretary of State] State Treasurer shall furnish annual
9 report forms, including the forms necessary to effect annual report
10 reinstatements, shall keep all the reports and shall prepare an index
11 thereof. The reports shall be open to public inspection at proper
12 hours.

13 (cf: P.L.1997, c.139, s.7)

14
15 38. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
16 read as follows:

17 65. a. No document required to be filed under this act shall be
18 effective until the applicable fee required by this section is paid. The
19 following fees shall be paid to and collected by the [Secretary of
20 State] State Treasurer for the use of the State:

21 (1) Upon the receipt for filing of a certificate of registration of
22 alternate name or a certificate of renewal pursuant to section 4 of this
23 act, a fee in the amount of \$50.

24 (2) Upon the receipt for filing of an application for reservation of
25 name, an application for renewal of reservation or a notice of transfer
26 or cancellation of reservation pursuant to section 5 of this act, a fee in
27 the amount of \$50.

28 (3) Upon the receipt for filing of a certificate under subsection b.
29 of section 6 of this act, a fee in the amount of \$25, upon the receipt
30 for filing of a certificate under subsection b. of section 7 of this act, a
31 fee in the amount of \$25 and a further fee of \$10 for each limited
32 liability company affected by such certificate.

33 (4) Upon the receipt for filing of a notice of resignation and
34 affidavit pursuant to subsection c. of section 7 of this act, a fee in the
35 amount of \$25 and upon the receipt for filing of a certificate of change
36 pursuant to subsection c. of section 7 of this act, a fee in the amount
37 of \$25.

38 (5) Upon the receipt for filing of a certificate of formation under
39 section 11 of this act a fee in the amount of \$125; and upon receipt for
40 filing, a certificate of correction under section 12 of this act, a
41 certificate of amendment under section 13 of this act, a certificate of
42 cancellation under section 14 of this act, a certificate of merger or
43 consolidation under section 20 of this act or a restated certificate of
44 formation under section 19 of this act, a fee in the amount of \$100.

45 (6) Upon filing of an annual report, a fee in the amount of \$50.00.

46 (7) Upon requesting a reinstatement of a certificate of a limited

1 liability company, a late filing fee of \$200.00 and a reinstatement filing
2 fee of ~~[\$50.00]~~ \$75.00.

3 (8) For certifying copies of any paper on file as provided for by
4 this act, a fee in the amount of \$25 for each copy certified.

5 (9) The ~~[Secretary of State]~~ State Treasurer may issue
6 photocopies of instruments on file as well as other copies, and for all
7 of those copies, whether certified or not, a fee in the amount of \$10
8 for the first page and \$2 per page thereafter shall be paid.

9 (10) Upon the receipt for filing of an application for registration
10 as a foreign limited liability company under section 53 of this act or a
11 certificate of cancellation under section 56 of this act, a fee in the
12 amount of ~~[\$100]~~ \$125.

13 (11) For preclearance of any document for filing, a fee in the
14 amount of \$50.

15 (12) For preparing and providing a written report of a record
16 search, a fee in the amount of \$50.

17 (13) For issuing any certificate of the ~~[Secretary of State]~~ State
18 Treasurer, including but not limited to a certificate of good standing,
19 other than a certification of a copy under paragraph (6) of this
20 subsection, a fee in the amount of \$50, except that for issuing any
21 certificate of the ~~[Secretary of State]~~ State Treasurer that recites all
22 of a limited liability company's filings with the ~~[Secretary of State]~~
23 State Treasurer, a fee of \$100 shall be paid for each such certificate.

24 (14) For receiving and filing and/or indexing any certificate,
25 affidavit, agreement or any other paper provided for by this act, for
26 which no different fee is specifically prescribed, a fee in the amount of
27 ~~[\$50]~~ \$75.

28 (15) The ~~[Secretary of State]~~ State Treasurer may in ~~[his]~~ the
29 Treasurer's discretion charge a fee of \$50 for each check received for
30 payment of any fee that is returned due to insufficient funds or the
31 result of a stop payment order.

32 b. In addition to those fees charged under subsection a. of this
33 section, there shall be collected by and paid to the ~~[Secretary of State]~~
34 State Treasurer the following:

35 (1) for all services described in subsection a. of this section that
36 are requested to be completed within the same day as the day of the
37 request, an additional sum of up to \$50; and

38 (2) for all services described in subsection a. of this section that
39 are requested to be completed within a 24-hour period from the time
40 of the request, an additional sum of up to \$25.

41 The ~~[Secretary of State]~~ State Treasurer shall establish (and may
42 from time to time amend) a schedule of specific fees payable pursuant
43 to this subsection.

44 c. The ~~[Secretary of State]~~ State Treasurer may in his discretion
45 permit the extension of credit for the fees required by this section upon

1 such terms as he shall deem to be appropriate.

2 (cf: P.L.1997, c.139, s.21)

3

4 39. Section 6 of P.L.1982, c.150 (C.52:16A-40) is amended to
5 read as follows:

6 6. The [Secretary of State] State Treasurer shall charge a [\$10]
7 \$15 fee for use of telephone and expedited over the counter corporate
8 services, which shall be in addition to the fee for the service provided
9 by law. The statutory fee and the additional fee shall be paid by the
10 person requesting the information and documents by the method of

11 payment as established by the [Secretary of State] State Treasurer.

12 (cf: P.L.1992, c.124, s.1)

13

14 40. Section 7 of P.L.1982, c.150 (C.52:16A-41) is amended to
15 read as follows:

16 7. The [Secretary of State] State Treasurer may promulgate rules
17 and regulations necessary to establish guidelines for the use of
18 telephone and expedited over the counter corporate services and the
19 use of electronic data processing for direct access to the information
20 provided under this act by persons so authorized and for the method
21 of payment for the use of telephone and expedited over the counter
22 corporate services. The [Secretary of State] State Treasurer shall
23 establish fees for electronic data processing services which cover the
24 cost of those services.

25 (cf: P.L.1982, c.150, s.7)

26

27 41. (New section) The Director of the Division of Taxation may
28 in the director's discretion charge a fee of \$50 for each check, received
29 for payment of any State tax or any penalty under the State Uniform
30 Tax Procedure Law (R.S.54:48-1 et seq.), that is returned due to
31 insufficient funds or as the result of a stop payment order.

32

33 42. (New section) The State Treasurer may in the Treasurer's
34 discretion charge a fee of \$50 for each check, received for payment of
35 any fee, fine, penalty or other charge collected by the Department of
36 the Treasury, that is returned due to insufficient funds or as the result
37 of a stop payment order, provided that no fee shall be imposed under
38 this section that is in addition to or in lieu of a fee that the Treasurer
39 or any agency or employee of the Department of the Treasury is
40 required or authorized under any other law to collect due to such a
41 return of check payment.

42

43 43. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to
44 read as follows:

45 12. a. In order to defray the expenses of local, county and State
46 agencies in discharging their responsibilities under this act, including

1 those costs associated with the development, testing and updating of
2 the Emergency Radiation Response Plans and for the acquisition and
3 maintenance of any equipment necessary to carry out their
4 responsibilities, the State Treasurer shall annually make an assessment
5 against each operator of a nuclear electric generating facility located
6 in New Jersey;

7 b. The assessment to each operator of a nuclear electric generating
8 facility [shall not exceed the greater of \$2,000,000.00 or 1/10 of 1%
9 of the gross electric receipts of the operator reported pursuant to
10 P.L.1940, c.5 (C.54:30A-49 et seq.), derived from intrastate electric
11 operations during the preceding calendar year, and] shall not exceed
12 \$2,750,000 (in 2003 dollars adjusted by the CPI), and shall be assessed
13 in an amount equal to the sum of the amounts in paragraphs (1) and
14 (2) of this subsection and determined annually by the State Treasurer
15 on or before June 30 in the following manner:

16 (1) The total amount appropriated to the various local, county and
17 State agencies by law for the purpose of discharging their
18 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the
19 State's next fiscal year for costs related directly to a particular nuclear
20 electric generating facility shall be assessed against the operator of that
21 particular nuclear electric generating facility.

22 (2) All other amounts appropriated to the State agencies by law
23 for the purpose of discharging their responsibilities under P.L.1981,
24 c.302 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed
25 equally against each operator of a nuclear electric generating facility.

26 The assessment prescribed above shall be levied by the State
27 Treasurer not later than July 1, and shall be paid within 30 days after
28 mailing by first class mail to the affected operator of the nuclear
29 electric generating facility notice thereof and a statement of the
30 amount;

31 c. The assessments shall be appropriated through the regular
32 appropriation process in accordance with a joint budget to be
33 submitted by the division and the department;

34 d. Any costs of a local, county or State agency incurred in
35 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37 et
36 seq.), not reasonably required to carry out the purposes of P.L.1981,
37 c.302 (C.26:2D-37 et seq.) or not generally associated with or related
38 to the operation of nuclear electric generating facilities located in New
39 Jersey, shall not be included in any such assessment or appropriation;

40 e. "CPI" means the annual Consumer Price Index for a calendar
41 year as determined year to year using the decimal increase in the
42 September through August, 12-month average for the previous year
43 of the Consumer Price Index for All Urban Consumers (CPI-U), as
44 published by the United States Department of Labor.

45 (cf: P.L.1984, c.98, s.2)

46

1 44. Section 5 of P.L.1977, c. 74 (C.58:10A-5) is amended to read
2 as follows:

3 5. The department is empowered to:

4 a. Exercise general supervision of the administration and
5 enforcement of this act and all rules, regulations and orders
6 promulgated hereunder;

7 b. Assess compliance of a discharger with applicable requirements
8 of State and federal law pertaining to the control of pollutant
9 discharges and the protection of the environment and, also, to issue
10 certification with respect thereto as required by section 401 of the
11 federal act;

12 c. Assess compliance of a person with applicable requirements of
13 State and federal law pertaining to the control of the discharge of
14 dredged and fill material into the waters of the State and the protection
15 of the environment and, also, to issue, deny, modify, suspend, or
16 revoke permits with respect thereto as required by section 404 of the
17 "Federal Water Pollution Control Act Amendments of 1972," as
18 amended by the "Clean Water Act of 1977," (33 U.S.C.s.1344), and
19 implementing regulations;

20 d. Advise, consult, and cooperate with other agencies of the State,
21 the federal government, other states and interstate agencies, including
22 the State Soil Conservation Committee, and with affected groups,
23 political subdivisions and industries in furtherance of the purposes of
24 this act;

25 e. Administer State and federal grants and other forms of financial
26 assistance to municipalities, counties and other political subdivisions,
27 or any recipient approved by the commissioner according to terms and
28 conditions approved by him in order to meet the goals and objectives
29 of this act. The department shall establish, charge and collect
30 reasonable loan origination and annual administrative fees, which shall
31 be based upon, and shall not exceed the estimated cost of processing,
32 monitoring and administering the financial assistance programs. Said
33 fees shall be deposited in a separate fund, administered by the
34 department, and the funds used for the sole purpose of administering
35 the financial assistance programs authorized and established by State
36 law, including, but not limited to, the costs of administering the
37 "Wastewater Treatment Fund - State Revolving Fund Accounts"
38 established pursuant to P.L.1988, c.133.

39 (cf: P.L.1987, c.156, s.31)

40

41 45. Section 9 of P.L.1977, c.224 (C.58:12A-9) is amended to read
42 as follows:

43 9. The commissioner is authorized, in order to carry out the
44 provisions and purposes of this act, to:

45 a. Perform any and all acts necessary to carry out the purposes
46 and requirements of this act relating to the adoption and enforcement

- 1 of any regulations authorized pursuant to this act;
- 2 b. Administer and enforce the provisions of this act and all rules,
3 regulations, and orders promulgated, issued, or effective hereunder;
- 4 c. Enter into agreements, contracts, or cooperative arrangements,
5 under such terms and conditions as he deems appropriate, with the
6 Department of Health and Senior Services and any other state agency,
7 federal agencies, municipalities, counties, educational institutions,
8 municipal or county health departments, or other organizations or
9 individuals;
- 10 d. Receive financial and technical assistance from the federal
11 government and other public or private agencies;
- 12 e. Participate in related programs of the federal government, other
13 states, interstate agencies, or other public or private agencies or
14 organizations;
- 15 f. Establish adequate fiscal controls and accounting procedures to
16 assure proper disbursement of and accounting for funds appropriated
17 or otherwise provided for the purpose of carrying out the provisions
18 of this act;
- 19 g. Delegate those responsibilities and duties as deemed
20 appropriate for the purpose of administering the requirements of this
21 act;
- 22 h. Establish and collect fees, in accordance with a fee schedule
23 adopted as a rule or regulation, for conducting inspections and
24 laboratory analyses and certifications as may be necessary;
- 25 i. Prescribe such regulations and issue such orders as are necessary
26 or appropriate to carry out his functions under this act;
- 27 j. Conduct research, investigations, experiments, demonstrations,
28 surveys, and studies relating to the causes, effects, extent, prevention,
29 and control of contaminants in drinking water;
- 30 k. Provide for the education of the public as to the causes, effects,
31 extent, prevention, and control of contaminants in drinking water;
- 32 l. Collect and make available, through publications, a data
33 management system and other appropriate means, the results of and
34 other information, including appropriate recommendations by the
35 institute in connection therewith, pertaining to such research and other
36 activities;
- 37 m. Cooperate with and contract with other public and private
38 agencies, institutions, and organizations and with any industries
39 involved, in the preparation and conduct of such research and other
40 activities;
- 41 n. Review treatment methods used for removal of contaminants
42 from drinking water;
- 43 o. Provide for the education and training of departmental
44 personnel in those areas relating to the causes, effects, extent,
45 prevention and control of contaminants in drinking water;
- 46 p. Establish and collect reasonable fees, in accordance with a fee

1 schedule adopted as a rule or regulation, for the estimated costs of
2 administering and enforcing the programs pursuant to this amendatory
3 and supplementary act, to the extent that the costs are not available
4 from the fund, including but not limited to conducting inspections,
5 laboratory analyses and certifications as may be necessary;

6 q. The authority to collect fees pursuant to this section may be
7 delegated by the commissioner to the appropriate county agency
8 consistent with a delegation, pursuant to the provisions of the
9 "County Environmental Health Act," P.L.1977, c.443, (C.26:3A2-21
10 et seq.), of any authority to administer the provisions of this act[.] ;

11 r. Administer State and federal grants and other forms of financial
12 assistance to municipalities, counties and other political subdivisions,
13 or any recipient approved by the commissioner according to the terms
14 and conditions approved by him in order to meet the goals and
15 objectives of this act. The commissioner shall establish, charge and
16 collect reasonable loan origination and annual administrative fees,
17 which shall be based upon, and shall not exceed the estimated cost of
18 processing, monitoring and administering the financial assistance
19 programs. Said fees shall be deposited in a separate fund,
20 administered by the Department of Environmental Protection, and the
21 funds used for the sole purpose of administering the financial
22 assistance programs authorized and established by State law,
23 including, but not limited to, the costs of administering the "Drinking
24 Water - State Revolving Fund Accounts".

25 (cf: P.L.1983, c.443, s.16)

26

27 46. Section 5 of P.L.1995, c.188 (C.26:2C-9.5) is amended to
28 read as follows:

29 5. a. (1) Each major facility shall pay to the department a fee or
30 fees as calculated pursuant to this subsection and subsection [b., c.,
31 or] d. of this section[, as appropriate]. The per-ton emission fees
32 shall be based on the actual annual emissions of each regulated air
33 contaminant[, except as set forth for carbon monoxide in subsections
34 b., c., and d. of this section], reported in the emission statement for
35 that major facility, or, in the absence of such information, on permitted
36 emissions, or where a permit has not been issued, on the potential to
37 emit.

38 (2) Emission fees for each State fiscal year shall be based on the
39 information reported in the emission statement year two years prior
40 thereto.

41 (3) The amount of any emission fee payable pursuant to this
42 section shall be adjusted for each State fiscal year by the percentage,
43 if any, by which the CPI exceeds the CPI for calendar year 1989.

44 b. [For the State fiscal year 1995, each major facility shall pay the
45 following fees:

46 (1) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)

1 per ton only on the first 4,000 tons of each regulated air contaminant,
2 excluding carbon monoxide, and an emission fee of \$25 (in 1989
3 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
4 oxides of nitrogen and the first 8,000 tons of VOCs;

5 (2) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
6 per ton on one-half of the total tons of carbon monoxide;

7 (3) An initial operating permit application fee per facility not to
8 exceed \$25,000. For the purpose of calculating the initial operating
9 permit application fee, the significant equipment listed in the operating
10 permit application shall be assessed at \$125 per piece of equipment.
11 The operating permit application fee shall be submitted prior to the
12 deadline for submittal of the operating permit application;

13 (4) A fee for any facility modification in an amount calculated
14 using the fee schedule therefor set forth in rules and regulations
15 adopted by the department, except that no fee for a modification
16 review shall exceed \$25,000; and

17 (5) Certificate fees assessed and collected in a manner established
18 in rules and regulations adopted by the department.] (Deleted by
19 amendment, P.L. , c. (now pending before the Legislature as this
20 bill))

21 c. [(1) For the State fiscal years 1996 and 1997, each major
22 facility shall pay the following fees:

23 (a) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
24 per ton only on the first 4,000 tons of each regulated air contaminant,
25 excluding carbon monoxide, and an emission fee of \$25 (in 1989
26 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
27 oxides of nitrogen and the first 8,000 tons of VOCs;

28 (b) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
29 per ton on one-half of the total tons of carbon monoxide;

30 (c) An initial operating permit application fee per facility not to
31 exceed \$25,000. For the purpose of calculating the initial operating
32 permit application fee, the significant equipment listed in the operating
33 permit application shall be assessed at \$125 per piece of equipment.
34 The operating permit application fee shall be submitted at the time of
35 submission of the operating permit application; and

36 (d) A fee for any facility modification in an amount calculated
37 using the fee schedule therefor set forth in rules and regulations
38 adopted by the department. The fee for a significant modification
39 review for source operations such as solid or hazardous waste
40 treatment and disposal, reciprocating engines, and fuel combustion
41 processes with heat input greater than 100 million BTU/hour or that
42 burn solid fuel shall not exceed \$25,000. All other modification fees
43 shall be assessed based upon the amount of equipment modified and
44 shall not exceed \$500 per piece of equipment and \$25,000 for an
45 entire modification review.

46 (2) Notwithstanding the provisions of paragraph (1) of this

1 subsection to the contrary, no major facility shall pay an emission fee
2 less than \$1,000 for each of the State fiscal years 1996 and 1997.

3 (3) Of the amount assessed and collected in fees pursuant to this
4 subsection, not more than \$9,510,000 shall be appropriated as
5 provided in section 6 of P.L.1995, c.188 (C.26:2C-9.6). If the amount
6 of fees collected pursuant to this subsection exceeds \$9,510,000, the
7 amount in excess of \$9,510,000 shall be deposited into the Air
8 Surcharge Reengineering Fund established pursuant to subsection f. of
9 this section. If the amount of fees collected pursuant to this
10 subsection is less than \$9,510,000, the department, in consultation
11 with the fee work group established pursuant to section 12 of
12 P.L.1995, c.188 (C.26:2C-25.2), shall evaluate the reasons for the
13 deficiency and make recommendations accordingly to the Governor,
14 the Legislature, and the State Treasurer concerning any measures
15 necessary to ensure that the operating permit program is adequately
16 funded.] (Deleted by amendment, P.L. , c. (now pending before
17 the Legislature as this bill))

18 d. (1) For the State fiscal year [1998] 2003 and each fiscal year
19 thereafter, each major facility shall pay the following fees:

20 (a) An emission fee of [25] 60 (in 1989 dollars adjusted by the
21 CPI) per ton of each regulated air contaminant [, excluding carbon
22 monoxide];

23 (b) An initial and renewal operating permit application fee per
24 facility not to exceed [25,000] 50,000. For the purpose of
25 calculating the initial and renewal operating permit application fee, the
26 significant equipment listed in the operating permit application shall be
27 assessed at \$125 per piece of equipment. The operating permit
28 application fee shall be submitted at the time of submission of the
29 operating permit application; and

30 (c) A fee for any significant modification in an amount calculated
31 using a fee schedule therefor to be set forth in rules and regulations to
32 be adopted by the department, except that no fee for a significant
33 modification review shall exceed [25,000] 50,000.

34 (2) Notwithstanding the provisions of paragraph (1) of this
35 subsection to the contrary, no major facility shall pay an emission fee
36 less than [1,000] 3,000 for each of the State fiscal years [1998]
37 2003 and thereafter.

38 e. [(1) In addition to the fees assessed of major facilities pursuant
39 to subsections b. and c. of this section, each major facility shall be
40 assessed a supplemental surcharge for each of the State fiscal years
41 1995 and 1996 that shall be sufficient to raise \$1.5 million per fiscal
42 year in revenue. The supplemental surcharge shall be based on actual
43 annual emissions of each regulated air contaminant, excluding carbon
44 monoxide, reported in the emission statement for that major facility,
45 or, in the absence of such information, on permitted emissions, or

1 where a permit has not been issued, on the potential to emit, but in no
2 case shall a supplemental surcharge assessed of a major facility exceed
3 \$20,000 per year per major facility.

4 (2) If the amount of revenue raised by the assessment of the
5 supplemental surcharge pursuant to paragraph (1) of this subsection
6 is less than \$1,500,000 for either State fiscal years 1995 or 1996, the
7 department, in consultation with the fee work group established
8 pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall
9 evaluate the reasons for the deficiency and the need for adjusting the
10 supplemental surcharge to make up the difference.

11 (3) The supplemental surcharge assessed pursuant to this
12 subsection shall not be collected after State fiscal year 1996. Any
13 monies remaining in the Air Surcharge Reengineering Fund at the
14 conclusion of State fiscal year 1997 shall be used by the department to
15 reduce fees assessed of major facilities in State fiscal year 1998,
16 whereupon the fund shall expire.] (Deleted by amendment, P.L. ,
17 c. (now pending before the Legislature as this bill))

18 f. [There is established in the department a dedicated fund to be
19 known as the "Air Surcharge Reengineering Fund." All supplemental
20 surcharges collected pursuant to paragraph (1) of subsection e. of this
21 section shall be deposited into that fund. Monies in the fund shall be
22 dedicated solely for use by the department in developing and
23 implementing the air permit computerization system, publication of
24 requirements for advances in the art of air pollution control,
25 establishment of general permits, and establishment of standard permit
26 conditions. No monies from this fund shall be allocated, appropriated,
27 or used for any purpose other than as set forth in this subsection. The
28 department, in consultation with the fee work group established
29 pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall
30 develop a plan for the expenditure of monies in the fund, and shall
31 maintain a detailed record of the expenditures and disbursements from
32 the fund and publish it annually in the New Jersey Register.] (Deleted
33 by amendment, P.L. , c. (now pending before the Legislature as
34 this bill))

35 g. The provisions of P.L.1993, c.361 (C.13:1D-120 et seq.) shall
36 not apply to the assessment or payment of emission fees required
37 pursuant to this section.

38 h. [The department may not assess a major facility any fee to
39 implement the provisions of P.L.1954, c.212 (C.26:2C-1 et seq.) other
40 than the fees authorized pursuant to this section.] (Deleted by
41 amendment, P.L. , c. (now pending before the Legislature as
42 this bill))

43 (cf: P.L.1995, c.188, s.5)

44

45 47. Section 8 of P.L.1995, c.188 (C.26:2C-9.8) is amended to
46 read as follows:

1 8. a. Within 90 days after the effective date of this act, the
2 department shall propose, pursuant to the provisions of the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), rules and regulations that establish emissions trading and
5 banking programs that use economic incentives to make progress
6 toward the attainment or maintenance of the National Ambient Air
7 Quality Standards (NAAQS), reduce or prevent emissions of air
8 contaminants, ensure healthful air quality, or otherwise contribute to
9 the protection of human health, welfare and the environment from air
10 pollution. The department shall adopt those rules and regulations
11 within 90 days after proposal.

12 b. The emissions trading rules and regulations shall be designed so
13 that emissions reductions shall be realized earlier or at a more
14 accelerated rate than would otherwise be achieved in accordance with
15 applicable air quality mandates, and so that compliance with air quality
16 mandates can be achieved with greater flexibility or at lower cost. The
17 rules and regulations shall establish criteria for the generation and use
18 of emissions reduction credits, including the use of emissions reduction
19 credits in lieu of granting exemptions or waivers from compliance with
20 emissions reduction requirements, and shall require that 10% of the
21 emissions reduction credits gained shall be permanently retired for the
22 public benefit when a trade occurs. The rules and regulations may
23 include, but need not be limited to, provisions designating the
24 pollutants to be involved in the program, designating the persons who
25 may participate in the program, establishing emissions limitations and
26 methods for projecting and verifying emissions, and establishing
27 enforcement mechanisms, including emissions tracking, periodic
28 program audits, and penalties.

29 For any emissions trading program adopted for the purpose of
30 making progress toward attaining the National Ambient Air Quality
31 Standard (NAAQS) for ozone, the department may allow reductions
32 of volatile organic compounds (VOCs) to be substituted for required
33 reductions of oxides of nitrogen (NOx) or reductions of oxides of
34 nitrogen (NOx) to be substituted for required reductions of volatile
35 organic compounds (VOCs). Any such substitution shall occur at a
36 ratio established by the department by rule or regulation adopted
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.), which shall be developed in recognition of the
39 role of each pollutant in the formation of ground level ozone.

40 c. The emissions trading rules and regulations adopted by the
41 department shall not conflict with applicable federal law and shall
42 constitute, contribute to, or be consistent with one or more strategies
43 that result in quantifiable emissions reductions and are creditable under
44 the State Implementation Plan (SIP) required pursuant to the federal
45 Clean Air Act. These may be emission limiting or market-response
46 strategies for mobile, stationary, or area sources, and shall include the

1 creation, trading, and use of emissions reduction credits.

2 d. The department may establish the emissions trading programs
3 as State, multi-state, or regional programs as long as the programs
4 contribute to the goal of improving the air quality in New Jersey.

5 e. The department shall involve in the development of the rules
6 and regulations for emissions trading programs representatives of the
7 affected industry, environmental, and public interest groups as well as
8 governmental entities with affected or related jurisdictions.

9 f. The department shall consider the role of a third party in the
10 banking, verification, validation of use, enforcement, and program
11 audits associated with emissions reduction credits, and, to the
12 maximum extent possible, create and preserve opportunities for private
13 sector participation in any emissions trading program established by
14 the department.

15 g. The Department of Environmental Protection may establish by
16 rule fees for administrative services provided to implement emission
17 trading programs.

18 (cf: P.L.1995, c.188, s.8)

19

20 48. N.J.S.22A:4-14 is amended to read as follows:

21 22A:4-14. For a service specified in this section, [commissioners
22 of deeds,] foreign commissioners of deeds, notaries public, judges and
23 other officers authorized by law to perform such service, shall receive
24 a fee as follows:

25 For administering an oath or taking an affidavit, [~~\$0.50~~] \$2.50.

26 For taking proof of a deed, [~~\$1.00~~] \$2.50.

27 For taking all acknowledgments, [~~\$1.00~~] \$2.50.

28 For administering oaths, taking affidavits, taking proofs of a deed,
29 and taking acknowledgments of the grantors in the transfer of real
30 estate, regardless of the number of such services performed in a single
31 transaction to transfer real estate, \$15.00.

32 For administering oaths, taking affidavits and taking
33 acknowledgments of the mortgagors in the financing of real estate,
34 regardless of the number of such services performed in a single
35 transaction to finance real estate, \$25.00.

36 (cf: P.L.1964, c.205, s.1)

37

38 49. N.J.S.22A:4-13 is repealed.

39

40 50. (New section) In addition to any other penalty, fine or charge
41 imposed pursuant to law, a person convicted of an act of domestic
42 violence, as that term is defined by subsection a. of section 3 of
43 P.L.1991, c.261 (C.2C:25-19), shall be subject to a surcharge in the
44 amount of \$100 payable to the Treasurer of the State of New Jersey
45 for use by the Department of Human Services to fund grants for
46 domestic violence prevention, training and assessment.

1 51. (New section) In addition to any other penalty, fine or charge
2 imposed pursuant to law, a person convicted of an act of aggravated
3 sexual assault or sexual assault under N.J.S.2C:14-2, or aggravated
4 criminal sexual contact or criminal sexual contact under N.J.S.2C:14-
5 3, shall be subject to a surcharge in the amount of \$100 payable to the
6 Treasurer of the State of New Jersey for use by the Department of
7 Community Affairs to fund programs and grants for the prevention of
8 violence against women.

9
10 52. (New section) In addition to any other penalty, fine or charge
11 imposed pursuant to law, a person convicted of a violation of the State
12 Uniform Construction Code adopted pursuant to the "State Uniform
13 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.),
14 shall be subject to a surcharge in the amount of \$100, of which amount
15 \$50 shall be payable to the municipality in which the violation shall
16 have occurred and \$50 shall be payable to the Treasurer of the State
17 of New Jersey for deposit into the General Fund; except that in the
18 case of a violation occurring in a municipality in which the
19 enforcement of the State Uniform Construction Code is performed
20 exclusively by the State, the entire amount of the surcharge shall be
21 payable to the State Treasurer for deposit into the General Fund.

22
23 53. (New section) In addition to any other penalty, fine or charge
24 imposed pursuant to law, a person who is found in any legal
25 proceeding to have committed insurance fraud shall be subject to a
26 surcharge in the amount of \$1,000. If a person is charged with
27 insurance fraud in a legal proceeding and the charge is resolved
28 through a settlement requiring the person to pay a sum of money, the
29 person shall be subject to a surcharge in an amount equal to 5 percent
30 of the settlement payment. The amount of any surcharge under this
31 section shall be payable to the Treasurer of the State of New Jersey for
32 use by the Department of Banking and Insurance to fund the
33 department's insurance fraud prevention programs and activities.

34
35 54. (New section) a. As used in this section:

36 "Rental company" means a person engaged in the business of
37 renting motor vehicles.

38 "Rental motor vehicle" means a passenger automobile, truck or
39 semitrailer that is rented without a driver and used in the
40 transportation of persons or property other than commercial freight.

41 b. Each rental company doing business in this State shall pay a fee
42 for each rental motor vehicle that the company shall have rented from
43 a location in this State under the terms of a rental agreement for a
44 period of not more than 28 days. The amount of the fee shall be \$2
45 for each day or part thereof that each such vehicle was rented. The fee
46 shall be separately stated to the person to whom the motor vehicle is

1 rented and shall not be included in the receipts subject to the taxes
2 imposed pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
3 (C.54:32B-1 et seq.).

4 The director of the Division of Taxation in the Department of the
5 Treasury shall collect and administer the fee; in so doing, the director
6 shall have all the powers granted pursuant to P.L.1966, c.30
7 (C.54:32B-1 et seq.). The director may, pursuant to the provisions of
8 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.), make, adopt, amend or repeal such rules and regulations as the
10 director finds necessary to carry out the provisions of this subsection.

11 c. There is established in the General Fund the New Jersey
12 Domestic Security Account, which shall be a dedicated nonlapsing
13 account. Amounts paid to the State Treasurer pursuant to subsection
14 b. of this section shall be deposited into the account upon receipt.
15 Moneys in the account, including interest thereon, shall be available
16 exclusively for appropriation to support medical emergency disaster
17 preparedness for bioterrorism, security coverage at nuclear power
18 facilities, State Police salaries related to statewide security services,
19 and counter-terrorism programs.

20

21 55. From fees collected by the Department of Health and Senior
22 Services under the provisions of subsection c. of section 23 of
23 P.L.1973, c.337 (C.26:2J-23), there is appropriated, pursuant to that
24 section, the sum of \$100,000 to the Department of Health and Senior
25 Services to fund a grant to the community health law project for the
26 provision of information and assistance to senior citizens with respect
27 to their rights and benefits as enrollees in or beneficiaries of health
28 plans administered by health maintenance organizations.

29

30 56. This act shall take effect July 1, 2002.

31

32

33

34

35 Establishes and increases certain fees and penalties and provides for
36 the use thereof; makes an appropriation.

ASSEMBLY, No. 2506

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 6, 2002

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

As introduced.



