

# SENATE, No. 2055

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 19, 2008

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/3/2009)**

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  
46 Environmental Protection.

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

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

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

13       a. For each individual resident snowmobile registration, **[\$5.00,**  
14 **and for each individual resident]** all-terrain vehicle registration,  
15 **[\$10.00]** and dirt bike registration, \$45, annually **[:]** in  
16 accordance with the provisions of section 29 of P.L.1973, c.307  
17 (C.39:3C-29).

18       b. For each individual nonresident snowmobile registration,  
19 **[\$7.00, and for each individual nonresident]** all-terrain vehicle  
20 registration, **[\$12.00]** and dirt bike registration, \$45, annually **[:]**,  
21 in accordance with the provisions of section 29 of P.L.1973, c.307  
22 (C.39:3C-29).

23       c. For replacement of a lost, mutilated or destroyed certificate,  
24 **[\$5 ;]** \$11.

25       d. For a duplicate registration, **[\$5]** \$11 at the time of  
26 issuance**[:]** .

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

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

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

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

41

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

44       5. **[Such registration shall be issued by the director or by agents**  
45 **as designated by him when a snowmobile or all-terrain vehicle is**  
46 **operated across a public highway or on public lands or waters and**

1 shall be in such form as the director shall prescribe. The registration  
2 certificate shall be subject to inspection by any law enforcement  
3 officer on demand and shall be on the vehicle at all times when in  
4 operation.

5 The registration number assigned shall be displayed on each side  
6 of the vehicle in such form, location and manner as prescribed by  
7 the director.】

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

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

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

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

39

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

42 6. a. **【No registration shall be required for a snowmobile or all-**  
43 **terrain vehicle operated on private property】** Any snowmobile, all-  
44 terrain vehicle, or dirt bike solely operated for use on a farm shall  
45 be exempt from the registration and numbering requirements of  
46 P.L.1973, c.307 (C.39:3C-1 et seq.).

47 b. No registration fee shall be charged for a snowmobile **【or】** ,

1 all-terrain vehicle, or dirt bike owned by the federal government,  
2 the State, county or municipal government or subdivision thereof.  
3 (cf: P.L.1985, c.375, s.7)

4  
5 6. Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended to read  
6 as follows:

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

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

19

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

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

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

36

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

39 9. a. Every person operating a snowmobile **[or]**, all-terrain  
40 vehicle, or dirt bike registered or transferred in accordance with any  
41 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
42 shall, upon demand of any **[peace officer,]** law enforcement officer,  
43 duly authorized **[official of the Department of Environmental**  
44 **Protection]** conservation officer of the Division of Fish and  
45 Wildlife or park police officer or law enforcement operation officer  
46 of the Division of Parks and Forestry within the Department of

1 Environmental Protection, or **[a]** any other police officer, produce  
2 for inspection the certificate of registration and shall furnish to  
3 **[such]** the officer any information necessary for the identification  
4 of **[such]** the snowmobile **[or]** , all-terrain vehicle, or dirt bike and  
5 its owner. The failure to produce the certificate of registration  
6 when operating a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
7 on public lands and waters, or when crossing a public highway,  
8 shall be presumptive evidence in any court of competent  
9 jurisdiction of operating a snowmobile **[or]** , all-terrain vehicle, or  
10 dirt bike which is not registered as required by **[this act]** P.L.1973,  
11 c.307 (C.39:3C-1 et seq.).

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

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

26  
27 9. Section 11 of P.L.1973, c.307 (C.39:3C-11) is amended to  
28 read as follows:

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

1 transferring ownership or selling a snowmobile, all-terrain vehicle,  
2 or dirt bike.

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

4

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

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

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

17

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

20 13. No political subdivision of the State shall require additional  
21 licensing or registration of snowmobiles **[or]**, all-terrain vehicles,  
22 or dirt bikes which are covered by the provisions of **[this act]**  
23 P.L.1973, c.307 (C.39:3C-1 et seq.).

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

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

32

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

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

39 a. Use of snowmobiles **[and]**, all-terrain vehicles, and dirt  
40 bikes, insofar as fish, wildlife, and plantlife resources , and public  
41 safety are affected;

42 b. Use of snowmobiles **[and]**, all-terrain vehicles, and dirt bikes  
43 on public lands and waters under the jurisdiction of the Department  
44 of Environmental Protection.

