

[Third Reprint]

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, Assemblyman McKeon, Assemblywoman Greenstein, Senators Gordon, Stack and Turner

SYNOPSIS

Regulates operation of snowmobiles, all-terrain vehicles, and dirt bikes, and certain other vehicles and off-road vehicles; requires DEP to designate three sites on State-owned land where snowmobiles, all-terrain vehicles, and dirt bikes may be used.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 7, 2009.

(Sponsorship Updated As Of: 1/12/2010)

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, ³["and"]³ amending ³and
5 supplementing³ P.L.1983, c.324 ³,³ and ³amending³ P.L.1954,
6 c.38 ¹["], and repealing section 4 of P.L.1973, c.307 (C.39:3C-
7 4)]¹.

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

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

14 1. As used in this act:

15 **[a.]** "All-terrain vehicle" means a motor vehicle, designed ¹[to
16 travel over any terrain] and manufactured for off-road use only¹, of
17 a type possessing between three and six rubber tires and powered by
18 a gasoline engine not exceeding ¹[1,000] 600¹ cubic centimeters,
19 but shall not include golf carts ¹or any all-terrain vehicle operated
20 by an employee or agent of the State of New Jersey and used while
21 in the performance of the employee's or agent's official duties¹ .

22 "Chief ²[Administrator] administrator² " means the Chief
23 Administrator of the New Jersey Motor Vehicle Commission.

24 "Commission" means the New Jersey Motor Vehicle
25 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
26 4).

27 "Commissioner" means the Commissioner of **[**the Department
28 of**]** Environmental Protection.

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

31 **c.]** ¹"Department" means the Department of Environmental
32 Protection.¹

33 "Dirt bike" means ¹[a motor powered vehicle possessing two or
34 more tires, designed to travel over any terrain and capable of
35 traveling off of paved roads] any two-wheeled motorcycle that is
36 designed and manufactured for off-road use only and that does not
37 comply with Federal Motor Vehicle Safety Standards or United
38 States Environmental Protection Agency on-road emissions
39 standards¹.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted February 5, 2009.

² Assembly floor amendments adopted May 21, 2009.

³ Assembly floor amendments adopted December 7, 2009.

1 “Natural resource” means all land, fish, shellfish, wildlife, biota,
2 air, waters, and other such resources owned, managed, held in trust,
3 or otherwise controlled by the State.

4 “Public land” means all land owned, operated, managed,
5 maintained, or under the jurisdiction of the Department of
6 Environmental Protection, including any and all land owned,
7 operated, managed, maintained, or purchased jointly by the
8 Department of Environmental Protection with any other party and
9 any land so designated by municipal or county ordinance. Public
10 land shall also mean any land used for conservation purposes,
11 including, but not limited to, beaches, forests, greenways, natural
12 areas, water resources, wildlife preserves, ²[and]² land used for
13 watershed protection, or biological or ecological studies ², and land
14 exempted from taxation pursuant to section 2 of P.L.1974, c.167
15 (C.54:4-3.64)² .

16 “Snowmobile” means any motor vehicle, designed primarily to
17 travel over ice or snow, of a type which uses sled type runners, skis,
18 an endless belt tread, cleats or any combination of these or other
19 similar means of contact with the surface upon which it is operated,
20 but does not include any farm tractor, highway or other construction
21 equipment, or any military vehicle.

22 **[d.]** “Special event” means an organized race, exhibition ¹,¹ or
23 demonstration of limited duration which is conducted according to a
24 prearranged schedule and in which general public interest is
25 manifested.

26 **[e.]** “All-terrain vehicle” means a motor vehicle, designed to
27 travel over any terrain, of a type possessing between three and six
28 rubber tires and powered by a gasoline engine not exceeding 600
29 cubic centimeters, but shall not include golf carts].

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

31

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

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

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

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

43 (2) Equipment;

44 (3) Standards of safety;

45 (4) ¹**[Educational programs]** (Deleted by amendment, P.L. _____,
46 c.) (pending before the Legislature as this bill)¹ ; and

1 (5) ~~【Promulgate】~~ Promulgation of rules and regulations to
2 effectuate the purposes of 【this act】 P.L.1973, c.307 (C.39:3C-1 et
3 seq.).

4 b. The Commissioner of Environmental Protection shall have
5 the power, duty, and authority to administer and enforce all other
6 statutes, permits, rules, and regulations ~~【, except as otherwise~~
7 ~~provided by statute,】~~ relating to snowmobiles ~~【and】~~ all-terrain
8 vehicles, and dirt bikes on the public lands and waters under the
9 jurisdiction of the Department of Environmental Protection such
10 that:

11 (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be
12 operated only on highways and roads designated and marked for
13 such operation, unless specifically authorized by the commissioner;
14 and

15 (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be
16 operated only in areas designated and marked for such operation
17 and only with a special use permit issued by the Department of
18 Environmental Protection.

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

20

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

23 3. Except as otherwise provided, no snowmobile ~~【or】~~ all-
24 terrain vehicle, or dirt bike shall be operated or permitted to be
25 operated on or across a public highway or on public lands or waters
26 of this State unless registered and numbered by the owner thereof as
27 provided by ~~【this act】~~ P.L.1973, c.307 (C.39:3C-1 et seq.). The
28 ~~【Director of the Division of Motor Vehicles in the Department of~~
29 ~~Law and Public Safety】~~ chief administrator is authorized to register
30 and assign a ~~【registration】~~ number to snowmobiles ~~【and】~~ all-
31 terrain vehicles, and dirt bikes upon application and payment of the
32 appropriate fee in accordance with the following schedule:

33 a. For each individual resident snowmobile registration, ~~【\$5.00,~~
34 ~~and for each individual resident】~~ all-terrain vehicle registration,
35 ~~【\$10.00】~~ and dirt bike registration, '\$45' \$50', '【annually】 for a
36 period not to exceed 24 months'【;】 , in accordance with the
37 provisions of section 29 of P.L.1973, c.307 (C.39:3C-29).

38 b. For each individual nonresident snowmobile registration,
39 ~~【\$7.00, and for each individual nonresident】~~ all-terrain vehicle
40 registration, ~~【\$12.00】~~ and dirt bike registration, '【\$45】 \$50',
41 '【annually】 for a period not to exceed 24 months'【;】, in
42 accordance with the provisions of section 29 of P.L.1973, c.307
43 (C.39:3C-29).

