

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 823**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

ADOPTED JUNE 12, 2008

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

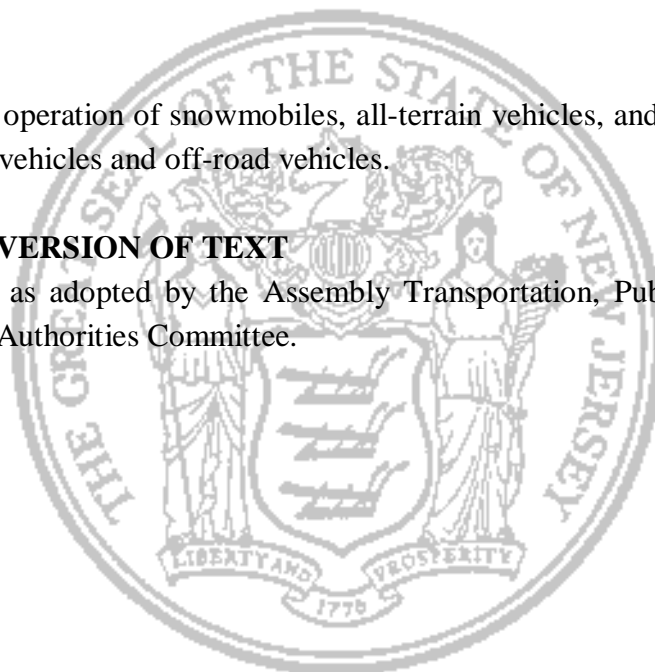
**Assemblywoman Rodriguez**

**SYNOPSIS**

Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Transportation, Public Works and Independent Authorities Committee.



**(Sponsorship Updated As Of: 2/6/2009)**

1 AN ACT concerning the operation of snowmobiles, all-terrain  
2 vehicles, and dirt bikes, establishing new penalties for the  
3 operation of certain vehicles and off-road vehicles, amending  
4 and supplementing P.L.1973, c.307, amending P.L.1983, c.324  
5 and P.L.1954, c.38, and repealing section 4 of P.L.1973, c.307  
6 (C.39:3C-4).

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

10  
11 1. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read  
12 as follows:

13 1. As used in this act:

14 **[a.]** "All-terrain vehicle" means a motor vehicle, designed to  
15 travel over any terrain, of a type possessing between three and six  
16 rubber tires and powered by a gasoline engine not exceeding 1,000  
17 cubic centimeters, but shall not include golf carts.

18 "Chief Administrator" means the Chief Administrator of the  
19 New Jersey Motor Vehicle Commission.

20 "Commission" means the New Jersey Motor Vehicle  
21 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
22 4).

23 "Commissioner" means the Commissioner of **[**the Department  
24 of**]** Environmental Protection.

25 **[**b.**]** "Director" means the Director of the Division of Motor  
26 Vehicles in the Department of Law and Public Safety.

27 **c.]** "Dirt bike" means a motor powered vehicle possessing two  
28 or more tires, designed to travel over any terrain and capable of  
29 traveling off of paved roads.

30 "Natural resource" means all land, fish, shellfish, wildlife, biota,  
31 air, waters, and other such resources owned, managed, held in trust,  
32 or otherwise controlled by the State.

33 "Public land" means all land owned, operated, managed,  
34 maintained, or under the jurisdiction of the Department of  
35 Environmental Protection, including any and all land owned,  
36 operated, managed, maintained, or purchased jointly by the  
37 Department of Environmental Protection with any other party and  
38 any land so designated by municipal or county ordinance. Public  
39 land shall also mean any land used for conservation purposes,  
40 including, but not limited to, beaches, forests, greenways, natural  
41 areas, water resources, wildlife preserves, and land used for  
42 watershed protection, or biological or ecological studies.

43 "Snowmobile" means any motor vehicle, designed primarily to  
44 travel over ice or snow, of a type which uses sled type runners, skis,

**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 an endless belt tread, cleats or any combination of these or other  
2 similar means of contact with the surface upon which it is operated,  
3 but does not include any farm tractor, highway or other construction  
4 equipment, or any military vehicle.

5 **[d.]** "Special event" means an organized race, exhibition or  
6 demonstration of limited duration which is conducted according to a  
7 prearranged schedule and in which general public interest is  
8 manifested.

9 **[e.]** "All-terrain vehicle" means a motor vehicle, designed to  
10 travel over any terrain, of a type possessing between three and six  
11 rubber tires and powered by a gasoline engine not exceeding 600  
12 cubic centimeters, but shall not include golf carts].

13 (cf: P.L.1991, c.496, s.7)

14

15 2. Section 2 of P.L.1973, c.307 (C.39:3C-2) is amended to read  
16 as follows:

17 2. For the purpose of carrying out the provisions of **[this act]**  
18 P.L.1973, c.307 (C.39:3C-1 et seq.):

19 a. The **[director]** chief administrator shall have the power, duty,  
20 and authority to administer and enforce all statutes, rules, and  
21 regulations, except as otherwise provided by statute, relating to the  
22 operation and use of snowmobiles **[and]** all-terrain vehicles, and  
23 dirt bikes on or across a public highway or on public lands or  
24 waters, including but not limited to the following:

25 (1) Registration, identification, numbering, and classification;

26 (2) Equipment;

27 (3) Standards of safety;

28 (4) Educational programs; and

29 (5) **[Promulgate]** Promulgation of rules and regulations to  
30 effectuate the purposes of **[this act]** P.L.1973, c.307 (C.39:3C-1 et  
31 seq.).

32 b. The Commissioner of Environmental Protection shall have  
33 the power, duty, and authority to administer and enforce all other  
34 statutes, permits, rules, and regulations **[, except as otherwise**  
35 **provided by statute,]** relating to snowmobiles **[and]** all-terrain  
36 vehicles, and dirt bikes on the public lands and waters under the  
37 jurisdiction of the Department of Environmental Protection such  
38 that:

39 (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
40 operated only on highways and roads designated and marked for  
41 such operation, unless specifically authorized by the commissioner;  
42 and

43 (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be  
44 operated only in areas designated and marked for such operation  
45 and only with a special use permit issued by the Department of

1 Environmental Protection.

2 (cf: P.L.1985, c.375, s.3)

3

4 3. Section 3 of P.L.1973, c.307 (C.39:3C-3) is amended to read  
5 as follows:

6 3. Except as otherwise provided, no snowmobile **[or]** all-  
7 terrain vehicle, or dirt bike shall be operated or permitted to be  
8 operated on or across a public highway or on public lands or waters  
9 of this State unless registered and numbered by the owner thereof as  
10 provided by **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.). The  
11 **[Director of the Division of Motor Vehicles in the Department of**  
12 **Law and Public Safety]** chief administrator is authorized to register  
13 and assign a **[registration]** number to snowmobiles **[and]** all-  
14 terrain vehicles, and dirt bikes upon application and payment of the  
15 appropriate fee in accordance with the following schedule:

16 a. For each individual resident snowmobile registration, **[\$5.00,**  
17 **and for each individual resident]** all-terrain vehicle registration,  
18 **[\$10.00]** and dirt bike registration, \$45, annually [;] in  
19 accordance with the provisions of section 29 of P.L.1973, c.307  
20 (C.39:3C-29).