A2506 COHEN

2

1 AN ACT establishing and increasing certain fees and penalties and
2 providing for the use thereof, revising various parts of the statutory
3 law.

4

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

7

8 1. Section 3 of P.L.1993, c.265 (C.4:1-11.1) is amended to read
9 as follows:

10 3. The board may adopt, pursuant to the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and
12 regulations as may be necessary to carry out the provisions of this
13 Title, including the amendment of fees and penalties authorized
14 pursuant to this Title.

15 (cf: P.L.1993, c.265, s.3)

16

17 2. Section 4 of P.L.1970, c.338 (C.4:4-20.4) is amended to read
18 as follows:

19 4. a. Every person engaged in the manufacture of commercial
20 feed or customer formula feed to be distributed in this State shall on
21 January 1 of each year, or prior to manufacture or distribution of such
22 feed, register each facility on a form furnished by the State Chemist,
23 the application to be accompanied by a fee of **[\$25.00]** \$250.00.
24 Upon approval by the State board, a copy of the registration shall be
25 furnished to the applicant and displayed in or on the facility.

26 b. The State board is empowered to refuse registration of any
27 facility not in compliance with the provisions of this act or to cancel
28 the registration of any facility subsequently found not to be in
29 compliance with any provision of this act, provided, however, that no
30 registration shall be refused or canceled until the registrant shall have
31 been given an opportunity to be heard before the secretary or his
32 agent.

33 c. Before a commercial feed may be offered for sale which contains
34 drugs, chemical additives or other ingredients which are potentially
35 harmful to animals, the registrant may be required to submit evidence
36 to show the safety of the feed when used according to the directions
37 which the distributor furnished with the feed.

38 (cf: P.L.1970, c.338, s.4)

39

40 3. Section 9 of P.L.1970, c.338 (C.4:4-20.9) is amended to read
41 as follows:

42 9. Inspection fees and reports. a. An inspection fee at the rate of
43 **[\$0.15]** \$0.30 per ton shall be paid on commercial feeds distributed

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 in this State by the person who distributes the commercial feed to the
2 consumer subject to the following:

3 (1) No fee shall be paid on a commercial feed if the payment has
4 been made by a previous distributor.

5 (2) No fee shall be paid on customer formula feeds if the inspection
6 fee is paid on the commercial feeds which are used as ingredients
7 therein.

8 (3) No fee shall be paid on commercial feeds which are used as
9 ingredients for the manufacture of commercial feeds which are subject
10 to the inspection fee. If the fee has already been paid, credit shall be
11 given for such payment.

12 (4) In the case of a person who manufacturers or distributes
13 commercial feed in the State, a minimum annual fee of ~~[\$25.00]~~
14 \$250.00 shall be paid.

15 b. Each person who is liable for the payment of such fee shall:

16 (1) File, not later than January 31 of each year, a statement, setting
17 forth the number of net tons of commercial feeds distributed in this
18 State during the preceding calendar year; and upon filing such
19 statement shall pay the inspection fee at the rate stated in ~~[paragraph~~
20 "a." subsection a. of this section. Inspection fees which are due and
21 owing and have not been remitted to the department within 15 days
22 following the due date shall have a penalty fee of 10% (minimum
23 \$10.00) added to the amount due when payment is finally made. The
24 assessment of this penalty fee shall not prevent the department from
25 taking other actions as provided in this act.

26 (2) Keep such records as may be necessary or required by the State
27 board to indicate accurately the tonnage of commercial feed
28 distributed in this State, and the department shall have the right to
29 examine such records to verify statements of tonnage.

30 Failure to make an accurate statement of tonnage or to pay the
31 inspection fee or comply as provided herein shall constitute sufficient
32 cause for the cancellation of all registrations on file for the distributor.

33 c. Fees imposed by, and fines collected for violations of this act,
34 shall be deposited in the State Treasury.

35 (cf: P.L.1975, c.370, s.1)

36

37 4. Section 13 of P.L.1970, c.338 (C.4:4-20.13) is amended to
38 read as follows:

39 13. Penalties. a. Any person convicted of violating any of the
40 provisions of this act or the rules and regulations promulgated
41 thereunder or who shall impede, hinder, or otherwise prevent, or
42 attempt to prevent, said secretary or his duly authorized agent in
43 performance of his duty in connection with the provisions of this act,
44 shall be fined not less than ~~[\$50.00]~~ \$100.00 or more than ~~[\$100.00]~~
45 \$500.00 for the first violation, and not less than ~~[\$100.00]~~ \$200.00

1 or more than [~~\$500.00~~] \$1,000.00 for a subsequent violation in any
2 [~~one~~] two years.

3 b. Nothing in this act shall be construed as requiring the State
4 Chemist or his representative to: (1) report for prosecution, or (2)
5 institute seizure proceedings, or (3) issue a withdrawal from
6 distribution order, as a result of minor violations of the act, or when
7 he believes the public interest will best be served by suitable notice of
8 warning in writing.

9 c. It shall be the duty of the Attorney General to whom any
10 violation is reported to cause appropriate proceedings to be instituted
11 and prosecuted in a court of competent jurisdiction without delay.
12 Before the State Chemist reports a violation for such prosecution, an
13 opportunity shall be given the distributor to present his view to the
14 secretary.

15 d. The secretary is hereby authorized to apply for and the court to
16 grant in an appropriate case, a temporary or permanent injunction
17 restraining any person from violating or continuing to violate any of
18 the provisions of this act or any rule or regulation promulgated under
19 the act, notwithstanding the existence of other remedies at law. Said
20 injunction to be issued without bond.

21 e. Any person adversely affected by an act, order, or ruling made
22 pursuant to the provisions of this act may seek judicial review by
23 appeal to the Superior Court by a proceeding in lieu of prerogative
24 writs.

25 f. Any person who used to his own advantage, or reveals to other
26 than the secretary, or officers of the New Jersey Department of
27 Agriculture, or to the courts when relevant in any judicial proceeding,
28 any information acquired under the authority of this act, concerning
29 any method, records, formulations, or processes which as a trade
30 secret is entitled to protection, is guilty of a misdemeanor and shall on
31 conviction thereof be fined not less than \$500.00 or imprisoned for
32 not less than 1 year or both, provided that, this prohibition shall not
33 be deemed as prohibiting the secretary or his duly authorized agent,
34 from exchanging information of a regulatory nature with duly
35 appointed officials of the United States Government, or of other
36 states, who are similarly prohibited by law from revealing this
37 information.

38 g. Upon receiving any information of a violation of any provisions
39 of this act or of any rule or regulation adopted thereunder, the
40 secretary or any agent designated by him for such purpose, is
41 empowered to hold hearings upon said violation and, upon finding the
42 violation to have been committed, to assess a penalty against the
43 violator in such amount, [~~not to exceed the maximum limit set forth~~
44 ~~in this section~~], as the secretary deems proper under the
45 circumstances. If the violator pays such penalty as settlement, no
46 further prosecution shall be had upon that violation. Payment of such

1 a penalty shall be deemed equivalent to a conviction for violation of
2 this act.

3 (cf: P.L.1970, c.338, s.13)

4

5 5. Section 6 of P.L.1970, c.66 (C.4:9-15.6) is amended to read as
6 follows:

7 6. The minimum annual license fee for a manufacturer or
8 distributor shall be ~~[\$125.00]~~ \$250.00. In the case of each person
9 who owns or operates more than one manufacturing facility within this
10 State there shall be an additional annual license fee of ~~[\$125.00]~~
11 \$250.00 for each such additional manufacturing facility. In the case
12 of each person who owns or operates any manufacturing facilities
13 located outside of New Jersey which distribute commercial fertilizers
14 or soil conditions within this State, there shall be an additional annual
15 license fee of ~~[\$125.00]~~ \$250.00 covering all such manufacturing
16 facilities. Fees collected pursuant to this section shall be forwarded
17 to the State Treasurer.

18 (cf: P.L.1975, c.139, s.1)

19

20 6. Section 16 of P.L.1970, c.66 (C.4:9-15.16) is amended to read
21 as follows:

22 16. Each licensee shall pay to the Department of Agriculture for all
23 commercial fertilizers and soil conditioners distributed in this State an
24 inspection fee at the rate of ~~[\$0.15]~~ \$0.30 per ton on all tonnage in
25 excess of 10 tons per semiannual statement. Fees so collected by the
26 department shall be forwarded to the State Treasurer.

27 Sales to persons owning or operating manufacturing facilities or
28 exchanges between such persons are exempted from the inspection fee.

29 (cf: P.L.1970, c.66, s.16)

30

31 7. Section 25 of P.L.1970, c.66 (C.4:9-15.25) is amended to read
32 as follows:

33 25. If an official analysis shows that a commercial fertilizer is
34 deficient in one or more of its guaranteed primary plant nutrients
35 (nitrogen, available phosphoric acid, and soluble potash) beyond the
36 investigational allowance as established by regulation or if the over-all
37 index value of the fertilizer is below the level established by regulation,
38 a penalty of ~~[3]~~ 5 times the commercial value of such deficiency shall
39 be assessed by the State Chemist against the licensee. Subsequent
40 violations within two years of the first violation shall be subject to an
41 additional penalty of not less than \$200.00 or more than \$1,000.00.

42 (cf: P.L.1970, c.66, s.25)

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1 8. Section 7 of P.L.1968, c.392 (C.4:9-21.7) is amended to read
2 as follows:

3 7. The annual license fee shall be [~~\$100.00~~] \$250.00 payable on
4 January 1 of each year or prior to the distribution in such year.
5 (cf: P.L.1975, c.140, s.3)

6

7 9. Section 8 of P.L.1968, c.392 (C.4:9-21.8) is amended to read as
8 follows:

9 8. Within the 30-day period following December 31 of each year,
10 each licensee shall submit on a form furnished by the State board or its
11 authorized agent a statement setting forth the number of net tons of
12 each agricultural liming material sold by him for use in the State during
13 the previous 12-month period. Such statement shall be accompanied
14 by payment of the inspection fee at the rate of [~~\$0.02~~] \$0.05 per ton.
15 Such reports shall be confidential and no information therein shall be
16 disclosed in any manner that will reveal the operation of any licensee.
17 Fees collected pursuant to this section shall be forwarded to the State
18 Treasurer.

19 (cf: P.L.1995, c.390, s.5)

20

21 10. Section 10 of P.L.1968, c.392 (C.4:9-21.10) is amended to
22 read as follows:

23 10. Any person convicted of violating any provision of this act or
24 any rule or regulation promulgated thereunder shall be subject to a
25 penalty of not less than [~~\$50~~] \$100.00 nor more than [~~\$200~~] \$500.00
26 to be enforced by summary proceedings under "the penalty
27 enforcement law," N.J.S.2A:58-1 et seq. Upon receiving any
28 information of a violation of any part of this act other than a violation
29 involving a weighed or measured deficiency or the rules and
30 regulations issued thereunder, the secretary, or any assistant
31 designated by him for such purpose, is empowered to hold hearings,
32 formal or informal, upon said violation and upon finding the violation
33 to have been committed, to assess a penalty against the person alleged
34 to have committed such violation, in an amount not to exceed the
35 maximum limit set forth in this section as the secretary deems proper
36 under the circumstances. In the event the violator makes satisfactory
37 settlement, no further prosecution shall be had upon that violation.
38 Payment of a penalty, in the form of a settlement, shall be deemed
39 equivalent to a conviction for a violation of this act. Violations not
40 settled in this manner may be referred to the court of competent
41 jurisdiction. Nothing in this act shall be construed as requiring the
42 State board or its authorized agent to report for prosecution or for the
43 institution of seizure proceedings as a result of minor violations of
44 "The New Jersey Agricultural Liming Materials Act," P.L.1968, c.392

1 (C.4:9-21.1 et seq.) when it believes that the public interest will best
2 be served by a suitable written warning.

3 (cf: P.L.1995, c.390, s.7)

4

5 11. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read
6 as follows:

7 1. a. Except as provided in subsection b. of this section concerning
8 law enforcement officer and firefighter examinations, the
9 Commissioner of the Department of Personnel shall establish a [~~\$5~~]
10 \$15 fee for each application for an open competitive or promotional
11 examination. Persons receiving public assistance benefits pursuant to
12 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
13 seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to
14 pay this fee if they apply for an open competitive examination.
15 Receipts derived from application fees established by this subsection
16 shall be appropriated to the department.

17 b. The commissioner shall establish a fee for each application for
18 an open competitive or promotional examination for a law
19 enforcement officer or firefighter title. The fee shall not exceed the
20 cost of developing, procuring and administering the examination,
21 including the processing of any appeals or reviews associated with the
22 examination. Persons receiving public assistance benefits pursuant to
23 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
24 seq.), or P.L.1997 c.38 (C.44:10-55 et seq.) shall not be required to
25 pay this fee if they apply for an open competitive examination.
26 Receipts derived from application fees established by this subsection
27 shall be appropriated to the department for use in developing,
28 procuring and administering law enforcement officer and firefighter
29 examinations, including the processing of any appeals or reviews
30 associated with those examinations.

31 c. In addition to the fees established in subsections a. and b. of this
32 section, the commissioner shall establish a [~~\$5~~] \$15 fee for each
33 application for an open competitive or promotional examination for a
34 position in State service. Persons receiving public assistance benefits
35 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256
36 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not
37 be required to pay this fee if they apply for an open competitive
38 examination. Receipts derived from the application fee established
39 pursuant to this subsection shall be appropriated annually to the
40 department for the costs of the displaced workers pool program. This
41 fee shall not be assessed and collected unless the commissioner
42 implements a displaced workers pool program. If the displaced
43 workers pool program is terminated at any time by the commissioner,
44 the assessment and collection of this additional fee shall also be
45 terminated.

46 (cf: P.L.1998, c.63, s.1)

1 12. Section 12 of P.L.1962, c.73 (C.12:7-34.47) is amended to
2 read as follows:

3 12. The fees for the initial numbering of all vessels and for each
4 renewal of the certificate of number issued thereto, unless otherwise
5 provided by law, shall be:

6 (a) For all vessels less than 16 feet, [~~\$6~~] \$12 per year; 16 feet or
7 more but less than 26 feet, [~~\$14~~] \$28 per year; 26 feet or more but
8 less than 40 feet, [~~\$26~~] \$52 per year; 40 feet or more but less than 65
9 feet, [~~\$40~~] \$80 per year; 65 feet or more, [~~\$125~~] \$250 per year.

10 (b) (Deleted by amendment.)

11 (c) Special numbers including up to three duplicates thereof and up
12 to four sets of temporary numbers bearing a number corresponding to
13 the special number, shall be assigned to boat dealers and
14 manufacturers, as provided for under rules and regulations to be
15 promulgated by the division, and such numbers shall be displayed
16 temporarily upon boats being tested, demonstrated, photographed or
17 transported, said display to be as prescribed in the rules and
18 regulations aforementioned.

19 For each such special number so assigned the fee shall be \$75 for
20 one year.

21 (d) A fee shall not be charged for the numbering of any marine
22 equipment operated and maintained by the State of New Jersey; a
23 county; a municipality; a volunteer first aid, rescue, or emergency
24 squad; a search and rescue unit established within a fire district created
25 pursuant to N.J.S.40A:14-70; or a volunteer fire company created
26 pursuant to N.J.S.40A:14-70.1. This subsection shall apply only to
27 marine equipment which is used exclusively in the performance of the
28 prescribed duties of the governmental entities and organizations
29 described above.

30 (cf: P.L.1995, c.401, s.27)

31

32 13. R.S.39:3-20 is amended to read as follows:

33 39:3-20. For the purpose of this section, gross weight means the
34 weight of the vehicle or combination of vehicles, including load or
35 contents.

36 a. The director is authorized to issue registrations for commercial
37 motor vehicles other than omnibuses or motor-drawn vehicles upon
38 application therefor and payment of a fee based on the gross weight of
39 the vehicle, including the gross weight of all vehicles in any
40 combination of vehicles of which the commercial motor vehicle is the
41 drawing vehicle. The gross weight of a disabled commercial vehicle
42 or combination of disabled commercial vehicles being removed from
43 a highway shall not be included in the calculation of the registration
44 fee for the drawing vehicle.

45 Except as otherwise provided in this subsection, every registration
46 for a commercial motor vehicle other than an omnibus or motor-drawn

1 vehicle shall expire and the certificate thereof shall become void on the
2 last day of the eleventh calendar month following the month in which
3 the certificate was issued; provided, however, that the director may
4 require registrations which shall expire, and issue certificates thereof
5 which shall become void, on a date fixed by the director, which shall
6 not be sooner than three months or later than 26 months after the date
7 of issuance of such certificates, and the fees for such registrations or
8 registration applications, including any other fees or charges collected
9 in connection with the registration fee, shall be fixed by the director in
10 amounts proportionately less or greater than the fees established by
11 law. The director may fix the expiration date for registration
12 certificates at a date other than 11 months if the director determines
13 that such change is necessary, appropriate or convenient in order to
14 aid in implementing the vehicle inspection requirements of chapter 8
15 of Title 39 or for other good cause. The minimum registration fee
16 shall be as follows:

17 For vehicles not in excess of 5,000 pounds, \$53.50.

18 For vehicles in excess of 5,000 pounds and not in excess of
19 ~~[18,000]~~ 10,000 pounds, \$53.50 plus \$11.50 for each 1,000 pounds
20 or portion thereof in excess of 5,000 pounds.

21 For vehicles in excess of 10,000 pounds and not in excess of 18,000
22 pounds, \$53.50 plus \$13.50 for each 1,000 pounds or portion thereof
23 in excess of 5,000 pounds.

24 For vehicles in excess of 18,000 pounds and not in excess of 50,000
25 pounds, \$53.50 plus ~~[\$12.50]~~ \$14.50 for each 1,000 pounds or
26 portion thereof in excess of 5,000 pounds.

27 For vehicles in excess of 50,000 pounds, \$53.50 plus ~~[\$13.50]~~
28 \$15.50 for each 1,000 pounds or portion thereof in excess of 5,000
29 pounds.

30 b. The director is also authorized to issue registrations for
31 commercial motor vehicles having three or more axles and a gross
32 weight over 40,000 pounds but not exceeding 70,000 pounds, upon
33 application therefor and proof to the satisfaction of the director that
34 the applicant is actually engaged in construction work or in the
35 business of supplying material, transporting material, or using such
36 registered vehicle for construction work.

37 Except as otherwise provided in this subsection, every registration
38 for these commercial motor vehicles shall expire and the certificate
39 thereof shall become void on the last day of the eleventh calendar
40 month following the month in which the certificate was issued;
41 provided, however, that the director may require registrations which
42 shall expire, and issue certificates thereof which shall become void on
43 a date fixed by the director, which shall not be sooner than three
44 months or later than 26 months after the date of issuance of such
45 certificates, and the fees for such registrations or registration
46 applications, including any other fees or charges collected in

1 connection with the registration fee, shall be fixed by the director in
2 amounts proportionately less or greater than the fees established by
3 law. The director may fix the expiration date for registration
4 certificates at a date other than 11 months if the director determines
5 that such change is necessary, appropriate or convenient in order to
6 aid in implementing the vehicle inspection requirements of chapter 8
7 of Title 39 or for other good cause.

8 The registration fee shall be \$22.50 for each 1,000 pounds or
9 portion thereof.

10 For purposes of calculating this fee, weight means the gross weight,
11 including the gross weight of all vehicles in any combination of which
12 such commercial motor vehicle is the drawing vehicle.

13 Such commercial motor vehicle shall be operated in compliance
14 with the speed limitations of Title 39 of the Revised Statutes and shall
15 not be operated at a speed greater than 45 miles per hour when one or
16 more of its axles has a load which exceeds the limitations prescribed
17 in R.S.39:3-84.

18 c. The director is also authorized to issue registrations for each of
19 the following solid waste vehicles: two-axle vehicles having a gross
20 weight not exceeding 42,000 pounds; tandem three-axle and four-axle
21 vehicles having a gross weight not exceeding 60,000 pounds; four-axle
22 tractor-trailer combination vehicles having a gross weight not
23 exceeding 60,000 pounds. Registration is based upon application to
24 the director and proof to his satisfaction that the applicant is actually
25 engaged in the performance of solid waste disposal or collection
26 functions and holds a certificate of convenience and necessity therefor
27 issued by the Department of Environmental Protection.

28 Except as otherwise provided in this subsection, every registration
29 for a solid waste vehicle shall expire and the certificate thereof shall
30 become void on the last day of the eleventh calendar month following
31 the month in which the certificate was issued.

32 The registration fee shall be \$50 plus \$11.50 for each 1,000 pounds
33 or portion thereof in excess of 5,000 pounds.

34 d. The director is also authorized to issue registrations for
35 commercial motor-drawn vehicles upon application therefor. The
36 registration year for commercial motor-drawn vehicles shall be April
37 1 to the following March 31 and the fee therefor shall be \$18 for each
38 such vehicle.

39 At the discretion of the director, an applicant for registration for a
40 commercial motor-drawn vehicle may be provided the option of
41 registering such vehicle for a period of four years. In the event that
42 the applicant for registration exercises the four-year option, a fee of
43 \$64 for each such vehicle shall be paid to the director in advance.

44 If any commercial motor-drawn vehicle registered for a four-year
45 period is sold or withdrawn from use on the highways, the director
46 may, upon surrender of the vehicle registration and plate, refund \$16

1 for each full year of unused prepaid registration.

2 e. It shall be unlawful for any vehicle or combination of vehicles
3 registered under this act, having a gross weight, including load or
4 contents, in excess of the gross weight provided on the registration
5 certificate to be operated on the highways of this State.

6 The owner, lessee, bailee or any one of the aforesaid of a vehicle or
7 combination of vehicles, including load or contents, found or operated
8 on any public road, street or highway or on any public or quasi-public
9 property in this State with a gross weight of that vehicle or
10 combination of vehicles, including load or contents, in excess of the
11 weight limitation permitted by the certificate of registration for the
12 vehicle or combination of vehicles, pursuant to the provisions of this
13 section, shall be assessed a penalty of \$500 plus an amount equal to
14 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of
15 weight in excess of the weight limitation permitted by the certificate
16 of registration for that vehicle or combination of vehicles. A vehicle
17 or combination of vehicles for which there is no valid certificate of
18 registration is deemed to have been registered for zero pounds for the
19 purposes of the enforcement of this act, in addition to any other
20 violation of this Title, but is not deemed to be lawfully or validly
21 registered pursuant to the provisions of this Title.

22 This section shall not be construed to supersede or repeal the
23 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

24 f. Of the registration fees collected by the director pursuant to this
25 section for vehicles with gross vehicle weights in excess of 5,000
26 pounds, an amount equal to \$3 per 1,000 pounds or portion thereof in
27 excess of 5,000 pounds for each registration shall be forwarded to the
28 State Treasurer for deposit in the Commercial Vehicle Enforcement
29 Fund established pursuant to section 17 of this **[act]** P.L.1995, c.157
30 (C.39:8-75). Moneys in the fund shall be used by the Department of
31 Law and Public Safety and the Department of Transportation for
32 enforcement of laws and regulations governing commercial motor
33 vehicles.

34 (cf: P.L.1997, c.313, s.1)

35

36 14. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to read
37 as follows:

38 23. The Director of Motor Vehicles shall charge a fee of **[\$50]**
39 \$100 for the restoration of any license which has been suspended or
40 revoked by reason of the licensee's violation of any law or regulation
41 and for the restoration of vehicle registrations that have been
42 suspended pursuant to any law. The director may promulgate such
43 regulations hereunder as he may deem necessary.

44 (cf: P.L.1994, c.60, s.14)

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

2 39:8-2 a. The director may designate and appoint, subject to
3 existing laws, competent examiners of motor vehicles to conduct
4 examinations, other than the periodic inspections required pursuant to
5 subsection b. of this section, of motor vehicles required to be
6 inspected in accordance with the provisions of this chapter. The
7 examiners may be delegated to enforce the provisions of the motor
8 vehicle and traffic law.

9 b. (1) The director shall adopt, pursuant to the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
11 regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and
12 with the requirements of the federal Clean Air Act with respect to the
13 type and character of the inspections to be made, the facility at which
14 the vehicle shall be inspected, the frequency of inspections of motor
15 vehicles and the approval or rejection of motor vehicles as a result of
16 these inspections. These rules and regulations shall require the use of
17 inspection tests that are designed to meet the enhanced inspection and
18 maintenance requirements of the federal Clean Air Act and that have
19 been proven to be feasible and effective for the inspection of large
20 numbers of motor vehicles, except that these tests shall not include the
21 "I/M 240" test. Nothing in this subsection shall preclude the use of the
22 "I/M 240" test in sampling for performance evaluations only or the use
23 of the test at the option of a private inspection facility. The rules and
24 regulations may distinguish between vehicles based on model year,
25 type, or other vehicle characteristics in order to facilitate inspections
26 or to comply with the federal Clean Air Act. A low mileage vehicle
27 shall not be subject to a tailpipe inspection test utilizing a
28 dynamometer but may be subject to an idle test and a purge and
29 pressure test. For the purpose of this paragraph, "low mileage
30 vehicle" means a motor vehicle that is driven less than 10,000 miles
31 during the biennial inspection period, except that the director may set
32 the qualifying number of miles for this exemption at a lower number
33 in order to meet the federal enhanced inspection and maintenance
34 performance standard.

35 (2) The Department of Environmental Protection and the director
36 shall investigate advanced testing technologies, including but not
37 limited to remote sensing and onboard diagnostics, and shall, to the
38 extent permitted by law, pursue the use of such technologies, other
39 than the "I/M 240" test, in motor vehicle emission inspections required
40 by the United States Environmental Protection Agency pursuant to the
41 federal Clean Air Act. The director shall adopt, to the extent
42 practicable, advanced technologies to facilitate the retrieval of testing
43 and other information concerning motor vehicles, which technologies
44 shall include but not be limited to the use of computer bar codes and
45 personal cards containing encoded information, such as a person's
46 operating license, motor vehicle registration, and motor vehicle

1 insurance, the inspection status of a motor vehicle, and mass transit
2 fares, that can be accessed quickly by a computer.

3 c. Except as modified by the director to distribute evenly the
4 volume of inspections, all motor vehicles required by the director, in
5 accordance with the provisions of R.S.39:8-1, to be inspected under
6 this chapter shall be inspected biennially, except that classes of
7 vehicles that require more frequent inspections, such as school buses,
8 shall be inspected at such shorter intervals as may be established by the
9 director after consultation with the Department of Environmental
10 Protection. At any time, the director may require the owner, lessee,
11 or operator of a motor vehicle to submit the vehicle for inspection.

12 d. The director shall furnish to designated examiners or to other
13 persons authorized to conduct inspections or to grant waivers official
14 certificates of approval, rejection stickers or waiver certificates, the
15 form, content and use of which he shall establish. The certificates of
16 approval, rejection stickers and waiver certificates shall be of a type,
17 such as a windshield sticker or license plate decal, that can be attached
18 to the vehicle or license plate in a location that is readily visible to
19 anyone viewing the vehicle. If a certificate of approval cannot be
20 issued, the driver shall be provided with a written inspection report
21 describing the reasons for rejection and, if appropriate, the repairs
22 needed or likely to be needed to bring the vehicle into compliance with
23 applicable standards.

24 e. The director may, with the approval of the State House
25 Commission, purchase, lease or acquire by the exercise of the power
26 of eminent domain any property for the purpose of assisting him in
27 carrying out the provisions of this chapter. This property may also be
28 used by the director for the exercise of the duties and powers
29 conferred upon him by the other chapters of this Title.

30 f. For the purpose of implementing the motor vehicle inspection
31 requirements of the federal Clean Air Act and subject to the approval
32 of the Attorney General, the State Treasurer, prior to January 1, 1997,
33 may:

34 (1) Purchase, lease or acquire by eminent domain any property for
35 vehicle inspection purposes. Any other provision of law to the
36 contrary notwithstanding, no further approval shall be required for
37 transactions authorized by this paragraph, except that a proposed
38 purchase, lease or acquisition by eminent domain shall require the
39 approval of the Joint Budget Oversight Committee, and shall be
40 submitted to the Joint Budget Oversight Committee, which shall
41 review the proposed purchase, lease or acquisition by eminent domain
42 within 15 business days; and

43 (2) Sell or lease, or grant an easement in, any property acquired,
44 held or used for vehicle inspection purposes or any other suitable
45 property held by the State that is not currently in use or dedicated to
46 another purpose. For the purpose of this paragraph and

1 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,
2 the sale or lease of, or the granting of an easement in, real property
3 owned by the State shall be subject to the approval of the State House
4 Commission, which shall meet at the call of the Governor to act on a
5 proposed sale or lease or grant of an easement pursuant to this
6 paragraph. A member of the State House Commission may permit a
7 representative to act on that member's behalf in considering and voting
8 on a sale or lease or grant of an easement pursuant to this paragraph.
9 Any other provision of law to the contrary notwithstanding, any
10 moneys derived from a sale, lease or granting of an easement by the
11 State pursuant to this paragraph shall not be expended unless approved
12 by the Joint Budget Oversight Committee for the purpose of
13 purchasing, leasing or acquiring property pursuant to paragraph (1) of
14 this subsection, except that any moneys derived therefrom and not
15 approved for that purpose shall be appropriated to the Department of
16 Transportation to provide for mass transit improvements.

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

35 h. The director, and, when appropriate, the Department of
36 Environmental Protection, shall conduct inspections and audits of
37 licensed private inspection facilities, official inspection facilities and
38 designated examiners to ensure accurate test equipment calibration and
39 use, and compliance with proper inspection procedures and with the
40 provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any regulations
41 adopted pursuant thereto by the Division of Motor Vehicles or by the
42 Department of Environmental Protection. These inspections and audits
43 shall be conducted at such times and in such manner as the director,
44 upon consultation with the Department of Environmental Protection,
45 shall determine in order to provide quality assurance in the
46 performance of the inspection and maintenance program.

1 i. (1) The director shall make a charge of \$2.50 for the initial
 2 inspection for each vehicle subject to inspection, which amount shall
 3 be paid to the director or his representative when payment of the
 4 registration fees fixed in chapter 3 of this Title is made; provided
 5 however, that on and after January 1, 1999, a school bus as defined
 6 pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a
 7 registration period commencing on or after January 1, 1999, shall be
 8 subject to an inspection fee for each in-terminal or in-lieu-of terminal
 9 inspection in accordance with the following schedule:

10

11 School Bus Specification Inspection \$50 per bus

12

13 School Bus Inspection \$25 per bus

14

15 School Bus Reinspection \$25 per bus subject to the conditions set
 16 forth below:

17

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

40 (2) The director shall establish by regulation a fee to cover the
 41 costs of inspecting any vehicle that is required, or has the option,
 42 under federal law to be inspected in this State but is registered in
 43 another state or is owned or leased by the federal government. In
 44 determining these costs, the director shall include all capital and direct
 45 and indirect operating costs associated with the inspection of these
 46 vehicles including, but not limited to, the costs of the actual

1 inspection, the creation and maintenance of the vehicle inspection
2 record, administrative, oversight and quality assurance costs and the
3 costs associated with reporting inspection information to the owner,
4 the federal government and agencies of other states. All fees collected
5 pursuant to this subsection shall be paid to the State Treasurer and
6 deposited in the "Motor Vehicle Inspection Fund" established pursuant
7 to subsection j. of this section.

8 j. There is established in the General Fund a special dedicated,
9 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"
10 which shall be administered by the State Treasurer. The State
11 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"
12 \$11.50 from each motor vehicle registration fee received by the State
13 after June 30, 1995. The Legislature shall annually appropriate from
14 the fund an amount necessary to pay the reasonable and necessary
15 expenses of the implementation and operation of the motor vehicle
16 inspection program. The State Treasurer shall:

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

23 (2) Transfer from the fund to the Division of Motor Vehicles and
24 the Department of Environmental Protection the amounts necessary to
25 finance the costs of administering and implementing all aspects of the
26 inspection and maintenance program, and to the Office of
27 Telecommunications and Information Systems in the Department of
28 the Treasury the amount necessary for computer support upgrades;

29 Moneys remaining in the fund and any unexpended balance of
30 appropriations from the fund at the end of each fiscal year shall be
31 reappropriated for the purposes of the fund. Any interest earned on
32 moneys in the fund shall be credited to the fund.