45 The commissioner may locate, designate, and make available by  
46 the effective date of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)  
47 appropriate areas of public lands upon which snowmobile, all-

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

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

13

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

16 15. The **【Director of the Division of Motor Vehicles】** chief  
17 administrator shall adopt rules and regulations relating to and  
18 including, but not limited to:

19 a. Specifications relating to equipment required for safety as  
20 provided herein.

21 b. Establishment of a comprehensive snowmobile **【and】** , all-  
22 terrain vehicle, and dirt bike information and safety education and  
23 training program.

24 c. The regulations pertaining to and the granting of permits for  
25 the conduct of all prearranged special events as provided in **【this**  
26 **act】** P.L.1973, c.307 (C.39:3C-1 et seq.), except that in the case of  
27 those special events conducted on public lands and waters under the  
28 jurisdiction of the Department of Environmental Protection any  
29 regulations must be approved jointly by the **【director】** chief  
30 administrator and the commissioner.

31 In accordance with the requirement in **【paragraph】** subsection b.  
32 of this section, the **【director】** chief administrator shall establish an  
33 all-terrain vehicle safety education and training program to be  
34 offered by the **【division】** commission, or shall certify other all-  
35 terrain vehicle safety education and training programs to be offered  
36 by public or private agencies or organizations, the successful  
37 completion of which shall satisfy the training requirements in  
38 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16). A  
39 person less than 16 years of age participating in an all-terrain  
40 vehicle safety education and training course established or certified  
41 by the **【director】** chief administrator shall operate during the  
42 training only an all-terrain vehicle with an engine capacity of 90  
43 cubic centimeters or less.

44 (cf: P.L.1991, c.322, s.4)

45

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

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

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

8       c. A person less than 18 years of age shall not operate **[an]** a  
9 snowmobile, all-terrain vehicle , or dirt bike registered in this State  
10 on public lands or waters or across a public highway of this State  
11 unless the person has completed **[an all-terrain vehicle]** a safety  
12 education and training course established or certified by the  
13 **[director]** chief administrator pursuant to section 15 of P.L.1973,  
14 c.307 (C.39:3C-15). At all times during the operation of the  
15 snowmobile, all-terrain vehicle , or dirt bike the person shall **[have**  
16 **in his possession]** possess a certificate indicating successful  
17 completion of the course.  
18 (cf: P.L.1991, c.322, s.5)

19

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

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

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

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

41       (2) Whenever it is impracticable to gain immediate access to an  
42 area adjacent to a public highway where a snowmobile **[or]**, all-  
43 terrain vehicle, or dirt bike is to be operated, **[it]** the snowmobile,  
44 all-terrain vehicle, or dirt bike may be operated adjacent and  
45 parallel to **[such]** the public highway for the purpose of gaining  
46 access to the area of operation. This subsection shall apply to the

1 operation of a snowmobile **[or]** , all-terrain vehicle, or dirt bike  
2 from the point where **[it]** the snowmobile, all-terrain vehicle, or  
3 dirt bike is unloaded from a motorized conveyance to the area  
4 where it is to be operated, or from the area where operated to a  
5 motorized conveyance, when **[such]** the loading or unloading  
6 cannot be effected in the immediate vicinity of the area of  
7 operation without causing a hazard to vehicular traffic approaching  
8 from either direction on **[said]** the public highway. **[Such]** The  
9 loading or unloading must be accomplished with due regard to  
10 safety, at the nearest possible point to the area of operation.

11 (cf: P.L.1985, c.375, s.17)

12

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

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

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

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

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

36

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

39 19. It shall be unlawful for:

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

1       b. Any person to operate a snowmobile **[or]**, all-terrain vehicle,  
2 or dirt bike that is not equipped with working headlights, taillights,  
3 brakes, and proper mufflers as supplied by the motor manufacturer  
4 for the particular model, without modifications, nor shall any  
5 person operate any snowmobile **[or]**, all-terrain vehicle, or dirt bike  
6 in **[such a]** any manner as to cause a harsh, objectionable, or  
7 unreasonable noise.

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

11       d. Any person to operate any snowmobile **[or]**, all-terrain  
12 vehicle, or dirt bike during the hours from 1/2 hour before sunset to  
13 1/2 hour after sunrise without having lighted headlights and lighted  
14 taillights.