21 b. For each individual nonresident snowmobile registration,  
22 **[\$7.00, and for each individual nonresident]** all-terrain vehicle  
23 registration, **[\$12.00]** and dirt bike registration, \$45, annually [;],  
24 in accordance with the provisions of section 29 of P.L.1973, c.307  
25 (C.39:3C-29).

26 c. For replacement of a lost, mutilated or destroyed certificate,  
27 **[\$5 ;]** \$11.

28 d. For a duplicate registration, **[\$5]** \$11 at the time of  
29 issuance**[;]** .

30 e. For an amended registration, **[\$5]** \$11.

31 f. In addition to the registration fees imposed pursuant to this  
32 section, the chief administrator shall impose and collect an  
33 additional fee of \$5 to be deposited in the "Off-Road Vehicle  
34 Recreational Fund" created by section 29 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill).

36 All **[such]** registrations shall be **[issued on or after September 1**  
37 **in any year and shall be]** valid **[through September 30 of the**  
38 **following year]** for a period of 12 months from the date on which  
39 the registration was issued, except that the [director] chief  
40 administrator may suspend or revoke such registration for any  
41 violations of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.) or of the  
42 rules promulgated hereunder.

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

44

45 4. Section 5 of P.L.1973, c.307 (39:3C-5) is amended to read as  
46 follows:

1       5. **Such registration shall be issued by the director or by agents**  
2 as designated by him when a snowmobile or all-terrain vehicle is  
3 operated across a public highway or on public lands or waters and  
4 shall be in such form as the director shall prescribe. The registration  
5 certificate shall be subject to inspection by any law enforcement  
6 officer on demand and shall be on the vehicle at all times when in  
7 operation.

8       The registration number assigned shall be displayed on each side  
9 of the vehicle in such form, location and manner as prescribed by  
10 the director. **]**

11       The owner of a snowmobile, all-terrain vehicle, or dirt bike  
12 required to be registered and numbered in this State shall do so with  
13 the commission no later than six months after the effective date of  
14 P.L. , c. (C. ) ( pending before the Legislature as this bill).

15       Any snowmobile, all-terrain vehicle, or dirt bike purchased at a  
16 retail dealer or distributor in this State on or after the effective date  
17 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 shall be properly registered and numbered with the commission  
19 through the retail dealer or distributor. The chief administrator  
20 shall promulgate rules and regulations concerning the manner in  
21 which a retail dealer or distributor shall register and number a  
22 snowmobile, all-terrain vehicle or dirt bike.

23       Whenever ownership is transferred or the use of a snowmobile  
24 **[or]**, all-terrain vehicle, or dirt bike for which a registration  
25 certificate has already been issued is discontinued, the **[old]**  
26 registration shall be properly signed and executed by the owner,  
27 showing that the ownership has been transferred or its use  
28 discontinued, and returned to the **[director]** chief administrator  
29 within 10 days of **[said]** the event. If there is a change of ownership  
30 for which a registration certificate has been previously issued, the  
31 new owner shall apply for a new registration certificate and set  
32 forth the original number in the application. **[He]** The owner shall  
33 demonstrate to the commission a notarized bill of sale, assignable  
34 certificate of origin, or other formal proof of ownership when  
35 transferring ownership or selling a snowmobile, all-terrain vehicle,  
36 or dirt bike. The owner shall pay the regular fee for the particular  
37 snowmobile **[or]** , all-terrain vehicle, or dirt bike involved. The  
38 owner of any registration certificate issued under this section may  
39 obtain a duplicate from the **[division]** commission upon application  
40 and payment of the fee prescribed.

41 (cf: P.L.1985, c.375, s.6)

42

43       5. Section 6 of P.L.1973, c.307 (C.39:3C-6) is amended to read  
44 as follows:

45       6. a. **[No registration shall be required for a snowmobile or all-**  
46 **terrain vehicle operated on private property]** Any snowmobile, all-

1 terrain vehicle, or dirt bike solely operated for use on a farm shall  
 2 be exempt from the registration and numbering requirements of  
 3 P.L.1973, c.307 (C.39:3C-1 et seq.).

4 b. No registration fee shall be charged for a snowmobile **[or]** ,  
 5 all-terrain vehicle, or dirt bike owned by the federal government,  
 6 the State, county or municipal government or subdivision thereof.  
 7 (cf: P.L.1985, c.375, s.7)

8  
 9 6. Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended to read  
 10 as follows:

11 7. The registration provisions of **[this act]** P.L.1973, c.307  
 12 (C.39:3C-1 et seq.) shall not apply to nonresident owners who have  
 13 complied with the registration and licensing laws of the state or  
 14 country of residence, provided that the snowmobile **[or]** , all-  
 15 terrain vehicle , or dirt bike is appropriately identified in accordance  
 16 with the laws of the state or country of residence and conspicuously  
 17 displays the **[registration]** number issued by the state or country of  
 18 residence. Nothing in this section shall be construed to authorize  
 19 the operation of any snowmobile **[or]** , all-terrain vehicle , or dirt  
 20 bike contrary to the provisions of **[this act]** P.L.1973, c.307  
 21 (C.39:3C-1 et seq.).

22 (cf: P.L.1985, c.375, s.8)

23  
 24 7. Section 8 of P.L.1973, c.307 (C.39:3C-8) is amended to read  
 25 as follows:

26 8. The **[registration]** number assigned to a snowmobile **[or]** ,  
 27 all-terrain vehicle, or dirt bike and required to be displayed pursuant  
 28 P.L.1973, c.307 (C.39:3C-3) shall be displayed on the **[vehicle]**  
 29 snowmobile, all-terrain vehicle, or dirt bike at all times in such  
 30 manner as the **[director]** chief administrator may, by regulation,  
 31 prescribe. No number other than the number assigned by the  
 32 **[director]** chief administrator, or **[the]** a comparable identification  
 33 number of the **[registration]** snowmobile, all-terrain vehicle, or dirt  
 34 bike properly registered in another state, shall be painted, attached,  
 35 or otherwise displayed on either side of the cowling, except that  
 36 racing numbers on a snowmobile **[or]**, all-terrain vehicle, or dirt  
 37 bike being operated in prearranged organized special events may be  
 38 temporarily displayed for the duration of the race.

39 (cf: P.L.1985, c.375, s.9)

40  
 41 8. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read  
 42 as follows:

43 9. a. Every person operating a snowmobile **[or]**, all-terrain  
 44 vehicle, or dirt bike registered or transferred in accordance with any  
 45 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
 46 shall, upon demand of any **[peace officer,]** law enforcement officer,

1 duly authorized **【**official of the Department of Environmental  
2 Protection**】** conservation officer of the Division of Fish and  
3 Wildlife or park police officer or law enforcement operation officer  
4 of the Division of Parks and Forestry within the Department of  
5 Environmental Protection, or **【a】** any other police officer, produce  
6 for inspection the certificate of registration and shall furnish to  
7 **【such】** the officer any information necessary for the identification  
8 of **【such】** the snowmobile **【or】** , all-terrain vehicle, or dirt bike and  
9 its owner. The failure to produce the certificate of registration  
10 when operating a snowmobile **【or】** , all-terrain vehicle, or dirt bike  
11 on public lands and waters, or when crossing a public highway,  
12 shall be presumptive evidence in any court of competent  
13 jurisdiction of operating a snowmobile **【or】** , all-terrain vehicle, or  
14 dirt bike which is not registered as required by **【this act】** P.L.1973,  
15 c.307 (C.39:3C-1 et seq.).