33 (cf: P.L.1999, c.5, s.8)

34

35 16. Section 20 of P.L.1952, c.173 (C.39:6-42) is amended to read
36 as follows:

37 20. Upon the request of any insurance company, any person
38 furnishing any financial responsibility or any surety on a bond herein
39 provided for, the director shall furnish such company person or surety
40 a certified abstract of the operating record of any person subject to the
41 provisions of this act. If there is no record of his conviction of a
42 violation of a provision of law relating to the operation of motor
43 vehicles or of an injury or damage caused by him as herein provided,
44 the director shall so certify. The director shall collect a fee of \$10 for
45 each certified or uncertified abstract so issued[, but may, in the
46 director's discretion, establish by regulation a lesser fee of not less than

1 \$2 per abstract when, due to the number of abstracts requested and the
2 division's ability to comply with the request by providing computerized
3 data rather than individual documents, the processing of the request
4 will result in lower costs per abstract to the division]. The director
5 shall use the same schedule of fees established above for abstracts
6 requested by persons authorized by law to receive them.

7 (cf: P.L.1994, c.60, s.25)

8

9 17. Section 23 of P.L.1973, c.337 (C.26:2J-23) is amended to read
10 as follows:

11 23. Every health maintenance organization subject to this act shall
12 pay to the commissioner the following fees:

13 a. for filing an application for a certificate of authority or
14 amendment thereto, \$100.00;

15 b. for filing each annual report, \$10.00[.] : and

16 c. for the purpose of supporting the activities of the Department of
17 Health and Senior Services associated with the regulation of health
18 maintenance organizations, \$1.50 per life per year, with payment being
19 made annually no later than July 15 for the preceding calendar year.
20 Payments made by a health maintenance organization pursuant to this
21 act shall not in any way reduce payments that may be owed by a health
22 maintenance organization pursuant to P.L.1995, c.156 (C.17:1C-19
23 et seq.) and subsequent amendments thereto.

24 In accordance with the Administrative Procedure Act, P.L.1968,
25 c.410 (C.52:14B-1 et seq.), the commissioner may promulgate rules
26 and regulations directing that additional fees be paid.

27 (cf: P.L.1973, c. 337, s. 23)

28

29 18. N.J.S.12A:9-525 is amended to read as follows:

30 12A:9-525. Fees. (a) Initial financing statement or other
31 record: general rule. Except as otherwise provided in subsection (d),
32 the fees for filing and indexing records under this part are:

33 (1) \$25 for financing statement;

34 (2) \$25 for continuation statement;

35 (3) \$25 for amendment statement;

36 (4) \$25 for partial release;

37 (5) \$25 for assignment;

38 (6) \$25 termination statement; and

39 (7) \$1 per page for copy of any filed financing statement.

40 (b) Number of names. Except as otherwise provided in subsection
41 (d), the number of names required to be indexed does not affect the
42 amount of the fee in subsection (a).

43 (c) Response to information request. The fee for responding to a
44 request for information from the filing office, including for issuing a
45 certificate of search showing whether there is on file any financing
46 statement naming a particular debtor, is \$25.

1 (d) Record of mortgage. This section does not require a fee with
2 respect to a record of mortgage which is effective as a financing
3 statement filed as a fixture filing or as a financing statement covering
4 as-extracted collateral or timber to be cut under 12A:9-502 (c).
5 However, the recording and satisfaction fees that otherwise would be
6 applicable to the record of the mortgage apply.

7 (cf: P.L.2001, c.386, s.89)

8

9 19. N.J.S.14A:15-2 is amended to read as follows:

10 14A:15-2. On filing any certificate or other papers relative to
11 corporations in the [office of the Secretary of State] Department of
12 the Treasury, there shall be paid to the [Secretary of State] State
13 Treasurer, filing fees as follows:

14 (1) Certificate of incorporation and amendments thereto:

15 (a) for filing the original certificate of incorporation. [~~\$100.00~~]
16 \$125.00

17 (b) for filing a certificate of amendment of
18 the certificate of incorporation, including
19 any number of amendments [~~50.00~~] 75.00

20 (c) for filing a certificate of abandonment
21 of one or more amendments of the
22 certificate of incorporation [~~50.00~~] 75.00

23 (d) for filing a certificate of merger or
24 a certificate of consolidation [~~50.00~~] 75.00

25 (e) for filing a certificate of abandonment
26 of a merger or consolidation [~~50.00~~] 75.00

27 (2) Restated certificate of incorporation:
28 for filing a restated certificate of incorporation,
29 including any amendments of the certificate of
30 incorporation concurrently adopted [~~50.00~~] 75.00

31 (3) Dissolution of corporation:
32 (a) for filing a certificate of dissolution..... [~~50.00~~] 75.00
33 (b) for filing a certificate of revocation of
34 dissolution proceedings [~~50.00~~] 75.00

35 (4) Admission and withdrawal of foreign corporation:
36 (a) for filing an application for a certificate of
37 authority to transact business in this State and
38 issuing a certificate of authority [~~100.00~~] 125.00

39 (b) for filing an application for an amended
40 certificate of authority to transact business
41 in this State and issuing an amended
42 certificate of authority..... [~~50.00~~] 75.00

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- 1 (c) for filing an application for withdrawal
2 from this State and issuing a
3 certificate of withdrawal [50.00] 75.00
- 4 (d) for filing a certificate of change of post-office
5 address to which process may be mailed by the
6 [Secretary of State] State Treasurer 25.00
- 7 (e) for filing a certificate, order or decree
8 with respect to the dissolution of a
9 foreign corporation, the termination of
10 its existence, or the cancellation of its
11 authority, and issuing a certificate
12 of withdrawal [50.00] 75.00
- 13 (5) Registered office and registered agent:
- 14 (a) for filing a certificate of change of address
15 of registered office, or change of
16 registered agent, or both [10.00] 25.00
- 17 (b) (i) for filing a certificate of change of address
18 of registered agent, where such certificate effects
19 a change in the address of the registered office
20 of one to 499 corporations or of 500 or more
21 corporations in cases where the filing information
22 is not transmitted to the [Secretary of State] State Treasurer
23 in a machine readable format agreeable to the
24 Division of Commercial Recording, for each
25 corporation named in the certificate [10.00] 25.00
- 26 (ii) for filing a certificate of change of address
27 of registered agent, where such certificate
28 effects a change in the address of the registered
29 office of 500 or more corporations in cases
30 where the filing information is transmitted
31 to the [Secretary of State] State Treasurer
32 in a machine readable format agreeable to
33 the Division of Commercial Recording 5,000.00
- 34 (iii) In addition to the fee imposed pursuant to
35 subparagraph (ii) of this paragraph, the [Secretary of State]
36 State Treasurer may assess an additional fee
37 not to exceed those administrative costs
38 associated with the technical transmission of
39 the filing information.
- 40 (c) for filing an affidavit of resignation of
41 a registered agent [10.00] 25.00
- 42 (6) Annual report:
43 for each such report required to be filed..... [40.00] 50.00

- 1 (7) Tax clearance certificate from the Director of
 2 the Division of Taxation: for each such certificate
 3 required to be filed 20.00
 4 (cf: P.L.1994, c.60, s.2)
 5
 6 20. N.J.S.14A:15-3 is amended to read as follows:
 7 14A:15-3. Additional corporate filing fees. The [Secretary of
 8 State] State Treasurer shall also charge and collect for:
 9 (1) filing an application to reserve a
 10 specified corporate name and issuing
 11 a certificate of reservation \$50.00
 12 if application is for the first name available for
 13 corporate use among not more than
 14 three specified names \$50.00
 15 (2) filing a notice of transfer of a
 16 reserved corporate name \$25.00
 17 (3) filing an application by a foreign corporation
 18 to register its corporate name \$50.00
 19 (4) filing an application by a foreign corporation
 20 to renew the registration of its corporate name \$50.00
 21 (5) filing a statement of cancellation of shares ... ~~[\$50.00]~~ \$75.00
 22 (6) filing a statement of reduction of
 23 stated capital ~~[\$50.00]~~ \$75.00
 24 (7) filing a certificate as to the acquisition of
 25 the shares or a class of shares of
 26 a domestic corporation ~~[50.00]~~ \$75.00
 27 (8) issuing a certificate of standing, including
 28 registered agent and registered office \$25.00
 29 (9) issuing a certificate of standing, same as
 30 above, but including incorporators, officers
 31 and directors, and authorized shares \$25.00
 32 (10) issuing a certificate of standing,
 33 listing charter documents\$25.00
 34 (11) issuing a certificate of availability of
 35 corporate name (one to three names) \$25.00
 36 (12) filing a certificate of registration of
 37 alternate name \$50.00
 38 (13) filing a certificate of renewal of
 39 registration of alternate name \$25.00
 40 (14) filing a certificate of correction, in addition
 41 to any applicable license fee \$10.00
 42 (15) filing and issuing a reinstatement
 43 of charter ~~[\$50.00]~~ \$75.00
 44 (16) corporate status reports -- per name \$5.00

- 1 (17) accepting service of process
- 2 against corporation pursuant
- 3 to N.J.S.2A:15-26 et seq. \$25.00
- 4 (18) filing a termination of alternate name ~~[\$50.00]~~ \$75.00
- 5 (cf: P.L.1988, c.94, s.70)

6

7 21. N.J.S.14A:4-5 is amended to read as follows:

8 14A:4-5. Annual report to ~~[Secretary of State]~~ State Treasurer.

9 (1) Every domestic corporation and every foreign corporation

10 authorized to transact business in this State shall file in the ~~[office of~~

11 ~~the Secretary of State]~~ Department of the Treasury, within the time

12 prescribed by this section, an annual report, executed on behalf of the

13 corporation, or executed by the registered agent, setting forth

14 (a) The name of the corporation and, in the case of a foreign

15 corporation, the jurisdiction of its incorporation;

16 (b) The address of the registered office of the corporation in this

17 State, and the name of its registered agent in this State at such

18 address;

19 (c) The names and addresses of the directors and officers of the

20 corporation;

21 (d) (Deleted by amendment, P.L.1988, c.94.)

22 (e) The address of its main business or headquarters office; and

23 (f) The address of its principal business office in New Jersey, if

24 any.

25 (2) The ~~[Secretary of State]~~ State Treasurer shall designate a date

26 for filing annual reports for each corporation required to submit a

27 report pursuant to this section and shall annually notify the corporation

28 of the date so designated not less than 60 days prior to such date. The

29 corporation shall file the report within 30 days before or 30 days after

30 the date so designated. If the date so designated is not more than six

31 months after the date on which an annual report pursuant to the

32 provisions of prior law was filed or on which the certificate of

33 incorporation became effective, the corporation shall not be required

34 to file an annual report until one year after the first occurrence of the

35 date so designated.

36 (3) (Deleted by amendment, P.L.1997, c.139.)

37 (4) The ~~[Secretary of State]~~ State Treasurer shall furnish annual

38 report forms, shall keep in his office all such reports and shall prepare

39 an alphabetical index thereof, which reports and index shall be open to

40 public inspection at proper hours.

41 (5) In the event a domestic corporation fails to file an annual report

42 for two consecutive years with the ~~[Secretary of State]~~ State

43 Treasurer, then, after written notice by certified mail to the

44 corporation at its last known main business or headquarters office or

45 at the address of its registered agent, the ~~[Secretary of State]~~ State

46 Treasurer may issue a proclamation declaring that the certificate of

1 incorporation of the corporation has been revoked and that all powers
2 conferred by law upon it shall thereafter be inoperative and void. The
3 proclamation of the [Secretary of State] State Treasurer shall be filed
4 in the office of the [Secretary of State] State Treasurer. No
5 corporation's certificate of incorporation shall be revoked pursuant to
6 this subsection if, within 30 days after the giving of notice, it files the
7 reports required by law and pays to the [Secretary of State] State
8 Treasurer all of the fees due for the filing of the reports.

9 (6) In the event a foreign corporation fails to file an annual report
10 for two consecutive years with the [Secretary of State] State
11 Treasurer, then, after written notice by certified mail to the
12 corporation at its last known main business or headquarters office or
13 at the address of its registered agent, the [Secretary of State] State
14 Treasurer may issue a proclamation declaring that the certificate of
15 authority to do business of the corporation and the powers conferred
16 by law upon it shall be revoked. The proclamation of the [Secretary
17 of State] State Treasurer shall be filed in the office of the [Secretary
18 of State] State Treasurer. No corporation's certificate of authority
19 shall be revoked pursuant to this paragraph if, within 30 days after the
20 giving of notice, it files the reports required by law and pays to the
21 [Secretary of State] State Treasurer all of the fees due for the filing
22 of the reports.

23 (7) If the certificate of incorporation of a domestic corporation or
24 a certificate of authority of a foreign corporation has been revoked by
25 proclamation, the certificate shall be reinstated by proclamation of the
26 [Secretary of State] State Treasurer upon: (a) payment by the
27 corporation of all fees due to the [Secretary of State] State Treasurer,
28 consisting of a reinstatement filing fee of [\$50] \$75.00, tax clearance
29 filing fee of \$20, current annual report fee, all delinquent annual report
30 fees, and a reinstatement assessment of \$200; and (b) certification of
31 the Director of the Division of Taxation that no cause exists for
32 revocation of the corporation's certificate of incorporation or
33 certificate of authority pursuant to R.S.54:11-2. The reinstatement
34 relates back to the date of issuance of the proclamation revoking the
35 certificate of incorporation or the certificate of authority and shall
36 validate all actions taken in the interim. In the event that in the interim
37 the corporate name has become unavailable, the [Secretary of State]
38 State Treasurer shall issue the certificate upon, in the case of a
39 domestic corporation, the filing of an amendment to its certificate of
40 incorporation to change the corporate name to an available name, and,
41 in the case of a foreign corporation, the filing of an amended
42 certificate of authority adopting an assumed name. The [Secretary of

1 State] State Treasurer shall provide the forms necessary to effect
2 annual report reinstatements.

3 (cf: P.L.1997, c.139, s.3)

4

5 22. N.J.S.15A:15-1 is amended to read as follows:

6 15A:15-1. Filing Fees of the [Secretary of State] State Treasurer.

7 On filing any certificate or other papers relative to corporations in the
8 [office of the Secretary of State] Department of the Treasury, there
9 shall be paid to the [Secretary of State] State Treasurer filing fees as
10 follows:

11 a. Certificate of incorporation and amendments thereto:

12 (1) for filing the original certificate of
13 incorporation [\$50.00] \$75.00

14 (2) for filing a certificate of amendment of the
15 certificate of incorporation including any number
16 of amendments..... [\$50.00] \$75.00

17 (3) for filing a certificate of abandonment of one or
18 more amendments of the certificate of
19 incorporation.....[\$50.00] \$75.00

20 (4) for filing a certificate of merger or a certificate
21 of consolidation [\$50.00] \$75.00

22 (5) for filing a certificate of abandonment of a merger or
23 consolidation [\$50.00] \$75.00

24 b. Restated certificate of incorporation: for filing
25 a restated certificate of incorporation including
26 any amendments of the certificate of incorporation
27 concurrently adopted..... [\$50.00] \$75.00

28 c. Dissolution of corporation:

29 (1) for filing a certificate of dissolution [\$50.00] \$75.00

30 (2) for filing a certificate of revocation of
31 dissolution proceedings [\$50.00] \$75.00

32 d. Admission and withdrawal of foreign corporation:

33 (1) for filing an application for a certificate of authority to
34 conduct activities in this State and issuing a certificate of
35 authority.....[\$100.00] \$125.00

36 (2) for filing an application for an amended
37 certificate of authority to conduct activities
38 in this State and issuing an amended
39 certificate of authority.....[\$50.00] \$75.00

40 (3) for filing an application for withdrawal from
41 this State and issuing a certificate of
42 withdrawal[\$50.00] \$75.00

43 (4) for filing a certificate of change of post
44 office address to which process may be
45 mailed by the [Secretary of State] State Treasurer\$25.00

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- 1 (5) for filing a certificate, order or decree
- 2 with respect to the dissolution of a foreign
- 3 corporation, the termination of its existence,
- 4 or the cancellation of its authority, and
- 5 issuing a certificate of withdrawal ~~[\$50.00]~~ \$75.00
- 6 e. Registered office and registered agent:
- 7 (1) for filing a certificate of change of
- 8 address of registered office, or change
- 9 of registered agent or both ~~[\$10.00]~~ \$25.00
- 10 (2) for filing a certificate of change of address
- 11 of registered agent where such certificate
- 12 effects a change in the address
- 13 of the registered office of one or more
- 14 corporations, for each corporation named
- 15 in the certificate ~~[\$10.00]~~ \$25.00
- 16 (3) for filing an affidavit of resignation of
- 17 a registered agent ~~[\$10.00]~~ \$25.00
- 18 f. Annual report:
- 19 for each such report required to be filed ~~[\$15.00]~~ \$25.00
- 20 g. Reinstatement filing assessment:
- 21 payment of a reinstatement filing
- 22 assessment ~~[\$50.00]~~ \$75.00.
- 23 (cf: P.L.1997, c.138, s.3)
- 24
- 25 23. N.J.S.15A:15-2 is amended to read as follows:
- 26 15A:15-2. Additional Miscellaneous Fees.
- 27 The ~~[Secretary of State]~~ State Treasurer shall also charge and
- 28 collect for:
- 29 a. filing an application to reserve a specified
- 30 corporate name and issuing a certificate of
- 31 reservation \$50.00
- 32 (1) if application is for first name available
- 33 for corporate use among not more than three
- 34 specified names \$50.00
- 35 b. filing a notice of transfer of a reserved
- 36 corporate name \$50.00
- 37 c. filing an application by a foreign corporation
- 38 to register its corporate name \$50.00
- 39 d. filing an application by a foreign corporation
- 40 to renew the registration of its corporate
- 41 name \$50.00
- 42 e. issuing a certificate of standing, including
- 43 registered agent and registered office \$25.00
- 44 f. issuing a certificate of standing, same as above,
- 45 but including incorporators, officers and
- 46 trustees \$25.00

- 1 g. issuing a certificate of standing, listing
- 2 charter documents \$25.00
- 3 h. issuing a certificate of availability of
- 4 corporate name (1 to 3 names) \$25.00
- 5 i. filing a certificate of registration of alternate
- 6 name \$50.00
- 7 j. filing a certificate of renewal of registration
- 8 of alternate name \$50.00
- 9 k. filing a certificate of correction \$50.00
- 10 l. corporate status reports--per name \$5.00
- 11 (cf: P.L.1987, c.435, s.13)

12

13 24. N.J.S.22A:2-1 is amended to read as follows:

14 22A:2-1. For services hereinafter mentioned, the Clerk of the

15 Supreme Court shall be entitled to demand and receive the following

16 fees:

17 Upon the filing or entering of the notice of appeal, notice of

18 cross-appeal or notice of petition for certification, notice of

19 cross-petition for certification or notice of petition for review, the

20 appellant, cross-appellant, petitioner or cross-petitioner shall pay

21 ~~[\$175.00]~~ \$200.00.

22 Upon the filing of the first paper in any motion, petition or

23 application (including an order if it be the first paper), if not in a

24 pending cause or if made after judgment entered, the moving party

25 shall pay ~~[\$25.00]~~ \$30.00 shall cover all fees payable on such motion,

26 petition or application down to and including filing and entering the

27 order therein and taxation of costs.

28 (cf: P.L.1996, c.52, s.1)

29

30 25. N.J.S.22A:2-6 is amended to read as follows:

31 22A:2-6. Upon the filing or entering of the first paper or

32 proceeding in any action or proceeding in the Law Division of the

33 Superior Court, the plaintiff shall pay to the clerk ~~[\$175.00]~~ \$200.00

34 for the first paper filed by him, which shall cover all fees payable

35 therein down to, and including entry of final judgment, taxation of

36 costs, copy of costs and the issuance and recording of final process,

37 except such as may be otherwise provided herein, or provided by law,

38 or the rules of court. Any person filing an answer setting forth a

39 counterclaim or a third party claim in such cause shall pay to the clerk

40 ~~[\$175.00]~~ \$200.00 for the first paper filed by him. Any person other

41 than the plaintiff filing any other paper in any such cause shall pay to

42 the clerk ~~[\$110.00]~~ \$135.00 for the first paper filed by him.

43 Any person filing a motion in any action or proceeding shall pay to

44 the clerk ~~[\$15.00]~~ \$30.00.

45 (cf: P.L.1996, c.52, s.2)

1 26. N.J.S.22A:2-7 is amended to read as follows:

2 22A:2-7. a. Upon the filing, entering, docketing or recording of
3 the following papers, documents or proceedings by either party to any
4 action or proceeding in the Law Division of the Superior Court, the
5 party or parties filing, entering, docketing or recording the same shall
6 pay to the clerk of said court the following fees:

7 Filing of the first paper in any motion, petition or application, if not
8 in a pending action or proceeding under section 22A:2-6 of this Title,
9 or if made after dismissal or judgment entered other than withdrawal
10 of money deposited in court, the moving party shall pay [~~\$15.00~~
11 \$30.00] which shall cover all fees payable on such motion, petition or
12 application down to and including filing and entering of order therein
13 and taxation of costs.

14 For withdrawal of money deposited in court where the sum to be
15 withdrawn is less than \$100.00, no fee; where the sum is \$100.00 or
16 more but less than \$1,000.00, a fee of \$5.00; where such sum is
17 \$1,000.00 or more, a fee of \$10.00.

18 Entering judgment on bond and warrant by attorney and issuance of
19 one final process, \$15.00 in lieu of the fee required by section 22A:2-6
20 of this Title.

21 Recording of judgment in the civil judgment and order docket,
22 [~~\$25.00~~] \$35.00 shall be paid to the clerk for use by the State, except
23 as provided in subsection b. of this section.

24 Docketing judgments or orders from other courts or divisions except
25 from the Special Civil Part, including Chancery Division judgments,
26 [~~\$25.00~~] \$35.00 shall be paid to the clerk for use by the State, except
27 as provided in subsection b. of this section and except that no fee shall
28 be paid by any municipal court to docket a judgment of conviction and
29 amount of assessment, restitution, fine, penalty or fee pursuant to
30 subsection a. of N.J.S.2C:46-1.

31 Docketing judgments or orders from the Special Civil Part, [~~\$5.00~~
32 \$10.00] shall be paid to the clerk for use by the State, except as
33 provided in subsection b. of this section.

34 Satisfaction of judgment or other lien, [~~\$25.00~~] \$35.00.

35 Recording assignment of judgment or release, \$5.00.

36 Issuing of executions and recording same, except as otherwise
37 provided in this article, \$5.00.

38 Recording of instruments not otherwise provided for in this article,
39 \$5.00.

40 Filing and entering recognizance of civil bail, \$5.00.

41 Signing and issuing subpoena, \$5.00.

42 b. Moneys collected under the provisions of subsection a. of this
43 section for the recording and docketing of judgments and satisfactions
44 of judgments or other liens shall be deposited in the temporary reserve
45 fund created by section 25 of P.L.1993, c.275. After December 31,

1 1994, the moneys collected under the provisions of subsection a. shall
2 be for use by the State.

3 (cf: P.L.1995, c.135, s.10)

4

5 27. N.J.S.22A:2-12 is amended to read as follows:

6 22A:2-12. Upon the filing of the first paper in any action or
7 proceeding in the Chancery Division of the Superior Court, there shall
8 be paid to the clerk of the court, for the use of the State, the following
9 fees, which, except as hereinafter provided, shall constitute the entire
10 fees to be collected by the clerk for the use of the State, down to the
11 final disposition of the cause:

12 Receivership and partition, [~~\$175.00~~] \$200.00.

13 All other actions and proceedings except in probate cases and
14 actions and proceedings for divorce, [~~\$175.00~~] \$200.00.

15 Actions and proceedings for divorce, [~~\$160.00~~] \$200.00, \$25.00
16 of which shall be forwarded by the Clerk of the Superior Court as
17 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

18 Any person filing a motion in any action or proceeding shall pay to
19 the clerk [~~\$15.00~~] \$30.00.

20 (cf: P.L.1996, c.52, s.3)

21

22 28. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
23 to read as follows:

24 2. The Clerk of the Superior Court shall forward \$25.00 of the
25 [~~\$160.00~~] \$200.00 filing fee for divorce provided for in
26 N.J.S.22A:2-12 on a quarterly basis to the Department of Community
27 Affairs.

28 (cf: P. L.1993, c.188, s.2)

29

30 29. N.J.S.22A:2-13 is amended to read as follows:

31 22A:2-13. Each person other than the plaintiff filing an answering
32 pleading or other answering paper in the Chancery Division of the
33 Superior Court shall at the time of filing the first paper, pay to the
34 clerk the sum of [~~\$105.00~~] \$135.00; which shall cover all fees payable
35 therein except such as may be otherwise provided herein or by law or
36 the rules of court.

37 (cf: P.L.1996, c.52, s.4)

38

39 30. N.J.S.22A:2-29 is amended to read as follows:

40 22A:2-29. Upon the filing, indexing, entering or recording of the
41 following documents or papers in the office of the county clerk or
42 deputy clerk of the Superior Court, such parties, filing or having the
43 same recorded or indexed in the county clerk's office or with the
44 deputy clerk of the Superior Court in the various counties in this State
45 in all civil or criminal causes, shall pay the following fees in lieu of

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28

1	the fees heretofore provided for the filing, recording or entering of	
2	such documents or papers:	
3	In general--	
4	Issuing county clerk's certificate, any instrument	\$5.00
5	Comparing and making copies, per sheet.	\$2.00
6	Copies of all papers, typing and comparing of photostat, per page	
7	\$2.00	
8	Marking as a true copy, any instrument	\$2.00
9	Exemplification, any instrument	\$10.00
10	Plus \$1.00 per page of instrument.	
11	Recording or filing all instruments not herein stated.	\$7.50
12	Bonds, bail, recognizances--	
13	Recording all official bonds with acknowledgment and	
14	proof of the execution thereof	\$9.00
15	Filing [and entering] <u>all papers related to</u>	
16	recognizance or civil bail	[\$9.00] \$18.00
17	Filing discharge, attachment bond	\$9.00
18	[Filing satisfaction or order discharging	
19	recognizance of civil bail	\$9.00]
20	Filing and recording filiation bond	\$9.00
21	Filing satisfaction of or order discharging	
22	filiation bond	\$9.00
23	Recording or discharging sheriff's bond	\$9.00
24	Nonbusiness corporation, recording:	
25	Certificates of incorporation of churches, religious societies	
26	and congregations.	\$25.00
27	Amendments to certificates of incorporation of churches,	
28	religious societies and congregations, recording	\$25.00
29	Bank merger agreements, recording:	
30	First sheet	\$25.00
31	Each additional sheet	\$5.00
32	Certificates, each	\$5.00
33	Tradenames, firms, partnerships:	
34	Certificate of name, filing (see R.S.56:1-1 et seq.)	\$50.00
35	Certificate of dissolution of tradename	
36	(see R.S.56:1-6 et seq.)	\$25.00
37	Partnership agreement (see R.S.42:1-1 et seq.)	\$50.00
38	Building and loan or savings and loan associations:	
39	Change of name	\$25.00
40	Dissolution	\$25.00
41	Certificates for limited-dividend housing associations,	
42	recording:	
43	First page	\$20.00
44	Each additional page	\$5.00

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29

1	Certificates for urban renewal associations, recording:	
2	First page	\$20.00
3	Each additional page	\$ 5.00
4	Judgments, et cetera--	
5	Recording judgments	\$15.00
6	Filing, entering and recording judgment on bond	
7	and warrant by attorney	\$37.50
8	Certificate for docketing Superior Court transcript	\$9.00
9	Recording assignment of judgment	\$15.00
10	Issuing transcript of judgment	\$7.50
11	Filing or entering on the record of discharge,	
12	cancellation, release or satisfaction of a judgment	
13	by satisfaction piece, execution returned satisfied	
14	or otherwise	\$15.00
15	For recording and indexing postponement of the lien	
16	of judgment.	\$20.00
17	Filing, indexing and recording mechanic's lien claim	\$9.00
18	Recording, filing and noting on the record the	
19	discharge, release or satisfaction of a	
20	mechanic's lien claim	\$9.00
21	Extension of lien claim	\$3.00
22	Filing statement in mechanic's lien proceeding	\$9.00
23	Filing, recording and indexing mechanic's notice	
24	of intention	\$4.50
25	Filing a certificate discharging a mechanic's notice	
26	of intention and noting the discharge on the	
27	record thereof	\$4.50
28	Filing certificate from court of commencement of	
29	suit	\$4.50
30	Filing a court order amending a mechanic's notice	
31	of intention	\$9.00
32	Construction lien	\$15.00
33	Notice of unpaid balance, discharge	\$15.00
34	Notation	\$5.00
35	Bond	\$25.00
36	Filing a court order to discharge notice of intention and noting	
37	the discharge on the record thereof	\$15.00
38	Filing, recording and indexing stop notice	\$ 4.50
39	Filing a certificate discharging a stop notice and noting the	
40	discharge on the record thereof.	\$ 4.50
41	Filing a court order discharging a stop notice and noting the	
42	discharge on the record thereof	\$ 9.00
43	Filing building contract	\$25.00
44	Filing discharge of building contract	\$15.00
45	Notation	\$ 5.00
46	Filing building specifications.	\$25.00

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1	Filing building plans	\$25.00
2	Filing each notice of physician's lien	\$15.00
3	Entering upon the record the discharge of a	
4	physician's lien	\$15.00
5	Filing each hospital lien claim	\$15.00
6	Discharge of hospital lien	\$15.00
7	Filing satisfaction or order for discharge of	
8	attachment	
9	\$15.00	
10	Recording collateral inheritance waiver or receipt	\$15.00
11	Recording inheritance tax waiver.	\$15.00
12	Subordination, release, partial release or postponement	
13	of a lien to lien of mortgage	\$20.00
14	Notation	\$ 5.00
15	Commissions and oaths--	
16	Administering oaths to notaries public and	
17	commissioners of deeds	\$15.00
18	For issuing certificate of authority of notary to take	
19	proof, acknowledgment of affidavit	\$ 5.00
20	For issuing each certificate of the commission and	
21	qualification of notary public for filing with other	
22	county clerks	\$15.00
23	For filing each certificate of the commission	
24	and qualification of notary public, in	
25	office of county clerk of county other than	
26	where such notary has qualified	\$15.00
27	Miscellaneous--	
28	Filing and recording proceedings for laying out,	
29	vacating or dedicating roads	\$25.00
30	Recording firemen's certificates.	No charge.
31	Registering physician	\$25.00
32	Issuing alcoholic beverage identification card	\$10.00
33	Issuing of nonalcoholic beverage identification	
34	card to persons under twenty-one years of age	\$10.00
35	(cf: P.L.2001, c.370, s.2)	
36		
37	31. N.J.S.22A:2-37.1 is amended to read as follows:	
38	22A:2-37.1 a. In all civil actions and proceedings in the Special	
39	Civil Part of the Superior Court, Law Division, only the following fees	
40	shall be charged by the clerk and no service shall be performed until	
41	the specified fee has been paid:	
42	(1) Filing of small claim, one defendant	[\$12.00] <u>\$15.00</u>
43	Each additional defendant	\$2.00
44	(2) Filing of complaint in tenancy,	
45	one defendant	[\$20.00] <u>\$25.00</u>
46	Each additional defendant	\$2.00

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31

1	(3) (a) Filing of complaint or other initial	
2	pleading containing a counterclaim, cross-claim	
3	or third party complaint in all other civil actions,	
4	whether commenced without process or by summons,	
5	capias, replevin or attachment where the amount	
6	exceeds the small claims monetary limit	[\$45.00] <u>\$50.00</u>
7	Each additional defendant	\$2.00
8	(b) Filing of complaint or other initial	
9	pleading containing a counterclaim, cross-claim	
10	or third party complaint in all other civil actions,	
11	whether commenced without process or by summons,	
12	capias, replevin or attachment where the amount	
13	does not exceed the small claims monetary limit	[\$27.00] <u>\$32.00</u>
14	Each additional defendant	\$ 2.00
15	(4) Filing of appearance or answer to a	
16	complaint or third party complaint in all	
17	matters except small claims	[\$10.00] <u>\$15.00</u>
18	(5) Service of Process:	
19	Summons by mail, each defendant	\$4.00
20	Summons by mail, each defendant at place of	
21	business or employment with postal instructions	
22	to deliver to addressee only, additional fee	\$4.00
23	Reservice of summons by mail, each defendant.	\$4.00
24	Reservice of summons or other original process	
25	by court officer, one defendant	\$3.00
26	plus mileage	
27	Each additional defendant	\$2.00
28	plus mileage	
29	Substituted service of process by the clerk	
30	upon the Director of the Division of	
31	Motor Vehicles	\$10.00
32	Plus postage.	\$4.00
33	(6) Mileage of court officer in serving or executing any process,	
34	writ, order, execution, notice, or warrant, the distance to be computed	
35	by counting the number of miles in and out, by the most direct route	
36	from the place where process is issued, at the same rate per mile set by	
37	the State for other State employees and the total mileage fee rounded	
38	upward to the nearest dollar	
39	(7) Jury of six persons	\$50.00
40	(8) Warrant for possession in tenancy	\$15.00
41	(9) Warrant to arrest, commitment or writ	
42	of capias ad respondendum, each defendant	\$15.00
43	(10) Writ of execution or an order in	
44	the nature of execution, writs of replevin and	
45	attachment issued subsequent to summons	\$5.00

1	Wage execution by mail to a federal agency	
2	additional fee	\$4.00
3	(11) For advertising property under	
4	execution or any order	\$10.00
5	(12) For selling property under	
6	execution or any order	\$10.00
7	(13) Exemplified copy of judgment	
8	(two pages)	\$5.00
9	each additional page	\$1.00

10 b. [Except as provided in subsection c., the clerk shall pay over to
 11 the treasurer of the county in which the action is filed all fees collected
 12 pursuant to this section. After December 31, 1994, the clerk shall pay
 13 over to the State all fees collected pursuant to this section, including
 14 the entire fee collected pursuant to paragraph (3) of subsection a.]
 15 (Deleted by amendment, P.L. c. (now pending before the Legislature
 16 as this bill))

17 c. [From July 1, 1991 to June 30, 1993, the clerk shall pay over
 18 to the treasurer of the county in which the action is filed \$12.00 of
 19 each fee paid to the clerk pursuant to paragraph (3) of subsection a.,
 20 with the balance made available for use by the State.] (Deleted by
 21 amendment, P.L. c. (now pending before the Legislature as this bill))
 22 (cf: P.L.2000, c.129, s.1)

23
 24 32. (New Section) Revenue derived from the increase in fees
 25 collected by the Judiciary pursuant to sections 24 through 31 of
 26 P.L. , c. (C.)(now pending before the Legislature as this bill) and
 27 related increases provided by operation of N.J.S.22A:2-5 and section
 28 2 of P.L.1993, c.74 (C.22A:5-1), shall be deposited into a non-lapsing
 29 "Court Technology Improvement Fund," which is hereby established
 30 as a dedicated fund in the General Fund. The fund shall be
 31 administered by the Administrative Office of the Courts and dedicated
 32 to the development, establishment, operation and maintenance of
 33 computerized court information systems in the Judiciary.