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

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

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

26  
27       18. Section 20 of P.L.1973, c.307 (C.39:3C-20) is amended to  
28 read as follows:

29       20. a. No snowmobile **[or]**, all-terrain vehicle, or dirt bike  
30 shall be operated or permitted to be operated unless the owner  
31 thereof has obtained a policy of insurance, in such language and  
32 form as shall be determined by the Commissioner of **[the**  
33 **Department of]** Banking and Insurance, from an insurance carrier  
34 authorized to do business in this State, the terms of which policy  
35 shall indemnify an amount or limit of **[\$15,000.00]** \$15,000,  
36 exclusive of interest and costs, on account of injury to, or death of,  
37 one person, in any one accident; and an amount or limit, subject to  
38 such limit for any one person so injured, or killed, of **[\$30,000.00]**  
39 \$30,000, exclusive of interest and costs, on account of injury to or  
40 death of, more than one person, in any one accident; and an amount  
41 or limit of **[\$5,000.00]** \$5,000, exclusive of interest and costs, for  
42 damage to property in any one accident, for damages arising out of  
43 the negligent operation of **[said]** the snowmobile **[or]**, all-terrain  
44 vehicle, or dirt bike. In lieu of **[such]** the insurance coverage as  
45 hereinabove provided, the **[director]** chief administrator, in **[his]**  
46 the chief administrator's discretion and upon application of the

1 State or a municipality having registered in its name one or more  
2 snowmobiles  ~~[or] , all-terrain vehicles, or dirt bikes,~~ may waive the  
3 requirement of insurance by a private insurance carrier and issue a  
4 certificate of self-insurance, when  ~~[he]~~  the chief administrator is  
5 satisfied of financial ability to respond to judgments obtained  
6 against it or them, arising out of the ownership, use or operation of  
7 the snowmobiles  ~~[or] , all-terrain vehicles, or dirt bikes.~~

8 b. Proof of insurance as hereinabove required shall be produced  
9 and displayed by the owner or operator of  ~~[such]~~  the snowmobile  
10  ~~[or] , all-terrain vehicle, or dirt bike~~ upon request to any law  
11 enforcement officer or to any person who has suffered or claims to  
12 have suffered either personal injury or property damage as a result  
13 of the operation of  ~~[it]~~  the snowmobile, all-terrain vehicle, or dirt  
14 bike by the owner or operator.

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

24 d. The  ~~[director]~~  chief administrator is hereby authorized to  
25 promulgate reasonable regulations to provide effective  
26 administration and enforcement of the provisions of this section in  
27 accordance with the purposes thereof.

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

29

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

32 21. The operator of any snowmobile  ~~[or] , all-terrain vehicle, or~~  
33 dirtbike involved in an accident resulting in injuries or death of any  
34 person or property damage shall comply with the procedures in R.S.  
35 39:4-129 and R.S. 39:4-130.

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

37

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

40 22. The  ~~[director]~~  chief administrator may authorize the holding  
41 of organized special events.  ~~[He]~~  The chief administrator shall  
42 adopt and may, from time to time, amend rules and regulations  
43 determining the special events which shall be subject to  ~~[division]~~   
44 a permit and designating the equipment and facilities necessary for  
45 safe operation of snowmobiles  ~~[and] , all-terrain vehicles, and dirt~~  
46 bikes and for the safety of operators, participants, and observers in

1 such special events. Whenever **[such]** a special event requiring  
2 permit of the **[division]** commission is proposed to be held in the  
3 State of New Jersey, the person in charge thereof shall, at least 20  
4 days prior thereto, file an application with the **[director]** chief  
5 administrator to hold **[such]** the special event. The application shall  
6 set forth the date of and location where it is proposed to hold  
7 **[such]** the rally, race, exhibition, or organized event, and **[such]**  
8 any other information as the **[director]** chief administrator may  
9 require, and it shall not be conducted without written authorization  
10 of the **[director]** chief administrator and, if the event is desired to  
11 be held upon public lands or waters, a written authorization of the  
12 commissioner. Copies of such regulations shall be furnished by the  
13 **[division]** chief administrator to any person making an application  
14 therefor.