16 b. A person less than 18 years of age who operates **【an】** a  
17 snowmobile, all-terrain vehicle , or a dirt bike which is registered in  
18 this State shall produce upon demand a certificate indicating that  
19 person's successful completion of **【an all-terrain vehicle】** a safety  
20 education and training course established or certified by the  
21 **【director】** chief administrator in accordance with section 15 of  
22 P.L.1973, c.307 (C.39:3C-15). The failure to produce the  
23 certificate when operating **【an】** a snowmobile, all-terrain vehicle ,  
24 or dirt bike on public lands or waters, or when crossing a public  
25 highway, shall be presumptive evidence in any court of competent  
26 jurisdiction of the operation of the all-terrain vehicle in violation of  
27 the requirement in subsection c. of section 16 of P.L.1973, c.307  
28 (C.39:3C-16).

29 (cf: P.L.1991, c.322, s.2)

30

31 9. Section 11 of P.L.1973, c.307 (C.39:3C-11) is amended to  
32 read as follows:

33 11. **【Whenever】** In accordance with the provisions of P.L.1973,  
34 c.307 (C.39:3C-1 et seq.), whenever the ownership of a snowmobile  
35 **【or】** , all-terrain vehicle, or dirt bike is transferred , or the use for  
36 which a registration certificate has already been issued is  
37 discontinued, the old registration certificate shall be properly signed  
38 and executed by the owner, showing that the ownership of the  
39 snowmobile **【or】**, all-terrain vehicle, or dirt bike has been  
40 transferred or its use discontinued, and returned to the **【division】**  
41 commission within 10 days after transfer or discontinuance. If  
42 there is a change of ownership for which a registration certificate  
43 has previously been issued, the new owner shall apply for a new  
44 certificate. He shall set forth the original number issued in the  
45 application accompanied by the old registration properly signed by  
46 the previous owner and with the required fee submitted to the

1 ~~【division】~~ commission, for registration. The owner shall  
2 demonstrate to the commission a notarized bill of sale, assignable  
3 certificate of origin, or other formal proof of ownership when  
4 transferring ownership or selling a snowmobile, all-terrain vehicle,  
5 or dirt bike.

6 (cf: P.L.1985, c.375, s.11)

7

8 10. Section 12 of P.L.1973, c.307 (C.39:3C-12) is amended to  
9 read as follows:

10 12. It shall be the duty of every owner of a snowmobile ~~【or】~~ ,  
11 all-terrain vehicle, or dirt bike registered pursuant to ~~【this act】~~  
12 P.L.1973, c.307 (C.39:3C-1 et seq.) to notify the ~~【division】~~  
13 commission, in writing, of the destruction, theft, or permanent  
14 removal of ~~【such】~~ the snowmobile, all-terrain vehicle, or dirt bike  
15 from the State, within 10 days thereafter; and in the event of the  
16 destruction or theft of ~~【such】~~ the snowmobile, all-terrain vehicle,  
17 or dirt bike, shall surrender the certificate of registration ~~【with~~  
18 such】 within the notice period prescribed by this section.

19 (cf: P.L.1985, c.375, s.12)

20

21 11. Section 13 of P.L.1973, c.307 (C.39:3C-13) is amended to  
22 read as follows:

23 13. No political subdivision of the State shall require additional  
24 licensing or registration of snowmobiles ~~【or】~~ , all-terrain vehicles,  
25 or dirt bikes which are covered by the provisions of ~~【this act】~~  
26 P.L.1973, c.307 (C.39:3C-1 et seq.).

27 Nothing herein shall ~~【however】~~ prohibit the requirement of a  
28 permit by State or local parks for use of snowmobiles , all-terrain  
29 vehicles, or dirt bikes on park lands or in any way affect the  
30 authority of the Department of Environmental Protection, the  
31 commissioner thereof, or those responsible for the operation of a  
32 park from adopting rules and regulations concerning the use of  
33 snowmobiles ~~【and】~~ , all-terrain vehicles, and dirt bikes.

34 (cf: P.L.1985, c.375, s.13)

35

36 12. Section 14 of P.L.1973, c.307 (C.39:3C-14) is amended to  
37 read as follows:

38 14. The commissioner, with a view towards minimizing  
39 detrimental effects on the environment and protecting public safety,  
40 shall adopt rules and regulations relating to and including, but not  
41 limited to, the following:

42 a. Use of snowmobiles ~~【and】~~ , all-terrain vehicles, and dirt  
43 bikes, insofar as fish, wildlife, and plantlife resources , and public  
44 safety are affected;

1       b. Use of snowmobiles ~~and~~, all-terrain vehicles, ~~and dirt bikes~~  
2 on public lands and waters under the jurisdiction of the Department  
3 of Environmental Protection.

4       The commissioner may locate, designate, and make available by  
5 the effective date of ~~this act~~ P.L.1973, c.307 (C.39:3C-1 et seq.)  
6 appropriate areas of public lands upon which snowmobile, all-  
7 terrain vehicle, ~~and dirt bike~~ safety education and training  
8 programs established or certified by the ~~Director of the Division of~~  
9 ~~Motor Vehicles~~ chief administrator in accordance with section 15  
10 of P.L.1973, c.307 (C.39:3C-15) may be conducted. The  
11 commissioner shall report to the Legislature and the Governor  
12 within one year after the effective date of ~~this act~~ P.L.1973, c.307  
13 (C.39:3C-1 et seq.) on the size and location of the public lands  
14 located, designated, and made available; on the frequency of the  
15 use, or the estimated frequency of use, of these public lands for  
16 safety education and training programs; and the environmental  
17 impact of this use on the lands.

18 (cf: P.L.1991, c.322, s.3)

19  
20       13. Section 15 of P.L.1973, c.307 (C.39:3C-15) is amended to  
21 read as follows:

22       15. The ~~Director of the Division of Motor Vehicles~~ chief  
23 administrator shall adopt rules and regulations relating to and  
24 including, but not limited to:

25       a. Specifications relating to equipment required for safety as  
26 provided herein.

27       b. Establishment of a comprehensive snowmobile ~~and~~, all-  
28 terrain vehicle, ~~and dirt bike~~ information and safety education and  
29 training program.

30       c. The regulations pertaining to and the granting of permits for  
31 the conduct of all prearranged special events as provided in ~~this~~  
32 ~~act~~ P.L.1973, c.307 (C.39:3C-1 et seq.), except that in the case of  
33 those special events conducted on public lands and waters under the  
34 jurisdiction of the Department of Environmental Protection any  
35 regulations must be approved jointly by the ~~director~~ chief  
36 administrator and the commissioner.