44 c. For replacement of a lost, mutilated ['] or destroyed
45 certificate, 【\$5 ;】 '【\$11】 \$5' .

1 d. For a duplicate registration, ~~[\$5]~~ ~~['\$11]~~ \$5¹ at the time of
2 issuance~~;~~ .

3 e. For an amended registration, ~~[\$5]~~ ~~['\$11]~~ \$5¹.

4 f. In addition to the registration fees imposed pursuant to this
5 section, the chief administrator shall impose and collect an
6 additional fee of ~~['\$5]~~ \$10¹ to be deposited in the “Off-Road
7 Vehicle Recreational Fund” created by section ~~['29]~~ 31¹ of P.L. ,
8 c. (C.) (pending before the Legislature as this bill).

9 All ~~[such]~~ registrations shall be ~~[issued on or after September 1~~
10 ~~in any year and shall be]~~ valid ~~[through September 30 of the~~
11 ~~following year]~~ for a period ~~['of 12]~~ not to exceed 24¹ months
12 from the date on which the registration was issued, except that the
13 ~~[director]~~ chief administrator may suspend or revoke such
14 registration for any violations of ~~[this act]~~ P.L.1973, c.307
15 (C.39:3C-1 et seq.) or of the rules promulgated hereunder.

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

17

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

20 4. Once a registration number is assigned, it shall remain with
21 the registered snowmobile ~~[or]~~ , all-terrain vehicle, or dirt bike
22 until the snowmobile ~~[or]~~ , all-terrain vehicle, or dirt bike is
23 destroyed, abandoned or permanently removed from the State, or
24 until changed or terminated by the ~~[director]~~ chief administrator.¹

25 (cf: P.L.1985, c.375, s.5)

26

27 ¹~~['4.]~~ ¹5. Section 5 of P.L.1973, c.307 (C.39:3C-5) is amended
28 to read as follows:

29 5. ~~[Such registration shall be issued by the director or by agents~~
30 ~~as designated by him when a snowmobile or all-terrain vehicle is~~
31 ~~operated across a public highway or on public lands or waters and~~
32 ~~shall be in such form as the director shall prescribe. The registration~~
33 ~~certificate shall be subject to inspection by any law enforcement~~
34 ~~officer on demand and shall be on the vehicle at all times when in~~
35 ~~operation.~~

36 The registration number assigned shall be displayed on each side
37 of the vehicle in such form, location and manner as prescribed by
38 the director.]

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

43 ¹['Any snowmobile, all-terrain vehicle, or dirt bike purchased at
44 a retail dealer or distributor in this State on or after the effective
45 date of P.L. , c. (C.) (pending before the Legislature as this
46 bill) shall be properly registered and numbered with the commission

1 through the retail dealer or distributor. The chief administrator
2 shall promulgate rules and regulations concerning the manner in
3 which a retail dealer or distributor shall register and number a
4 snowmobile, all-terrain vehicle or dirt bike.

5 Whenever ownership is transferred or the use of a snowmobile
6 ~~【or】~~, all-terrain vehicle, ~~or dirt bike~~ for which a registration
7 certificate has already been issued is discontinued, the ~~【old】~~
8 registration shall be properly signed and executed by the owner,
9 showing that the ownership has been transferred or its use
10 discontinued, and returned to the ~~【director】~~ chief administrator
11 within 10 days of ~~【said】~~ the event.】

12 Every person in the business of selling a snowmobile, all-terrain
13 vehicle, or dirt bike shall require proof that the vehicle is properly
14 registered with the New Jersey Motor Vehicle Commission,
15 pursuant to section 3 of P.L.1973, c.307 (C.39:3C-3), before
16 transferring actual physical possession of the snowmobile, all-
17 terrain vehicle, or dirt bike to a purchaser of the vehicle.¹

18 If there is a change of ownership for which a registration
19 certificate has been previously issued, the new owner shall apply
20 for a new registration certificate and set forth the original number in
21 the application. ~~【He】~~ The owner shall demonstrate to the
22 commission a notarized bill of sale, assignable certificate of origin,
23 or other formal proof of ownership ¹deemed acceptable by the
24 commission¹ when transferring ownership or selling a snowmobile,
25 all-terrain vehicle, or dirt bike. The owner shall pay the regular fee
26 for the particular snowmobile ~~【or】~~, all-terrain vehicle, ~~or dirt bike~~
27 involved. The owner of any registration certificate issued under
28 this section may obtain a duplicate from the ~~【division】~~ commission
29 upon application and payment of the fee prescribed.

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

31

32 ¹~~【5.】~~ 6.¹ Section 6 of P.L.1973, c.307 (C.39:3C-6) is amended
33 to read as follows:

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

39 b. No registration fee shall be charged for a snowmobile ~~【or】~~,
40 all-terrain vehicle, ~~or dirt bike~~ owned by the federal government,
41 the State, county or municipal government or subdivision thereof.

42 (cf: P.L.1985, c.375, s.7)

43

44 ¹~~【6.】~~ 7.¹ Section 7 of P.L.1973, c.307 (C.39:3C-7) is amended
45 to read as follows:

1 7. The registration provisions of **[this act]** P.L.1973, c.307
2 (C.39:3C-1 et seq.) shall not apply to nonresident owners who have
3 complied with the registration and licensing laws of the state or
4 country of residence, provided that the snowmobile **[or]** , all-
5 terrain vehicle , or dirt bike is appropriately identified in accordance
6 with the laws of the state or country of residence and conspicuously
7 displays the **[registration]** number issued by the state or country of
8 residence. Nothing in this section shall be construed to authorize
9 the operation of any snowmobile **[or]** , all-terrain vehicle , or dirt
10 bike contrary to the provisions of **[this act]** P.L.1973, c.307
11 (C.39:3C-1 et seq.).
12 (cf: P.L.1985, c.375, s.8)

13
14 ¹**[7.] 8.** Section 8 of P.L.1973, c.307 (C.39:3C-8) is amended
15 to read as follows:

