

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 823

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably the Assembly Committee Substitute for Assembly No. 823.

As reported, this substitute bill changes various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the New Jersey Motor Vehicle Commission (“the commission”) to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. Likewise, this substitute bill subjects operators of dirt bikes to the same regulation as operators of snowmobiles and all-terrain vehicles.

Specifically, concerning the functions of the commission, this substitute bill:

- Requires all snowmobiles, all-terrain vehicles, and dirt bikes, except those solely operated for use on a farm, to be properly registered and numbered with the commission and requires all current owners of snowmobiles, all-terrain vehicles, and dirt bikes to register and number their vehicles no later than six months after this bill’s effective date.
- Requires all snowmobiles, all-terrain vehicles, and dirt bikes purchased on or after this bill’s effective date to be properly registered and numbered with the commission through the retail dealer or distributor.
- Increases the registration fees for snowmobiles and all-terrain vehicles and newly imposes a registration fee on dirt bikes.
- Establishes an “Off-Road Vehicle Recreation Fund,” supported by an additional \$5 fee imposed and collected by the Chief Administrator of the Motor Vehicle Commission (“chief administrator”) at the time of registration, to be used by the Department of Environmental Protection (“DEP”) for designating and maintaining a site in this State for the use of snowmobiles, all-terrain vehicles, and dirt bikes.

- Provides for the designation and requires the display of numbers on snowmobiles, all-terrain vehicles, or dirt bikes in a manner as prescribed by the chief administrator.
- Requires the owner to demonstrate to the commission a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred.

This substitute bill also establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of current law or rule or regulation adopted pursuant thereto.

The first new penalty applies to the operators of these vehicles or off-road vehicles. For a first offense, the operator is subject to a fine of \$250 to \$500. For a second offense, the operator is subject to a fine of \$500 to \$1,000. For a third or subsequent offense, the operator is subject to a fine of not less than \$1,000.

The second new penalty authorizes the enforcing agencies to impound vehicles and off-road vehicles. For a first offense, the vehicle or off-road vehicle may be impounded for at least 48 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$500 to the Department of Environmental Protection (DEP), plus reasonable towing and storage costs. For a second offense, the vehicle or off-road vehicle may be impounded for not less than 96 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$750 to the DEP, plus reasonable towing and storage costs. For a third offense, the impounded vehicle or off-road vehicle may be forfeited and sold at auction, and the owner shall be responsible for a fee of \$1,000 payable to the DEP, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle or off-road vehicle within 30 days it may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

This substitute bill revises the responsibilities of the Commissioner of Environmental Protection to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on the public lands and waters owned, operated, managed, or maintained by, or under the jurisdiction of, the DEP, including any and all lands owned, operated, managed, or maintained by, or purchased jointly with, any other party such that: (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only on highways and roads designated and marked for such operation, unless specifically authorized by the commissioner, and (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only in areas designated and marked for such operation and only with a special use permit.

The bill also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles and creates the same

penalties concerning the operation of dirt bikes. In doing so, this bill provides that snowmobile, all-terrain vehicle, and dirt bike operators are subject to the same penalties as motor vehicle operators.

The bill amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500.

Lastly, this bill updates the statutory text to reflect the establishment of the MVC and to delete outdated references to the Division of Motor Vehicles.