37       In accordance with the requirement in ~~paragraph~~ subsection b.  
38 of this section, the ~~director~~ chief administrator shall establish an  
39 all-terrain vehicle safety education and training program to be  
40 offered by the ~~division~~ commission, or shall certify other all-  
41 terrain vehicle safety education and training programs to be offered  
42 by public or private agencies or organizations, the successful  
43 completion of which shall satisfy the training requirements in  
44 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16). A  
45 person less than 16 years of age participating in an all-terrain  
46 vehicle safety education and training course established or certified

1 by the **[director]** chief administrator shall operate during the  
2 training only an all-terrain vehicle with an engine capacity of 90  
3 cubic centimeters or less.  
4 (cf: P.L.1991, c.322, s.4)

5  
6 14. Section 16 of P.L.1973, c.307 (C.39:3C-16) is amended to  
7 read as follows:

8 16. a. A person under the age of 14 years shall not operate or be  
9 permitted to operate any snowmobile **[or]** , all-terrain vehicle, or  
10 dirt bike on public lands or waters or across a public highway.

11 b. A person less than 16 years of age shall not operate on public  
12 lands or waters or across a public highway of this State an all-  
13 terrain vehicle with an engine capacity greater than 90 cubic  
14 centimeters.

15 c. A person less than 18 years of age shall not operate **[an]** a  
16 snowmobile, all-terrain vehicle , or dirt bike registered in this State  
17 on public lands or waters or across a public highway of this State  
18 unless the person has completed **[an all-terrain vehicle]** a safety  
19 education and training course established or certified by the  
20 **[director]** chief administrator pursuant to section 15 of P.L.1973,  
21 c.307 (C.39:3C-15). At all times during the operation of the  
22 snowmobile, all-terrain vehicle , or dirt bike the person shall **[have**  
23 **in his possession]** possess a certificate indicating successful  
24 completion of the course.

25 (cf: P.L.1991, c.322, s.5)

26  
27 15. Section 17 of P.L.1973, c.307 (C.39:3C-17) is amended as  
28 follows:

29 17. a. No person shall operate a snowmobile **[or]**, all-terrain  
30 vehicle, or dirt bike upon limited access highways or within the  
31 right-of-way limits thereof.

32 b. No person shall operate a snowmobile **[or]** , all-terrain  
33 vehicle, or dirt bike upon the main traveled portion or the plowed  
34 snowbanks of any public street or highway or within the right-of-  
35 way limits thereof except as follows:

36 (1) Properly registered snowmobiles **[or]**, all-terrain vehicles,  
37 and dirt bikes may cross, as directly as possible, public streets or  
38 highways, except limited access highways, provided that such  
39 crossing can be made in safety and that it does not interfere with the  
40 free movement of vehicular traffic approaching from either  
41 direction on **[such]** the public street or highway. Prior to making  
42 any such crossing, the operator shall bring the snowmobile **[or]**,  
43 all-terrain vehicle, or dirt bike to a complete stop. It shall be the  
44 responsibility of the operator of a snowmobile **[or]**, all-terrain  
45 vehicle, or dirt bike to yield the right-of-way to all vehicular traffic

1 upon any public street or highway before crossing **[same]** the  
2 public street or highway.

3 (2) Whenever it is impracticable to gain immediate access to an  
4 area adjacent to a public highway where a snowmobile **[or]**, all-  
5 terrain vehicle, or dirt bike is to be operated, **[it]** the snowmobile,  
6 all-terrain vehicle, or dirt bike may be operated adjacent and  
7 parallel to **[such]** the public highway for the purpose of gaining  
8 access to the area of operation. This subsection shall apply to the  
9 operation of a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
10 from the point where **[it]** the snowmobile, all-terrain vehicle, or  
11 dirt bike is unloaded from a motorized conveyance to the area  
12 where it is to be operated, or from the area where operated to a  
13 motorized conveyance, when **[such]** the loading or unloading  
14 cannot be effected in the immediate vicinity of the area of  
15 operation without causing a hazard to vehicular traffic approaching  
16 from either direction on **[said]** the public highway. **[Such]** The  
17 loading or unloading must be accomplished with due regard to  
18 safety, at the nearest possible point to the area of operation.  
19 (cf: P.L.1985, c.375, s.17)

20

21 16. Section 18 of P.L.1973, c.307 (C.39:3C-18) is amended to  
22 read as follows:

23 18. a. No person shall operate a snowmobile **[or]** , all-terrain  
24 vehicle, or dirt bike on the property of another without receiving the  
25 consent of the owner of the property and the person who has a  
26 contractual right to the use of **[such]** the property.

27 b. No person shall continue to operate a snowmobile **[or]**, all-  
28 terrain vehicle, or dirt bike on the property of another after consent,  
29 as provided in subsection a. above, has been withdrawn.

30 c. No owner of real property and no person or entity having a  
31 contractual right to the use of real property, no matter where **[such]**  
32 the property is situate in this State, shall assume responsibility or  
33 incur liability for any injury or damage to an owner, operator, or  
34 occupant of a snowmobile **[or]**, all terrain vehicle, or dirt bike  
35 **[where such]** if the injury or damage occurs during, or arises out of  
36 the operation or use of **[such]** , the snowmobile, all-terrain vehicle,  
37 or dirt bike unless: (1) the operation or use is with the express  
38 consent of the owner and contractual user of the property , and (2)  
39 the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985,  
40 c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection  
41 shall not limit the liability which would otherwise exist for the  
42 willful or malicious creation of a hazardous condition.

43 (cf: P.L.1991, c.496, s.8)

44

45 17. Section 19 of P.L.1973, c.307 (C.39:3C-19) is amended to  
46 read as follows:

1 19. It shall be unlawful for:

2 a. Any person to operate or ride as a passenger on any  
3 snowmobile **[or]** , all-terrain vehicle, or dirt bike without wearing a  
4 protective helmet approved by the **[director]** chief administrator.  
5 Any **[such]** helmet shall be of a type acceptable for use in  
6 conjunction with motorcycles as provided in sections 6 to 9 of  
7 P.L.1967, c.237 (C.39:3-76.7 through 39:3-76.10).

8 b. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
9 or dirt bike that is not equipped with working headlights, taillights,  
10 brakes, and proper mufflers as supplied by the motor manufacturer  
11 for the particular model, without modifications, nor shall any  
12 person operate any snowmobile **[or]** , all-terrain vehicle, or dirt bike  
13 in **[such a]** any manner as to cause a harsh, objectionable, or  
14 unreasonable noise.

15 c. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
16 or dirt bike at any time and in any manner intended or reasonably to  
17 be expected to harass, drive, or pursue any wildlife.

18 d. Any person to operate any snowmobile **[or]** , all-terrain  
19 vehicle, or dirt bike during the hours from 1/2 hour before sunset to  
20 1/2 hour after sunrise without having lighted headlights and lighted  
21 taillights.