16 8. The **[registration]** number assigned to a snowmobile **[or]** ,
17 all-terrain vehicle, or dirt bike and required to be displayed pursuant
18 ²to section 3 of² P.L.1973, c.307 (C.39:3C-3) shall be displayed on
19 the **[vehicle]** snowmobile, all-terrain vehicle, or dirt bike at all
20 times in such manner as the **[director]** chief administrator may, by
21 regulation, prescribe. No number other than the number assigned
22 by the **[director]** chief administrator, or **[the]** a comparable
23 identification number of the **[registration]** snowmobile, all-terrain
24 vehicle, or dirt bike properly registered in another state, shall be
25 painted, attached, or otherwise displayed on either side of the
26 cowling, except that racing numbers on a snowmobile **[or]**, all-
27 terrain vehicle, or dirt bike being operated in prearranged organized
28 special events may be temporarily displayed for the duration of the
29 race.
30 (cf: P.L.1985, c.375, s.9)

31
32 ¹**[8.] 9.** Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended
33 to read as follows:

34 9. a. Every person operating a snowmobile **[or]**, all-terrain
35 vehicle, or dirt bike registered or transferred in accordance with any
36 of the provisions of **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.)
37 shall, upon demand of any **[peace officer,]** law enforcement officer,
38 duly authorized **[official of the Department of Environmental**
39 **Protection]** conservation officer of the Division of Fish and
40 Wildlife or park police officer or law enforcement operation officer
41 of the Division of Parks and Forestry within the Department of
42 Environmental Protection, or **[a]** any other police officer, produce
43 for inspection the certificate of registration and shall furnish to
44 **[such]** the officer any information necessary for the identification
45 of **[such]** the snowmobile **[or]** , all-terrain vehicle, or dirt bike and
46 its owner. The failure to produce the certificate of registration

1 when operating a snowmobile **[or]** , all-terrain vehicle, or dirt bike
2 on public lands and waters, or when crossing a public highway,
3 shall be presumptive evidence in any court of competent
4 jurisdiction of operating a snowmobile **[or]** , all-terrain vehicle, or
5 dirt bike which is not registered as required by **[this act]** P.L.1973,
6 c.307 (C.39:3C-1 et seq.).

7 b. A person less than 18 years of age who operates **[an]** a
8 snowmobile, all-terrain vehicle , or a dirt bike which is registered in
9 this State shall produce upon demand a certificate indicating that
10 person's successful completion of **[an all-terrain vehicle]** a safety
11 education and training course established or certified by the
12 **[director]** ¹**[chief administrator]** commissioner¹ in accordance with
13 section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to produce
14 the certificate when operating **[an]** a snowmobile, all-terrain
15 vehicle , or dirt bike on public lands or waters, or when crossing a
16 public highway, shall be presumptive evidence in any court of
17 competent jurisdiction of the operation of the ¹snowmobile,¹ all-
18 terrain vehicle ¹, or dirt bike¹ in violation of the requirement in
19 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16).
20 (cf: P.L.1991, c.322, s.2)

21
22 ¹10. Section 10 of P.L.1973, c.307 (C.39:3C-10) is amended to
23 read as follows:

24 10. a. It shall be the duty of every owner holding a certificate of
25 registration to notify the commission, in writing, of any change of
26 residence of such person within **[seven days]** one week after the
27 change occurs.

28 b. The chief administrator shall establish a public awareness
29 campaign to inform the general public about the importance of
30 maintaining a current address with the commission.¹
31 (cf: P.L.2007, c.281, s.1)

32
33 ¹**[9.]** 11.¹ Section 11 of P.L.1973, c.307 (C.39:3C-11) is
34 amended to read as follows:

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

1 certificate. '[He] The new owner' shall set forth the original
2 number issued in the application accompanied by the old
3 registration '[properly signed by the previous owner], if available,'
4 and with the required fee submitted to the [division] commission,
5 for registration. The 'new' owner shall demonstrate to the
6 commission a notarized bill of sale, assignable certificate of origin,
7 or other formal proof of ownership 'deemed acceptable by the
8 commission' when transferring ownership or selling a snowmobile,
9 all-terrain vehicle, or dirt bike.

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

11

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

14 12. It shall be the duty of every owner of a snowmobile [or] ,
15 all-terrain vehicle, or dirt bike registered pursuant to [this act]
16 P.L.1973, c.307 (C.39:3C-1 et seq.) to notify the [division]
17 commission, in writing, of the destruction, theft, or permanent
18 removal of [such] the snowmobile, all-terrain vehicle, or dirt bike
19 from the State, 'to surrender the certificate of registration' within
20 10 days '[thereafter; and]' in the event of the destruction '[or] ,'
21 theft ', or permanent removal' of [such] the snowmobile, all-
22 terrain vehicle, or dirt bike'[, shall surrender the certificate of
23 registration [with such] within the notice period prescribed by this
24 section] from the State'.

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

26

27 '[11.] 13.' Section 13 of P.L.1973, c.307 (C.39:3C-13) is
28 amended to read as follows:

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

33 Nothing herein shall [however] prohibit the requirement of a
34 permit by State or local parks for use of snowmobiles , all-terrain
35 vehicles, or dirt bikes on park lands or in any way affect the
36 authority of the Department of Environmental Protection, the
37 commissioner thereof, or those responsible for the operation of a
38 park from adopting rules and regulations concerning the use of
39 snowmobiles [and] , all-terrain vehicles, and dirt bikes.

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

41

42 '[12.] 14.' Section 14 of P.L.1973, c.307 (C.39:3C-14) is
43 amended to read as follows:

44 14. The commissioner, with a view towards minimizing
45 detrimental effects on the environment and protecting public safety,

1 shall adopt rules and regulations relating to and including, but not
2 limited to, the following:

3 a. Use of snowmobiles ~~[and]~~, all-terrain vehicles, and dirt
4 bikes, insofar as fish, wildlife, and plantlife resources, and public
5 safety are affected;

6 b. Use of snowmobiles ~~[and]~~, all-terrain vehicles, and dirt bikes
7 on public lands and waters under the jurisdiction of the Department
8 of Environmental Protection ³; and

9 c. Use of snowmobiles, all-terrain vehicles, and dirt bikes at
10 three sites on State-owned land pursuant to section 38 of
11 P.L. , c. (C.) (pending before the Legislature as this bill)³ .