15 Any person sponsoring the event who shall violate any  
16 regulation adopted pursuant to this section shall for every **[such]**  
17 violation be subject to a fine not to exceed **[\$250.00]** \$250.

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

19

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

22 23. Snowmobiles **[and]** , all-terrain vehicles, and dirt bikes  
23 operated at special events shall be exempt from the provisions of  
24 this chapter concerning registration and lights during the time of  
25 **[such]** operation of the special event, including all prerace practice  
26 at the location of the meet. In addition, snowmobiles, all-terrain  
27 vehicles , and dirt bikes operated at special events shall be exempt  
28 from the provisions of subsection c. of section 16 of P.L.1973,  
29 c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973,  
30 c.307 (C.39:3C-9); however, subsection b. of section 16 of  
31 P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **[all**  
32 **terrain]** snowmobiles, all-terrain vehicles , and dirt bikes at special  
33 events and prerace practice.

34 (cf: P.L.1991, c.322, s.6)

35

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

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

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

44 b. Taillights. At least one red taillamp having a minimum  
45 candlepower of sufficient intensity to exhibit a red light plainly

1 visible from a distance of 500 feet to the rear during hours of  
2 darkness under normal atmospheric conditions.

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

4 d. Reflector **【material】** material. Reflector material of a  
5 minimum area of 16 square inches mounted on each side of the  
6 cowling. Registration numbers or other decorative material may be  
7 included in computing the required 16-square-inch area.

8 e. Mufflers. An adequate muffler system in good working  
9 condition.

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

11

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

14 25. The **【director】** chief administrator may adopt rules and  
15 regulations with respect to the inspection of snowmobiles **【and】** ,  
16 all-terrain vehicles, and dirt bikes and the testing of mufflers for  
17 those vehicles.

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

19

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

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

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

32 c. Retail dealers and distributors of all-terrain vehicles shall  
33 comply with those requirements of the consent decree entered into  
34 by all-terrain vehicle distributors and the United States Consumer  
35 Product Safety Commission on April 28, 1988 which require the  
36 providing of safety information on all-terrain vehicles to either the  
37 purchasers or retail dealers of **【such】** all-terrain vehicles, as  
38 appropriate.

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

40

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

43 27. Every law enforcement officer in the State, including any  
44 authorized **【officers of the Division of Motor Vehicles】** officer of  
45 the commission, conservation officers of the Division of Fish and  
46 Wildlife, and park police officers and law enforcement operation  
47 officers of the Division of Parks and Forestry within the

1 Department of Environmental Protection, [forest rangers and State  
2 park police] , and other designated officers and employees of the  
3 department shall enforce [this act] P.L.1973, c.307 (C.39:3C-1 et  
4 seq.) within their respective jurisdictions.

5 (cf: P.L.1973, c.307, s.27)

6

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

9 28. Any person who shall violate any [provisions] provision of  
10 [this act] P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is  
11 specifically provided, or any rule or regulation promulgated  
12 pursuant to [this act] P.L.1973, c.307 (C.39:3C-1 et seq.) shall be  
13 punished by a fine of not less than [ \$100 or ] \$250 nor more than  
14 [ \$200 ] \$500. For a second or subsequent violation of section 26 of  
15 P.L.1973, c.307 (C.39:3C-26), a fine of not less than [ \$200 or ]  
16 \$500 nor more than [ \$500 ] \$1,000 shall be imposed.

17 (cf: P.L.1991, c.322, s.8)

18

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

21 29. The [director] chief administrator shall deposit in the "Off-  
22 Road Vehicle Fund," established pursuant to section 29 of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill) all moneys  
24 received by [him from] the chief administrator from the additional  
25 \$5 payment required to be made at the time of registration of  
26 snowmobiles [and] , all-terrain vehicles, and dirt bikes [ , the sale  
27 of registration information, publications, and other services  
28 provided by the department and all fees collected by him under this  
29 act to the credit of the General Treasury, except that \$5 of a  
30 registration fee paid by a resident or nonresident of this State shall  
31 be allocated to the division to defray the cost of providing all-  
32 terrain vehicle safety education and training manuals or all-terrain  
33 vehicle safety education and training programs] in accordance with  
34 [section 15 of P.L.1973, c.307 (C.39:3C-15), or both] subsection f.  
35 of section 3 of P.L.1973, c.307 (C.39:3C-3).