34
 35 33. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
 36 read as follows:

37 11. For services herein enumerated the State Treasurer shall
 38 collect the following fees:

39 a. For filing any original business certificate for which no other fee
 40 is fixed by statute or regulation, \$125.

41 For filing any change or amendment to a previously filed document
 42 for which no other fee is fixed by statute of regulation, \$75.

43 For issuing any certificate or filing any other document for which
 44 no other fee is fixed by statute or regulation, \$25.00, except that the
 45 provisions of this subsection shall not apply to:

46 (1) certificates of appointments for gubernatorial appointees;

- 1 (2) documents filed by public bodies under the "Open Public
- 2 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);
- 3 (3) financial disclosures filed by State officials;
- 4 (4) oaths of office;
- 5 (5) resignation of office holders;
- 6 (6) documents filed by other State government entities indexed in
- 7 the department's miscellaneous file.
- 8 b. For certification or exemplification of any document on file,
- 9 \$25.00.
- 10 c. For certification or exemplification of any signature on file,
- 11 including the issuance of a certificate for proving a document outside
- 12 the United States, also known as an apostille, \$25.00; except that in
- 13 cases of adoption of a child, the fee for an apostille shall be \$5.00.
- 14 d. For filing a certified copy of an order of change of name,
- 15 \$50.00.
- 16 e. For a paper copy of any document on file, \$1.00 per page. If a
- 17 roll of microfilm images is requested, the State Treasurer shall collect
- 18 a fee of \$1.00 for each image on the microfilm roll. If a microfiche
- 19 copy of a microfiche is requested, \$3.00.
- 20 f. For filing a proof of publication, \$10.00.
- 21 (cf: P.L.2000, c.133, s.1)

22

23 34. Section 65 of P.L.1983 (C.42:2A-68) is amended to read as

24 follows:

25 65. Filing fees of the [Secretary of State] State Treasurer. On

26 filing any certificate or other papers relative to limited partnerships in

27 the [office of the Secretary of State] Department of Treasury, there

28 shall be paid to the [Secretary of State] State Treasurer, filing fees,

29 in addition to any applicable recording fees:

- 30 a. Filing an application to reserve
- 31 a specified limited partnership name and
- 32 issuing a certificate of reservation \$50.00
- 33 If application is for the first name available
- 34 for limited partnership use among not more
- 35 than three specified names \$50.00
- 36 b. Filing a notice of transfer of a
- 37 reserved limited partnership name \$50.00
- 38 c. Filing original certificate of limited
- 39 partnership **[\$100.00] \$125.00**
- 40 d. Filing a certificate of amendment to the
- 41 certificate of limited partnership, including
- 42 any number of amendments **[\$50.00] \$75.00**
- 43 e. Filing certificate of cancellation.....**[\$50.00] \$75.00**
- 44 f. Filing order or judgment amending certificate
- 45 of limited partnership or cancellation**[\$50.00] \$75.00**
- 46 g. Filing application by a foreign limited

- 1 partnership to transact business in this State
- 2 and issuing a certificate of authority [\$100.00] \$125.00
- 3 h. Filing application by a foreign limited
- 4 partnership for amended certificate to
- 5 transact business in this State and issuing
- 6 an amended certificate of authority [\$50.00] \$75.00
- 7 i. Filing annual report [\$40.00] \$50.00
- 8 j. Filing a certificate or registration
- 9 of an alternate name \$50.00
- 10 k. Filing a renewal of registration of
- 11 alternate name \$50.00
- 12 l. Limited partnership status reports--
- 13 per name \$5.00
- 14 m. Filing a change of agent or office,
- 15 or both. [\$10.00] \$25.00
- 16 n. All other certificates issued or papers filed
- 17 but not otherwise provided for [\$15.00] \$125.00
- 18 o. Issuing a standing certificate \$25.00
- 19 p. Issuing a certificate or providing name
- 20 availability up to three names \$25.00
- 21 q. Filing a certificate of correction \$50.00

22 (cf: P.L.1994, c.60, s.3)

23

24 35. Section 66 of P.L.1983, c.489 (C.42:2A-69) is amended to

25 read as follows:

26 66. Annual report to the [Secretary of State] State Treasurer by

27 domestic limited partnerships.

28 a. Every domestic limited partnership authorized in this State shall

29 file in the [Office of the Secretary of State] Department of the

30 Treasury, within the time prescribed by this section, an annual report,

31 executed on behalf of the limited partnership or executed by the

32 registered agent setting forth:

- 33 1. The name of the limited partnership;
- 34 2. The address, including the actual location as well as the postal
- 35 designation, if different, of the registered agent in this State; and
- 36 3. The name of the registered agent.

37 b. The [Secretary of State] State Treasurer shall designate a date

38 of filing annual reports for each limited partnership required to submit

39 a report pursuant to this section.

40 c. If the report is not filed for two consecutive years, the certificate

41 of limited partnership shall, after written demand for the reports by the

42 [Secretary of State] State Treasurer by mail addressed to the limited

43 partnership at the last address appearing of record in the office of the

44 [Secretary of State] State Treasurer, remain filed but be transferred

45 to an inactive list. A limited partnership shall not have its certificate

1 of limited partnership transferred to the inactive list if it shall, within
2 60 days after the written demand, file the reports required by law and
3 pay to the [Secretary of State] State Treasurer the fee provided by
4 law for the filing of each report.

5 d. (1) Any domestic limited partnership on the inactive list may
6 return to active status by:

7 (a) Paying to the [Secretary of State] State Treasurer the current
8 annual report fee, all delinquent annual report fees, a reinstatement
9 filing fee of [\$50] \$75 and a reinstatement filing assessment of \$200;
10 and

11 (b) Submitting a certificate of amendment adopting a name which
12 complies with paragraph (4) of subsection a. of section 6 of P.L.1983,
13 c.489 (C.42:2A-6), if the name of the inactive limited partnership does
14 not comply with paragraph (4) of subsection a. of section 6.

15 (2) The [Secretary of State] State Treasurer shall provide the
16 forms necessary to effect annual report reinstatements.

17 e. A limited partnership whose certificate has been transferred to
18 the inactive list shall remain a limited partnership formed under this
19 chapter or under R.S.42:2-1 et seq., but no name reservations,
20 transfers of reserved names, or certificates of amendment may be filed
21 until the limited partnership whose certificate has been placed on the
22 inactive list regains active status. A limited partner of a limited
23 partnership is not liable as a general partner of the limited partnership
24 solely by reason of the transfer of the certificate of limited partnership
25 to the inactive list.

26 f. The [Secretary of State] State Treasurer shall furnish annual
27 report forms, shall keep all the reports and shall prepare an index
28 thereof. The reports shall be open to public inspection at proper
29 hours.

30 (cf: P.L.1997, c.139, s.6)

31
32 36. Section 67 of P.L.1983 (C.42:2A-70) is amended to read as
33 follows:

34 67. Annual report to [Secretary of State] State Treasurer by
35 foreign limited partnership.

36 a. Every foreign limited partnership authorized to transact business
37 in this State shall file in the office of the [Secretary of State] State
38 Treasurer, within the time prescribed by this section, an annual report,
39 executed on behalf of the foreign limited partnership setting forth:

40 1. The name of the foreign limited partnership;

41 2. The address, including the actual location as well as postal
42 designation, if different, of the registered agent in this State; and

43 3. The name of the registered agent.

1 b. The [Secretary of State] State Treasurer shall designate a date
2 for filing annual reports for each foreign limited partnership required
3 to submit a report pursuant to this section.

4 c. If the report is not filed for two consecutive years, the certificate
5 of a foreign limited partnership to transact business in this State shall,
6 after written demand for the reports by the [Secretary of State] State
7 Treasurer by certified mail addressed to the foreign limited partnership
8 at the last address appearing of record in the office of the [Secretary
9 of State] State Treasurer, be revoked for the failure to file reports. A
10 foreign limited partnership shall not be subject to the revocation of its
11 certificate to transact business in this State if it shall, within 60 days
12 after the written demand, file the reports required by law and pay to
13 the [Secretary of State] State Treasurer the fee provided by law for
14 the filing of each report.

15 d. Any foreign limited partnership may, within two years of the
16 revocation of its certificate to transact business in this State, cause a
17 reinstatement of the certificate upon:

18 (1) payment to the [Secretary of State] State Treasurer of the
19 current annual report fee, all delinquent annual report fees, a
20 reinstatement filing fee of [\$50] \$75 and a reinstatement filing
21 assessment of \$200; and

22 (2) compliance with the requirements of subsection c. of section 6
23 of P.L.1983, c.489 (C.42:2A-6), if the name of the inactive foreign
24 limited partnership does not comply with the provisions of paragraph
25 (4) of subsection a. of section 6 of P.L.1983, c.489 (C.42:2A-6).

26 e. A limited partner of a foreign limited partnership is not liable as
27 a general partner of the foreign limited partnership solely by reason of
28 the revocation, pursuant to this section, of the certificate of authority
29 to transact business in this State.

30 f. The [Secretary of State] State Treasurer shall furnish annual
31 report forms, including the forms necessary to effect annual report
32 reinstatements, shall keep all the reports and shall prepare an index
33 thereof. The reports shall be open to public inspection at proper
34 hours.

35 (cf: P.L.1997, c.139, s.7)

36
37 37. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
38 read as follows:

39 65. a. No document required to be filed under this act shall be
40 effective until the applicable fee required by this section is paid. The
41 following fees shall be paid to and collected by the [Secretary of
42 State] State Treasurer for the use of the State:

43 (1) Upon the receipt for filing of a certificate of registration of
44 alternate name or a certificate of renewal pursuant to section 4 of this
45 act, a fee in the amount of \$50.

- 1 (2) Upon the receipt for filing of an application for reservation of
2 name, an application for renewal of reservation or a notice of transfer
3 or cancellation of reservation pursuant to section 5 of this act, a fee in
4 the amount of \$50.
- 5 (3) Upon the receipt for filing of a certificate under subsection b.
6 of section 6 of this act, a fee in the amount of \$25, upon the receipt
7 for filing of a certificate under subsection b. of section 7 of this act, a
8 fee in the amount of \$25 and a further fee of \$10 for each limited
9 liability company affected by such certificate.
- 10 (4) Upon the receipt for filing of a notice of resignation and
11 affidavit pursuant to subsection c. of section 7 of this act, a fee in the
12 amount of \$25 and upon the receipt for filing of a certificate of change
13 pursuant to subsection c. of section 7 of this act, a fee in the amount
14 of \$25.
- 15 (5) Upon the receipt for filing of a certificate of formation under
16 section 11 of this act a fee in the amount of \$125; and upon receipt for
17 filing, a certificate of correction under section 12 of this act, a
18 certificate of amendment under section 13 of this act, a certificate of
19 cancellation under section 14 of this act, a certificate of merger or
20 consolidation under section 20 of this act or a restated certificate of
21 formation under section 19 of this act, a fee in the amount of \$100.
- 22 (6) Upon filing of an annual report, a fee in the amount of \$50.00.
- 23 (7) Upon requesting a reinstatement of a certificate of a limited
24 liability company, a late filing fee of \$200.00 and a reinstatement filing
25 fee of ~~[\$50.00]~~ \$75.00.
- 26 (8) For certifying copies of any paper on file as provided for by this
27 act, a fee in the amount of \$25 for each copy certified.
- 28 (9) The ~~[Secretary of State]~~ State Treasurer may issue
29 photocopies of instruments on file as well as other copies, and for all
30 of those copies, whether certified or not, a fee in the amount of \$10
31 for the first page and \$2 per page thereafter shall be paid.
- 32 (10) Upon the receipt for filing of an application for registration as
33 a foreign limited liability company under section 53 of this act or a
34 certificate of cancellation under section 56 of this act, a fee in the
35 amount of ~~[\$100]~~ \$125.
- 36 (11) For preclearance of any document for filing, a fee in the
37 amount of \$50.
- 38 (12) For preparing and providing a written report of a record
39 search, a fee in the amount of \$50.
- 40 (13) For issuing any certificate of the ~~[Secretary of State]~~ State
41 Treasurer, including but not limited to a certificate of good standing,
42 other than a certification of a copy under paragraph (6) of this
43 subsection, a fee in the amount of \$50, except that for issuing any
44 certificate of the ~~[Secretary of State]~~ State Treasurer that recites all
45 of a limited liability company's filings with the ~~[Secretary of State]~~
46 State Treasurer, a fee of \$100 shall be paid for each such certificate.

1 (14) For receiving and filing and/or indexing any certificate,
2 affidavit, agreement or any other paper provided for by this act, for
3 which no different fee is specifically prescribed, a fee in the amount of
4 ~~[\$50]~~ \$75.

5 (15) The ~~[Secretary of State]~~ State Treasurer may in his discretion
6 charge a fee of \$50 for each check received for payment of any fee
7 that is returned due to insufficient funds or the result of a stop
8 payment order.

9 b. In addition to those fees charged under subsection a. of this
10 section, there shall be collected by and paid to the ~~[Secretary of State]~~
11 State Treasurer the following:

12 (1) for all services described in subsection a. of this section that are
13 requested to be completed within the same day as the day of the
14 request, an additional sum of up to \$50; and

15 (2) for all services described in subsection a. of this section that are
16 requested to be completed within a 24-hour period from the time of
17 the request, an additional sum of up to \$25.

18 The ~~[Secretary of State]~~ State Treasurer shall establish (and may
19 from time to time amend) a schedule of specific fees payable pursuant
20 to this subsection.

21 c. The ~~[Secretary of State]~~ State Treasurer may in his discretion
22 permit the extension of credit for the fees required by this section upon
23 such terms as he shall deem to be appropriate.

24 (cf: P.L.1997, c.139, s.21)

25
26 38. Section 6 of P.L.1982, c.150 (C.52:16A-40) is amended to
27 read as follows:

28 6. The ~~[Secretary of State]~~ State Treasurer shall charge a ~~[\$10]~~
29 \$15 fee for use of telephone and expedited over the counter corporate
30 services, which shall be in addition to the fee for the service provided
31 by law. The statutory fee and the additional fee shall be paid by the
32 person requesting the information and documents by the method of
33 payment as established by the ~~[Secretary of State]~~ State Treasurer.

34 (cf: P.L.1992, c.124, s.1)

35
36 39. Section 7 of P.L.1982, c.150 (C.52:16A-41) is amended to
37 read as follows:

38 7. The ~~[Secretary of State]~~ State Treasurer may promulgate rules
39 and regulations necessary to establish guidelines for the use of
40 telephone and expedited over the counter corporate services and the
41 use of electronic data processing for direct access to the information
42 provided under this act by persons so authorized and for the method
43 of payment for the use of telephone and expedited over the counter
44 corporate services. The ~~[Secretary of State]~~ State Treasurer shall

1 establish fees for electronic data processing services which cover the
2 cost of those services.

3 (cf: P.L.1982, c.150, s.7)

4

5 40. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to
6 read as follows:

7 12. a. In order to defray the expenses of local, county and State
8 agencies in discharging their responsibilities under this act, including
9 those costs associated with the development, testing and updating of
10 the Emergency Radiation Response Plans and for the acquisition and
11 maintenance of any equipment necessary to carry out their
12 responsibilities, the State Treasurer shall annually make an assessment
13 against each operator of a nuclear electric generating facility located
14 in New Jersey;

15 b. The assessment to each operator of a nuclear electric generating
16 facility [shall not exceed the greater of \$2,000,000.00 or 1/10 of 1%
17 of the gross electric receipts of the operator reported pursuant to
18 P.L.1940, c.5 (C.54:30A-49 et seq.), derived from intrastate electric
19 operations during the preceding calendar year, and] shall be assessed
20 in an amount equal to the sum of the amounts in paragraphs (1) and
21 (2) of this subsection and determined annually by the State Treasurer
22 on or before June 30 in the following manner:

23 (1) The total amount appropriated to the various local, county and
24 State agencies by law for the purpose of discharging their
25 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the
26 State's next fiscal year for costs related directly to a particular nuclear
27 electric generating facility shall be assessed against the operator of that
28 particular nuclear electric generating facility.

29 (2) All other amounts appropriated to the State agencies by law for
30 the purpose of discharging their responsibilities under P.L.1981, c.302
31 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed equally
32 against each operator of a nuclear electric generating facility.

33 The assessment prescribed above shall be levied by the State
34 Treasurer not later than July 1, and shall be paid within 30 days after
35 mailing by first class mail to the affected operator of the nuclear
36 electric generating facility notice thereof and a statement of the
37 amount;

38 c. The assessments shall be appropriated through the regular
39 appropriation process in accordance with a joint budget to be
40 submitted by the division and the department;

41 d. Any costs of a local, county or State agency incurred in
42 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37 et
43 seq.), not reasonably required to carry out the purposes of P.L.1981,
44 c.302 (C.26:2D-37 et seq.) or not generally associated with or related

1 to the operation of nuclear electric generating facilities located in New
2 Jersey, shall not be included in any such assessment or appropriation.
3 (cf: P.L.1984, c.98, s.2)

4
5 41. Section 5 of P.L.1977, c. 74 (C.58:10A-5) is amended to read
6 as follows:

7 5. The department is empowered to:

8 a. Exercise general supervision of the administration and
9 enforcement of this act and all rules, regulations and orders
10 promulgated hereunder;

11 b. Assess compliance of a discharger with applicable requirements
12 of State and federal law pertaining to the control of pollutant
13 discharges and the protection of the environment and, also, to issue
14 certification with respect thereto as required by section 401 of the
15 federal act;

16 c. Assess compliance of a person with applicable requirements of
17 State and federal law pertaining to the control of the discharge of
18 dredged and fill material into the waters of the State and the protection
19 of the environment and, also, to issue, deny, modify, suspend, or
20 revoke permits with respect thereto as required by section 404 of the
21 "Federal Water Pollution Control Act Amendments of 1972," as
22 amended by the "Clean Water Act of 1977," (33 U.S.C. s.1344), and
23 implementing regulations;

24 d. Advise, consult, and cooperate with other agencies of the State,
25 the federal government, other states and interstate agencies, including
26 the State Soil Conservation Committee, and with affected groups,
27 political subdivisions and industries in furtherance of the purposes of
28 this act;

29 e. Administer State and federal grants and other forms of financial
30 assistance to municipalities, counties and other political subdivisions,
31 or any recipient approved by the commissioner according to terms and
32 conditions approved by him in order to meet the goals and objectives
33 of this act. The department shall establish, charge and collect
34 reasonable loan origination and annual administrative fees, which shall
35 be based upon, and shall not exceed the estimated cost of processing,
36 monitoring and administering the financial assistance programs. Said
37 fees shall be deposited in a separate fund, administered by the
38 department, and the funds used for the sole purpose of administering
39 the financial assistance programs authorized and established by State
40 law, including, but not limited to, the costs of administering the
41 "Wastewater Treatment Fund - State Revolving Fund Accounts"
42 established pursuant to P.L.1988, c.133.

43 (cf: P.L.1987, c.156, s.31)

44
45 42. Section 9 of P.L.1977, c.224 (C.58:12A-9) is amended to read
46 as follows:

- 1 9. The commissioner is authorized, in order to carry out the
2 provisions and purposes of this act, to:
- 3 a. Perform any and all acts necessary to carry out the purposes and
4 requirements of this act relating to the adoption and enforcement of
5 any regulations authorized pursuant to this act;
- 6 b. Administer and enforce the provisions of this act and all rules,
7 regulations, and orders promulgated, issued, or effective hereunder;
- 8 c. Enter into agreements, contracts, or cooperative arrangements,
9 under such terms and conditions as he deems appropriate, with the
10 Department of Health and Senior Services and any other state agency,
11 federal agencies, municipalities, counties, educational institutions,
12 municipal or county health departments, or other organizations or
13 individuals;
- 14 d. Receive financial and technical assistance from the federal
15 government and other public or private agencies;
- 16 e. Participate in related programs of the federal government, other
17 states, interstate agencies, or other public or private agencies or
18 organizations;
- 19 f. Establish adequate fiscal controls and accounting procedures to
20 assure proper disbursement of and accounting for funds appropriated
21 or otherwise provided for the purpose of carrying out the provisions
22 of this act;
- 23 g. Delegate those responsibilities and duties as deemed appropriate
24 for the purpose of administering the requirements of this act;
- 25 h. Establish and collect fees, in accordance with a fee schedule
26 adopted as a rule or regulation, for conducting inspections and
27 laboratory analyses and certifications as may be necessary;
- 28 i. Prescribe such regulations and issue such orders as are necessary
29 or appropriate to carry out his functions under this act;
- 30 j. Conduct research, investigations, experiments, demonstrations,
31 surveys, and studies relating to the causes, effects, extent, prevention,
32 and control of contaminants in drinking water;
- 33 k. Provide for the education of the public as to the causes, effects,
34 extent, prevention, and control of contaminants in drinking water;
- 35 l. Collect and make available, through publications, a data
36 management system and other appropriate means, the results of and
37 other information, including appropriate recommendations by the
38 institute in connection therewith, pertaining to such research and other
39 activities;
- 40 m. Cooperate with and contract with other public and private
41 agencies, institutions, and organizations and with any industries
42 involved, in the preparation and conduct of such research and other
43 activities;
- 44 n. Review treatment methods used for removal of contaminants
45 from drinking water;

1 o. Provide for the education and training of departmental personnel
2 in those areas relating to the causes, effects, extent, prevention and
3 control of contaminants in drinking water;

4 p. Establish and collect reasonable fees, in accordance with a fee
5 schedule adopted as a rule or regulation, for the estimated costs of
6 administering and enforcing the programs pursuant to this amendatory
7 and supplementary act, to the extent that the costs are not available
8 from the fund, including but not limited to conducting inspections,
9 laboratory analyses and certifications as may be necessary;

10 q. The authority to collect fees pursuant to this section may be
11 delegated by the commissioner to the appropriate county agency
12 consistent with a delegation, pursuant to the provisions of the
13 "County Environmental Health Act," P.L.1977, c.443, (C.26:3A2-21
14 et seq.), of any authority to administer the provisions of this act[.] ;

15 r. Administer State and federal grants and other forms of financial
16 assistance to municipalities, counties and other political subdivisions,
17 or any recipient approved by the commissioner according to the terms
18 and conditions approved by him in order to meet the goals and
19 objectives of this act. The commissioner shall establish, charge and
20 collect reasonable loan origination and annual administrative fees,
21 which shall be based upon, and shall not exceed the estimated cost of
22 processing, monitoring and administering the financial assistance
23 programs. Said fees shall be deposited in a separate fund,
24 administered by the Department of Environmental Protection, and the
25 funds used for the sole purpose of administering the financial
26 assistance programs authorized and established by State law,
27 including, but not limited to, the costs of administering the "Drinking
28 Water - State Revolving Fund Accounts".

29 (cf: P.L.1983, c.443, s.16)

30

31 43. Section 5 of P.L.1995, c.188 (C.26:2C-9.5) is amended to read
32 as follows:

33 5. a. (1) Each major facility shall pay to the department a fee or
34 fees as calculated pursuant to this subsection and subsection b., c., or
35 d. of this section, as appropriate. The per-ton emission fees shall be
36 based on the actual annual emissions of each regulated air
37 contaminant[, except as set forth for carbon monoxide in subsections
38 b., c., and d. of this section], reported in the emission statement for
39 that major facility, or, in the absence of such information, on permitted
40 emissions, or where a permit has not been issued, on the potential to
41 emit.

42 (2) Emission fees for each State fiscal year shall be based on the
43 information reported in the emission statement year two years prior
44 thereto.

1 (3) The amount of any emission fee payable pursuant to this
2 section shall be adjusted for each State fiscal year by the percentage,
3 if any, by which the CPI exceeds the CPI for calendar year 1989.

4 b. [For the State fiscal year 1995, each major facility shall pay the
5 following fees:

6 (1) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
7 per ton only on the first 4,000 tons of each regulated air contaminant,
8 excluding carbon monoxide, and an emission fee of \$25 (in 1989
9 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
10 oxides of nitrogen and the first 8,000 tons of VOCs;

11 (2) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
12 per ton on one-half of the total tons of carbon monoxide;

13 (3) An initial operating permit application fee per facility not to
14 exceed \$25,000. For the purpose of calculating the initial operating
15 permit application fee, the significant equipment listed in the operating
16 permit application shall be assessed at \$125 per piece of equipment.
17 The operating permit application fee shall be submitted prior to the
18 deadline for submittal of the operating permit application;

19 (4) A fee for any facility modification in an amount calculated
20 using the fee schedule therefor set forth in rules and regulations
21 adopted by the department, except that no fee for a modification
22 review shall exceed \$25,000; and

23 (5) Certificate fees assessed and collected in a manner established
24 in rules and regulations adopted by the department.] (Deleted by
25 amendment, P.L. , c. (now pending before the Legislature as this
26 bill))

27 c. [(1) For the State fiscal years 1996 and 1997, each major
28 facility shall pay the following fees:

29 (a) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
30 per ton only on the first 4,000 tons of each regulated air contaminant,
31 excluding carbon monoxide, and an emission fee of \$25 (in 1989
32 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
33 oxides of nitrogen and the first 8,000 tons of VOCs;

34 (b) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
35 per ton on one-half of the total tons of carbon monoxide;

36 (c) An initial operating permit application fee per facility not to
37 exceed \$25,000. For the purpose of calculating the initial operating
38 permit application fee, the significant equipment listed in the operating
39 permit application shall be assessed at \$125 per piece of equipment.
40 The operating permit application fee shall be submitted at the time of
41 submission of the operating permit application; and

42 (d) A fee for any facility modification in an amount calculated
43 using the fee schedule therefor set forth in rules and regulations
44 adopted by the department. The fee for a significant modification
45 review for source operations such as solid or hazardous waste
46 treatment and disposal, reciprocating engines, and fuel combustion

1 processes with heat input greater than 100 million BTU/hour or that
2 burn solid fuel shall not exceed \$25,000. All other modification fees
3 shall be assessed based upon the amount of equipment modified and
4 shall not exceed \$500 per piece of equipment and \$25,000 for an
5 entire modification review.

6 (2) Notwithstanding the provisions of paragraph (1) of this
7 subsection to the contrary, no major facility shall pay an emission fee
8 less than \$1,000 for each of the State fiscal years 1996 and 1997.

9 (3) Of the amount assessed and collected in fees pursuant to this
10 subsection, not more than \$9,510,000 shall be appropriated as
11 provided in section 6 of P.L.1995, c.188 (C.26:2C-9.6). If the amount
12 of fees collected pursuant to this subsection exceeds \$9,510,000, the
13 amount in excess of \$9,510,000 shall be deposited into the Air
14 Surcharge Reengineering Fund established pursuant to subsection f. of
15 this section. If the amount of fees collected pursuant to this
16 subsection is less than \$9,510,000, the department, in consultation
17 with the fee work group established pursuant to section 12 of
18 P.L.1995, c.188 (C.26:2C-25.2), shall evaluate the reasons for the
19 deficiency and make recommendations accordingly to the Governor,
20 the Legislature, and the State Treasurer concerning any measures
21 necessary to ensure that the operating permit program is adequately
22 funded.] (Deleted by amendment, P.L. , c. (now pending before
23 the Legislature as this bill))

24 d. (1) For the State fiscal year ~~[1998]~~ 2003 and each fiscal year
25 thereafter, each major facility shall pay the following fees:

26 (a) An emission fee of ~~[\$25]~~ \$70 (in 1989 dollars adjusted by the
27 CPI) per ton of each regulated air contaminant, ~~[excluding carbon~~
28 ~~monoxide]~~; except the department may establish by rule higher
29 emission fees for Hazardous Air Pollutants (HAPS) regulated pursuant
30 to the "Clean Air Act Amendments of 1990," 42 U.S.C. s.7401 et seq.,
31 based on potential public health effects.

32 (b) An initial and renewal operating permit application fee per
33 facility not to exceed \$25,000. For the purpose of calculating the
34 initial and renewal operating permit application fee, the significant
35 equipment listed in the operating permit application shall be assessed
36 at \$125 per piece of equipment. The operating permit application fee
37 shall be submitted at the time of submission of the operating permit
38 application; and

39 (c) A fee for any significant modification in an amount calculated
40 using a fee schedule therefor to be set forth in rules and regulations to
41 be adopted by the department, except that no fee for a significant
42 modification review shall exceed \$25,000.

43 (2) Notwithstanding the provisions of paragraph (1) of this
44 subsection to the contrary, no major facility shall pay an emission fee
45 less than ~~[\$1,000]~~ \$3,000 for each of the State fiscal years ~~[1998]~~
46 2003 and thereafter.