22 e. Any person to operate any snowmobile **[or]** , all-terrain  
23 vehicle, or dirt bike on the land of another without first securing the  
24 permission of the landowner or **[his]** the landowner's duly  
25 authorized representative.

26 f. Any person to operate a snowmobile **[or]** , all-terrain vehicle,  
27 or dirt bike upon railroad or right-of-way of an operating railroad,  
28 except railroad personnel in the performance of their duties.

29 g. Any person to violate any provision of **[this act]** P.L.1973,  
30 c.307 (C.39:3C-1 et seq.) or any rule or regulation adopted pursuant  
31 to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.).  
32 (cf: P.L.1985, c.375, s.19)

33

34 18. Section 20 of P.L.1973, c.307 (C.39:3C-20) is amended to  
35 read as follows:

36 20. a. No snowmobile **[or]** , all-terrain vehicle, or dirt bike  
37 shall be operated or permitted to be operated unless the owner  
38 thereof has obtained a policy of insurance, in such language and  
39 form as shall be determined by the Commissioner of **[the**  
40 **Department of]** Banking and Insurance, from an insurance carrier  
41 authorized to do business in this State, the terms of which policy  
42 shall indemnify an amount or limit of **[\$15,000.00]** \$15,000,  
43 exclusive of interest and costs, on account of injury to, or death of,  
44 one person, in any one accident; and an amount or limit, subject to  
45 such limit for any one person so injured, or killed, of **[\$30,000.00]**  
46 \$30,000, exclusive of interest and costs, on account of injury to or

1 death of, more than one person, in any one accident; and an amount  
2 or limit of ~~[\$5,000.00]~~ \$5,000, exclusive of interest and costs, for  
3 damage to property in any one accident, for damages arising out of  
4 the negligent operation of ~~[said]~~ the snowmobile ~~[or]~~ , all-terrain  
5 vehicle, or dirt bike. In lieu of ~~[such]~~ the insurance coverage as  
6 hereinabove provided, the ~~[director]~~ chief administrator, in ~~[his]~~  
7 the chief administrator's discretion and upon application of the  
8 State or a municipality having registered in its name one or more  
9 snowmobiles ~~[or]~~ , all-terrain vehicles, or dirt bikes, may waive the  
10 requirement of insurance by a private insurance carrier and issue a  
11 certificate of self-insurance, when ~~[he]~~ the chief administrator is  
12 satisfied of financial ability to respond to judgments obtained  
13 against it or them, arising out of the ownership, use or operation of  
14 the snowmobiles ~~[or]~~ , all-terrain vehicles, or dirt bikes.

15 b. Proof of insurance as hereinabove required shall be produced  
16 and displayed by the owner or operator of ~~[such]~~ the snowmobile  
17 ~~[or]~~ , all-terrain vehicle, or dirt bike upon request to any law  
18 enforcement officer or to any person who has suffered or claims to  
19 have suffered either personal injury or property damage as a result  
20 of the operation of ~~[it]~~ the snowmobile, all-terrain vehicle, or dirt  
21 bike by the owner or operator.

22 c. An owner of a snowmobile ~~[or]~~ , all-terrain vehicle, or dirt  
23 bike who shall operate or permit the ~~[same]~~ the snowmobile, all-  
24 terrain vehicle, or dirt bike to be operated without having in effect  
25 the required liability insurance coverage, and any other person who  
26 shall operate any snowmobile ~~[or]~~ , all-terrain vehicle, or dirt bike  
27 with the knowledge that the owner thereof does not have in effect  
28 ~~[such]~~ the insurance coverage shall be guilty of a violation of this  
29 act and be subject to a fine of not less than ~~[\$25.00]~~ \$25 nor more  
30 than ~~[\$100.00]~~ \$100.

31 d. The ~~[director]~~ chief administrator is hereby authorized to  
32 promulgate reasonable regulations to provide effective  
33 administration and enforcement of the provisions of this section in  
34 accordance with the purposes thereof.

35 (cf: P.L.1985, c.375, s.20)

36

37 19. Section 21 of P.L.1973, c.307 (C.39:3C-21) is amended to  
38 read as follows:

39 21. The operator of any snowmobile ~~[or]~~ , all-terrain vehicle, or  
40 dirtbike involved in an accident resulting in injuries or death of any  
41 person or property damage shall comply with the procedures in R.S.  
42 39:4-129 and R.S. 39:4-130.

43 (cf: P.L.1985, c.375, s.21)

44

45 20. Section 22 of P.L.1973, c.307 (C.39:3C-22) is amended to  
46 read as follows:

1       22. The **[director]** chief administrator may authorize the holding  
2 of organized special events. **[He]** The chief administrator shall  
3 adopt and may, from time to time, amend rules and regulations  
4 determining the special events which shall be subject to **[division]**  
5 a permit and designating the equipment and facilities necessary for  
6 safe operation of snowmobiles **[and]** , all-terrain vehicles, and dirt  
7 bikes and for the safety of operators, participants, and observers in  
8 such special events. Whenever **[such]** a special event requiring  
9 permit of the **[division]** commission is proposed to be held in the  
10 State of New Jersey, the person in charge thereof shall, at least 20  
11 days prior thereto, file an application with the **[director]** chief  
12 administrator to hold **[such]** the special event. The application shall  
13 set forth the date of and location where it is proposed to hold  
14 **[such]** the rally, race, exhibition, or organized event, and **[such]**  
15 any other information as the **[director]** chief administrator may  
16 require, and it shall not be conducted without written authorization  
17 of the **[director]** chief administrator and, if the event is desired to  
18 be held upon public lands or waters, a written authorization of the  
19 commissioner. Copies of such regulations shall be furnished by the  
20 **[division]** chief administrator to any person making an application  
21 therefor.

22       Any person sponsoring the event who shall violate any  
23 regulation adopted pursuant to this section shall for every **[such]**  
24 violation be subject to a fine not to exceed **[\$250.00]** \$250.  
25 (cf: P.L.1985, c.375, s.22)

26  
27       21. Section 23 of P.L.1973, c.307 (C.39:3C-23) is amended to  
28 read as follows:

29       23. Snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
30 operated at special events shall be exempt from the provisions of  
31 this chapter concerning registration and lights during the time of  
32 **[such]** operation of the special event, including all prerace practice  
33 at the location of the meet. In addition, snowmobiles, all-terrain  
34 vehicles , and dirt bikes operated at special events shall be exempt  
35 from the provisions of subsection c. of section 16 of P.L.1973,  
36 c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973,  
37 c.307 (C.39:3C-9); however, subsection b. of section 16 of  
38 P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **[all**  
39 **terrain]** snowmobiles, all-terrain vehicles , and dirt bikes at special  
40 events and prerace practice.  
41 (cf: P.L.1991, c.322, s.6)

42  
43       22. Section 24 of P.L.1973, c.307 (C.39:3C-24) is amended to  
44 read as follows:

45       24. All snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
46 operating within the State of New Jersey shall be equipped with:

1 a. Headlights. At least one white or amber headlamp having a  
2 minimum candlepower of sufficient intensity to reveal persons and  
3 vehicles at a distance of at least 100 feet ahead during hours of  
4 darkness under normal atmospheric conditions.