12 The commissioner may locate, designate, and make available by
13 the effective date of ~~[this act]~~ ² ~~[P.L.1973, c.307 (C.39:3C-1 et~~
14 ~~seq.)] P.L.1991, c.322²~~ appropriate areas of public lands upon
15 which snowmobile, all-terrain vehicle, and dirt bike safety
16 education and training programs established or certified by the
17 ~~[Director of the Division of Motor Vehicles]~~ ¹ ~~[chief administrator]~~
18 commissioner¹ in accordance with section 15 of P.L.1973, c.307
19 (C.39:3C-15) may be conducted. The commissioner shall report to
20 the Legislature and the Governor within one year after the effective
21 date of ~~[this act]~~ ² ~~[P.L.1973, c.307 (C.39:3C-1 et seq.)]~~ P.L.1991,
22 c.322² on the size and location of the public lands located,
23 designated, and made available; on the frequency of the use, or the
24 estimated frequency of use, of these public lands for safety
25 education and training programs; and the environmental impact of
26 this use on the lands.

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

28
29 ¹ ~~[13.] 15.~~¹ Section 15 of P.L.1973, c.307 (C.39:3C-15) is
30 amended to read as follows:

31 15. The ~~[Director of the Division of Motor Vehicles]~~ ¹ ~~[chief~~
32 ~~administrator shall]~~ commissioner may¹ adopt rules and regulations
33 relating to and including, but not limited to:

34 a. ¹ ~~[Specifications relating to equipment required for safety as~~
35 ~~provided herein]~~ (Deleted by amendment, P.L. , c.) (pending
36 before the Legislature as this bill)¹ .

37 b. Establishment of a comprehensive snowmobile ~~[and]~~, all-
38 terrain vehicle, and dirt bike information and safety education and
39 training program.

40 c. ¹ ~~[The regulations pertaining to and the granting]~~ Granting¹ of
41 permits for the conduct of all prearranged special events as
42 provided in ~~[this act]~~ P.L.1973, c.307 (C.39:3C-1 et seq.), ¹ ~~[except~~
43 ~~that in the case of]~~ including¹ those ¹permits necessary for¹
44 special events conducted on public lands and waters under the
45 jurisdiction of the Department of Environmental Protection ¹ ~~[any~~

1 regulations must be approved jointly by the **[director]** chief
2 administrator and] the commissioner]' .

3 In accordance with the requirement in **[paragraph]** subsection b.
4 of this section, the **[director]** '**[chief administrator]** commissioner'
5 shall '**[establish an all-terrain vehicle safety education and training**
6 **program to be offered by the [division] commission, or shall]**'
7 certify '**[other] snowmobile,' all-terrain vehicle ', and dirt bike'
8 safety education and training programs to be offered by public or
9 private agencies or organizations, the successful completion of
10 which shall satisfy the training requirements in subsection c. of
11 section 16 of P.L.1973, c.307 (C.39:3C-16). A person less than 16
12 years of age participating in an all-terrain vehicle safety education
13 and training course established or certified by the **[director]** '**[chief**
14 **administrator]** commissioner' shall operate during the training only
15 an all-terrain vehicle with an engine capacity of 90 cubic
16 centimeters or less.**

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

18

19 '**[14.] 16.**' Section 16 of P.L.1973, c.307 (C.39:3C-16) is
20 amended to read as follows:

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

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

28 c. A person less than 18 years of age shall not operate **[an]** a
29 snowmobile, all-terrain vehicle , or dirt bike registered in this State
30 on public lands or waters or across a public highway of this State
31 unless the person has completed **[an all-terrain vehicle]** a safety
32 education and training course established or certified by the
33 **[director]** '**[chief administrator]** commissioner' pursuant to
34 section 15 of P.L.1973, c.307 (C.39:3C-15). At all times during the
35 operation of the snowmobile, all-terrain vehicle , or dirt bike the
36 person shall **[have in his possession]** possess a certificate
37 indicating successful completion of the course.

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

39

40 '**[15.] 17.**' Section 17 of P.L.1973, c.307 (C.39:3C-17) is
41 amended as follows:

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

45 b. No person shall operate a snowmobile **[or]** , all-terrain
46 vehicle, or dirt bike upon the main traveled portion or the plowed

1 snowbanks of any public street or highway or within the right-of-
2 way limits thereof except as follows:

3 (1) Properly registered snowmobiles ~~[or],~~ all-terrain vehicles,
4 and dirt bikes may cross, as directly as possible, public streets or
5 highways, except limited access highways, provided that such
6 crossing can be made in safety and that it does not interfere with the
7 free movement of vehicular traffic approaching from either
8 direction on ~~[such] the~~ public street or highway. Prior to making
9 any such crossing, the operator shall bring the snowmobile ~~[or],~~
10 all-terrain vehicle, or dirt bike to a complete stop. It shall be the
11 responsibility of the operator of a snowmobile ~~[or],~~ all-terrain
12 vehicle, or dirt bike to yield the right-of-way to all vehicular traffic
13 upon any public street or highway before crossing ~~[same] the~~
14 public street or highway.

15 (2) Whenever it is impracticable to gain immediate access to an
16 area adjacent to a public highway where a snowmobile ~~[or],~~ all-
17 terrain vehicle, or dirt bike is to be operated, ~~[it] the snowmobile,~~
18 all-terrain vehicle, or dirt bike may be operated adjacent and
19 parallel to ~~[such] the~~ public highway for the purpose of gaining
20 access to the area of operation. This subsection shall apply to the
21 operation of a snowmobile ~~[or] ,~~ all-terrain vehicle, or dirt bike
22 from the point where ~~[it] the snowmobile, all-terrain vehicle, or~~
23 dirt bike is unloaded from a motorized conveyance to the area
24 where it is to be operated, or from the area where operated to a
25 motorized conveyance, when ~~[such] the~~ loading or unloading
26 cannot be effected in the immediate vicinity of the area of
27 operation without causing a hazard to vehicular traffic approaching
28 from either direction on ~~[said] the~~ public highway. ~~[Such] The~~
29 loading or unloading must be accomplished with due regard to
30 safety, at the nearest possible point to the area of operation.

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

32

33 ~~'[16.] 18.'~~ Section 18 of P.L.1973, c.307 (C.39:3C-18) is
34 amended to read as follows:

35 18. a. No person shall operate a snowmobile ~~[or] ,~~ all-terrain
36 vehicle, or dirt bike on the property of another without receiving the
37 consent of the owner of the property and the person who has a
38 contractual right to the use of ~~[such] the~~ property.