1 e. [(1) In addition to the fees assessed of major facilities pursuant
2 to subsections b. and c. of this section, each major facility shall be
3 assessed a supplemental surcharge for each of the State fiscal years
4 1995 and 1996 that shall be sufficient to raise \$1.5 million per fiscal
5 year in revenue. The supplemental surcharge shall be based on actual
6 annual emissions of each regulated air contaminant, excluding carbon
7 monoxide, reported in the emission statement for that major facility,
8 or, in the absence of such information, on permitted emissions, or
9 where a permit has not been issued, on the potential to emit, but in no
10 case shall a supplemental surcharge assessed of a major facility exceed
11 \$20,000 per year per major facility.

12 (2) If the amount of revenue raised by the assessment of the
13 supplemental surcharge pursuant to paragraph (1) of this subsection
14 is less than \$1,500,000 for either State fiscal years 1995 or 1996, the
15 department, in consultation with the fee work group established
16 pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall
17 evaluate the reasons for the deficiency and the need for adjusting the
18 supplemental surcharge to make up the difference.

19 (3) The supplemental surcharge assessed pursuant to this
20 subsection shall not be collected after State fiscal year 1996. Any
21 monies remaining in the Air Surcharge Reengineering Fund at the
22 conclusion of State fiscal year 1997 shall be used by the department to
23 reduce fees assessed of major facilities in State fiscal year 1998,
24 whereupon the fund shall expire.] (Deleted by amendment, P.L. ,
25 c. (now pending before the Legislature as this bill))

26 f. [There is established in the department a dedicated fund to be
27 known as the "Air Surcharge Reengineering Fund." All supplemental
28 surcharges collected pursuant to paragraph (1) of subsection e. of this
29 section shall be deposited into that fund. Monies in the fund shall be
30 dedicated solely for use by the department in developing and
31 implementing the air permit computerization system, publication of
32 requirements for advances in the art of air pollution control,
33 establishment of general permits, and establishment of standard permit
34 conditions. No monies from this fund shall be allocated, appropriated,
35 or used for any purpose other than as set forth in this subsection. The
36 department, in consultation with the fee work group established
37 pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall
38 develop a plan for the expenditure of monies in the fund, and shall
39 maintain a detailed record of the expenditures and disbursements from
40 the fund and publish it annually in the New Jersey Register.] (Deleted
41 by amendment, P.L. , c. (now pending before the Legislature as
42 this bill))

43 g. The provisions of P.L.1993, c.361 (C.13:1D-120 et seq.) shall
44 not apply to the assessment or payment of emission fees required
45 pursuant to this section.

1 h. [The department may not assess a major facility any fee to
2 implement the provisions of P.L.1954, c.212 (C.26:2C-1 et seq.) other
3 than the fees authorized pursuant to this section.] (Deleted by
4 amendment, P.L. , c. (now pending before the Legislature as
5 this bill))
6 (cf: P.L.1995, c.188, s.5)

7
8 44. Section 8 of P.L.1995, c.188 (C.26:2C-9.8) is amended to read
9 as follows:

10 8. a. Within 90 days after the effective date of this act, the
11 department shall propose, pursuant to the provisions of the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), rules and regulations that establish emissions trading and
14 banking programs that use economic incentives to make progress
15 toward the attainment or maintenance of the National Ambient Air
16 Quality Standards (NAAQS), reduce or prevent emissions of air
17 contaminants, ensure healthful air quality, or otherwise contribute to
18 the protection of human health, welfare and the environment from air
19 pollution. The department shall adopt those rules and regulations
20 within 90 days after proposal.

21 b. The emissions trading rules and regulations shall be designed so
22 that emissions reductions shall be realized earlier or at a more
23 accelerated rate than would otherwise be achieved in accordance with
24 applicable air quality mandates, and so that compliance with air quality
25 mandates can be achieved with greater flexibility or at lower cost. The
26 rules and regulations shall establish criteria for the generation and use
27 of emissions reduction credits, including the use of emissions reduction
28 credits in lieu of granting exemptions or waivers from compliance with
29 emissions reduction requirements, and shall require that 10% of the
30 emissions reduction credits gained shall be permanently retired for the
31 public benefit when a trade occurs. The rules and regulations may
32 include, but need not be limited to, provisions designating the
33 pollutants to be involved in the program, designating the persons who
34 may participate in the program, establishing emissions limitations and
35 methods for projecting and verifying emissions, and establishing
36 enforcement mechanisms, including emissions tracking, periodic
37 program audits, and penalties.

38 For any emissions trading program adopted for the purpose of
39 making progress toward attaining the National Ambient Air Quality
40 Standard (NAAQS) for ozone, the department may allow reductions
41 of volatile organic compounds (VOCs) to be substituted for required
42 reductions of oxides of nitrogen (NOx) or reductions of oxides of
43 nitrogen (NOx) to be substituted for required reductions of volatile
44 organic compounds (VOCs). Any such substitution shall occur at a
45 ratio established by the department by rule or regulation adopted
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), which shall be developed in recognition of the
2 role of each pollutant in the formation of ground level ozone.

3 c. The emissions trading rules and regulations adopted by the
4 department shall not conflict with applicable federal law and shall
5 constitute, contribute to, or be consistent with one or more strategies
6 that result in quantifiable emissions reductions and are creditable under
7 the State Implementation Plan (SIP) required pursuant to the federal
8 Clean Air Act. These may be emission limiting or market-response
9 strategies for mobile, stationary, or area sources, and shall include the
10 creation, trading, and use of emissions reduction credits.

11 d. The department may establish the emissions trading programs as
12 State, multi-state, or regional programs as long as the programs
13 contribute to the goal of improving the air quality in New Jersey.

14 e. The department shall involve in the development of the rules and
15 regulations for emissions trading programs representatives of the
16 affected industry, environmental, and public interest groups as well as
17 governmental entities with affected or related jurisdictions.

18 f. The department shall consider the role of a third party in the
19 banking, verification, validation of use, enforcement, and program
20 audits associated with emissions reduction credits, and, to the
21 maximum extent possible, create and preserve opportunities for private
22 sector participation in any emissions trading program established by
23 the department.

24 g. The Department of Environmental Protection may establish by
25 rule fees for administrative services provided to implement emission
26 trading programs.

27 (cf: P.L.1995, c.188, s.8)

28

29 45. N.J.S.22A:4-14 is amended to read as follows:

30 22A:4-14. For a service specified in this section, [commissioners
31 of deeds,] foreign commissioners of deeds, notaries public, judges and
32 other officers authorized by law to perform such service, shall receive
33 a fee as follows:

34 For administering an oath or taking an affidavit, [~~\$0.50~~] \$2.50.

35 For taking proof of a deed, [~~\$1.00~~] \$2.50.

36 For taking all acknowledgments, [~~\$1.00~~] \$2.50.

37 For administering oaths, taking affidavits, taking proofs of a deed,
38 and taking acknowledgments of the grantors in the transfer of real
39 estate, regardless of the number of such services performed in a single
40 transaction to transfer real estate, \$15.00.

41 For administering oaths, taking affidavits and taking
42 acknowledgments of the mortgagors in the financing of real estate,
43 regardless of the number of such services performed in a single
44 transaction to finance real estate, \$25.00.

45 (cf: P.L.1964, c.205, s.1)

46

1 46. N.J.S.22A:4-13 is repealed.

2

3 47. This act shall take effect July 1, 2002.

4

5

6

STATEMENT

7

8 This bill establishes, increases and modifies fees and penalties and
9 provides for the use thereof. The bill addresses the following areas:
10 agriculture, license and registration restoration, bulk purchase of
11 drivers' abstracts by insurance and credit companies, commercial
12 truck/tractor registration fees, approvals issued by the Department of
13 Environmental Protection, open competitive and promotional
14 examinations, corporate filing and other corporate filing certificates,
15 regulation of health maintenance organizations by the Department of
16 Health and Senior Services, notaries public and the Judiciary.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2506

STATE OF NEW JERSEY

DATED: JUNE 27, 2002

The Assembly Budget Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2506.

The Assembly Committee Substitute for Assembly Bill No. 2506 establishes, increases and modifies fees and penalties imposed by and on behalf of the State and provides for the use of certain fees. The bill addresses the following: agriculture-related regulation and inspection; examinations for civil service positions; regulation of motor vehicles and boats; bulk purchase of drivers' abstracts by insurance and credit companies; regulation of health maintenance organizations; commercial recording; court filing and recording; facility licensure and emission regulation by the Department of Environmental Protection; notary services; and new civil penalties for certain misconduct already subject to legal sanction. A summary of the fees and penalties altered or established under the legislation, arranged by subject, is set forth below.

Agriculture.

- C Registration of commercial feed manufacturing plants (sec.2);
- C Commercial feed inspection (sec.3);
- C Penalty for violation of the commercial feed law (sec.4);
- C Licensure of manufacturers and distributors of commercial fertilizer and soil conditioner (sec.5);
- C Commercial fertilizer and soil conditioner inspection (sec.6);
- C Penalty for violation of commercial fertilizer standards (sec.7);
- C Licensure of manufacturers and distributors of agricultural lime (sec.8);
- C Tonnage fee for sale of agricultural lime (sec.9);
- C Penalty for violation of the agricultural liming materials act (sec.10).

Civil service.

- C Application for an open competitive or promotional examination (sec.11).

Motor vehicles and boats.

- C Registration of boats (sec.12);
- C Registration of commercial motor vehicles weighing in excess of 10,000 pounds (sec.13);

- C Restoration of a suspended or revoked driver's license or vehicle registration (sec.14);
- C Reinspection of school buses (sec.15);
- C Bulk purchase of abstracts of drivers' records: discount eliminated (sec.16);
- C Surcharge on conviction for driving while intoxicated (sec.17);
- C Motor vehicle rental fee (sec. 54).

In addition, the substitute bill provides for waiver of the initial official inspection of a new automobile (post-1999 models only) for up to four years from its initial registration (sec.15).

Health insurance.

- C Capitation charge on health maintenance organizations (sec.18).

Commercial recording.

- C Copying of a filed financial statement of a business corporation (sec.19);
- C Filing a certificate of incorporation or related record of a business corporation (sec.20);
- C Filing of miscellaneous other corporate documents of a business corporation (sec.21);
- C Reinstatement of incorporation of a business corporation (sec.22);
- C Filing of a certificate of incorporation or related record of a nonprofit corporation (sec.23);
- C Filing of miscellaneous other corporate documents of a nonprofit corporation (sec.24);
- C Filing of an original business certificate or amendment of document not otherwise provided for by law or rule (sec.34);
- C Filing of a certificate of limited partnership or related document (sec.35);
- C Reinstatement of an inactive domestic limited partnership (sec. 36);
- C Reinstatement of the revoked charter of a foreign limited partnership (sec. 37);
- C Filing by a limited liability company of a certificate of formation, reinstatement application, etc. (sec.38);
- C Use of expedited commercial recording service (sec. 39).

Judicial filing.

- C Filing of a notice of appeal, petition for certification, etc., in the Supreme Court (sec.25);
- C Filing of a first paper or motion, recording or docketing of a judgment or order, etc., in Superior Court (Law Division) (secs.26 and 27);
- C Filing of a first paper or motion in Superior Court (Chancery Division) (secs.28 and 30);
- C Filing of any paper related to recognizance or civil bail in Superior Court (sec.31);
- C Filing of a claim, complaint, answer, etc. in the Special Civil Part of the Superior Court (Law Division) (sec.32).

Revenue from the increase in judicial filing fees are to be deposited in a "Court Technology Improvement Fund" for the development and operation of computerized court information systems.

Taxation, etc.

- Ⓒ New penalty for stopped or returned check received in payment of a State tax, fee or charge by the Division of Taxation or other agency of the Department of the Treasury (secs.41 and 42).

Environmental protection.

- Ⓒ Emergency radiation response assessments on nuclear electric generating facility operators: \$2.75 million cap (sec.43);
- Ⓒ Origination and administration of loans - "Water Pollution Control Act" financial assistance program (sec.44);
- Ⓒ Origination and administration of loans - "Safe Drinking Water Act" financial assistance program (sec.45);
- Ⓒ Air pollution emissions abatement incentive; facility operating permit (sec.46);
- Ⓒ Administration of air pollution emissions trading program (sec.47).

Notary services.

- Ⓒ Administering an oath; taking an affidavit, proof of deed, or acknowledgment (sec.48).

Miscellaneous misconduct.

- Ⓒ Surcharge for conviction of a domestic violence offense - \$100 (sec.50);
- Ⓒ Surcharge for conviction of a sexual offense - \$100 (sec.51);
- Ⓒ Surcharge for conviction of a violation of the State building code - \$100 (sec.52);
- Ⓒ Surcharge for conviction or settlement of a charge of insurance fraud - \$100 (sec.53).

COMPARISON OF SUBSTITUTE

The substitute differs from Assembly Bill No. 2506 as introduced in the following respects:

(1) It provides that the four-year inspection waiver for new cars will run from date of initial registration, rather than purchase, and makes the waiver conditional upon authorization by the federal Environmental Protection Agency;

(2) It adds the provisions for additional surcharges for conviction for intoxicated driving, domestic violence and sexual offenses, commission of building code violations, or conviction on or settlement of a charge of insurance fraud;

(3) It provides that the capitation charge on health maintenance organizations shall not apply with respect to Medicaid clients;

(4) It authorizes imposition of the fee for checks, received by agencies of the Department of the Treasury in payment of taxes, fees and other charges, that are returned or on which payment was stopped;

(5) It provides for retention in the law of a statutory cap on the

amount of the emergency radiation response assessment on nuclear electric generating facility operators, but raises the cap from the current level of \$2 million to \$2.75 million and indexes that amount for inflation;

(6) It lowers the amount to which the per-ton air contaminant emission fee (now \$25) payable by a major facility would rise, from \$70 to \$60 (the amount is indexed for inflation since 1989). On the other hand, it increases (from \$25,000 to \$50,000) the amount of the facility's operating permit fee. The substitute omits a provision in the original bill that authorized the Department of Environmental Protection to establish higher emission fees for hazardous air pollutants ("HAPs"); and

(7) It provides for motor vehicle rental fee of \$2 per day.

FISCAL IMPACT

The Executive and Judicial branches have provided information on the annual fiscal impact of the introduced bill, the provisions of which are similar to those of this substitute. This information may be summarized as follows:

Agriculture-related fees - \$343,000;

Civil service examination fees - \$450,000;

Motor vehicle and boats: boat registration - \$2.5 million; vehicle licensure, registration and reinspection - \$22.615 million; driver record abstracts - \$27.8 million; total - \$52.915 million;

Health insurance (HMO fees) - \$2.7 million;

Commercial recording - \$7.045 million;

Judicial filing - \$13.872 million;

Environmental protection: water pollution control and drinking water loan program administration - \$1 million; air pollution emission permits and fees - \$8.3 million; total - \$9.3 million.

Motor vehicle rental fee - \$40 million

Bad check fees - \$1.5 million

DWI surcharge - \$2.3 million, to be evenly divided between the State and municipalities.

The total revenue attributable to these new and increased fees is \$129.25 million per year. The Office of Legislative Services (OLS) estimates that the motor vehicle inspection waiver for new cars will decrease State costs by \$6.8 million in FY2003 and \$13.6 million in subsequent fiscal years. The OLS has no information to estimate the fiscal impact attributable to certain provisions of the committee substitute dealing with domestic violence, rape convictions and building code violations and insurance fraud convictions and settlements.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2506

with Assembly Floor Amendments
(Proposed By Assemblymen VAN DREW, R. SMITH,
BURZICHELLI and FISHER)

ADOPTED: JUNE 28, 2002

This amendment provides for the increased boat fees to be deposited into the "Maritime Industry Fund", phased in over three years.

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2506
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JULY 16, 2002

SUMMARY

- Synopsis:** Establishes and increases certain fees and penalties and provides for the use thereof
- Type of Impact:** Increase in State General Fund revenue; reduction in certain state costs; increase in certain state appropriations. Increase in municipal revenue; potential fee-related costs for local governments.
- Agencies Affected:** Departments of Agriculture, Community Affairs, Environmental Protection, Health and Senior Services, Human Services, Law and Public Safety, Personnel, Transportation, Treasury; the Judiciary; certain units of local government.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
State			
Appropriations	(\$6,700,000)	(\$13,600,000)	(\$13,600,000)
State Revenue	\$129,475,000- \$149,475,000	\$129,475,000- \$149,475,000	\$129,475,000- \$149,475,000
Local Cost	Unknown	Unknown	Unknown
Local Revenue	\$1,150,000	\$1,150,000	\$1,150,000

- ! The Office of Legislative Services (OLS) estimates that this bill will increase State revenues by between \$129.5 million and \$149.5 million in each of the next three state fiscal years. This revenue estimate is based on information informally supplied by the Executive Branch and the Judiciary for FY 2003. While the estimates for FY 2004 and FY 2005 assume no change from the FY 2003 estimate, the OLS notes that there could be increases or decreases in revenue in those years compared to FY 2003 due to changes in the activities implicit in the FY 2003 revenue levels, e.g., judicial filings, commercial motor vehicle registrations.
- ! The Office of Legislative Services estimates that this bill will decrease state costs of inspecting motor vehicles by \$6.8 million in FY 2003 and by \$13.6 million in both FY 2004

and FY 2005.

- ! The bill appropriates \$100,000 in FY 2003 to the Department of Health and Senior Services to fund a grant to the Community Health Law Center.
- ! The Office of Legislative Services estimates that this bill will increase municipal revenue by \$1.15 million in each of fiscal years 2003-2005, comprising 50 percent of the estimated revenue from an additional \$100 surcharge on persons convicted of operating a motor vehicle while under the influence of drugs or alcohol (section 17).
- ! The OLS notes that some local governments may experience increased costs as a result of this bill (e.g., court filing fees). No information has been provided by either the Executive Branch or the Judiciary regarding the local cost impact of fee increases authorized by this bill, nor does OLS possess any independent data that enable it to estimate this cost impact.

BILL DESCRIPTION

Assembly Committee Substitute (1R) for Assembly Bill No. 2506 of 2002 increases or establishes certain State regulatory and administrative service fees and penalties, effective July 1, 2002. A general description of these fees and the affected State agencies are as follows:

- ! Department of Agriculture: Agriculture Chemistry fees and penalties
- ! Department of Environmental Protection:
 - C Environmental Infrastructure Trust financing and administrative fees
 - C Air pollution emission permits and fees
- ! Department of Health and Senior Services: Health Maintenance Organization regulatory oversight fees
- ! The Judiciary: certain court filing fees
- ! Department of Personnel: certain examination filing fees
- ! Department of Transportation:
 - C Pleasure boat registration fees
 - C Motor vehicle license and registration restoration fees
 - C Commercial motor vehicle registration fees
 - C School bus reinspection fees
 - C Fees for abstracts of driver operating records
- ! Department of the Treasury: certain commercial recording fees

The bill also establishes a \$2.00 per day fee on certain motor vehicle rentals, the revenue from which is to be deposited in a dedicated New Jersey Domestic Security Account and to be available to support medical emergency disaster preparedness for bioterrorism, security coverage at nuclear power facilities, State police salaries related to statewide security services and counter-terrorism programs.

The bill also revises the present statutory limit on State assessments upon operators of nuclear electrical power generating facilities for nuclear emergency response planning to \$2.75 million. In addition, the bill increases certain notary public fees. The bill further imposes new surcharges on certain convictions or other resolutions of certain offenses and illegal actions.

The bill extends the latest date for initial inspection of model year 2000 and newer motor vehicles from two years to four years after initial registration. Finally, the bill makes an

appropriation of \$100,000 from the proceeds of certain fees imposed by the bill to the Department of Health and Senior Services for a grant to the Community Health Law Center.

FISCAL ANALYSIS

EXECUTIVE BRANCH

A fiscal note worksheet has not been received; however, information outlining revenue estimates was informally provided by the Executive and Judicial branches.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that this bill will increase State revenue by between \$129.5 million and \$149.5 million in FY 2003. The OLS further estimates that this bill will increase State revenue by a similar amount in both FY 2004 and 2005, assuming that the level of activity implicit in the FY 2003 revenue estimate occurs in both succeeding fiscal years. The OLS notes that there could be increases or decreases in revenue in those years compared to FY 2003 due to changes in the activities implicit in the FY 2003 revenue levels, e.g., judicial filings, commercial motor vehicle registrations. However, the OLS has no independent data that would enable it to precisely estimate changes in activities that would affect the various fees established or increased under this bill.

The OLS FY 2003 revenue estimate is based on information obtained from the Executive Branch and the Judiciary, and is summarized as follows:

AGENCY/ DEPARTMENT	FEE TYPE	ADDITIONAL REVENUE (\$000)	BILL SECTION(S)
Agriculture	Agricultural Chemistry Fees	\$343	2-10
Environmental Protection	Environmental Infrastructure Trust Administration	\$1,000	44-45
Environmental Protection	Air Pollution Emission Permits and Fees	\$8,300	46
Health and Senior Services	Health Maintenance Organization Oversight	\$2,700	18
Judiciary	Various Filing Fees	\$13,872	25-30; 32
Motor Vehicles	Pleasure Boat Registration	\$2,500	12

AGENCY/ DEPARTMENT	FEE TYPE	ADDITIONAL REVENUE (\$000)	BILL SECTION(S)
Motor Vehicles	Certain Commercial Motor Vehicle Registrations; School Bus Reinspection; License and Registration Restoration	\$22,615	13-15
Motor Vehicles	Operating Record Abstracts	\$27,800	16
Personnel	Examination Filing Fees	\$450	11
Treasury	Commercial Recording Fees	\$7,045	19-24; 34-39
Treasury	Fee for Dishonored Checks	\$1,500	41
Treasury	Fee for Rental of Motor Vehicles	\$40,000-\$60,000	54
	New Surcharges on certain offenses and illegal actions	State: \$1,350 Local:\$1,150	17; 50-53
Total-State		\$129,475-\$149,475	
Total-Local		\$1,150	

The OLS further estimates that this bill will decrease state costs of motor vehicle inspection by \$6.8 million in FY 2003, and by \$13.6 million in both FY 2004 and FY 2005. The FY 2003 estimate reflects the Administration's estimated costs savings provided in conjunction with the introduction of the Governor's FY 2003 budget. It is based on federal approval and implementation on January 1, 2003. The OLS estimate of cost reduction in FY 2004 and FY 2005 represents the annualization of the Administration's FY 2003 estimate. The OLS notes that it has no independent data to confirm the Administration's FY 2003 estimate or to generate an estimate for future year cost reductions.

Section 55 of this bill also increases state appropriations by \$100,000 in FY 2003. This section appropriates \$100,000 from revenue raised by the fee on health maintenance organizations, established by section 18 of the bill, to the Department of Health and Senior Services to fund a grant to the Community Health Law Center, for provision of information and assistance to senior citizens as to their rights and benefits as enrollees in health plans administered by health maintenance organizations.

The OLS further notes that some of the fees imposed or increased by this bill may result in local government cost increases. Local governments are subject to certain fees increased by this bill, such as court filing fees, to the same extent as nongovernmental entities. No information provided by either the Executive Branch or the Judiciary regarding this bill enables the OLS to estimate this cost, and OLS has no independent data that would enable it to estimate local cost impact.

Section: *Legislative Budget and Finance Office*

Analyst: *Frank W. Haines III*
Assistant Legislative Budget and Finance Officer

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1508

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 13, 2002

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex)

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

As introduced.



S1508 CODEY

2

1 **AN ACT** establishing and increasing certain fees and penalties imposed
2 by and on behalf of the State and providing for the use thereof,
3 amending various parts of the statutory law.

4

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

7

8 1. Section 3 of P.L.1993, c.265 (C.4:1-11.1) is amended to read as
9 follows:

10 3. The board may adopt, pursuant to the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and
12 regulations as may be necessary to carry out the provisions of this
13 Title, including the amendment of fees and penalties authorized
14 pursuant to this Title.

15 (cf: P.L.1993, c.265, s.3)

16

17 2. Section 4 of P.L.1970, c.338 (C.4:4-20.4) is amended to read as
18 follows:

19 4. a. Every person engaged in the manufacture of commercial feed
20 or customer formula feed to be distributed in this State shall on
21 January 1 of each year, or prior to manufacture or distribution of such
22 feed, register each facility on a form furnished by the State Chemist,
23 the application to be accompanied by a fee of **[\$25.00]** \$250.00.
24 Upon approval by the State board, a copy of the registration shall be
25 furnished to the applicant and displayed in or on the facility.

26 b. The State board is empowered to refuse registration of any
27 facility not in compliance with the provisions of this act or to cancel
28 the registration of any facility subsequently found not to be in
29 compliance with any provision of this act, provided, however, that no
30 registration shall be refused or canceled until the registrant shall have
31 been given an opportunity to be heard before the secretary or his
32 agent.

33 c. Before a commercial feed may be offered for sale which contains
34 drugs, chemical additives or other ingredients which are potentially
35 harmful to animals, the registrant may be required to submit evidence
36 to show the safety of the feed when used according to the directions
37 which the distributor furnished with the feed.

38 (cf: P.L.1970, c.338, s.4)

39

40 3. Section 9 of P.L.1970, c.338 (C.4:4-20.9) is amended to read as
41 follows:

42 9. Inspection fees and reports. a. An inspection fee at the rate of
43 **[\$0.15]** \$0.30 per ton shall be paid on commercial feeds distributed

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.

S1508 CODEY

1 in this State by the person who distributes the commercial feed to the
2 consumer subject to the following:

3 (1) No fee shall be paid on a commercial feed if the payment has
4 been made by a previous distributor.

5 (2) No fee shall be paid on customer formula feeds if the inspection
6 fee is paid on the commercial feeds which are used as ingredients
7 therein.

8 (3) No fee shall be paid on commercial feeds which are used as
9 ingredients for the manufacture of commercial feeds which are subject
10 to the inspection fee. If the fee has already been paid, credit shall be
11 given for such payment.

12 (4) In the case of a person who manufacturers or distributes
13 commercial feed in the State, a minimum annual fee of **[\$25.00]**
14 \$250.00 shall be paid.

15 b. Each person who is liable for the payment of such fee shall:

16 (1) File, not later than January 31 of each year, a statement, setting
17 forth the number of net tons of commercial feeds distributed in this
18 State during the preceding calendar year; and upon filing such
19 statement shall pay the inspection fee at the rate stated in **[paragraph**
20 **"a."]** subsection a. of this section. Inspection fees which are due and
21 owing and have not been remitted to the department within 15 days
22 following the due date shall have a penalty fee of 10% (minimum
23 \$10.00) added to the amount due when payment is finally made. The
24 assessment of this penalty fee shall not prevent the department from
25 taking other actions as provided in this act.

26 (2) Keep such records as may be necessary or required by the State
27 board to indicate accurately the tonnage of commercial feed
28 distributed in this State, and the department shall have the right to
29 examine such records to verify statements of tonnage.

30 Failure to make an accurate statement of tonnage or to pay the
31 inspection fee or comply as provided herein shall constitute sufficient
32 cause for the cancellation of all registrations on file for the distributor.

33 c. Fees imposed by, and fines collected for violations of this act,
34 shall be deposited in the State Treasury.

35 (cf: P.L.1975, c.370, s.1)

36

37 4. Section 13 of P.L.1970, c.338 (C.4:4-20.13) is amended to
38 read as follows:

39 13. Penalties. a. Any person convicted of violating any of the
40 provisions of this act or the rules and regulations promulgated
41 thereunder or who shall impede, hinder, or otherwise prevent, or
42 attempt to prevent, said secretary or his duly authorized agent in
43 performance of his duty in connection with the provisions of this act,
44 shall be fined not less than **[\$50.00]** \$100.00 or more than **[\$100.00]**
45 \$500.00 for the first violation, and not less than **[\$100.00]** \$200.00
46 or more than **[\$500.00]** \$1,000.00 for a subsequent violation in any

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1 [one] two years.

2 b. Nothing in this act shall be construed as requiring the State
3 Chemist or his representative to: (1) report for prosecution, or (2)
4 institute seizure proceedings, or (3) issue a withdrawal from
5 distribution order, as a result of minor violations of the act, or when
6 he believes the public interest will best be served by suitable notice of
7 warning in writing.

8 c. It shall be the duty of the Attorney General to whom any
9 violation is reported to cause appropriate proceedings to be instituted
10 and prosecuted in a court of competent jurisdiction without delay.
11 Before the State Chemist reports a violation for such prosecution, an
12 opportunity shall be given the distributor to present his view to the
13 secretary.

14 d. The secretary is hereby authorized to apply for and the court to
15 grant in an appropriate case, a temporary or permanent injunction
16 restraining any person from violating or continuing to violate any of
17 the provisions of this act or any rule or regulation promulgated under
18 the act, notwithstanding the existence of other remedies at law. Said
19 injunction to be issued without bond.

20 e. Any person adversely affected by an act, order, or ruling made
21 pursuant to the provisions of this act may seek judicial review by
22 appeal to the Superior Court by a proceeding in lieu of prerogative
23 writs.

24 f. Any person who used to his own advantage, or reveals to other
25 than the secretary, or officers of the New Jersey Department of
26 Agriculture, or to the courts when relevant in any judicial proceeding,
27 any information acquired under the authority of this act, concerning
28 any method, records, formulations, or processes which as a trade
29 secret is entitled to protection, is guilty of a misdemeanor and shall on
30 conviction thereof be fined not less than \$500.00 or imprisoned for
31 not less than 1 year or both, provided that, this prohibition shall not
32 be deemed as prohibiting the secretary or his duly authorized agent,
33 from exchanging information of a regulatory nature with duly
34 appointed officials of the United States Government, or of other
35 states, who are similarly prohibited by law from revealing this
36 information.

37 g. Upon receiving any information of a violation of any provisions
38 of this act or of any rule or regulation adopted thereunder, the
39 secretary or any agent designated by him for such purpose, is
40 empowered to hold hearings upon said violation and, upon finding the
41 violation to have been committed, to assess a penalty against the
42 violator in such amount, [not to exceed the maximum limit set forth
43 in this section], as the secretary deems proper under the
44 circumstances. If the violator pays such penalty as settlement, no
45 further prosecution shall be had upon that violation. Payment of such

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5

1 a penalty shall be deemed equivalent to a conviction for violation of
2 this act.

3 (cf: P.L.1970, c.338, s.13)

4

5 5. Section 6 of P.L.1970, c.66 (C.4:9-15.6) is amended to read as
6 follows:

7 6. The minimum annual license fee for a manufacturer or
8 distributor shall be ~~[\$125.00]~~ \$250.00. In the case of each person
9 who owns or operates more than one manufacturing facility within this
10 State there shall be an additional annual license fee of ~~[\$125.00]~~
11 \$250.00 for each such additional manufacturing facility. In the case
12 of each person who owns or operates any manufacturing facilities
13 located outside of New Jersey which distribute commercial fertilizers
14 or soil conditions within this State, there shall be an additional annual
15 license fee of ~~[\$125.00]~~ \$250.00 covering all such manufacturing
16 facilities. Fees collected pursuant to this section shall be forwarded
17 to the State Treasurer.

18 (cf: P.L.1975, c.139, s.1)

19

20 6. Section 16 of P.L.1970, c.66 (C.4:9-15.16) is amended to read
21 as follows:

22 16. Each licensee shall pay to the Department of Agriculture for all
23 commercial fertilizers and soil conditioners distributed in this State an
24 inspection fee at the rate of ~~[\$0.15]~~ \$0.30 per ton on all tonnage in
25 excess of 10 tons per semiannual statement. Fees so collected by the
26 department shall be forwarded to the State Treasurer.

27 Sales to persons owning or operating manufacturing facilities or
28 exchanges between such persons are exempted from the inspection fee.

29 (cf: P.L.1970, c.66, s.16)

30

31 7. Section 25 of P.L.1970, c.66 (C.4:9-15.25) is amended to read
32 as follows:

33 25. If an official analysis shows that a commercial fertilizer is
34 deficient in one or more of its guaranteed primary plant nutrients
35 (nitrogen, available phosphoric acid, and soluble potash) beyond the
36 investigational allowance as established by regulation or if the over-all
37 index value of the fertilizer is below the level established by regulation,
38 a penalty of ~~[3]~~ 5 times the commercial value of such deficiency shall
39 be assessed by the State Chemist against the licensee. Subsequent
40 violations within two years of the first violation shall be subject to an
41 additional penalty of not less than \$200.00 or more than \$1,000.00.