5 b. Taillights. At least one red taillamp having a minimum  
6 candlepower of sufficient intensity to exhibit a red light plainly  
7 visible from a distance of 500 feet to the rear during hours of  
8 darkness under normal atmospheric conditions.

9 c. Brakes. A brake system in good mechanical condition.

10 d. Reflector ~~material~~ material. Reflector material of a  
11 minimum area of 16 square inches mounted on each side of the  
12 cowling. Registration numbers or other decorative material may be  
13 included in computing the required 16-square-inch area.

14 e. Mufflers. An adequate muffler system in good working  
15 condition.

16 (cf: P.L.1985, c.375, s.24)

17  
18 23. Section 25 of P.L.1973, c.307 (C.39:3C-25) is amended to  
19 read as follows:

20 25. The ~~director~~ chief administrator may adopt rules and  
21 regulations with respect to the inspection of snowmobiles ~~and~~ ,  
22 all-terrain vehicles, and dirt bikes and the testing of mufflers for  
23 those vehicles.

24 (cf: P.L.1985, c.375, s.25)

25  
26 24. Section 26 of P.L.1973, c.307 (C.39:3C-26) is amended to  
27 read as follows:

28 26. a. No person shall have for sale, sell, or offer for sale in this  
29 State any snowmobile ~~or~~ , all-terrain vehicle, or dirt bike which  
30 fails to comply with the provisions of ~~this act~~ P.L.1973, c.307  
31 (C.39:3C-1 et seq.) or which does not comply with the  
32 specifications for ~~such~~ the equipment required by the rules and  
33 regulations of the ~~director~~ commission, after the effective date of  
34 such rules and regulations.

35 b. A person shall not knowingly sell or offer to sell an all-terrain  
36 vehicle with an engine capacity of greater than 90 cubic centimeters  
37 for use by a person less than 16 years of age.

38 c. Retail dealers and distributors of all-terrain vehicles shall  
39 comply with those requirements of the consent decree entered into  
40 by all-terrain vehicle distributors and the United States Consumer  
41 Product Safety Commission on April 28, 1988 which require the  
42 providing of safety information on all-terrain vehicles to either the  
43 purchasers or retail dealers of ~~such~~ all-terrain vehicles, as  
44 appropriate.

45 (cf: P.L.1991, c.322, s.7)

1       25. Section 27 of P.L.1973, c.307 (C.39:3C-27) is amended to  
2 read as follows:

3       27. Every law enforcement officer in the State, including any  
4 authorized **【**officers of the Division of Motor Vehicles**】** officer of  
5 the commission, conservation officers of the Division of Fish and  
6 Wildlife, and park police officers and law enforcement operation  
7 officers of the Division of Parks and Forestry within the  
8 Department of Environmental Protection, **【**forest rangers and State  
9 park police**】**, and other designated officers and employees of the  
10 department shall enforce **【this act】** P.L.1973, c.307 (C.39:3C-1 et  
11 seq.) within their respective jurisdictions.  
12 (cf: P.L.1973, c.307, s.27)  
13

14       26. Section 28 of P.L.1973, c.307 (C.39:3C-28) is amended to  
15 read as follows:

16       28. Any person who shall violate any **【provisions】** provision of  
17 **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is  
18 specifically provided, or any rule or regulation promulgated  
19 pursuant to **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.) shall be  
20 punished by a fine of not less than **【\$100 or】** \$250 nor more than  
21 **【\$200】** \$500. For a second or subsequent violation of section 26 of  
22 P.L.1973, c.307 (C.39:3C-26), a fine of not less than **【\$200 or】**  
23 \$500 nor more than **【\$500】** \$1,000 shall be imposed.  
24 (cf: P.L.1991, c.322, s.8)  
25

26       27. Section 29 of P.L.1973, c.307 (C.39:3C-29) is amended to  
27 read as follows:

28       29. The **【director】** chief administrator shall deposit in the “Off-  
29 Road Vehicle Fund,” established pursuant to section 29 of P.L.     ,  
30 c. (C.    ) (pending before the Legislature as this bill) all moneys  
31 received by **【him from】** the chief administrator from the additional  
32 \$5 payment required to be made at the time of registration of  
33 snowmobiles **【and】**, all-terrain vehicles, and dirt bikes **【**, the sale  
34 of registration information, publications, and other services  
35 provided by the department and all fees collected by him under this  
36 act to the credit of the General Treasury, except that \$5 of a  
37 registration fee paid by a resident or nonresident of this State shall  
38 be allocated to the division to defray the cost of providing all-  
39 terrain vehicle safety education and training manuals or all-terrain  
40 vehicle safety education and training programs**】** in accordance with  
41 **【section 15 of P.L.1973, c.307 (C.39:3C-15), or both】** subsection f.  
42 of section 3 of P.L.1973, c.307 (C.39:3C-3).

43 (cf: P.L.1991, c.322, s.10)  
44

45       28. Section 30 of P.L.1973, c.307 (C.39:3C-30) is amended to  
46 read as follows:

1       30. Owners and operators of snowmobiles [and] , all-terrain  
2 vehicles, and dirt bikes shall, when operating such across a public  
3 highway or on public land or waters, comply with the following  
4 provisions of chapter 4 of Title 39 of the Revised Statutes:  
5 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;  
6 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through  
7 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-  
8 129 through R.S.39:4-134; R.S.39:4-203. [The failure to comply  
9 with any of these provisions shall be a violation of this act and the  
10 penalty for such a violation shall be provided in section 28 of  
11 P.L.1973, c.307 (C.39:3C-28) rather than the penalty provided in  
12 the sections cited above.]  
13 (cf: P.L.1985, c.375, s.28)

14  
15       29. (New section) a. There is established in the General Fund a  
16 separate, non-lapsing, dedicated account to be known as the "Off-  
17 Road Vehicle Fund," hereinafter referred to as "the fund."  
18 Notwithstanding any provision of law to the contrary, each fiscal  
19 year the State Treasurer shall credit the revenue collected pursuant  
20 to subsection f. of section 3 of P.L.1973, c.307 (C.39:3C-3) into the  
21 fund. Each fiscal year, the State Treasurer shall allocate the monies  
22 contained in the fund to the Department of Environmental  
23 Protection. Each fiscal year, the State Treasurer shall credit all  
24 earnings received from the investment or deposit of revenue in the  
25 fund, to the fund. All revenues and earnings deposited in the fund  
26 shall be appropriated in the same fiscal year to the department.

27       b. The monies credited to the fund shall be used by the  
28 Department of Environmental Protection for designating and  
29 maintaining a site in the State for the use of snowmobiles, all-  
30 terrain vehicles, and dirt bikes; the site shall be designated and shall  
31 be maintained in a manner that, to the greatest possible extent,  
32 mitigates any detrimental effects on the environment and protects  
33 public safety.