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

42 c. No owner of real property and no person or entity having a
43 contractual right to the use of real property, no matter where ~~[such]~~
44 the property is situate in this State, shall assume responsibility or
45 incur liability for any injury or damage to an owner, operator, or
46 occupant of a snowmobile ~~[or],~~ all terrain vehicle, or dirt bike

1 **【where such】** if the injury or damage occurs during, or arises out of
2 the operation or use of **【such】** , the snowmobile, all-terrain vehicle,
3 or dirt bike unless: (1) the operation or use is with the express
4 consent of the owner and contractual user of the property , and (2)
5 the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985,
6 c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection
7 shall not limit the liability which would otherwise exist for the
8 willful or malicious creation of a hazardous condition.

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

10

11 **'【17.】 19.'** Section 19 of P.L.1973, c.307 (C.39:3C-19) is
12 amended to read as follows:

13 19. It shall be unlawful for:

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

20 b. Any person to operate a snowmobile **【or】**, all-terrain vehicle,
21 or dirt bike that is not equipped with working headlights, taillights,
22 brakes, and proper mufflers as supplied by the motor manufacturer
23 for the particular model, without modifications, nor shall any
24 person operate any snowmobile **【or】**, all-terrain vehicle, or dirt bike
25 in **【such a】** any manner as to cause a harsh, objectionable, or
26 unreasonable noise.

27 c. Any person to operate a snowmobile **【or】** , all-terrain vehicle,
28 or dirt bike at any time and in any manner intended or reasonably to
29 be expected to harass, drive, or pursue any wildlife.

30 d. Any person to operate any snowmobile **【or】**, all-terrain
31 vehicle, or dirt bike during the hours from 1/2 hour before sunset to
32 1/2 hour after sunrise without having lighted headlights and lighted
33 taillights.

34 e. Any person to operate any snowmobile **【or】**, all-terrain
35 vehicle, or dirt bike on the land of another without first securing the
36 permission of the landowner or **【his】** the landowner's duly
37 authorized representative.

38 f. Any person to operate a snowmobile **【or】** , all-terrain vehicle,
39 or dirt bike upon railroad or right-of-way of an operating railroad,
40 except railroad personnel in the performance of their duties.

41 g. Any person to violate any provision of **【this act】** P.L.1973,
42 c.307 (C.39:3C-1 et seq.) or any rule or regulation adopted pursuant
43 to **【this act】** P.L.1973, c.307 (C.39:3C-1 et seq.).

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

1 ~~'[18.] 20.'~~ Section 20 of P.L.1973, c.307 (C.39:3C-20) is
2 amended to read as follows:

3 20. a. No snowmobile ~~[or] ,~~ all-terrain vehicle, or dirt bike
4 shall be operated or permitted to be operated unless the owner
5 thereof has obtained a policy of insurance, in such language and
6 form as shall be determined by the Commissioner of ~~[the~~
7 ~~Department of] Banking and~~ Insurance, from an insurance carrier
8 authorized to do business in this State, the terms of which policy
9 shall indemnify an amount or limit of ~~[\$15,000.00]~~ \$15,000,
10 exclusive of interest and costs, on account of injury to, or death of,
11 one person, in any one accident; and an amount or limit, subject to
12 such limit for any one person so injured, or killed, of ~~[\$30,000.00]~~
13 \$30,000, exclusive of interest and costs, on account of injury to or
14 death of, more than one person, in any one accident; and an amount
15 or limit of ~~[\$5,000.00]~~ \$5,000, exclusive of interest and costs, for
16 damage to property in any one accident, for damages arising out of
17 the negligent operation of ~~[said] the~~ snowmobile ~~[or] ,~~ all-terrain
18 vehicle, or dirt bike. In lieu of ~~[such] the~~ insurance coverage as
19 hereinabove provided, the ~~[director]~~ chief administrator, in ~~[his]~~
20 the chief administrator's discretion and upon application of the
21 State or a municipality having registered in its name one or more
22 snowmobiles ~~[or] ,~~ all-terrain vehicles, or dirt bikes, may waive the
23 requirement of insurance by a private insurance carrier and issue a
24 certificate of self-insurance, when ~~[he]~~ the chief administrator is
25 satisfied of financial ability to respond to judgments obtained
26 against it or them, arising out of the ownership, use or operation of
27 the snowmobiles ~~[or] ,~~ all-terrain vehicles, or dirt bikes.

28 b. Proof of insurance as hereinabove required shall be produced
29 and displayed by the owner or operator of ~~[such] the~~ snowmobile
30 ~~[or] ,~~ all-terrain vehicle, or dirt bike upon request to any law
31 enforcement officer or to any person who has suffered or claims to
32 have suffered either personal injury or property damage as a result
33 of the operation of ~~[it] the~~ snowmobile, all-terrain vehicle, or dirt
34 bike by the owner or operator.

35 c. An owner of a snowmobile ~~[or] ,~~ all-terrain vehicle, or dirt
36 bike who shall operate or permit the ~~[same] the~~ snowmobile, all-
37 terrain vehicle, or dirt bike to be operated without having in effect
38 the required liability insurance coverage, and any other person who
39 shall operate any snowmobile ~~[or] ,~~ all-terrain vehicle, or dirt bike
40 with the knowledge that the owner thereof does not have in effect
41 ~~[such] the~~ insurance coverage shall be guilty of a violation of
42 ² ~~[this act]~~ P.L.1973, c.307 (C.39:3C-1 et seq.)² and be subject to a
43 fine of not less than ~~[\$25.00]~~ \$25 nor more than ~~[\$100.00]~~ \$100.

44 d. The ~~[director]~~ chief administrator is hereby authorized to
45 promulgate reasonable regulations to provide effective

1 administration and enforcement of the provisions of this section in
2 accordance with the purposes thereof.

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

4

5 ¹~~19.~~ 21.¹ Section 21 of P.L.1973, c.307 (C.39:3C-21) is
6 amended to read as follows:

7 21. The operator of any snowmobile ~~or~~ , all-terrain vehicle, ~~or~~
8 ²~~dirtbike~~ dirt bike² involved in an accident resulting in injuries or
9 death of any person or property damage shall comply with the
10 procedures in R.S. 39:4-129 and R.S. 39:4-130.