42 (cf: P.L.1970, c.66, s.25)

43

44 8. Section 7 of P.L.1968, c.392 (C.4:9-21.7) is amended to read as
45 follows:

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6

1 7. The annual license fee shall be ~~[\$100.00]~~ \$250.00 payable on
2 January 1 of each year or prior to the distribution in such year.

3 (cf: P.L.1975, c.140, s.3)

4

5 9. Section 8 of P.L.1968, c.392 (C.4:9-21.8) is amended to read as
6 follows:

7 8. Within the 30-day period following December 31 of each year,
8 each licensee shall submit on a form furnished by the State board or its
9 authorized agent a statement setting forth the number of net tons of
10 each agricultural liming material sold by him for use in the State during
11 the previous 12-month period. Such statement shall be accompanied
12 by payment of the inspection fee at the rate of ~~[\$0.02]~~ \$0.05 per ton.
13 Such reports shall be confidential and no information therein shall be
14 disclosed in any manner that will reveal the operation of any licensee.
15 Fees collected pursuant to this section shall be forwarded to the State
16 Treasurer.

17 (cf: P.L.1995, c.390, s.5)

18

19 10. Section 10 of P.L.1968, c.392 (C.4:9-21.10) is amended to
20 read as follows:

21 10. Any person convicted of violating any provision of this act or
22 any rule or regulation promulgated thereunder shall be subject to a
23 penalty of not less than ~~[\$50]~~ \$100.00 nor more than ~~[\$200]~~ \$500.00
24 to be enforced by summary proceedings under "the penalty
25 enforcement law," N.J.S.2A:58-1 et seq. Upon receiving any
26 information of a violation of any part of this act other than a violation
27 involving a weighed or measured deficiency or the rules and
28 regulations issued thereunder, the secretary, or any assistant
29 designated by him for such purpose, is empowered to hold hearings,
30 formal or informal, upon said violation and upon finding the violation
31 to have been committed, to assess a penalty against the person alleged
32 to have committed such violation, in an amount not to exceed the
33 maximum limit set forth in this section as the secretary deems proper
34 under the circumstances. In the event the violator makes satisfactory
35 settlement, no further prosecution shall be had upon that violation.
36 Payment of a penalty, in the form of a settlement, shall be deemed
37 equivalent to a conviction for a violation of this act. Violations not
38 settled in this manner may be referred to the court of competent
39 jurisdiction. Nothing in this act shall be construed as requiring the
40 State board or its authorized agent to report for prosecution or for the
41 institution of seizure proceedings as a result of minor violations of
42 "The New Jersey Agricultural Liming Materials Act," P.L.1968, c.392
43 (C.4:9-21.1 et seq.) when it believes that the public interest will best
44 be served by a suitable written warning.

45 (cf: P.L.1995, c.390, s.7)

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1 11. Section 36 of P.L.1941, c.274 (C.4:12A-36) is amended to
2 read as follows:

3 36. Every person required by this act to be licensed shall pay a
4 yearly license fee as follows:

5 Store -- each and every store selling milk shall pay a license fee
6 based on average volume of milk sold during the previous two months
7 as follows:

8 Stores selling 500 quart equivalents
9 or less per week..... ~~[\$12.00]~~ \$25.00

10 Stores selling 501 to 1,500 quart equivalents
11 per week ~~[\$24.00]~~ \$50.00

12 Stores selling 1,501 to 3,000 quart equivalents
13 per week ~~[\$36.00]~~ \$75.00

14 Stores selling 3,001 quart equivalents
15 or more per week ~~[\$48.00]~~ \$100.00;

16 provided, however, that a store selling milk exclusively for
17 consumption on the premises shall not be required to obtain a license
18 nor pay a license fee; and provided, further, that a store selling only
19 milk which is evaporated or condensed in hermetically sealed cans
20 shall not be required to obtain a license or pay a license fee.

21 Any person applying for a license to engage in business as a store
22 at a new location shall pay a fee of ~~[\$12.00]~~ \$25.00 for the first year
23 of operation, but any person acquiring an existing store shall pay a fee
24 based upon the average volume of milk sold during the previous two
25 months in accordance with the store fee schedule above.

26 Milk dealers -- every milk dealer shall pay a fee of \$0.01 per
27 hundredweight of milk sold for consumption within the State
28 excluding dealer to dealer sales; but a milk dealer processing milk for
29 sale to other dealers shall pay a minimum fee of \$650.00 per year and
30 a milk dealer selling to stores and consumers shall pay a minimum fee
31 of \$30.00 per year.

32 A milk dealer engaged in handling milk in the State of New Jersey,
33 but selling milk only in another state or engaged only in manufacturing
34 shall pay a license fee of \$150.00 per year. A milk dealer who during
35 the year prior to the one for which the application is being made sold
36 a quality of milk which would yield a fee of less than \$300.00 per year
37 may pay his full fee at the beginning of the license year based upon the
38 prior year's business. Milk dealers shall pay the fee by the fifteenth of
39 each month for the previous month. Failure to pay the fee shall be the
40 basis for the suspension or revocation of license or the assessment of
41 penalty as herein provided for any other violations of this act. There
42 shall be no refund except to correct a clerical error or where a license
43 is applied for and the director declines to grant the license to the
44 applicant.

45 (cf: P.L.1983, c.344, s.3)

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1 12. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read
2 as follows:

3 1. a. Except as provided in subsection b. of this section concerning
4 law enforcement officer and firefighter examinations, the
5 Commissioner of the Department of Personnel shall establish a **[\$5]**
6 \$15 fee for each application for an open competitive or promotional
7 examination. Persons receiving public assistance benefits pursuant to
8 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
9 seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to
10 pay this fee if they apply for an open competitive examination.
11 Receipts derived from application fees established by this subsection
12 shall be appropriated to the department.

13 b. The commissioner shall establish a fee for each application for
14 an open competitive or promotional examination for a law
15 enforcement officer or firefighter title. The fee shall not exceed the
16 cost of developing, procuring and administering the examination,
17 including the processing of any appeals or reviews associated with the
18 examination. Persons receiving public assistance benefits pursuant to
19 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et
20 seq.), or P.L.1997 c.38 (C.44:10-55 et seq.) shall not be required to
21 pay this fee if they apply for an open competitive examination.
22 Receipts derived from application fees established by this subsection
23 shall be appropriated to the department for use in developing,
24 procuring and administering law enforcement officer and firefighter
25 examinations, including the processing of any appeals or reviews
26 associated with those examinations.

27 c. In addition to the fees established in subsections a. and b. of this
28 section, the commissioner shall establish a **[\$5]** \$15 fee for each
29 application for an open competitive or promotional examination for a
30 position in State service. Persons receiving public assistance benefits
31 pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256
32 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not
33 be required to pay this fee if they apply for an open competitive
34 examination. Receipts derived from the application fee established
35 pursuant to this subsection shall be appropriated annually to the
36 department for the costs of the displaced workers pool program. This
37 fee shall not be assessed and collected unless the commissioner
38 implements a displaced workers pool program. If the displaced
39 workers pool program is terminated at any time by the commissioner,
40 the assessment and collection of this additional fee shall also be
41 terminated.

42 (cf: P.L.1998, c.63, s.1)

43

44 13. Section 12 of P.L.1962, c.73 (C.12:7-34.47) is amended to
45 read as follows:

46 12. The fees for the initial numbering of all vessels and for each

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1 renewal of the certificate of number issued thereto, unless otherwise
2 provided by law, shall be:

3 (a) For all vessels less than 16 feet, [~~\$6~~] \$12 per year; 16 feet or
4 more but less than 26 feet, [~~\$14~~] \$28 per year; 26 feet or more but
5 less than 40 feet, [~~\$26~~] \$52 per year; 40 feet or more but less than 65
6 feet, [~~\$40~~] \$80 per year; 65 feet or more, [~~\$125~~] \$250 per year.

7 (b) (Deleted by amendment.)

8 (c) Special numbers including up to three duplicates thereof and up
9 to four sets of temporary numbers bearing a number corresponding to
10 the special number, shall be assigned to boat dealers and
11 manufacturers, as provided for under rules and regulations to be
12 promulgated by the division, and such numbers shall be displayed
13 temporarily upon boats being tested, demonstrated, photographed or
14 transported, said display to be as prescribed in the rules and
15 regulations aforementioned.

16 For each such special number so assigned the fee shall be \$75 for
17 one year.

18 (d) A fee shall not be charged for the numbering of any marine
19 equipment operated and maintained by the State of New Jersey; a
20 county; a municipality; a volunteer first aid, rescue, or emergency
21 squad; a search and rescue unit established within a fire district created
22 pursuant to N.J.S.40A:14-70; or a volunteer fire company created
23 pursuant to N.J.S.40A:14-70.1. This subsection shall apply only to
24 marine equipment which is used exclusively in the performance of the
25 prescribed duties of the governmental entities and organizations
26 described above.

27 (cf: P.L.1995, c.401, s.27)

28

29 14. R.S.39:3-20 is amended to read as follows:

30 39:3-20. For the purpose of this section, gross weight means the
31 weight of the vehicle or combination of vehicles, including load or
32 contents.

33 a. The director is authorized to issue registrations for commercial
34 motor vehicles other than omnibuses or motor-drawn vehicles upon
35 application therefor and payment of a fee based on the gross weight of
36 the vehicle, including the gross weight of all vehicles in any
37 combination of vehicles of which the commercial motor vehicle is the
38 drawing vehicle. The gross weight of a disabled commercial vehicle
39 or combination of disabled commercial vehicles being removed from
40 a highway shall not be included in the calculation of the registration
41 fee for the drawing vehicle.

42 Except as otherwise provided in this subsection, every registration
43 for a commercial motor vehicle other than an omnibus or motor-drawn
44 vehicle shall expire and the certificate thereof shall become void on the
45 last day of the eleventh calendar month following the month in which
46 the certificate was issued; provided, however, that the director may

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1 require registrations which shall expire, and issue certificates thereof
2 which shall become void, on a date fixed by the director, which shall
3 not be sooner than three months or later than 26 months after the date
4 of issuance of such certificates, and the fees for such registrations or
5 registration applications, including any other fees or charges collected
6 in connection with the registration fee, shall be fixed by the director in
7 amounts proportionately less or greater than the fees established by
8 law. The director may fix the expiration date for registration
9 certificates at a date other than 11 months if the director determines
10 that such change is necessary, appropriate or convenient in order to
11 aid in implementing the vehicle inspection requirements of chapter 8
12 of Title 39 or for other good cause. The minimum registration fee
13 shall be as follows:

14 For vehicles not in excess of 5,000 pounds, \$53.50.

15 For vehicles in excess of 5,000 pounds and not in excess of
16 ~~[18,000]~~ 10,000 pounds, \$53.50 plus \$11.50 for each 1,000 pounds
17 or portion thereof in excess of 5,000 pounds.

18 For vehicles in excess of 10,000 pounds and not in excess of 18,000
19 pounds, \$53.50 plus \$13.50 for each 1,000 pounds or portion thereof
20 in excess of 5,000 pounds.

21 For vehicles in excess of 18,000 pounds and not in excess of 50,000
22 pounds, \$53.50 plus ~~[\$12.50]~~ \$14.50 for each 1,000 pounds or
23 portion thereof in excess of 5,000 pounds.

24 For vehicles in excess of 50,000 pounds, \$53.50 plus ~~[\$13.50]~~
25 \$15.50 for each 1,000 pounds or portion thereof in excess of 5,000
26 pounds.

27 b. The director is also authorized to issue registrations for
28 commercial motor vehicles having three or more axles and a gross
29 weight over 40,000 pounds but not exceeding 70,000 pounds, upon
30 application therefor and proof to the satisfaction of the director that
31 the applicant is actually engaged in construction work or in the
32 business of supplying material, transporting material, or using such
33 registered vehicle for construction work.

34 Except as otherwise provided in this subsection, every registration
35 for these commercial motor vehicles shall expire and the certificate
36 thereof shall become void on the last day of the eleventh calendar
37 month following the month in which the certificate was issued;
38 provided, however, that the director may require registrations which
39 shall expire, and issue certificates thereof which shall become void on
40 a date fixed by the director, which shall not be sooner than three
41 months or later than 26 months after the date of issuance of such
42 certificates, and the fees for such registrations or registration
43 applications, including any other fees or charges collected in
44 connection with the registration fee, shall be fixed by the director in
45 amounts proportionately less or greater than the fees established by
46 law. The director may fix the expiration date for registration

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1 certificates at a date other than 11 months if the director determines
2 that such change is necessary, appropriate or convenient in order to
3 aid in implementing the vehicle inspection requirements of chapter 8
4 of Title 39 or for other good cause.

5 The registration fee shall be \$22.50 for each 1,000 pounds or
6 portion thereof.

7 For purposes of calculating this fee, weight means the gross weight,
8 including the gross weight of all vehicles in any combination of which
9 such commercial motor vehicle is the drawing vehicle.

10 Such commercial motor vehicle shall be operated in compliance
11 with the speed limitations of Title 39 of the Revised Statutes and shall
12 not be operated at a speed greater than 45 miles per hour when one or
13 more of its axles has a load which exceeds the limitations prescribed
14 in R.S.39:3-84.

15 c. The director is also authorized to issue registrations for each of
16 the following solid waste vehicles: two-axle vehicles having a gross
17 weight not exceeding 42,000 pounds; tandem three-axle and four-axle
18 vehicles having a gross weight not exceeding 60,000 pounds; four-axle
19 tractor-trailer combination vehicles having a gross weight not
20 exceeding 60,000 pounds. Registration is based upon application to
21 the director and proof to his satisfaction that the applicant is actually
22 engaged in the performance of solid waste disposal or collection
23 functions and holds a certificate of convenience and necessity therefor
24 issued by the Department of Environmental Protection.

25 Except as otherwise provided in this subsection, every registration
26 for a solid waste vehicle shall expire and the certificate thereof shall
27 become void on the last day of the eleventh calendar month following
28 the month in which the certificate was issued.

29 The registration fee shall be \$50 plus \$11.50 for each 1,000 pounds
30 or portion thereof in excess of 5,000 pounds.

31 d. The director is also authorized to issue registrations for
32 commercial motor-drawn vehicles upon application therefor. The
33 registration year for commercial motor-drawn vehicles shall be April
34 1 to the following March 31 and the fee therefor shall be \$18 for each
35 such vehicle.

36 At the discretion of the director, an applicant for registration for a
37 commercial motor-drawn vehicle may be provided the option of
38 registering such vehicle for a period of four years. In the event that
39 the applicant for registration exercises the four-year option, a fee of
40 \$64 for each such vehicle shall be paid to the director in advance.

41 If any commercial motor-drawn vehicle registered for a four-year
42 period is sold or withdrawn from use on the highways, the director
43 may, upon surrender of the vehicle registration and plate, refund \$16
44 for each full year of unused prepaid registration.

45 e. It shall be unlawful for any vehicle or combination of vehicles
46 registered under this act, having a gross weight, including load or

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1 contents, in excess of the gross weight provided on the registration
2 certificate to be operated on the highways of this State.

3 The owner, lessee, bailee or any one of the aforesaid of a vehicle or
4 combination of vehicles, including load or contents, found or operated
5 on any public road, street or highway or on any public or quasi-public
6 property in this State with a gross weight of that vehicle or
7 combination of vehicles, including load or contents, in excess of the
8 weight limitation permitted by the certificate of registration for the
9 vehicle or combination of vehicles, pursuant to the provisions of this
10 section, shall be assessed a penalty of \$500 plus an amount equal to
11 \$100 for each 1,000 pounds or fractional portion of 1,000 pounds of
12 weight in excess of the weight limitation permitted by the certificate
13 of registration for that vehicle or combination of vehicles. A vehicle
14 or combination of vehicles for which there is no valid certificate of
15 registration is deemed to have been registered for zero pounds for the
16 purposes of the enforcement of this act, in addition to any other
17 violation of this Title, but is not deemed to be lawfully or validly
18 registered pursuant to the provisions of this Title.

19 This section shall not be construed to supersede or repeal the
20 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

21 f. Of the registration fees collected by the director pursuant to this
22 section for vehicles with gross vehicle weights in excess of 5,000
23 pounds, an amount equal to \$3 per 1,000 pounds or portion thereof in
24 excess of 5,000 pounds for each registration shall be forwarded to the
25 State Treasurer for deposit in the Commercial Vehicle Enforcement
26 Fund established pursuant to section 17 of this [act] P.L.1995, c.157
27 (C.39:8-75). Moneys in the fund shall be used by the Department of
28 Law and Public Safety and the Department of Transportation for
29 enforcement of laws and regulations governing commercial motor
30 vehicles.

31 (cf: P.L.1997, c.313, s.1)

32

33 15. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to read
34 as follows:

35 23. The Director of Motor Vehicles shall charge a fee of **[\$50]**
36 \$100 for the restoration of any license which has been suspended or
37 revoked by reason of the licensee's violation of any law or regulation
38 and for the restoration of vehicle registrations that have been
39 suspended pursuant to any law. The director may promulgate such
40 regulations hereunder as he may deem necessary.

41 (cf: P.L.1994, c.60, s.14)

42

43 16. R.S.39:8-2 is amended to read as follows:

44 39:8-2 a. The director may designate and appoint, subject to
45 existing laws, competent examiners of motor vehicles to conduct
46 examinations, other than the periodic inspections required pursuant to

1 subsection b. of this section, of motor vehicles required to be
2 inspected in accordance with the provisions of this chapter. The
3 examiners may be delegated to enforce the provisions of the motor
4 vehicle and traffic law.

5 b. (1) The director shall adopt, pursuant to the "Administrative
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
7 regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and
8 with the requirements of the federal Clean Air Act with respect to the
9 type and character of the inspections to be made, the facility at which
10 the vehicle shall be inspected, the frequency of inspections of motor
11 vehicles and the approval or rejection of motor vehicles as a result of
12 these inspections. These rules and regulations shall require the use of
13 inspection tests that are designed to meet the enhanced inspection and
14 maintenance requirements of the federal Clean Air Act and that have
15 been proven to be feasible and effective for the inspection of large
16 numbers of motor vehicles, except that these tests shall not include the
17 "I/M 240" test. Nothing in this subsection shall preclude the use of the
18 "I/M 240" test in sampling for performance evaluations only or the use
19 of the test at the option of a private inspection facility. The rules and
20 regulations may distinguish between vehicles based on model year,
21 type, or other vehicle characteristics in order to facilitate inspections
22 or to comply with the federal Clean Air Act. A low mileage vehicle
23 shall not be subject to a tailpipe inspection test utilizing a
24 dynamometer but may be subject to an idle test and a purge and
25 pressure test. For the purpose of this paragraph, "low mileage
26 vehicle" means a motor vehicle that is driven less than 10,000 miles
27 during the biennial inspection period, except that the director may set
28 the qualifying number of miles for this exemption at a lower number
29 in order to meet the federal enhanced inspection and maintenance
30 performance standard.

31 (2) The Department of Environmental Protection and the director
32 shall investigate advanced testing technologies, including but not
33 limited to remote sensing and onboard diagnostics, and shall, to the
34 extent permitted by law, pursue the use of such technologies, other
35 than the "I/M 240" test, in motor vehicle emission inspections required
36 by the United States Environmental Protection Agency pursuant to the
37 federal Clean Air Act. The director shall adopt, to the extent
38 practicable, advanced technologies to facilitate the retrieval of testing
39 and other information concerning motor vehicles, which technologies
40 shall include but not be limited to the use of computer bar codes and
41 personal cards containing encoded information, such as a person's
42 operating license, motor vehicle registration, and motor vehicle
43 insurance, the inspection status of a motor vehicle, and mass transit
44 fares, that can be accessed quickly by a computer.

45 c. Except as modified by the director to distribute evenly the
46 volume of inspections, all motor vehicles required by the director, in

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1 accordance with the provisions of R.S.39:8-1, to be inspected under
2 this chapter shall be inspected biennially, except that (i) model year
3 2000 and newer motor vehicles shall be inspected no later than four
4 years from the last day of the month in which they were purchased and
5 thereafter biennially; and (ii) classes of vehicles that require more
6 frequent inspections, such as school buses, shall be inspected at such
7 shorter intervals as may be established by the director after
8 consultation with the Department of Environmental Protection. At
9 any time, the director may require the owner, lessee, or operator of a
10 motor vehicle to submit the vehicle for inspection.

11 d. The director shall furnish to designated examiners or to other
12 persons authorized to conduct inspections or to grant waivers official
13 certificates of approval, rejection stickers or waiver certificates, the
14 form, content and use of which he shall establish. The certificates of
15 approval, rejection stickers and waiver certificates shall be of a type,
16 such as a windshield sticker or license plate decal, that can be attached
17 to the vehicle or license plate in a location that is readily visible to
18 anyone viewing the vehicle. If a certificate of approval cannot be
19 issued, the driver shall be provided with a written inspection report
20 describing the reasons for rejection and, if appropriate, the repairs
21 needed or likely to be needed to bring the vehicle into compliance with
22 applicable standards.

23 e. The director may, with the approval of the State House
24 Commission, purchase, lease or acquire by the exercise of the power
25 of eminent domain any property for the purpose of assisting him in
26 carrying out the provisions of this chapter. This property may also be
27 used by the director for the exercise of the duties and powers
28 conferred upon him by the other chapters of this Title.

29 f. For the purpose of implementing the motor vehicle inspection
30 requirements of the federal Clean Air Act and subject to the approval
31 of the Attorney General, the State Treasurer, prior to January 1, 1997,
32 may:

33 (1) Purchase, lease or acquire by eminent domain any property for
34 vehicle inspection purposes. Any other provision of law to the
35 contrary notwithstanding, no further approval shall be required for
36 transactions authorized by this paragraph, except that a proposed
37 purchase, lease or acquisition by eminent domain shall require the
38 approval of the Joint Budget Oversight Committee, and shall be
39 submitted to the Joint Budget Oversight Committee, which shall
40 review the proposed purchase, lease or acquisition by eminent domain
41 within 15 business days; and

42 (2) Sell or lease, or grant an easement in, any property acquired,
43 held or used for vehicle inspection purposes or any other suitable
44 property held by the State that is not currently in use or dedicated to
45 another purpose. For the purpose of this paragraph and
46 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,

1 the sale or lease of, or the granting of an easement in, real property
2 owned by the State shall be subject to the approval of the State House
3 Commission, which shall meet at the call of the Governor to act on a
4 proposed sale or lease or grant of an easement pursuant to this
5 paragraph. A member of the State House Commission may permit a
6 representative to act on that member's behalf in considering and voting
7 on a sale or lease or grant of an easement pursuant to this paragraph.
8 Any other provision of law to the contrary notwithstanding, any
9 moneys derived from a sale, lease or granting of an easement by the
10 State pursuant to this paragraph shall not be expended unless approved
11 by the Joint Budget Oversight Committee for the purpose of
12 purchasing, leasing or acquiring property pursuant to paragraph (1) of
13 this subsection, except that any moneys derived therefrom and not
14 approved for that purpose shall be appropriated to the Department of
15 Transportation to provide for mass transit improvements.

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

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

46 i. (1) The director shall make a charge of \$2.50 for the initial

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1 inspection for each vehicle subject to inspection, which amount shall
2 be paid to the director or his representative when payment of the
3 registration fees fixed in chapter 3 of this Title is made; provided
4 however, that on and after January 1, 1999, a school bus as defined
5 pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a
6 registration period commencing on or after January 1, 1999, shall be
7 subject to an inspection fee for each in-terminal or in-lieu-of terminal
8 inspection in accordance with the following schedule:

9

10 School Bus Specification Inspection	\$50 per bus
11	
12 School Bus Inspection	\$25 per bus
13	

14 School Bus Reinspection \$25 per bus subject to the conditions set
15 forth below:

16

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

39 (2) The director shall establish by regulation a fee to cover the
40 costs of inspecting any vehicle that is required, or has the option,
41 under federal law to be inspected in this State but is registered in
42 another state or is owned or leased by the federal government. In
43 determining these costs, the director shall include all capital and direct
44 and indirect operating costs associated with the inspection of these
45 vehicles including, but not limited to, the costs of the actual
46 inspection, the creation and maintenance of the vehicle inspection

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1 record, administrative, oversight and quality assurance costs and the
2 costs associated with reporting inspection information to the owner,
3 the federal government and agencies of other states. All fees collected
4 pursuant to this subsection shall be paid to the State Treasurer and
5 deposited in the "Motor Vehicle Inspection Fund" established pursuant
6 to subsection j. of this section.

7 j. There is established in the General Fund a special dedicated,
8 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"
9 which shall be administered by the State Treasurer. The State
10 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"
11 \$11.50 from each motor vehicle registration fee received by the State
12 after June 30, 1995. The Legislature shall annually appropriate from
13 the fund an amount necessary to pay the reasonable and necessary
14 expenses of the implementation and operation of the motor vehicle
15 inspection program. The State Treasurer shall:

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

22 (2) Transfer from the fund to the Division of Motor Vehicles and
23 the Department of Environmental Protection the amounts necessary to
24 finance the costs of administering and implementing all aspects of the
25 inspection and maintenance program, and to the Office of
26 Telecommunications and Information Systems in the Department of
27 the Treasury the amount necessary for computer support upgrades;

28 Moneys remaining in the fund and any unexpended balance of
29 appropriations from the fund at the end of each fiscal year shall be
30 reappropriated for the purposes of the fund. Any interest earned on
31 moneys in the fund shall be credited to the fund.

32 (cf: P.L.1999, c.5, s.8)

33

34 17. Section 20 of P.L.1952, c.173 (C.39:6-42) is amended to read
35 as follows:

36 20. Upon the request of any insurance company, any person
37 furnishing any financial responsibility or any surety on a bond herein
38 provided for, the director shall furnish such company person or surety
39 a certified abstract of the operating record of any person subject to the
40 provisions of this act. If there is no record of his conviction of a
41 violation of a provision of law relating to the operation of motor
42 vehicles or of an injury or damage caused by him as herein provided,
43 the director shall so certify. The director shall collect a fee of \$10 for
44 each certified or uncertified abstract so issued[, but may, in the
45 director's discretion, establish by regulation a lesser fee of not less than
46 \$2 per abstract when, due to the number of abstracts requested and the

1 division's ability to comply with the request by providing computerized
2 data rather than individual documents, the processing of the request
3 will result in lower costs per abstract to the division]. The director
4 shall use the same schedule of fees established above for abstracts
5 requested by persons authorized by law to receive them.

6 (cf: P.L.1994, c.60, s.25)

7
8 18. Section 23 of P.L.1973, c.337 (C.26:2J-23) is amended to read
9 as follows:

10 23. Every health maintenance organization subject to this act shall
11 pay to the commissioner the following fees:

12 a. for filing an application for a certificate of authority or
13 amendment thereto, \$100.00;

14 b. for filing each annual report, \$10.00[.]; and

15 c. for the purpose of supporting the activities of the Department of
16 Health and Senior Services associated with the regulation of health
17 maintenance organizations, \$1.50 per life per year, with payment being
18 made annually no later than July 15 for the preceding calendar year.
19 Payments made by a health maintenance organization pursuant to this
20 act shall not in any way reduce payments that may be owed by a health
21 maintenance organization pursuant to P.L.1995, c.156 (C.17:1C-19
22 et seq.) and subsequent amendments thereto.

23 In accordance with the Administrative Procedure Act, P.L.1968,
24 c.410 (C.52:14B-1 et seq.), the commissioner may promulgate rules
25 and regulations directing that additional fees be paid.

26 (cf: P.L.1973, c.337, s.23)

27
28 19. N.J.S.12A:9-525 is amended to read as follows:

29 12A:9-525. Fees. (a) Initial financing statement or other record:
30 general rule. Except as otherwise provided in subsection (d), the fees
31 for filing and indexing records under this part are:

32 (1) \$25 for financing statement;

33 (2) \$25 for continuation statement;

34 (3) \$25 for amendment statement;

35 (4) \$25 for partial release;

36 (5) \$25 for assignment;

37 (6) \$25 termination statement; and

38 (7) \$1 per page for copy of any filed financing statement.

39 (b) Number of names. Except as otherwise provided in subsection
40 (d), the number of names required to be indexed does not affect the
41 amount of the fee in subsection (a).

42 (c) Response to information request. The fee for responding to a
43 request for information from the filing office, including for issuing a
44 certificate of search showing whether there is on file any financing
45 statement naming a particular debtor, is \$25.

46 (d) Record of mortgage. This section does not require a fee with

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1 respect to a record of mortgage which is effective as a financing
2 statement filed as a fixture filing or as a financing statement covering
3 as-extracted collateral or timber to be cut under 12A:9-502 (c).
4 However, the recording and satisfaction fees that otherwise would be
5 applicable to the record of the mortgage apply.
6 (cf: P.L.2001, c.386, s.89)

7
8 20. N.J.S.14A:15-2 is amended to read as follows:
9 14A:15-2. On filing any certificate or other papers relative to
10 corporations in the [office of the Secretary of State] Department of
11 the Treasury, there shall be paid to the [Secretary of State] State
12 Treasurer, filing fees as follows:

- 13 (1) Certificate of incorporation and amendments thereto:
14 (a) for filing the original certificate of incorporation. [~~\$100.00~~]
15 \$125.00
16 (b) for filing a certificate of amendment of
17 the certificate of incorporation, including
18 any number of amendments [~~50.00~~] 75.00
19 (c) for filing a certificate of abandonment
20 of one or more amendments of the
21 certificate of incorporation [~~50.00~~] 75.00
22 (d) for filing a certificate of merger or
23 a certificate of consolidation [~~50.00~~] 75.00
24 (e) for filing a certificate of abandonment
25 of a merger or consolidation [~~50.00~~] 75.00
26 (2) Restated certificate of incorporation:
27 for filing a restated certificate of incorporation,
28 including any amendments of the certificate of
29 incorporation concurrently adopted [~~50.00~~] 75.00
30 (3) Dissolution of corporation:
31 (a) for filing a certificate of dissolution..... [~~50.00~~] 75.00
32 (b) for filing a certificate of revocation of
33 dissolution proceedings [~~50.00~~] 75.00
34 (4) Admission and withdrawal of foreign corporation:
35 (a) for filing an application for a certificate of
36 authority to transact business in this State and
37 issuing a certificate of authority [~~100.00~~] 125.00
38 (b) for filing an application for an amended
39 certificate of authority to transact business
40 in this State and issuing an amended
41 certificate of authority..... [~~50.00~~] 75.00
42 (c) for filing an application for withdrawal
43 from this State and issuing a
44 certificate of withdrawal [~~50.00~~] 75.00
45 (d) for filing a certificate of change of post-office

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- 1 address to which process may be mailed by the
2 **[Secretary of State] State Treasurer** 25.00
3 (e) for filing a certificate, order or decree
4 with respect to the dissolution of a
5 foreign corporation, the termination of
6 its existence, or the cancellation of its
7 authority, and issuing a certificate
8 of withdrawal **[50.00] 75.00**
9 (5) Registered office and registered agent:
10 (a) for filing a certificate of change of address
11 of registered office, or change of
12 registered agent, or both **[10.00] 25.00**
13 (b) (i) for filing a certificate of change of address
14 of registered agent, where such certificate effects
15 a change in the address of the registered office
16 of one to 499 corporations or of 500 or more
17 corporations in cases where the filing information
18 is not transmitted to the **[Secretary of State] State Treasurer**
19 in a machine readable format agreeable to the
20 Division of Commercial Recording, for each
21 corporation named in the certificate **[10.00] 25.00**
22 (ii) for filing a certificate of change of address
23 of registered agent, where such certificate
24 effects a change in the address of the registered
25 office of 500 or more corporations in cases
26 where the filing information is transmitted
27 to the **[Secretary of State] State Treasurer**
28 in a machine readable format agreeable to
29 the Division of Commercial Recording 5,000.00
30 (iii) In addition to the fee imposed pursuant to
31 subparagraph (ii) of this paragraph, the **[Secretary of State]**
32 **State Treasurer** may assess an additional fee
33 not to exceed those administrative costs
34 associated with the technical transmission of
35 the filing information.
36 (c) for filing an affidavit of resignation of
37 a registered agent **[10.00] 25.00**
38 (6) Annual report:
39 for each such report required to be filed..... **[40.00] 50.00**
40 (7) Tax clearance certificate from the Director of
41 the Division of Taxation: for each such certificate
42 required to be filed 20.00
43 (cf: P.L.1994, c.60, s.2)

44
45 21. N.J.S.14A:15-3 is amended to read as follows:

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- 1 14A:15-3. Additional corporate filing fees. The [Secretary of
2 State] State Treasurer shall also charge and collect for:
- 3 (1) filing an application to reserve a
4 specified corporate name and issuing
5 a certificate of reservation \$50.00
6 if application is for the first name available for
7 corporate use among not more than
8 three specified names \$50.00
 - 9 (2) filing a notice of transfer of a
10 reserved corporate name \$25.00
 - 11 (3) filing an application by a foreign corporation
12 to register its corporate name \$50.00
 - 13 (4) filing an application by a foreign corporation
14 to renew the registration of its corporate name \$50.00
 - 15 (5) filing a statement of cancellation of shares ~~[\$50.00]~~ \$75.00
 - 16 (6) filing a statement of reduction of
17 stated capital ~~[\$50.00]~~ \$75.00
 - 18 (7) filing a certificate as to the acquisition of
19 the shares or a class of shares of
20 a domestic corporation ~~[50.00]~~ \$75.00
 - 21 (8) issuing a certificate of standing, including
22 registered agent and registered office \$25.00
 - 23 (9) issuing a certificate of standing, same as
24 above, but including incorporators, officers
25 and directors, and authorized shares \$25.00
 - 26 (10) issuing a certificate of standing,
27 listing charter documents\$25.00
 - 28 (11) issuing a certificate of availability of
29 corporate name (one to three names) \$25.00
 - 30 (12) filing a certificate of registration of
31 alternate name \$50.00
 - 32 (13) filing a certificate of renewal of
33 registration of alternate name \$25.00
 - 34 (14) filing a certificate of correction, in addition
35 to any applicable license fee \$10.00
 - 36 (15) filing and issuing a reinstatement
37 of charter ~~[\$50.00]~~ \$75.00
 - 38 (16) corporate status reports -- per name \$5.00
 - 39 (17) accepting service of process
40 against corporation pursuant
41 to N.J.S.2A:15-26 et seq. \$25.00
 - 42 (18) filing a termination of alternate name ~~[\$50.00]~~ \$75.00
- 43 (cf: P.L.1988, c.94, s.70)
- 44
- 45 22. N.J.S.14A:4-5 is amended to read as follows:
46 14A:4-5. Annual report to [Secretary of State] State Treasurer.