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

37

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

40 30. Owners and operators of snowmobiles [and] , all-terrain  
41 vehicles, and dirt bikes shall, when operating such across a public  
42 highway or on public land or waters, comply with the following  
43 provisions of chapter 4 of Title 39 of the Revised Statutes:  
44 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;  
45 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through  
46 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-

1 129 through R.S.39:4-134; R.S.39:4-203. [The failure to comply  
2 with any of these provisions shall be a violation of this act and the  
3 penalty for such a violation shall be provided in section 28 of  
4 P.L.1973, c.307 (C.39:3C-28) rather than the penalty provided in  
5 the sections cited above.]

6 (cf: P.L.1985, c.375, s.28)

7  
8 29. (New section) a. There is established in the General Fund a  
9 separate, non-lapsing, dedicated account to be known as the "Off-  
10 Road Vehicle Fund," hereinafter referred to as "the fund."  
11 Notwithstanding any provision of law to the contrary, each fiscal  
12 year the State Treasurer shall credit the revenue collected pursuant  
13 to subsection f. of section 3 of P.L.1973, c.307 (C.39:3C-3) into the  
14 fund. Each fiscal year, the State Treasurer shall allocate the monies  
15 contained in the fund to the Department of Environmental  
16 Protection. Each fiscal year, the State Treasurer shall credit all  
17 earnings received from the investment or deposit of revenue in the  
18 fund, to the fund. All revenues and earnings deposited in the fund  
19 shall be appropriated in the same fiscal year to the department.

20 b. The monies credited to the fund shall be used by the  
21 Department of Environmental Protection for designating and  
22 maintaining a site in the State for the use of snowmobiles, all-  
23 terrain vehicles, and dirt bikes; the site shall be designated and shall  
24 be maintained in a manner that, to the greatest possible extent,  
25 mitigates any detrimental effects on the environment and protects  
26 public safety.

27  
28 30. (New section) As used in sections 31 and 32 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill):

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

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

46 "Vehicle" means every device in, upon or by which a person or  
47 property is or may be transported upon a highway, excepting

1 devices moved by human power or used exclusively upon stationary  
2 rails or tracks or motorized bicycles.

3

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

8 a. For a first offense, a fine of not less than \$250 nor more than  
9 \$500.

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

12 c. For a third or subsequent offense, a fine of not less than  
13 \$1,000.

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

25

26 32. (New section) a. In addition to the fines set forth in section  
27 31 of P.L. , c. (C. ) (pending before the Legislature as this  
28 bill), any vehicle or off-road vehicle operated on public lands in  
29 violation of P.L.1973, c.307 (C.39:3C-1 et seq.), may be  
30 impounded by the law enforcing agency and held until the payment  
31 of the fee required pursuant to subsections b. or c. of this section, as  
32 appropriate.

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

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

47 (2) For a second offense, the vehicle or off-road vehicle may be  
48 impounded for not less than 96 hours and shall be released to the

1 registered owner upon proof of registration and insurance as  
2 applicable to the type of vehicle or off-road vehicle and payment of  
3 a fee of \$750 payable to the Department of Environmental  
4 Protection, plus reasonable towing and storage costs.

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

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

23 (2) At any time prior to the sale, the owner or other person  
24 entitled to the vehicle or off-road vehicle may reclaim possession  
25 upon (a) showing proof of registration and insurance as applicable  
26 to the vehicle or off-road vehicle, (b) payment of the required fee,  
27 (c) payment of reasonable towing and storage costs, and (d)  
28 payment of all outstanding fees and costs associated with the  
29 impoundment.

30 The owner-lessor of an impounded vehicle or off-road vehicle  
31 shall be entitled to reclaim possession and the lessee shall be liable  
32 for all outstanding fines and restitution and fees and costs  
33 associated with the impoundment, towing and storage of the vehicle  
34 or off-road vehicle.

35 d. Any proceeds obtained from the sale of a vehicle or off-road  
36 vehicle at public auction pursuant to subsection c. of this section in  
37 excess of the amount owed to the impounding entity for the  
38 reasonable costs of towing and storage and any fees or other costs  
39 associated with the impoundment of the vehicle or off-road vehicle  
40 shall be returned to the owner of that vehicle or off-road vehicle, if  
41 the owner's name and address are known. If the owner's name and  
42 address are unknown or such person or entity cannot be located, the  
43 net proceeds shall be administered in accordance with the "Uniform  
44 Unclaimed Property Act," R.S.46:30B-1 et seq..