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

12

13 ¹~~20.~~ 22.¹ Section 22 of P.L.1973, c.307 (C.39:3C-22) is
14 amended to read as follows:

15 22. The ~~director~~ ¹~~chief administrator~~ commissioner¹ may
16 authorize the holding of organized special events. ~~He~~ The
17 ¹~~chief administrator~~ commissioner¹ shall adopt and may, from
18 time to time, amend rules and regulations determining the special
19 events which shall be subject to ~~division~~ a permit and designating
20 the equipment and facilities necessary for safe operation of
21 snowmobiles ~~and~~ , all-terrain vehicles, and dirt bikes and for the
22 safety of operators, participants, and observers in such special
23 events. Whenever ~~such~~ a special event requiring ¹~~permit~~
24 authorization¹ of the ~~division~~ ¹~~commission~~ department¹ is
25 proposed to be held in the State of New Jersey, the person in charge
26 thereof shall, at least ¹~~20~~ 90¹ days prior thereto, file an
27 application with the ~~director~~ ¹~~chief administrator~~
28 commissioner¹ to hold ~~such~~ the special event. The application
29 shall set forth the date of and location where it is proposed to hold
30 ~~such~~ the rally, race, exhibition, or organized event, and ~~such~~
31 any other information as the ~~director~~ ¹~~chief administrator~~
32 commissioner¹ may require, and it shall not be conducted without
33 written authorization of the ~~director~~ ¹~~chief administrator~~ and, if
34 the event is desired to be held upon public lands or waters, a written
35 authorization of the¹ commissioner. Copies of such regulations
36 shall be furnished by the ~~division~~ ¹~~chief administrator~~
37 commissioner¹ to any person making an application therefor.

38 Any person sponsoring the event who shall violate any
39 regulation adopted pursuant to this section shall for every ~~such~~
40 violation be subject to a fine not to exceed ~~250.00~~ 250.

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

42

43 ¹~~21.~~ 23.¹ Section 23 of P.L.1973, c.307 (C.39:3C-23) is
44 amended to read as follows:

1 23. Snowmobiles **[and]** , all-terrain vehicles, and dirt bikes
2 operated at special events shall be exempt from the provisions of
3 this chapter concerning registration and lights during the time of
4 **[such]** operation of the special event, including all prerace practice
5 at the location of the meet. In addition, snowmobiles, all-terrain
6 vehicles , and dirt bikes operated at special events shall be exempt
7 from the provisions of subsection c. of section 16 of P.L.1973,
8 c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973,
9 c.307 (C.39:3C-9); however, subsection b. of section 16 of
10 P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **[all**
11 **terrain]** snowmobiles, all-terrain vehicles , and dirt bikes at special
12 events and prerace practice.
13 (cf: P.L.1991, c.322, s.6)

14
15 '**[22.] 24.**' Section 24 of P.L.1973, c.307 (C.39:3C-24) is
16 amended to read as follows:

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

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

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

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

28 d. Reflector **[material]** material. Reflector material of a
29 minimum area of 16 square inches mounted on each side of the
30 cowling. Registration numbers or other decorative material may be
31 included in computing the required 16-square-inch area.

32 e. Mufflers. An adequate muffler system in good working
33 condition.
34 (cf: P.L.1985, c.375, s.24)

35
36 '**[23.] 25.**' Section 25 of P.L.1973, c.307 (C.39:3C-25) is
37 amended to read as follows:

38 25. The **[director]** chief administrator may adopt rules and
39 regulations with respect to the inspection of snowmobiles **[and]** ,
40 all-terrain vehicles, and dirt bikes and the testing of mufflers for
41 those vehicles.

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

43
44 '**[24.] 26.**' Section 26 of P.L.1973, c.307 (C.39:3C-26) is
45 amended to read as follows:

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

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

11 c. Retail dealers and distributors of all-terrain vehicles shall
12 comply with those requirements of the consent decree entered into
13 by all-terrain vehicle distributors and the United States Consumer
14 Product Safety Commission on April 28, 1988 which require the
15 providing of safety information on all-terrain vehicles to either the
16 purchasers or retail dealers of **[such]** all-terrain vehicles, as
17 appropriate.

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

19
20 ¹**[25.] 27.** Section 27 of P.L.1973, c.307 (C.39:3C-27) is
21 amended to read as follows:

22 27. Every law enforcement officer in the State, including any
23 authorized **[officers of the Division of Motor Vehicles]** officer of
24 the commission, conservation officers of the Division of Fish and
25 Wildlife, and park police officers and law enforcement operation
26 officers of the Division of Parks and Forestry within the
27 Department of Environmental Protection, **[forest rangers and State**
28 **park police]** , and other designated officers and employees of the
29 department shall enforce **[this act]** P.L.1973, c.307 (C.39:3C-1 et
30 seq.) within their respective jurisdictions.

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

32
33 ¹**[26.] 28.** Section 28 of P.L.1973, c.307 (C.39:3C-28) is
34 amended to read as follows:

35 28. Any person who shall violate any **[provisions]** provision of
36 **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.), if no other penalty is
37 specifically provided, or any rule or regulation promulgated
38 pursuant to **[this act]** P.L.1973, c.307 (C.39:3C-1 et seq.) shall be
39 punished by a fine of not less than **[\$100 or]** \$250 nor more than
40 **[\$200]** \$500. For a second or subsequent violation of section 26 of
41 P.L.1973, c.307 (C.39:3C-26), a fine of not less than **[\$200 or]**
42 \$500 nor more than **[\$500]** \$1,000 shall be imposed.