- 1 (1) Every domestic corporation and every foreign corporation
2 authorized to transact business in this State shall file in the [office of
3 the Secretary of State] Department of the Treasury, within the time
4 prescribed by this section, an annual report, executed on behalf of the
5 corporation, or executed by the registered agent, setting forth
- 6 (a) The name of the corporation and, in the case of a foreign
7 corporation, the jurisdiction of its incorporation;
- 8 (b) The address of the registered office of the corporation in this
9 State, and the name of its registered agent in this State at such
10 address;
- 11 (c) The names and addresses of the directors and officers of the
12 corporation;
- 13 (d) (Deleted by amendment, P.L.1988, c.94.)
- 14 (e) The address of its main business or headquarters office; and
- 15 (f) The address of its principal business office in New Jersey, if
16 any.
- 17 (2) The [Secretary of State] State Treasurer shall designate a date
18 for filing annual reports for each corporation required to submit a
19 report pursuant to this section and shall annually notify the corporation
20 of the date so designated not less than 60 days prior to such date. The
21 corporation shall file the report within 30 days before or 30 days after
22 the date so designated. If the date so designated is not more than six
23 months after the date on which an annual report pursuant to the
24 provisions of prior law was filed or on which the certificate of
25 incorporation became effective, the corporation shall not be required
26 to file an annual report until one year after the first occurrence of the
27 date so designated.
- 28 (3) (Deleted by amendment, P.L.1997, c.139.)
- 29 (4) The [Secretary of State] State Treasurer shall furnish annual
30 report forms, shall keep in his office all such reports and shall prepare
31 an alphabetical index thereof, which reports and index shall be open to
32 public inspection at proper hours.
- 33 (5) In the event a domestic corporation fails to file an annual report
34 for two consecutive years with the [Secretary of State] State
35 Treasurer, then, after written notice by certified mail to the
36 corporation at its last known main business or headquarters office or
37 at the address of its registered agent, the [Secretary of State] State
38 Treasurer may issue a proclamation declaring that the certificate of
39 incorporation of the corporation has been revoked and that all powers
40 conferred by law upon it shall thereafter be inoperative and void. The
41 proclamation of the [Secretary of State] State Treasurer shall be filed
42 in the office of the [Secretary of State] State Treasurer. No
43 corporation's certificate of incorporation shall be revoked pursuant to
44 this subsection if, within 30 days after the giving of notice, it files the
45 reports required by law and pays to the [Secretary of State] State

1 Treasurer all of the fees due for the filing of the reports.

2 (6) In the event a foreign corporation fails to file an annual report
3 for two consecutive years with the [Secretary of State] State
4 Treasurer, then, after written notice by certified mail to the
5 corporation at its last known main business or headquarters office or
6 at the address of its registered agent, the [Secretary of State] State
7 Treasurer may issue a proclamation declaring that the certificate of
8 authority to do business of the corporation and the powers conferred
9 by law upon it shall be revoked. The proclamation of the [Secretary
10 of State] State Treasurer shall be filed in the office of the [Secretary
11 of State] State Treasurer. No corporation's certificate of authority
12 shall be revoked pursuant to this paragraph if, within 30 days after the
13 giving of notice, it files the reports required by law and pays to the
14 [Secretary of State] State Treasurer all of the fees due for the filing
15 of the reports.

16 (7) If the certificate of incorporation of a domestic corporation or
17 a certificate of authority of a foreign corporation has been revoked by
18 proclamation, the certificate shall be reinstated by proclamation of the
19 [Secretary of State] State Treasurer upon: (a) payment by the
20 corporation of all fees due to the [Secretary of State] State Treasurer,
21 consisting of a reinstatement filing fee of [\$50] \$75.00, tax clearance
22 filing fee of \$20, current annual report fee, all delinquent annual report
23 fees, and a reinstatement assessment of \$200; and (b) certification of
24 the Director of the Division of Taxation that no cause exists for
25 revocation of the corporation's certificate of incorporation or
26 certificate of authority pursuant to R.S.54:11-2. The reinstatement
27 relates back to the date of issuance of the proclamation revoking the
28 certificate of incorporation or the certificate of authority and shall
29 validate all actions taken in the interim. In the event that in the interim
30 the corporate name has become unavailable, the [Secretary of State]
31 State Treasurer shall issue the certificate upon, in the case of a
32 domestic corporation, the filing of an amendment to its certificate of
33 incorporation to change the corporate name to an available name, and,
34 in the case of a foreign corporation, the filing of an amended
35 certificate of authority adopting an assumed name. The [Secretary of
36 State] State Treasurer shall provide the forms necessary to effect
37 annual report reinstatements.

38 (cf: P.L.1997, c.139, s.3)

39

40 23. N.J.S.15A:15-1 is amended to read as follows:

41 15A:15-1. Filing Fees of the [Secretary of State] State Treasurer.
42 On filing any certificate or other papers relative to corporations in the
43 [office of the Secretary of State] Department of the Treasury, there
44 shall be paid to the [Secretary of State] State Treasurer filing fees as
45 follows:

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- 1 a. Certificate of incorporation and amendments thereto:
- 2 (1) for filing the original certificate of
- 3 incorporation **[\$50.00]** \$75.00
- 4 (2) for filing a certificate of amendment of the
- 5 certificate of incorporation including any number
- 6 of amendments..... **[\$50.00]** \$75.00
- 7 (3) for filing a certificate of abandonment of one or
- 8 more amendments of the certificate of
- 9 incorporation.....**[\$50.00]** \$75.00
- 10 (4) for filing a certificate of merger or a certificate
- 11 of consolidation **[\$50.00]** \$75.00
- 12 (5) for filing a certificate of abandonment of a merger or
- 13 consolidation **[\$50.00]** \$75.00
- 14 b. Restated certificate of incorporation: for filing
- 15 a restated certificate of incorporation including
- 16 any amendments of the certificate of incorporation
- 17 concurrently adopted..... **[\$50.00]** \$75.00
- 18 c. Dissolution of corporation:
- 19 (1) for filing a certificate of dissolution **[\$50.00]** \$75.00
- 20 (2) for filing a certificate of revocation of
- 21 dissolution proceedings **[\$50.00]** \$75.00
- 22 d. Admission and withdrawal of foreign corporation:
- 23 (1) for filing an application for a certificate of authority to
- 24 conduct activities in this State and issuing a certificate of
- 25 authority.....**[\$100.00]** \$125.00
- 26 (2) for filing an application for an amended
- 27 certificate of authority to conduct activities
- 28 in this State and issuing an amended
- 29 certificate of authority.....**[\$50.00]** \$75.00
- 30 (3) for filing an application for withdrawal from
- 31 this State and issuing a certificate of
- 32 withdrawal**[\$50.00]** \$75.00
- 33 (4) for filing a certificate of change of post
- 34 office address to which process may be
- 35 mailed by the **[Secretary of State]** State Treasurer\$25.00
- 36 (5) for filing a certificate, order or decree
- 37 with respect to the dissolution of a foreign
- 38 corporation, the termination of its existence,
- 39 or the cancellation of its authority, and
- 40 issuing a certificate of withdrawal **[\$50.00]** \$75.00
- 41 e. Registered office and registered agent:
- 42 (1) for filing a certificate of change of
- 43 address of registered office, or change
- 44 of registered agent or both**[\$10.00]** \$25.00
- 45 (2) for filing a certificate of change of address

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- 1 of registered agent where such certificate
- 2 effects a change in the address
- 3 of the registered office of one or more
- 4 corporations, for each corporation named
- 5 in the certificate **[\$10.00] \$25.00**
- 6 (3) for filing an affidavit of resignation of
- 7 a registered agent **[\$10.00] \$25.00**
- 8 f. Annual report:
- 9 for each such report required to be filed **[\$15.00] \$25.00**
- 10 g. Reinstatement filing assessment:
- 11 payment of a reinstatement filing
- 12 assessment **[\$50.00] \$75.00.**
- 13 (cf: P.L.1997, c.138, s.3)
- 14
- 15 24. N.J.S.15A:15-2 is amended to read as follows:
- 16 15A:15-2. Additional Miscellaneous Fees.
- 17 The **[Secretary of State]** State Treasurer shall also charge and
- 18 collect for:
- 19 a. filing an application to reserve a specified
- 20 corporate name and issuing a certificate of
- 21 reservation **\$50.00**
- 22 (1) if application is for first name available
- 23 for corporate use among not more than three
- 24 specified names **\$50.00**
- 25 b. filing a notice of transfer of a reserved
- 26 corporate name **\$50.00**
- 27 c. filing an application by a foreign corporation
- 28 to register its corporate name **\$50.00**
- 29 d. filing an application by a foreign corporation
- 30 to renew the registration of its corporate
- 31 name **\$50.00**
- 32 e. issuing a certificate of standing, including
- 33 registered agent and registered office **\$25.00**
- 34 f. issuing a certificate of standing, same as above,
- 35 but including incorporators, officers and
- 36 trustees **\$25.00**
- 37 g. issuing a certificate of standing, listing
- 38 charter documents **\$25.00**
- 39 h. issuing a certificate of availability of
- 40 corporate name (1 to 3 names) **\$25.00**
- 41 i. filing a certificate of registration of alternate
- 42 name **\$50.00**
- 43 j. filing a certificate of renewal of registration
- 44 of alternate name **\$50.00**
- 45 k. filing a certificate of correction **\$50.00**
- 46 l. corporate status reports--per name **\$5.00**

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1 (cf: P.L.1987, c. 435, s.13)

2 25. Section 11 of P.L.1987, c.435 (C.22A:4-1a) is amended to
3 read as follows:

4 11. For services herein enumerated the State Treasurer shall
5 collect the following fees:

6 a. For filing any original business certificate for which no other fee
7 is fixed by statute or regulation, \$125.

8 For filing any change or amendment to a previously filed document
9 for which no other fee is fixed by statute of regulation, \$75.

10 For issuing any certificate or filing any other document for which
11 no other fee is fixed by statute or regulation, \$25.00, except that the
12 provisions of this subsection shall not apply to:

- 13 (1) certificates of appointments for gubernatorial appointees;
- 14 (2) documents filed by public bodies under the "Open Public
15 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);
- 16 (3) financial disclosures filed by State officials;
- 17 (4) oaths of office;
- 18 (5) resignation of office holders;
- 19 (6) documents filed by other State government entities indexed in
20 the department's miscellaneous file.

21 b. For certification or exemplification of any document on file,
22 \$25.00.

23 c. For certification or exemplification of any signature on file,
24 including the issuance of a certificate for proving a document outside
25 the United States, also known as an apostille, \$25.00; except that in
26 cases of adoption of a child, the fee for an apostille shall be \$5.00.

27 d. For filing a certified copy of an order of change of name,
28 \$50.00.

29 e. For a paper copy of any document on file, \$1.00 per page. If a
30 roll of microfilm images is requested, the State Treasurer shall collect
31 a fee of \$1.00 for each image on the microfilm roll. If a microfiche
32 copy of a microfiche is requested, \$3.00.

33 f. For filing a proof of publication, \$10.00.

34 (cf: P.L.2000, c.133, s.1)

35

36 26. Section 65 of P.L.1983 (C.42:2A-68) is amended to read as
37 follows:

38 65. Filing fees of the **[Secretary of State]** State Treasurer. On
39 filing any certificate or other papers relative to limited partnerships in
40 the **[office of the Secretary of State]** Department of Treasury, there
41 shall be paid to the **[Secretary of State]** State Treasurer, filing fees,
42 in addition to any applicable recording fees:

- 43 a. Filing an application to reserve
44 a specified limited partnership name and
45 issuing a certificate of reservation \$50.00

46 If application is for the first name available

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- 1 for limited partnership use among not more
- 2 than three specified names \$50.00
- 3 b. Filing a notice of transfer of a
- 4 reserved limited partnership name \$50.00
- 5 c. Filing original certificate of limited
- 6 partnership **[\$100.00]** \$125.00
- 7 d. Filing a certificate of amendment to the
- 8 certificate of limited partnership, including
- 9 any number of amendments **[\$50.00]** \$75.00
- 10 e. Filing certificate of cancellation.....**[\$50.00]** \$75.00
- 11 f. Filing order or judgment amending certificate
- 12 of limited partnership or cancellation**[\$50.00]** \$75.00
- 13 g. Filing application by a foreign limited
- 14 partnership to transact business in this State
- 15 and issuing a certificate of authority**[\$100.00]** \$125.00
- 16 h. Filing application by a foreign limited
- 17 partnership for amended certificate to
- 18 transact business in this State and issuing
- 19 an amended certificate of authority **[\$50.00]** \$75.00
- 20 i. Filing annual report **[\$40.00]** \$50.00
- 21 j. Filing a certificate or registration
- 22 of an alternate name \$50.00
- 23 k. Filing a renewal of registration of
- 24 alternate name \$50.00
- 25 l. Limited partnership status reports--
- 26 per name \$5.00
- 27 m. Filing a change of agent or office,
- 28 or both. **[\$10.00]** \$25.00
- 29 n. All other certificates issued or papers filed
- 30 but not otherwise provided for**[\$15.00]** \$125.00
- 31 o. Issuing a standing certificate \$25.00
- 32 p. Issuing a certificate or providing name
- 33 availability up to three names \$25.00
- 34 q. Filing a certificate of correction \$50.00
- 35 (cf: P.L.1994, c.60, s.3)

36

37 27. Section 66 of P.L.1983, c.489 (C.42:2A-69) is amended to

38 read as follows:

- 39 66. Annual report to the **[Secretary of State]** State Treasurer by
- 40 domestic limited partnerships.
- 41 a. Every domestic limited partnership authorized in this State shall
- 42 file in the **[Office of the Secretary of State]** Department of the
- 43 Treasury, within the time prescribed by this section, an annual report,
- 44 executed on behalf of the limited partnership or executed by the
- 45 registered agent setting forth:

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- 1 1. The name of the limited partnership;
2 2. The address, including the actual location as well as the postal
3 designation, if different, of the registered agent in this State; and
4 3. The name of the registered agent.

5 b. The **[Secretary of State]** State Treasurer shall designate a date
6 of filing annual reports for each limited partnership required to submit
7 a report pursuant to this section.

8 c. If the report is not filed for two consecutive years, the certificate
9 of limited partnership shall, after written demand for the reports by the
10 **[Secretary of State]** State Treasurer by mail addressed to the limited
11 partnership at the last address appearing of record in the office of the
12 **[Secretary of State]** State Treasurer, remain filed but be transferred
13 to an inactive list. A limited partnership shall not have its certificate
14 of limited partnership transferred to the inactive list if it shall, within
15 60 days after the written demand, file the reports required by law and
16 pay to the **[Secretary of State]** State Treasurer the fee provided by
17 law for the filing of each report.

18 d. (1) Any domestic limited partnership on the inactive list may
19 return to active status by:

20 (a) Paying to the **[Secretary of State]** State Treasurer the current
21 annual report fee, all delinquent annual report fees, a reinstatement
22 filing fee of **[\$50]** \$75 and a reinstatement filing assessment of \$200;
23 and

24 (b) Submitting a certificate of amendment adopting a name which
25 complies with paragraph (4) of subsection a. of section 6 of P.L.1983,
26 c.489 (C.42:2A-6), if the name of the inactive limited partnership does
27 not comply with paragraph (4) of subsection a. of section 6.

28 (2) The **[Secretary of State]** State Treasurer shall provide the
29 forms necessary to effect annual report reinstatements.

30 e. A limited partnership whose certificate has been transferred to
31 the inactive list shall remain a limited partnership formed under this
32 chapter or under R.S.42:2-1 et seq., but no name reservations,
33 transfers of reserved names, or certificates of amendment may be filed
34 until the limited partnership whose certificate has been placed on the
35 inactive list regains active status. A limited partner of a limited
36 partnership is not liable as a general partner of the limited partnership
37 solely by reason of the transfer of the certificate of limited partnership
38 to the inactive list.

39 f. The **[Secretary of State]** State Treasurer shall furnish annual
40 report forms, shall keep all the reports and shall prepare an index
41 thereof. The reports shall be open to public inspection at proper
42 hours.

43 (cf: P.L.1997, c.139, s.6)

44

45 28. Section 67 of P.L.1983 (C.42:2A-70) is amended to read as
46 follows:

- 1 67. Annual report to [Secretary of State] State Treasurer by
2 foreign limited partnership.
- 3 a. Every foreign limited partnership authorized to transact business
4 in this State shall file in the office of the [Secretary of State] State
5 Treasurer, within the time prescribed by this section, an annual report,
6 executed on behalf of the foreign limited partnership setting forth:
- 7 1. The name of the foreign limited partnership;
8 2. The address, including the actual location as well as postal
9 designation, if different, of the registered agent in this State; and
10 3. The name of the registered agent.
- 11 b. The [Secretary of State] State Treasurer shall designate a date
12 for filing annual reports for each foreign limited partnership required
13 to submit a report pursuant to this section.
- 14 c. If the report is not filed for two consecutive years, the certificate
15 of a foreign limited partnership to transact business in this State shall,
16 after written demand for the reports by the [Secretary of State] State
17 Treasurer by certified mail addressed to the foreign limited partnership
18 at the last address appearing of record in the office of the [Secretary
19 of State] State Treasurer, be revoked for the failure to file reports. A
20 foreign limited partnership shall not be subject to the revocation of its
21 certificate to transact business in this State if it shall, within 60 days
22 after the written demand, file the reports required by law and pay to
23 the [Secretary of State] State Treasurer the fee provided by law for
24 the filing of each report.
- 25 d. Any foreign limited partnership may, within two years of the
26 revocation of its certificate to transact business in this State, cause a
27 reinstatement of the certificate upon:
- 28 (1) payment to the [Secretary of State] State Treasurer of the
29 current annual report fee, all delinquent annual report fees, a
30 reinstatement filing fee of [\$50] \$75 and a reinstatement filing
31 assessment of \$200; and
- 32 (2) compliance with the requirements of subsection c. of section 6
33 of P.L.1983, c.489 (C.42:2A-6), if the name of the inactive foreign
34 limited partnership does not comply with the provisions of paragraph
35 (4) of subsection a. of section 6 of P.L.1983, c.489 (C.42:2A-6).
- 36 e. A limited partner of a foreign limited partnership is not liable as
37 a general partner of the foreign limited partnership solely by reason of
38 the revocation, pursuant to this section, of the certificate of authority
39 to transact business in this State.
- 40 f. The [Secretary of State] State Treasurer shall furnish annual
41 report forms, including the forms necessary to effect annual report
42 reinstatements, shall keep all the reports and shall prepare an index
43 thereof. The reports shall be open to public inspection at proper
44 hours.
- 45 (cf: P.L.1997, c.139, s.7)

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30

1 29. Section 65 of P.L.1993, c.210 (C.42:2B-65) is amended to
2 read as follows:

3 65. a. No document required to be filed under this act shall be
4 effective until the applicable fee required by this section is paid. The
5 following fees shall be paid to and collected by the [Secretary of
6 State] State Treasurer for the use of the State:

7 (1) Upon the receipt for filing of a certificate of registration of
8 alternate name or a certificate of renewal pursuant to section 4 of this
9 act, a fee in the amount of \$50.

10 (2) Upon the receipt for filing of an application for reservation of
11 name, an application for renewal of reservation or a notice of transfer
12 or cancellation of reservation pursuant to section 5 of this act, a fee in
13 the amount of \$50.

14 (3) Upon the receipt for filing of a certificate under subsection b.
15 of section 6 of this act, a fee in the amount of \$25, upon the receipt
16 for filing of a certificate under subsection b. of section 7 of this act, a
17 fee in the amount of \$25 and a further fee of \$10 for each limited
18 liability company affected by such certificate.

19 (4) Upon the receipt for filing of a notice of resignation and
20 affidavit pursuant to subsection c. of section 7 of this act, a fee in the
21 amount of \$25 and upon the receipt for filing of a certificate of change
22 pursuant to subsection c. of section 7 of this act, a fee in the amount
23 of \$25.

24 (5) Upon the receipt for filing of a certificate of formation under
25 section 11 of this act a fee in the amount of \$125; and upon receipt for
26 filing, a certificate of correction under section 12 of this act, a
27 certificate of amendment under section 13 of this act, a certificate of
28 cancellation under section 14 of this act, a certificate of merger or
29 consolidation under section 20 of this act or a restated certificate of
30 formation under section 19 of this act, a fee in the amount of \$100.

31 (6) Upon filing of an annual report, a fee in the amount of \$50.00.

32 (7) Upon requesting a reinstatement of a certificate of a limited
33 liability company, a late filing fee of \$200.00 and a reinstatement filing
34 fee of [~~\$50.00~~] \$75.00.

35 (8) For certifying copies of any paper on file as provided for by this
36 act, a fee in the amount of \$25 for each copy certified.

37 (9) The [Secretary of State] State Treasurer may issue
38 photocopies of instruments on file as well as other copies, and for all
39 of those copies, whether certified or not, a fee in the amount of \$10
40 for the first page and \$2 per page thereafter shall be paid.

41 (10) Upon the receipt for filing of an application for registration as
42 a foreign limited liability company under section 53 of this act or a
43 certificate of cancellation under section 56 of this act, a fee in the
44 amount of [~~\$100~~] \$125.

45 (11) For preclearance of any document for filing, a fee in the
46 amount of \$50.

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31

1 (12) For preparing and providing a written report of a record
2 search, a fee in the amount of \$50.

3 (13) For issuing any certificate of the [Secretary of State] State
4 Treasurer, including but not limited to a certificate of good standing,
5 other than a certification of a copy under paragraph (6) of this
6 subsection, a fee in the amount of \$50, except that for issuing any
7 certificate of the [Secretary of State] State Treasurer that recites all
8 of a limited liability company's filings with the [Secretary of State]
9 State Treasurer, a fee of \$100 shall be paid for each such certificate.

10 (14) For receiving and filing and/or indexing any certificate,
11 affidavit, agreement or any other paper provided for by this act, for
12 which no different fee is specifically prescribed, a fee in the amount of
13 [~~\$50~~] \$75.

14 (15) The [Secretary of State] State Treasurer may in his discretion
15 charge a fee of \$50 for each check received for payment of any fee
16 that is returned due to insufficient funds or the result of a stop
17 payment order.

18 b. In addition to those fees charged under subsection a. of this
19 section, there shall be collected by and paid to the [Secretary of State]
20 State Treasurer the following:

21 (1) for all services described in subsection a. of this section that are
22 requested to be completed within the same day as the day of the
23 request, an additional sum of up to \$50; and

24 (2) for all services described in subsection a. of this section that are
25 requested to be completed within a 24-hour period from the time of
26 the request, an additional sum of up to \$25.

27 The [Secretary of State] State Treasurer shall establish (and may
28 from time to time amend) a schedule of specific fees payable pursuant
29 to this subsection.

30 c. The [Secretary of State] State Treasurer may in his discretion
31 permit the extension of credit for the fees required by this section upon
32 such terms as he shall deem to be appropriate.

33 (cf: P.L.1997, c.139, s.21)

34

35 30. Section 6 of P.L.1982, c.150 (C.52:16A-40) is amended to
36 read as follows:

37 6. The [Secretary of State] State Treasurer shall charge a [~~\$10~~]
38 \$15 fee for use of telephone and expedited over the counter corporate
39 services, which shall be in addition to the fee for the service provided
40 by law. The statutory fee and the additional fee shall be paid by the
41 person requesting the information and documents by the method of
42 payment as established by the [Secretary of State] State Treasurer.
43 (cf: P.L.1992, c.124, s.1)

44

45 31. Section 7 of P.L.1982, c.150 (C.52:16A-41) is amended to

1 read as follows:

2 7. The ~~Secretary of State~~ State Treasurer may promulgate rules
3 and regulations necessary to establish guidelines for the use of
4 telephone and expedited over the counter corporate services and the
5 use of electronic data processing for direct access to the information
6 provided under this act by persons so authorized and for the method
7 of payment for the use of telephone and expedited over the counter
8 corporate services. The ~~Secretary of State~~ State Treasurer shall
9 establish fees for electronic data processing services which cover the
10 cost of those services.
11 (cf: P.L.1982, c.150, s.7)

12

13 32. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to
14 read as follows:

15 12. a. In order to defray the expenses of local, county and State
16 agencies in discharging their responsibilities under this act, including
17 those costs associated with the development, testing and updating of
18 the Emergency Radiation Response Plans and for the acquisition and
19 maintenance of any equipment necessary to carry out their
20 responsibilities, the State Treasurer shall annually make an assessment
21 against each operator of a nuclear electric generating facility located
22 in New Jersey;

23 b. The assessment to each operator of a nuclear electric generating
24 facility ~~shall not exceed the greater of \$2,000,000.00 or 1/10 of 1%~~
25 ~~of the gross electric receipts of the operator reported pursuant to~~
26 ~~P.L.1940, c.5 (C.54:30A-49 et seq.), derived from intrastate electric~~
27 ~~operations during the preceding calendar year, and]~~ shall be assessed
28 in an amount equal to the sum of the amounts in paragraphs (1) and
29 (2) of this subsection and determined annually by the State Treasurer
30 on or before June 30 in the following manner:

31 (1) The total amount appropriated to the various local, county and
32 State agencies by law for the purpose of discharging their
33 responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the
34 State's next fiscal year for costs related directly to a particular nuclear
35 electric generating facility shall be assessed against the operator of that
36 particular nuclear electric generating facility.

37 (2) All other amounts appropriated to the State agencies by law for
38 the purpose of discharging their responsibilities under P.L.1981, c.302
39 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed equally
40 against each operator of a nuclear electric generating facility.

41 The assessment prescribed above shall be levied by the State
42 Treasurer not later than July 1, and shall be paid within 30 days after
43 mailing by first class mail to the affected operator of the nuclear
44 electric generating facility notice thereof and a statement of the
45 amount;

46 c. The assessments shall be appropriated through the regular

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1 appropriation process in accordance with a joint budget to be
2 submitted by the division and the department;

3 d. Any costs of a local, county or State agency incurred in
4 discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37 et
5 seq.), not reasonably required to carry out the purposes of P.L.1981,
6 c.302 (C.26:2D-37 et seq.) or not generally associated with or related
7 to the operation of nuclear electric generating facilities located in New
8 Jersey, shall not be included in any such assessment or appropriation.
9 (cf: P.L.1984, c.98, s.2)

10

11 33. Section 5 of P.L.1977, c. 74 (C.58:10A-5) is amended to read
12 as follows:

13 5. The department is empowered to:

14 a. Exercise general supervision of the administration and
15 enforcement of this act and all rules, regulations and orders
16 promulgated hereunder;

17 b. Assess compliance of a discharger with applicable requirements
18 of State and federal law pertaining to the control of pollutant
19 discharges and the protection of the environment and, also, to issue
20 certification with respect thereto as required by section 401 of the
21 federal act;

22 c. Assess compliance of a person with applicable requirements of
23 State and federal law pertaining to the control of the discharge of
24 dredged and fill material into the waters of the State and the protection
25 of the environment and, also, to issue, deny, modify, suspend, or
26 revoke permits with respect thereto as required by section 404 of the
27 "Federal Water Pollution Control Act Amendments of 1972," as
28 amended by the "Clean Water Act of 1977," (33 U.S.C. s.1344), and
29 implementing regulations;

30 d. Advise, consult, and cooperate with other agencies of the State,
31 the federal government, other states and interstate agencies, including
32 the State Soil Conservation Committee, and with affected groups,
33 political subdivisions and industries in furtherance of the purposes of
34 this act;

35 e. Administer State and federal grants and other forms of financial
36 assistance to municipalities, counties and other political subdivisions,
37 or any recipient approved by the commissioner according to terms and
38 conditions approved by him in order to meet the goals and objectives
39 of this act. The department shall establish, charge and collect
40 reasonable loan origination and annual administrative fees, which shall
41 be based upon, and shall not exceed the estimated cost of processing,
42 monitoring and administering the financial assistance programs. Said
43 fees shall be deposited in a separate fund, administered by the
44 department, and the funds used for the sole purpose of administering
45 the financial assistance programs authorized and established by State
46 law, including, but not limited to, the costs of administering the

1 "Wastewater Treatment Fund - State Revolving Fund Accounts"
2 established pursuant to P.L.1988, c.133.