34  
35       30. (New section) As used in sections 31 and 32 of P.L.       ,       ,  
36 c. (C.       ) (pending before the Legislature as this bill):

37       "Off-road vehicle" means any motorized vehicle with two or  
38 more wheels or tracks that is capable of being operated off of  
39 regularly improved and maintained roads including, but not limited  
40 to, motorcycles as defined in R.S.39:1-1, snowmobiles and all-  
41 terrain vehicles, and dirt bikes as defined in section 5 of P.L.1991,  
42 c.496 (C.2A:42A-6.1).

43       "Public land" means all land owned, operated, managed, or  
44 maintained by, or under the jurisdiction of, the Department of  
45 Environmental Protection, including any and all land owned,  
46 operated, managed, maintained, or purchased jointly by the  
47 Department of Environmental Protection with any other party and

1 any land so designated by municipal or county ordinance. Public  
2 land shall also mean any land used for conservation purposes,  
3 including, but not limited to, beaches, forests, greenways, natural  
4 areas, water resources, wildlife preserves, and land used for  
5 watershed protection, or biological or ecological studies.

6 “Vehicle” means every device in, upon or by which a person or  
7 property is or may be transported upon a highway, excepting  
8 devices moved by human power or used exclusively upon stationary  
9 rails or tracks or motorized bicycles.

10  
11 31. (New section) Any person who operates any vehicle or off-  
12 road vehicle on public lands in violation of P.L.1973, c.307  
13 (C:39:3C-1 et seq.) or in violation of any law, rule, or regulation  
14 adopted pursuant thereto shall be subject to:

15 a. For a first offense, a fine of not less than \$250 nor more than  
16 \$500.

17 b. For a second offense, a fine of not less than \$500 nor more  
18 than \$1,000.

19 c. For a third or subsequent offense, a fine of not less than  
20 \$1,000.

21 d. For any offense on public lands in which the use of a vehicle  
22 is found responsible for damage to or destruction of natural  
23 resources valued in excess of \$100, a fine of five times the amount,  
24 as determined by the Department of Environmental Protection, of  
25 restoration and replacement, where possible, of any natural resource  
26 damaged or destroyed by the use of the vehicle. If a person at the  
27 time of the imposition of the sentence is less than 17 years of age,  
28 the owner of the vehicle shall be liable for the fine of five times the  
29 amount, as determined by the Department of Environmental  
30 Protection, of restoration and replacement, where possible, of any  
31 natural resource damaged or destroyed by the use of the vehicle.

32  
33 32. (New section) a. In addition to the fines set forth in section  
34 31 of P.L. , c. (C. ) (pending before the Legislature as this  
35 bill), any vehicle or off-road vehicle operated on public lands in  
36 violation of P.L.1973, c.307 (C.39:3C-1 et seq.), may be  
37 impounded by the law enforcing agency and held until the payment  
38 of the fee required pursuant to subsections b. or c. of this section, as  
39 appropriate.

40 The prosecutor may waive the requirements of subsections b. and  
41 c. of this section for the owner of the vehicle or off-road vehicle if  
42 the owner is not a defendant in the case and did not know, or  
43 reasonably could not have known, that the vehicle or off-road  
44 vehicle would be used in violation of P.L.1973, c.307 (C.39:3C-1 et  
45 seq.), or any law, or rule or regulation adopted pursuant thereto,  
46 concerning the operation of vehicles or off-road vehicles on public  
47 lands.

1       b. (1) For a first offense, the vehicle or off-road vehicle may be  
2 impounded for not less than 48 hours and shall be released to the  
3 registered owner upon proof of registration and insurance as  
4 applicable to the type of vehicle or off-road vehicle and payment of  
5 a fee of \$500 payable to the Department of Environmental  
6 Protection, plus reasonable towing and storage costs.

7       (2) For a second offense, the vehicle or off-road vehicle may be  
8 impounded for not less than 96 hours and shall be released to the  
9 registered owner upon proof of registration and insurance as  
10 applicable to the type of vehicle or off-road vehicle and payment of  
11 a fee of \$750 payable to the Department of Environmental  
12 Protection, plus reasonable towing and storage costs.

13       (3) For a third or subsequent offense, the vehicle or off-road  
14 vehicle impounded in the violation may be forfeited and sold at  
15 auction and the registered owner shall be responsible for a payment  
16 of a fee of \$1,000 payable to the Department of Environmental  
17 Protection, plus reasonable towing and storage costs.

18       c. (1) If the owner fails to claim the impounded vehicle or off-  
19 road vehicle, and the fee required pursuant to subsection b. of this  
20 section has not been paid, by noon of the 30th day following the  
21 date of conviction, the vehicle or off-road vehicle may be sold at  
22 auction. Notice of the sale shall be given by the impounding entity  
23 by certified mail to the owner of the vehicle or off-road vehicle, if  
24 the owner's name and address are known, and to the holder of any  
25 security interest filed with the chief administrator of the New Jersey  
26 Motor Vehicle Commission, and by publication in a form  
27 prescribed by the chief administrator by one insertion, at least five  
28 days before the date of the sale, in one or more newspapers  
29 published in the State and circulating in the municipality in which  
30 the vehicle or off-road vehicle is impounded.

31       (2) At any time prior to the sale, the owner or other person  
32 entitled to the vehicle or off-road vehicle may reclaim possession  
33 upon (a) showing proof of registration and insurance as applicable  
34 to the vehicle or off-road vehicle, (b) payment of the required fee,  
35 (c) payment of reasonable towing and storage costs, and (d)  
36 payment of all outstanding fees and costs associated with the  
37 impoundment.

38       The owner-lessor of an impounded vehicle or off-road vehicle  
39 shall be entitled to reclaim possession and the lessee shall be liable  
40 for all outstanding fines and restitution and fees and costs  
41 associated with the impoundment, towing and storage of the vehicle  
42 or off-road vehicle.

43       d. Any proceeds obtained from the sale of a vehicle or off-road  
44 vehicle at public auction pursuant to subsection c. of this section in  
45 excess of the amount owed to the impounding entity for the  
46 reasonable costs of towing and storage and any fees or other costs  
47 associated with the impoundment of the vehicle or off-road vehicle  
48 shall be returned to the owner of that vehicle or off-road vehicle, if

1 the owner's name and address are known. If the owner's name and  
2 address are unknown or such person or entity cannot be located, the  
3 net proceeds shall be administered in accordance with the "Uniform  
4 Unclaimed Property Act," R.S.46:30B-1 et seq..

5 e. (1) Whenever a vehicle or off-road vehicle is subject to  
6 forfeiture pursuant to paragraph (3) of subsection b. of this section,  
7 the forfeiture may be enforced by a civil action, instituted within 90  
8 days of the impoundment and commenced by the State against the  
9 property sought to be forfeited. The complaint for forfeiture shall  
10 be verified on oath or affirmation. It shall describe with reasonable  
11 accuracy the vehicle or off-road vehicle that is subject to the  
12 forfeiture action. The complaint shall contain all allegations setting  
13 forth the reason for forfeiture.