45 e. (1) Whenever a vehicle or off-road vehicle is subject to  
46 forfeiture pursuant to paragraph (3) of subsection b. of this section,  
47 the forfeiture may be enforced by a civil action, instituted within 90  
48 days of the impoundment and commenced by the State against the

1 property sought to be forfeited. The complaint for forfeiture shall  
2 be verified on oath or affirmation. It shall describe with reasonable  
3 accuracy the vehicle or off-road vehicle that is subject to the  
4 forfeiture action. The complaint shall contain all allegations setting  
5 forth the reason for forfeiture.

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

20

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

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

29 b. A person who knowingly violates, or who solicits or employs  
30 any other person to violate, the provisions of subsection a. of  
31 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the  
32 following penalties: a fine of not less than \$750 nor more than  
33 \$1,500 for the first offense; a fine of not less than \$1,500 nor more  
34 than \$3,000 for the second offense; and a fine of not less than  
35 \$3,000 nor more than \$5,000 for any subsequent offense.

36 Penalties assessed pursuant to this subsection shall be collected  
37 in a civil action by a summary proceeding. Any vessel, vehicle or  
38 equipment used in the commission of the violation shall be subject  
39 to confiscation and forfeiture to the State, if warranted, as  
40 determined by the courts. Further, in addition to any penalty  
41 provided pursuant to subsection a. of this section, restitution and  
42 damages may be ordered to compensate the State for the cost of  
43 remediating any violation of this section and for the value of any  
44 lost, damaged, or destroyed archaeological findings. All fines,  
45 restitution payments, and damages collected shall be remitted to the  
46 department to be used for the preservation, remediation or  
47 protection of State archaeological sites. Any archaeological  
48 findings obtained as a result of a violation of this section shall be

1 subject to confiscation, forfeiture, and return to the State and, upon  
2 recovery, shall be deposited with the New Jersey State Museum.

3 c. Notwithstanding any provision of this section to the contrary,  
4 examination or retrieval of artifacts, or scientific research,  
5 conducted by a State department, agency, commission, authority or  
6 corporation otherwise required or permitted by federal or State law  
7 are exempt from the provisions of this section.

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

30 e. Penalties assessed pursuant to this section shall be in  
31 addition to any other civil or criminal penalties that may be  
32 applicable pursuant to law.

33 As used in this subsection, "vehicle" and "off-road vehicle"  
34 means the same as the terms are defined in section 30 of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill).  
36 (cf: P.L.2005, c.330. s.1)

37

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

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

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

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

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

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

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

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

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

28        (b) In addition, for each subsequent violation, all license  
29 certificates required, and all privileges, to take or possess wildlife  
30 shall be suspended for a period of five years. A license certificate  
31 or privilege suspended pursuant to this subparagraph shall not be  
32 reinstated until the holder thereof has first completed, to the  
33 satisfaction of the Division of Fish and Wildlife, the approved  
34 remedial sportsmen education program established and conducted  
35 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-  
36 22.3).

37        (3) Penalties assessed pursuant to this subsection shall be in  
38 addition to any other civil or criminal penalties that may be  
39 applicable pursuant to law.

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

41  
42        35. The chief administrator shall promulgate rules and  
43 regulations pursuant to the "Administrative Procedure Act,"  
44 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the  
45 purposes of this section.

46  
47        36. The following section is repealed:

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



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

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

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

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

41 The bill also enhances the existing penalties concerning the  
42 operation of snowmobiles and all-terrain vehicles and creates the  
43 same penalties concerning the operation of dirt bikes. In doing so,  
44 this bill provides that snowmobile, all-terrain vehicle, and dirt bike  
45 operators are subject to the same penalties as motor vehicle  
46 operators.

47 The bill amends the general penalty section of the law  
48 concerning the operation of snowmobiles and all-terrain vehicles,

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25

1 and includes penalties concerning the operation of dirt bikes. This  
2 section establishes the scope of the fines which may be imposed for  
3 violations that do not set forth their own specific penalties. At  
4 present, the maximum fine for these types of violation is \$200. The  
5 bill increases that amount to \$500.

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