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

44
45 ¹**[27.] 29.** Section 29 of P.L.1973, c.307 (C.39:3C-29) is
46 amended to read as follows:

1 29. The **[director]** chief administrator shall deposit in the “Off-
2 Road ²**[¹Recreational¹]² Vehicle ²Recreational² Fund,” established
3 pursuant to section ¹**[29]** 31¹ of P.L. , c. (C.) (pending
4 before the Legislature as this bill) all moneys received by **[him**
5 **from]** the chief administrator from the additional ¹**[\$5]** ¹**\$10**¹
6 payment required to be made at the time of registration of
7 snowmobiles **[and]** , all-terrain vehicles, and dirt bikes **[**, the sale
8 of registration information, publications, and other services
9 provided by the department and all fees collected by him under this
10 act to the credit of the General Treasury, except that \$5 of a
11 registration fee paid by a resident or nonresident of this State shall
12 be allocated to the division to defray the cost of providing all-
13 terrain vehicle safety education and training manuals or all-terrain
14 vehicle safety education and training programs**]** in accordance with
15 **[section 15 of P.L.1973, c.307 (C.39:3C-15), or both]** subsection f.
16 of section 3 of P.L.1973, c.307 (C.39:3C-3).
17 (cf: P.L.1991, c.322, s.10)**

18

19 ¹**[28.]** 30.¹ Section 30 of P.L.1973, c.307 (C.39:3C-30) is
20 amended to read as follows:

21 30. Owners and operators of snowmobiles **[and]** , all-terrain
22 vehicles, and dirt bikes shall, when operating such across a public
23 highway or on public land or waters, comply with the following
24 provisions of chapter 4 of Title 39 of the Revised Statutes:
25 R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72;
26 R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through
27 R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-
28 129 through R.S.39:4-134; R.S.39:4-203. **[The failure to comply**
29 **with any of these provisions shall be a violation of this act and the**
30 **penalty for such a violation shall be provided in section 28 of**
31 **P.L.1973, c.307 (C.39:3C-28) rather than the penalty provided in**
32 **the sections cited above.]**

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

34

35 ¹**[29.]** 31.¹ (New section) a. There is established in the
36 General Fund a separate, non-lapsing, dedicated account to be
37 known as the "Off-Road Vehicle ¹Recreational¹ Fund," hereinafter
38 referred to as "the fund." Notwithstanding any provision of law to
39 the contrary, each fiscal year the State Treasurer shall credit the
40 revenue collected pursuant to subsection f. of section 3 of P.L.1973,
41 c.307 (C.39:3C-3) into the fund. Each fiscal year, the State
42 Treasurer shall allocate the monies contained in the fund to the
43 Department of Environmental Protection. Each fiscal year, the State
44 Treasurer shall credit all earnings received from the investment or
45 deposit of revenue in the fund, to the fund. All revenues and

1 earnings deposited in the fund shall be appropriated in the same
2 fiscal year to the department.

3 b. The monies credited to the fund shall be used by the
4 Department of Environmental Protection for designating and
5 maintaining ²[a site] sites² in the State for the use of snowmobiles,
6 all-terrain vehicles, and dirt bikes; ²[the site] sites² shall be
7 designated and shall be maintained in a manner that, to the greatest
8 possible extent, mitigates any detrimental effects on the
9 environment and protects public safety.

10

11 ¹[30.] 32.¹ (New section) As used in sections ¹[31] 33¹ and
12 ¹[32] 34¹ of P.L. , c. (C.) (pending before the Legislature
13 as this bill):

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

20 “Public land” means all land owned, operated, managed, or
21 maintained ¹[by]¹, or under the jurisdiction of ²[,]² the
22 Department of Environmental Protection, including any and all land
23 owned, operated, managed, maintained, or purchased jointly by the
24 Department of Environmental Protection with any other party and
25 any land so designated by municipal or county ordinance. Public
26 land shall also mean any land used for conservation purposes,
27 including, but not limited to, beaches, forests, greenways, natural
28 areas, water resources, wildlife preserves, ²[and]² land used for
29 watershed protection, or biological or ecological studies ², and land
30 exempted from taxation pursuant to section 2 of P.L.1974, c.167
31 (C.54:4-3.64)².

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

36

37 ¹[31.] 33.¹ (New section) Any person who operates any vehicle
38 or off-road vehicle on public lands in violation of P.L.1973, c.307
39 (C:39:3C-1 et seq.) or in violation of any law, rule, or regulation
40 adopted pursuant thereto shall be subject to:

41 a. For a first offense, a fine of not less than \$250 nor more than
42 \$500.

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

45 c. For a third or subsequent offense, a fine of not less than
46 \$1,000.

47 d. For any offense on public lands in which the use of a vehicle

1 is found responsible for damage to or destruction of natural
2 resources valued in excess of \$100, a fine of five times the amount,
3 as determined by the Department of Environmental Protection, of
4 restoration and replacement, where possible, of any natural resource
5 damaged or destroyed by the use of the vehicle. If a person at the
6 time of the imposition of the sentence is less than 17 years of age,
7 the owner of the vehicle shall be liable for the fine of five times the
8 amount, as determined by the Department of Environmental
9 Protection, of restoration and replacement, where possible, of any
10 natural resource damaged or destroyed by the use of the vehicle.

11

12 ¹[32.] ¹34. (New section) a. In addition to the fines set forth
13 in section ¹[31] ¹33 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), any vehicle or off-road vehicle operated on
15 public lands in violation of P.L.1973, c.307 (C.39:3C-1 et seq.),
16 may be impounded by the law enforcing agency and held until the
17 payment of the fee required pursuant to ²[subsections] subsection²
18 b. or c. of this section, as appropriate.

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

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

33 (2) For a second offense, the vehicle or off-road vehicle may be
34 impounded for not less than 96 hours and shall be released to the
35 registered owner upon proof of registration and insurance as
36 applicable to the type of vehicle or off-road vehicle and payment of
37 a fee of \$750 ²[payable]² to the Department of Environmental
38 Protection, plus reasonable towing and storage costs.

39 (3) For a third or subsequent offense, the vehicle or off-road
40 vehicle impounded ²[in the violation]² may be forfeited and sold at
41 auction and the registered owner shall be responsible for ²[a]²
42 payment of a fee of \$1,000 ²[payable]² to the Department of
43 Environmental Protection, plus reasonable towing and storage costs.

44 c. (1) If the owner fails to claim the impounded vehicle or off-
45 road vehicle, and the fee required pursuant to subsection b. of this
46 section has not been paid, by noon of the 30th day following the
47 date of conviction, the vehicle or off-road vehicle may be sold at

1 auction. Notice of the sale shall be given by the impounding entity
2 by certified mail to the owner of the vehicle or off-road vehicle, if
3 the owner's name and address are known, and to the holder of any
4 security interest filed with the chief administrator of the New Jersey
5 Motor Vehicle Commission, and by publication in a form
6 prescribed by the chief administrator by one insertion, at least five
7 days before the date of the sale, in one or more newspapers
8 published in the State and circulating in the municipality in which
9 the vehicle or off-road vehicle is impounded.