14 (2) Notice of the action shall be given to any person known to  
15 have property interest in the vehicle or off-road vehicle and the  
16 notice requirements of the Rules of Court for an in rem action shall  
17 be followed. The claimant of the vehicle or off-road vehicle that is  
18 subject to action under this subsection shall file and serve the claim  
19 in the form of an answer in accordance with the Rules of Court.  
20 The answer shall be verified on oath or affirmation and state the  
21 interest in the property by virtue of which the claimant demands its  
22 restitution and the right to defend the action. If the claim is made  
23 on behalf of the person entitled to possession by an agent or  
24 attorney, it shall state that the agent or attorney is duly authorized to  
25 make the claim. If no answer is filed and served within the  
26 applicable time, the property seized shall be disposed of pursuant to  
27 N.J.S.2C:64-6 and N.J.S.2C:64-7.

28  
29 33. Section 23 of P.L.1983, c.324 (C.13:1L-23) is amended to  
30 read as follows:

31 23. a. If a person violates any provision of P.L.1983, c.324  
32 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
33 issued pursuant thereto, the department may institute a civil action  
34 in a court of competent jurisdiction for injunctive relief to prohibit  
35 and prevent the violation and the court may proceed in a summary  
36 manner.

37 b. A person who knowingly violates, or who solicits or employs  
38 any other person to violate, the provisions of subsection a. of  
39 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the  
40 following penalties: a fine of not less than \$750 nor more than  
41 \$1,500 for the first offense; a fine of not less than \$1,500 nor more  
42 than \$3,000 for the second offense; and a fine of not less than  
43 \$3,000 nor more than \$5,000 for any subsequent offense.

44 Penalties assessed pursuant to this subsection shall be collected  
45 in a civil action by a summary proceeding. Any vessel, vehicle or  
46 equipment used in the commission of the violation shall be subject  
47 to confiscation and forfeiture to the State, if warranted, as

1 determined by the courts. Further, in addition to any penalty  
2 provided pursuant to subsection a. of this section, restitution and  
3 damages may be ordered to compensate the State for the cost of  
4 remediating any violation of this section and for the value of any  
5 lost, damaged, or destroyed archaeological findings. All fines,  
6 restitution payments, and damages collected shall be remitted to the  
7 department to be used for the preservation, remediation or  
8 protection of State archaeological sites. Any archaeological  
9 findings obtained as a result of a violation of this section shall be  
10 subject to confiscation, forfeiture, and return to the State and, upon  
11 recovery, shall be deposited with the New Jersey State Museum.

12 c. Notwithstanding any provision of this section to the contrary,  
13 examination or retrieval of artifacts, or scientific research,  
14 conducted by a State department, agency, commission, authority or  
15 corporation otherwise required or permitted by federal or State law  
16 are exempt from the provisions of this section.

17 d. A person who violates any provision of P.L.1983, c.324  
18 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or  
19 issued pursuant thereto, shall be liable to a civil penalty of not less  
20 than \$50 nor more than \$1,500, plus restitution if applicable, for  
21 each offense, except as otherwise provided under subsection b. of  
22 this section, to be collected in a civil action by a summary  
23 proceeding under the "Penalty Enforcement Law of 1999,"  
24 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court  
25 of competent jurisdiction wherein injunctive relief has been  
26 requested, except that any violation involving any vehicle or off-  
27 road vehicle shall be subject to the provisions of sections 31 and 32  
28 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
29 bill). The Superior Court and municipal courts shall have  
30 jurisdiction to hear and determine violations of P.L.1983, c.324  
31 (C.13:1L-1 et seq.). If the violation is of a continuing nature, each  
32 day during which it continues shall constitute an additional,  
33 separate, and distinct offense. If the violation results in pecuniary  
34 gain to the violator, or the violator willfully or wantonly causes  
35 injury or damage to property, including but not limited to natural  
36 resources, the violator shall be liable to an additional civil penalty  
37 equal to three times the value of the pecuniary gain or injury or  
38 damage to property.

39 e. Penalties assessed pursuant to this section shall be in  
40 addition to any other civil or criminal penalties that may be  
41 applicable pursuant to law.

42 As used in this subsection, "vehicle" and "off-road vehicle"  
43 means the same as the terms are defined in section 30 of P.L. \_\_\_\_\_,  
44 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
45 (cf: P.L.2005, c.330. s.1)

46  
47 34. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as

1 follows:

2 1. a. With respect to or on property under the control of the  
3 Division of Fish and Wildlife, no person may:

4 (1) remove or disturb any vegetation, soil, water, minerals, or  
5 other property of the State;

6 (2) litter, dump, or discard refuse of any kind;

7 (3) cause injury or damage to any equipment, structure, building,  
8 or other property; or

9 (4) use such property contrary to rules or regulations established  
10 by the division.

11 b. (1) If a person violates any provision of subsection a. of this  
12 section, the division may institute a civil action in a court of  
13 competent jurisdiction for injunctive relief to prohibit and prevent  
14 the violation and the court may proceed in a summary manner.

15 (2) (a) A person who violates any provision of subsection a. of  
16 this section shall be liable to a civil penalty of not less than \$50 nor  
17 more than \$1,500, plus restitution if applicable, for each offense, to  
18 be collected in a civil action by a summary proceeding under the  
19 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
20 et seq.) or in any case before a court of competent jurisdiction  
21 wherein injunctive relief has been requested, except that any  
22 violation involving a vehicle or off-road vehicle shall be subject to  
23 the provisions of sections 31 and 32 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill) and any fees or fines  
25 collected thereunder shall be subject to the provisions of R.S.23:10-  
26 3 . The Superior Court and municipal courts shall have jurisdiction  
27 to hear and determine violations of subsection a. of this section. If  
28 the violation is of a continuing nature, each day during which it  
29 continues shall constitute an additional, separate, and distinct  
30 offense. If the violation results in pecuniary gain to the violator, or  
31 the violator willfully or wantonly causes injury or damage to  
32 property, including but not limited to natural resources, the violator  
33 shall be liable to an additional civil penalty equal to three times the  
34 value of the pecuniary gain or injury or damage to property.

35 As used in this subparagraph, "vehicle" and "off-road vehicle"  
36 shall have the meaning prescribed for those terms in section 30 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).

38 (b) In addition, for each subsequent violation, all license  
39 certificates required, and all privileges, to take or possess wildlife  
40 shall be suspended for a period of five years. A license certificate  
41 or privilege suspended pursuant to this subparagraph shall not be  
42 reinstated until the holder thereof has first completed, to the  
43 satisfaction of the Division of Fish and Wildlife, the approved  
44 remedial sportsmen education program established and conducted  
45 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-  
46 22.3).

47 (3) Penalties assessed pursuant to this subsection shall be in

1 addition to any other civil or criminal penalties that may be  
2 applicable pursuant to law.

3 (cf: P.L.2005, c.330, s.2)

4

5 35. The chief administrator shall promulgate rules and  
6 regulations pursuant to the "Administrative Procedure Act,"  
7 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the  
8 purposes of this section.

9

10 36. The following section is repealed:

11 Section 4 of P.L.1973, c.307 (C.39:3C-4).

12

13 37. This act shall take effect on the first day of the eighteenth  
14 month following the date of enactment, but the commission and the  
15 department may take such anticipatory administrative action in  
16 advance as shall be necessary for the implementation of this act.