3 (cf: P.L.1987, c.156, s.31)

4

5 34. Section 9 of P.L.1977, c.224 (C.58:12A-9) is amended to read
6 as follows:

7 9. The commissioner is authorized, in order to carry out the
8 provisions and purposes of this act, to:

9 a. Perform any and all acts necessary to carry out the purposes and
10 requirements of this act relating to the adoption and enforcement of
11 any regulations authorized pursuant to this act;

12 b. Administer and enforce the provisions of this act and all rules,
13 regulations, and orders promulgated, issued, or effective hereunder;

14 c. Enter into agreements, contracts, or cooperative arrangements,
15 under such terms and conditions as he deems appropriate, with the
16 Department of Health and Senior Services and any other state agency,
17 federal agencies, municipalities, counties, educational institutions,
18 municipal or county health departments, or other organizations or
19 individuals;

20 d. Receive financial and technical assistance from the federal
21 government and other public or private agencies;

22 e. Participate in related programs of the federal government, other
23 states, interstate agencies, or other public or private agencies or
24 organizations;

25 f. Establish adequate fiscal controls and accounting procedures to
26 assure proper disbursement of and accounting for funds appropriated
27 or otherwise provided for the purpose of carrying out the provisions
28 of this act;

29 g. Delegate those responsibilities and duties as deemed appropriate
30 for the purpose of administering the requirements of this act;

31 h. Establish and collect fees, in accordance with a fee schedule
32 adopted as a rule or regulation, for conducting inspections and
33 laboratory analyses and certifications as may be necessary;

34 i. Prescribe such regulations and issue such orders as are necessary
35 or appropriate to carry out his functions under this act;

36 j. Conduct research, investigations, experiments, demonstrations,
37 surveys, and studies relating to the causes, effects, extent, prevention,
38 and control of contaminants in drinking water;

39 k. Provide for the education of the public as to the causes, effects,
40 extent, prevention, and control of contaminants in drinking water;

41 l. Collect and make available, through publications, a data
42 management system and other appropriate means, the results of and
43 other information, including appropriate recommendations by the
44 institute in connection therewith, pertaining to such research and other
45 activities;

46 m. Cooperate with and contract with other public and private

1 agencies, institutions, and organizations and with any industries
2 involved, in the preparation and conduct of such research and other
3 activities;

4 n. Review treatment methods used for removal of contaminants
5 from drinking water;

6 o. Provide for the education and training of departmental personnel
7 in those areas relating to the causes, effects, extent, prevention and
8 control of contaminants in drinking water;

9 p. Establish and collect reasonable fees, in accordance with a fee
10 schedule adopted as a rule or regulation, for the estimated costs of
11 administering and enforcing the programs pursuant to this amendatory
12 and supplementary act, to the extent that the costs are not available
13 from the fund, including but not limited to conducting inspections,
14 laboratory analyses and certifications as may be necessary;

15 q. The authority to collect fees pursuant to this section may be
16 delegated by the commissioner to the appropriate county agency
17 consistent with a delegation, pursuant to the provisions of the
18 "County Environmental Health Act," P.L.1977, c.443, (C.26:3A2-21
19 et seq.), of any authority to administer the provisions of this act[.];

20 r. Administer State and federal grants and other forms of financial
21 assistance to municipalities, counties and other political subdivisions,
22 or any recipient approved by the commissioner according to the terms
23 and conditions approved by him in order to meet the goals and
24 objectives of this act. The commissioner shall establish, charge and
25 collect reasonable loan origination and annual administrative fees,
26 which shall be based upon, and shall not exceed the estimated cost of
27 processing, monitoring and administering the financial assistance
28 programs. Said fees shall be deposited in a separate fund,
29 administered by the Department of Environmental Protection, and the
30 funds used for the sole purpose of administering the financial
31 assistance programs authorized and established by State law,
32 including, but not limited to, the costs of administering the "Drinking
33 Water - State Revolving Fund Accounts".

34 (cf: P.L.1983, c.443, s.16)

35

36 35. Section 5 of P.L.1995, c.188 (C.26:2C-9.5) is amended to read
37 as follows:

38 5. a. (1) Each major facility shall pay to the department a fee or
39 fees as calculated pursuant to this subsection and subsection b., c., or
40 d. of this section, as appropriate. The per-ton emission fees shall be
41 based on the actual annual emissions of each regulated air
42 contaminant[, except as set forth for carbon monoxide in subsections
43 b., c., and d. of this section], reported in the emission statement for
44 that major facility, or, in the absence of such information, on permitted
45 emissions, or where a permit has not been issued, on the potential to
46 emit.

1 (2) Emission fees for each State fiscal year shall be based on the
2 information reported in the emission statement year two years prior
3 thereto.

4 (3) The amount of any emission fee payable pursuant to this
5 section shall be adjusted for each State fiscal year by the percentage,
6 if any, by which the CPI exceeds the CPI for calendar year 1989.

7 b. [For the State fiscal year 1995, each major facility shall pay the
8 following fees:

9 (1) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
10 per ton only on the first 4,000 tons of each regulated air contaminant,
11 excluding carbon monoxide, and an emission fee of \$25 (in 1989
12 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
13 oxides of nitrogen and the first 8,000 tons of VOCs;

14 (2) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
15 per ton on one-half of the total tons of carbon monoxide;

16 (3) An initial operating permit application fee per facility not to
17 exceed \$25,000. For the purpose of calculating the initial operating
18 permit application fee, the significant equipment listed in the operating
19 permit application shall be assessed at \$125 per piece of equipment.
20 The operating permit application fee shall be submitted prior to the
21 deadline for submittal of the operating permit application;

22 (4) A fee for any facility modification in an amount calculated
23 using the fee schedule therefor set forth in rules and regulations
24 adopted by the department, except that no fee for a modification
25 review shall exceed \$25,000; and

26 (5) Certificate fees assessed and collected in a manner established
27 in rules and regulations adopted by the department.] (Deleted by
28 amendment, P.L. , c. (now pending before the Legislature as this
29 bill))

30 c. [(1) For the State fiscal years 1996 and 1997, each major
31 facility shall pay the following fees:

32 (a) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
33 per ton only on the first 4,000 tons of each regulated air contaminant,
34 excluding carbon monoxide, and an emission fee of \$25 (in 1989
35 dollars adjusted by the CPI) per ton only on the first 8,000 tons of
36 oxides of nitrogen and the first 8,000 tons of VOCs;

37 (b) An emission fee of \$25 (in 1989 dollars adjusted by the CPI)
38 per ton on one-half of the total tons of carbon monoxide;

39 (c) An initial operating permit application fee per facility not to
40 exceed \$25,000. For the purpose of calculating the initial operating
41 permit application fee, the significant equipment listed in the operating
42 permit application shall be assessed at \$125 per piece of equipment.
43 The operating permit application fee shall be submitted at the time of
44 submission of the operating permit application; and

45 (d) A fee for any facility modification in an amount calculated
46 using the fee schedule therefor set forth in rules and regulations

1 adopted by the department. The fee for a significant modification
2 review for source operations such as solid or hazardous waste
3 treatment and disposal, reciprocating engines, and fuel combustion
4 processes with heat input greater than 100 million BTU/hour or that
5 burn solid fuel shall not exceed \$25,000. All other modification fees
6 shall be assessed based upon the amount of equipment modified and
7 shall not exceed \$500 per piece of equipment and \$25,000 for an
8 entire modification review.

9 (2) Notwithstanding the provisions of paragraph (1) of this
10 subsection to the contrary, no major facility shall pay an emission fee
11 less than \$1,000 for each of the State fiscal years 1996 and 1997.

12 (3) Of the amount assessed and collected in fees pursuant to this
13 subsection, not more than \$9,510,000 shall be appropriated as
14 provided in section 6 of P.L.1995, c.188 (C.26:2C-9.6). If the amount
15 of fees collected pursuant to this subsection exceeds \$9,510,000, the
16 amount in excess of \$9,510,000 shall be deposited into the Air
17 Surcharge Reengineering Fund established pursuant to subsection f. of
18 this section. If the amount of fees collected pursuant to this
19 subsection is less than \$9,510,000, the department, in consultation
20 with the fee work group established pursuant to section 12 of
21 P.L.1995, c.188 (C.26:2C-25.2), shall evaluate the reasons for the
22 deficiency and make recommendations accordingly to the Governor,
23 the Legislature, and the State Treasurer concerning any measures
24 necessary to ensure that the operating permit program is adequately
25 funded.] (Deleted by amendment, P.L. , c. (now pending before
26 the Legislature as this bill))

27 d. (1) For the State fiscal year ~~[1998]~~ 2003 and each fiscal year
28 thereafter, each major facility shall pay the following fees:

29 (a) An emission fee of ~~[\$25]~~ \$70 (in 1989 dollars adjusted by the
30 CPI) per ton of each regulated air contaminant, ~~[excluding carbon~~
31 ~~monoxide]~~; except the department may establish by rule higher
32 emission fees for Hazardous Air Pollutants (HAPS) regulated pursuant
33 to the "Clean Air Act Amendments of 1990," 42 U.S.C. s.7401 et seq.,
34 based on potential public health effects.

35 (b) An initial and renewal operating permit application fee per
36 facility not to exceed \$25,000. For the purpose of calculating the
37 initial and renewal operating permit application fee, the significant
38 equipment listed in the operating permit application shall be assessed
39 at \$125 per piece of equipment. The operating permit application fee
40 shall be submitted at the time of submission of the operating permit
41 application; and

42 (c) A fee for any significant modification in an amount calculated
43 using a fee schedule therefor to be set forth in rules and regulations to
44 be adopted by the department, except that no fee for a significant
45 modification review shall exceed \$25,000.

46 (2) Notwithstanding the provisions of paragraph (1) of this

1 subsection to the contrary, no major facility shall pay an emission fee
2 less than ~~[\$1,000]~~ \$3,000 for each of the State fiscal years ~~[1998]~~
3 2003 and thereafter.

4 e. ~~[(1) In addition to the fees assessed of major facilities pursuant~~
5 ~~to subsections b. and c. of this section, each major facility shall be~~
6 ~~assessed a supplemental surcharge for each of the State fiscal years~~
7 ~~1995 and 1996 that shall be sufficient to raise \$1.5 million per fiscal~~
8 ~~year in revenue. The supplemental surcharge shall be based on actual~~
9 ~~annual emissions of each regulated air contaminant, excluding carbon~~
10 ~~monoxide, reported in the emission statement for that major facility,~~
11 ~~or, in the absence of such information, on permitted emissions, or~~
12 ~~where a permit has not been issued, on the potential to emit, but in no~~
13 ~~case shall a supplemental surcharge assessed of a major facility exceed~~
14 ~~\$20,000 per year per major facility.~~

15 (2) If the amount of revenue raised by the assessment of the
16 supplemental surcharge pursuant to paragraph (1) of this subsection
17 is less than \$1,500,000 for either State fiscal years 1995 or 1996, the
18 department, in consultation with the fee work group established
19 pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall
20 evaluate the reasons for the deficiency and the need for adjusting the
21 supplemental surcharge to make up the difference.

22 (3) The supplemental surcharge assessed pursuant to this
23 subsection shall not be collected after State fiscal year 1996. Any
24 monies remaining in the Air Surcharge Reengineering Fund at the
25 conclusion of State fiscal year 1997 shall be used by the department to
26 reduce fees assessed of major facilities in State fiscal year 1998,
27 whereupon the fund shall expire.] ~~(Deleted by amendment, P.L. _____,~~
28 ~~c. _____ (now pending before the Legislature as this bill))~~

29 f. ~~[There is established in the department a dedicated fund to be~~
30 ~~known as the "Air Surcharge Reengineering Fund." All supplemental~~
31 ~~surcharges collected pursuant to paragraph (1) of subsection e. of this~~
32 ~~section shall be deposited into that fund. Monies in the fund shall be~~
33 ~~dedicated solely for use by the department in developing and~~
34 ~~implementing the air permit computerization system, publication of~~
35 ~~requirements for advances in the art of air pollution control,~~
36 ~~establishment of general permits, and establishment of standard permit~~
37 ~~conditions. No monies from this fund shall be allocated, appropriated,~~
38 ~~or used for any purpose other than as set forth in this subsection. The~~
39 ~~department, in consultation with the fee work group established~~
40 ~~pursuant to section 12 of P.L.1995, c.188 (C.26:2C-25.2), shall~~
41 ~~develop a plan for the expenditure of monies in the fund, and shall~~
42 ~~maintain a detailed record of the expenditures and disbursements from~~
43 ~~the fund and publish it annually in the New Jersey Register.] ~~(Deleted~~
44 ~~by amendment, P.L. _____, c. _____ (now pending before the Legislature as~~
45 ~~this bill))~~~~

46 g. The provisions of P.L.1993, c.361 (C.13:1D-120 et seq.) shall

1 not apply to the assessment or payment of emission fees required
2 pursuant to this section.

3 h. [The department may not assess a major facility any fee to
4 implement the provisions of P.L.1954, c.212 (C.26:2C-1 et seq.) other
5 than the fees authorized pursuant to this section.] (Deleted by
6 amendment, P.L. , c. (now pending before the Legislature as
7 this bill))

8 (cf: P.L.1995, c.188, s.5)

9

10 36. Section 8 of P.L.1995, c.188 (C.26:2C-9.8) is amended to read
11 as follows:

12 8. a. Within 90 days after the effective date of this act, the
13 department shall propose, pursuant to the provisions of the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), rules and regulations that establish emissions trading and
16 banking programs that use economic incentives to make progress
17 toward the attainment or maintenance of the National Ambient Air
18 Quality Standards (NAAQS), reduce or prevent emissions of air
19 contaminants, ensure healthful air quality, or otherwise contribute to
20 the protection of human health, welfare and the environment from air
21 pollution. The department shall adopt those rules and regulations
22 within 90 days after proposal.

23 b. The emissions trading rules and regulations shall be designed so
24 that emissions reductions shall be realized earlier or at a more
25 accelerated rate than would otherwise be achieved in accordance with
26 applicable air quality mandates, and so that compliance with air quality
27 mandates can be achieved with greater flexibility or at lower cost. The
28 rules and regulations shall establish criteria for the generation and use
29 of emissions reduction credits, including the use of emissions reduction
30 credits in lieu of granting exemptions or waivers from compliance with
31 emissions reduction requirements, and shall require that 10% of the
32 emissions reduction credits gained shall be permanently retired for the
33 public benefit when a trade occurs. The rules and regulations may
34 include, but need not be limited to, provisions designating the
35 pollutants to be involved in the program, designating the persons who
36 may participate in the program, establishing emissions limitations and
37 methods for projecting and verifying emissions, and establishing
38 enforcement mechanisms, including emissions tracking, periodic
39 program audits, and penalties.

40 For any emissions trading program adopted for the purpose of
41 making progress toward attaining the National Ambient Air Quality
42 Standard (NAAQS) for ozone, the department may allow reductions
43 of volatile organic compounds (VOCs) to be substituted for required
44 reductions of oxides of nitrogen (NOx) or reductions of oxides of
45 nitrogen (NOx) to be substituted for required reductions of volatile
46 organic compounds (VOCs). Any such substitution shall occur at a

1 ratio established by the department by rule or regulation adopted
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), which shall be developed in recognition of the
4 role of each pollutant in the formation of ground level ozone.

5 c. The emissions trading rules and regulations adopted by the
6 department shall not conflict with applicable federal law and shall
7 constitute, contribute to, or be consistent with one or more strategies
8 that result in quantifiable emissions reductions and are creditable under
9 the State Implementation Plan (SIP) required pursuant to the federal
10 Clean Air Act. These may be emission limiting or market-response
11 strategies for mobile, stationary, or area sources, and shall include the
12 creation, trading, and use of emissions reduction credits.

13 d. The department may establish the emissions trading programs as
14 State, multi-state, or regional programs as long as the programs
15 contribute to the goal of improving the air quality in New Jersey.

16 e. The department shall involve in the development of the rules and
17 regulations for emissions trading programs representatives of the
18 affected industry, environmental, and public interest groups as well as
19 governmental entities with affected or related jurisdictions.

20 f. The department shall consider the role of a third party in the
21 banking, verification, validation of use, enforcement, and program
22 audits associated with emissions reduction credits, and, to the
23 maximum extent possible, create and preserve opportunities for private
24 sector participation in any emissions trading program established by
25 the department.

26 g. The Department of Environmental Protection may establish by
27 rule fees for administrative services provided to implement emission
28 trading programs.

29 (cf: P.L.1995, c.188, s.8)

30
31 37. This act shall take effect immediately.
32
33

34 STATEMENT
35

36 This bill establishes, increases and modifies fees and penalties
37 imposed by and on behalf of the State and provides for the use of
38 certain fees. The bill addresses the following areas: agriculture,
39 license and registration restoration, bulk purchase of drivers' abstracts
40 by insurance and credit companies, commercial truck/tractor
41 registration fees, approvals issued by the Department of Environmental
42 Protection, open competitive and promotional examinations, corporate
43 filing and other corporate filing certificates, regulation of health
44 maintenance organizations by the Department of Health and Senior
45 Services.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1508**

STATE OF NEW JERSEY

DATED: JUNE 27, 2002

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 1508.

This bill establishes, increases and modifies fees and penalties imposed by and on behalf of the State and provides for the use of certain fees. The bill addresses the following: agriculture-related regulation and inspection; examinations for civil service positions; motor vehicle rentals and regulation of motor vehicles and boats; bulk purchase of drivers' abstracts by insurance and credit companies; regulation of health maintenance organizations; commercial recording; court filing and recording; facility licensure and emission regulation by the Department of Environmental Protection; notary services; and new civil penalties for certain misconduct already subject to legal sanction. A summary of the fees and penalties altered or established under the legislation, arranged by subject, is set forth below.

Agriculture.

- C Registration of commercial feed manufacturing plants (sec.2);
- C Commercial feed inspection (sec.3);
- C Penalty for violation of the commercial feed law (sec.4);
- C Licensure of manufacturers and distributors of commercial fertilizer and soil conditioner (sec.5);
- C Commercial fertilizer and soil conditioner inspection (sec.6);
- C Penalty for violation of commercial fertilizer standards (sec.7);
- C Licensure of manufacturers and distributors of agricultural lime (sec.8);
- C Tonnage fee for sale of agricultural lime (sec.9);
- C Penalty for violation of the agricultural liming materials act (sec.10).

Civil service.

- C Application for an open competitive or promotional examination (sec.11).

Motor vehicles and boats.

- C Registration of boats (sec.12);
- C Registration of commercial motor vehicles weighing in excess of 10,000 pounds (sec.13);
- C Restoration of a suspended or revoked driver's license or vehicle

registration (sec.14);

- C Reinspection of school buses (sec.15);
- C Bulk purchase of abstracts of drivers' records: discount eliminated (sec.16);
- C Surcharge on conviction for driving while intoxicated (sec.17);
- C Per diem fee of \$2 on motor vehicle rentals (sec.54).

In addition, the substitute bill provides for waiver of the initial official inspection of a new automobile (post-1999 models only) for up to four years from its initial registration (sec.15).

Health insurance.

- C Capitation charge on health maintenance organizations (sec.18).

Commercial recording.

- C Copying of a filed financial statement of a business corporation (sec.19);
- C Filing a certificate of incorporation or related record of a business corporation (sec.20);
- C Filing of miscellaneous other corporate documents of a business corporation (sec.21);
- C Reinstatement of incorporation of a business corporation (sec.22);
- C Filing of a certificate of incorporation or related record of a nonprofit corporation (sec.23);
- C Filing of miscellaneous other corporate documents of a nonprofit corporation (sec.24);
- C Filing of an original business certificate or amendment of document not otherwise provided for by law or rule (sec.34);
- C Filing of a certificate of limited partnership or related document (sec.35);
- C Reinstatement of an inactive domestic limited partnership (sec. 36);
- C Reinstatement of the revoked charter of a foreign limited partnership (sec. 37);
- C Filing by a limited liability company of a certificate of formation, reinstatement application, etc. (sec.38);
- C Use of expedited commercial recording service (sec. 39).

Judicial filing.

- C Filing of a notice of appeal, petition for certification, etc., in the Supreme Court (sec.25);
- C Filing of a first paper or motion, recording or docketing of a judgment or order, etc., in Superior Court (Law Division) (secs.26 and 27);
- C Filing of a first paper or motion in Superior Court (Chancery Division) (secs.28 and 30);
- C Filing of any paper related to recognizance or civil bail in Superior Court (sec.31);
- C Filing of a claim, complaint, answer, etc., in the Special Civil Part of the Superior Court (Law Division) (sec.32).

Revenue from the increases in judicial filing fees are to be deposited

in a "Court Technology Improvement Fund" for the development and operation of computerized court information systems (sec.33).

Taxation, etc.

- Ⓒ New penalty for a stopped or returned check, received by the Division of Taxation or other agency of the Department of the Treasury, in payment of a State tax, fee or charge (secs.41 and 42).

Environmental protection.

- Ⓒ Emergency radiation response assessments on nuclear electric generating facility operators: \$2.75 million cap (sec.43);
- Ⓒ Origination and administration of loans - "Water Pollution Control Act" financial assistance program (sec.44);
- Ⓒ Origination and administration of loans - "Safe Drinking Water Act" financial assistance program (sec.45);
- Ⓒ Air pollution emissions abatement incentive; facility operating permit (sec.46);
- Ⓒ Administration of air pollution emissions trading program (sec.47).

Notary services.

- Ⓒ Administering an oath; taking an affidavit, proof of deed, or acknowledgment (sec.48).

Miscellaneous misconduct.

- Ⓒ Surcharge for conviction of a domestic violence offense - \$100 (sec.50);
- Ⓒ Surcharge for conviction of a sexual offense - \$100 (sec.51);
- Ⓒ Surcharge for conviction of a violation of the State building code - \$100 (sec.52);
- Ⓒ Surcharge for conviction or settlement of a charge of insurance fraud - \$100 (sec.53).

COMPARISON OF SUBSTITUTE

The substitute differs from Senate Bill No. 1508 as introduced in the following respects:

- (1) It omits any change in the license fee for stores selling milk;
- (2) It dedicates revenue from the increase in boat registration fees (part of the increase in FY2003 and FY2004, thereafter the entire amount of the increase) for deposit into the "Maritime Industry Fund";
- (3) It provides that the four-year inspection waiver for new cars will run from date of initial registration rather than purchase, and makes the waiver conditional upon authorization by the federal Environmental Protection Agency;
- (4) It exempts trucks transporting aggregates from the increase in commercial motor vehicle registration fees;
- (5) It adds the provisions for additional surcharges for conviction for intoxicated driving, domestic violence and sexual offenses, commission of building code violations, or conviction on or settlement of a charge of insurance fraud;
- (6) It provides that the capitation charge on health maintenance

organizations shall not apply with respect to Medicaid clients and directs that each year, the sum of \$100,000 shall be appropriated from proceeds of the charge to fund a grant for education and assistance for senior citizens covered by HMO plans in securing their benefits;

(7) It adds the provisions increasing judicial filing fees;

(8) It authorizes imposition of the fee for checks, collected by agencies of the Department of the Treasury in payment of taxes, fees and other charges, that are returned or on which payment was stopped;

(9) It provides for retention in the law of a statutory cap on the amount of the emergency radiation response assessment on nuclear electric generating facility operators, but raises the cap from the current level of \$2 million to \$2.75 million and indexes that amount for inflation;

(10) It (a) lowers the amount to which the per-ton air contaminant emission fee (now \$25) payable by a major facility would rise, from \$70 to \$60 (the amount is indexed for inflation since 1989), but (b) increases (from \$25,000 to \$50,000) the amount of the facility's operating permit fee. The substitute omits a provision in the original bill that authorized the Department of Environmental Protection to establish higher emission fees for hazardous air pollutants ("HAPs");

(11) It adds the increases in fees for notary services; and

(12) It adds the fee of \$2 per day on motor vehicle rentals.

FISCAL IMPACT

The Executive and Judicial branches have provided information on the annual fiscal impact of counterpart legislation (Assembly Bill No. 2506 of 2002) that is similar to this substitute, and also on the impact of several of the changes to that legislation that are incorporated into the substitute. This information may be summarized as follows:

Agriculture-related fees (excluding milk store licenses) - \$343,000;

Civil service examination fees - \$450,000;

Motor vehicle and boats: boat registration - \$2.5 million; vehicle licensure, registration and reinspection - \$22.615 million; driver record abstracts - \$27.8 million; intoxicated driving surcharge - \$1.15 million; total - \$54.065 million;

Health insurance (HMO fees) - \$2.7 million;

Commercial recording - \$7.045 million;

"Bad check" fees - \$1.5 million;

Judicial filing - \$13.872 million;

Environmental protection: water pollution control and drinking water loan program administration - \$1 million; air pollution emission permits and fees - \$8.3 million; total - \$9.3 million.

The total revenue attributable to these new and increased fees is roughly \$89.3 million per year. In addition, the State would realize savings as a result of the four-year waiver on new car inspections; these savings would amount to \$6.8 million in FY2003 and increase to \$13.8 million in future fiscal years.

With respect to the remaining features of the legislation: (i) the proposed FY2003 appropriations act assumes that the \$2 per day motor vehicle rental fee will raise approximately \$40 million, appropriating that amount for various purposes from the New Jersey Domestic Security Account established under the substitute. The Office of Legislative Services (OLS) has been unable to determine whether the fee would produce the projected amount; (ii) the Administrative Office of the Courts indicates that the sexual offense surcharge would yield minimal revenue; (iii) the Department of Community Affairs indicates that the surcharge for violations of the State uniform construction code would yield only a small amount of revenue; and (iv) the OLS has no information regarding the remaining fee items.

The legislation includes an appropriation of \$100,000 to meet for FY2003 the requirement to fund a grant for senior citizen HMO education and assistance.

Local governments will realize the same amount of annual revenue from the intoxicated driving surcharge as the State (\$1.15 million).

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1508
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JULY 16, 2002

SUMMARY

- Synopsis:** Establishes and increases certain fees and penalties and provides for the use thereof
- Type of Impact:** Increase in State General Fund revenue; reduction in certain state costs; increase in certain state appropriations. Increase in municipal revenue; potential fee-related costs for local governments.
- Agencies Affected:** Departments of Agriculture, Community Affairs, Environmental Protection, Health and Senior Services, Human Services, Law and Public Safety, Personnel, Transportation, Treasury; the Judiciary; certain units of local government.

Office of Legislative Services Estimate

Fiscal Impact	FY 2003	FY 2004	FY 2005
State			
Appropriations	(\$6,700,000)	(\$13,600,000)	(\$13,600,000)
State Revenue	\$129,475,000- \$149,475,000	\$129,475,000- \$149,475,000	\$129,475,000- \$149,475,000
Local Cost	Unknown	Unknown	Unknown
Local Revenue	\$1,150,000	\$1,150,000	\$1,150,000

- ! The Office of Legislative Services (OLS) estimates that this bill will increase State revenues by between \$129.5 million and \$149.5 million in each of the next three state fiscal years. This revenue estimate is based on information informally supplied by the Executive Branch and the Judiciary for FY2003. While the estimates for FY2004 and FY2005 assume no change from the FY2003 estimate, the OLS notes that there could be increases or decreases in revenue in those years compared to FY2003 due to changes in the activities implicit in the FY 003 revenue levels, e.g., judicial filings, commercial motor vehicle registrations.
- ! The Office of Legislative Services estimates that this bill will decrease state costs of inspecting motor vehicles by \$6.8 million in FY2003 and by \$13.6 million in both FY2004 and FY2005.

- ! The bill appropriates \$100,000 in FY 2003 to the Department of Health and Senior Services to fund a grant to the Community Health Law Center.
- ! The Office of Legislative Services estimates that this bill will increase municipal revenue by \$1.15 million in each of fiscal years 2003-2005, comprising 50 percent of the estimated revenue from an additional \$100 surcharge on persons convicted of operating a motor vehicle while under the influence of drugs or alcohol (section 17).
- ! The OLS notes that some local governments may experience increased costs as a result of this bill (e.g., court filing fees). No information has been provided by either the Executive Branch or the Judiciary regarding the local cost impact of fee increases authorized by this bill, nor does OLS possess any independent data that enable it to estimate this cost impact.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 1508 of 2002 increases or establishes certain State regulatory and administrative service fees and penalties, effective July 1, 2002. A general description of these fees and the affected State agencies are as follows:

- ! Department of Agriculture: Agriculture Chemistry fees and penalties
- ! Department of Environmental Protection:
 - C Environmental Infrastructure Trust financing and administrative fees
 - C Air pollution emission permits and fees
- ! Department of Health and Senior Services: Health Maintenance Organization regulatory oversight fees
- ! The Judiciary: certain court filing fees
- ! Department of Personnel: certain examination filing fees
- ! Department of Transportation:
 - C Pleasure boat registration fees
 - C Motor vehicle license and registration restoration fees
 - C Commercial motor vehicle registration fees
 - C School bus reinspection fees
 - C Fees for abstracts of driver operating records
- ! Department of the Treasury: certain commercial recording fees

The bill also establishes a \$2.00 per day fee on certain motor vehicle rentals, the revenue from which is to be deposited in a dedicated New Jersey Domestic Security Account and to be available to support medical emergency disaster preparedness for bioterrorism, security coverage at nuclear power facilities, State police salaries related to statewide security services and counter-terrorism programs.

The bill also revises the present statutory limit on State assessments upon operators of nuclear electrical power generating facilities for nuclear emergency response planning to \$2.75

million. In addition, the bill increases certain notary public fees. The bill further imposes new surcharges on certain convictions or other resolutions of certain offenses and illegal actions.

The bill extends the latest date for initial inspection of model year 2000 and newer motor vehicles from two years to four years after initial registration. Finally, the bill makes an appropriation of \$100,000 from the proceeds of certain fees imposed by the bill to the Department of Health and Senior Services for a grant to the Community Health Law Center.

FISCAL ANALYSIS

EXECUTIVE BRANCH

A fiscal note worksheet has not been received; however, information outlining revenue estimates was informally provided by the Executive and Judicial branches.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that this bill will increase State revenue by between \$129.5 million and \$149.5 million in FY2003. The OLS further estimates that this bill will increase State revenue by a similar amount in both FY2004 and 2005, assuming that the level of activity implicit in the FY2003 revenue estimate occurs in both succeeding fiscal years. The OLS notes that there could be increases or decreases in revenue in those years compared to FY2003 due to changes in the activities implicit in the FY2003 revenue levels, e.g., judicial filings, commercial motor vehicle registrations. However, the OLS has no independent data that would enable it to precisely estimate changes in activities that would affect the various fees established or increased under this bill.

The OLS FY 2003 revenue estimate is based on information obtained from the Executive Branch and the Judiciary, and is summarized as follows:

AGENCY/ DEPARTMENT	FEE TYPE	ADDITIONAL REVENUE (\$000)	BILL SECTION(S)
Agriculture	Agricultural Chemistry Fees	\$343	2-10
Environmental Protection	Environmental Infrastructure Trust Administration	\$1,000	44-45
Environmental Protection	Air Pollution Emission Permits and Fees	\$8,300	46
Health and Senior Services	Health Maintenance Organization Oversight	\$2,700	18
Judiciary	Various Filing Fees	\$13,872	25-30; 32

AGENCY/ DEPARTMENT	FEE TYPE	ADDITIONAL REVENUE (\$000)	BILL SECTION(S)
Motor Vehicles	Pleasure Boat Registration	\$2,500	12
Motor Vehicles	Certain Commercial Motor Vehicle Registrations; School Bus Reinspection; License and Registration Restoration	\$22,615	13-15
Motor Vehicles	Operating Record Abstracts	\$27,800	16
Personnel	Examination Filing Fees	\$450	11
Treasury	Commercial Recording Fees	\$7,045	19-24; 34-39
Treasury	Fee for Dishonored Checks	\$1,500	41
Treasury	Fee for Rental of Motor Vehicles	\$40,000-\$60,000	54
	New Surcharges on certain offenses and illegal actions	State: \$1,350 Local:\$1,150	17; 50-53
Total-State		\$129,475-\$149,475	
Total-Local		\$1,150	

The OLS further estimates that this bill will decrease state costs of motor vehicle inspection by \$6.8 million in FY2003, and by \$13.6 million in both FY2004 and FY2005. The FY2003 estimate reflects the Administration's estimated costs savings provided in conjunction with the introduction of the Governor's FY2003 budget. It is based on federal approval and implementation on January 1, 2003. The OLS estimate of cost reduction in FY2004 and FY2005 represents the annualization of the Administration's FY2003 estimate. The OLS notes that it has no independent data to confirm the Administration's FY2003 estimate or to generate an estimate for future year cost reductions.

Section 55 of this bill also increases state appropriations by \$100,000 in FY2003. This section appropriates \$100,000 from revenue raised by the fee on health maintenance organizations, established by section 18 of the bill, to the Department of Health and Senior Services to fund a grant to the Community Health Law Center, for provision of information and assistance to senior citizens as to their rights and benefits as enrollees in health plans administered by health maintenance organizations.

The OLS further notes that some of the fees imposed or increased by this bill may result in local government cost increases. Local governments are subject to certain fees increased by this

bill, such as court filing fees, to the same extent as nongovernmental entities. No information provided by either the Executive Branch or the Judiciary regarding this bill enables the OLS to estimate this cost, and OLS has no independent data that would enable it to estimate local cost impact.

Section: *Legislative Budget and Finance Office*

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67.