10 (2) At any time prior to the sale, the owner or other person
11 entitled to the vehicle or off-road vehicle may reclaim possession
12 upon (a) showing proof of registration and insurance as applicable
13 to the vehicle or off-road vehicle, (b) payment of the required fee,
14 (c) payment of reasonable towing and storage costs, and (d)
15 payment of all outstanding fees and costs associated with the
16 impoundment.

17 The owner-lessor of an impounded vehicle or off-road vehicle
18 shall be entitled to reclaim possession and the lessee shall be liable
19 for all outstanding fines and restitution and fees and costs
20 associated with the impoundment, towing and storage of the vehicle
21 or off-road vehicle.

22 d. Any proceeds obtained from the sale of a vehicle or off-road
23 vehicle at public auction pursuant to subsection c. of this section in
24 excess of the amount owed to the impounding entity for the
25 reasonable costs of towing and storage and any fees or other costs
26 associated with the impoundment of the vehicle or off-road vehicle
27 shall be returned to the owner of that vehicle or off-road vehicle, if
28 the owner's name and address are known. If the owner's name and
29 address are unknown or such person or entity cannot be located, the
30 net proceeds shall be administered in accordance with the "Uniform
31 Unclaimed Property Act," R.S.46:30B-1 et seq.²**[.]²**

32 e. (1) Whenever a vehicle or off-road vehicle is subject to
33 forfeiture pursuant to paragraph (3) of subsection b. of this section,
34 the forfeiture may be enforced by a civil action, instituted within 90
35 days of the impoundment and commenced by the State against the
36 property sought to be forfeited. The complaint for forfeiture shall
37 be verified on oath or affirmation. It shall describe with reasonable
38 accuracy the vehicle or off-road vehicle that is subject to the
39 forfeiture action. The complaint shall contain all allegations setting
40 forth the reason for forfeiture.

41 (2) Notice of the action shall be given to any person known to
42 have property interest in the vehicle or off-road vehicle and the
43 notice requirements of the Rules of Court for an in rem action shall
44 be followed. The claimant of the vehicle or off-road vehicle that is
45 subject to action under this subsection shall file and serve the claim
46 in the form of an answer in accordance with the Rules of Court.
47 The answer shall be verified on oath or affirmation and state the

1 interest in the property by virtue of which the claimant demands its
2 restitution and the right to defend the action. If the claim is made
3 on behalf of the person entitled to possession by an agent or
4 attorney, it shall state that the agent or attorney is duly authorized to
5 make the claim. If no answer is filed and served within the
6 applicable time, the property seized shall be disposed of pursuant to
7 N.J.S.2C:64-6 and N.J.S.2C:64-7.

8
9 ³35. Section 3 of P.L.1983, c.324 (C.13:1L-3) is amended to
10 read as follows:

11 3. For the purposes of this act:

12 **[a.]** “All-terrain vehicle” means the same as the term is defined
13 pursuant to section 1 of P.L.1973, c.307 (C.39:3C-1).

14 “Commissioner” means the Commissioner of Environmental
15 Protection.

16 “Department” means the Department of Environmental
17 Protection.

18 “Dirt bike” means any two-wheeled motorcycle that is designed
19 and manufactured for off-road use only and that does not comply
20 with Federal Motor Vehicle Safety Standards or United States
21 Environmental Protection Agency on-road emissions standards.

22 **[b.]** “Forest resources” means those renewable products and
23 reusable resources of all forest lands in the State, including but not
24 limited to trees, timber, shrubs, and other vegetation, and the value
25 of forest lands relating to recreation, wilderness appreciation,
26 aesthetic appeal, and soil fertility.

27 **[c.]** “Green Acres program” means the program for the
28 purchase of land for recreation and conservation purposes pursuant
29 to P.L.1961, c.45 (C. 13:8A-1 et seq.), P.L.1971, c.419 (C. 13:8A-
30 19 et seq.), [and] P.L.1975, c.155 (C. 13:8A-35 et seq.) , any Green
31 Acres bond act, and P.L.1999, c.152 (C.13:8C-1 et seq.) .

32 **[d.]** “Recreational activities” includes, but is not limited to,
33 fresh and salt water swimming, water skiing, boating and fishing,
34 ice skating, snow skiing, camping, trail hiking, horseback riding,
35 picnicking, bicycling, court and field games, track and field events,
36 birdwatching, playground activities, and golf.

37 “Snowmobile” means the same as the term is defined pursuant to
38 section 1 of P.L.1973, c.307 (C.39:3C-1).

39 **[e.]** “State parks and forests” means all State owned or leased
40 lands, waters and facilities administered by the Department of
41 Environmental Protection, including, but not limited to, parks,
42 forests, recreational areas, marinas, historic sites, burial sites, and
43 natural areas, but not including wildlife management areas or
44 reservoir lands.³

45 (cf: P.L.1983, c.324, s.3)

1 ³['[33.] 35.1'] ³36. Section 23 of P.L.1983, c.324 (C.13:1L-23)
2 is amended to read as follows:

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

9 b. A person who knowingly violates, or who solicits or employs
10 any other person to violate, the provisions of subsection a. of
11 section 10 of P.L.1983, c.324 (C.13:1L-10) shall be subject to the
12 following penalties: a fine of not less than \$750 nor more than
13 \$1,500 for the first offense; a fine of not less than \$1,500 nor more
14 than \$3,000 for the second offense; and a fine of not less than
15 \$3,000 nor more than \$5,000 for any subsequent offense.

16 Penalties assessed pursuant to this subsection shall be collected
17 in a civil action by a summary proceeding. Any vessel, vehicle or
18 equipment used in the commission of the violation shall be subject
19 to confiscation and forfeiture to the State, if warranted, as
20 determined by the courts. Further, in addition to any penalty
21 provided pursuant to subsection a. of this section, restitution and
22 damages may be ordered to compensate the State for the cost of
23 remediating any violation of this section and for the value of any
24 lost, damaged, or destroyed archaeological findings. All fines,
25 restitution payments, and damages collected shall be remitted to the
26 department to be used for the preservation, remediation or
27 protection of State archaeological sites. Any archaeological
28 findings obtained as a result of a violation of this section shall be
29 subject to confiscation, forfeiture, and return to the State and, upon
30 recovery, shall be deposited with the New Jersey State Museum.

31 c. Notwithstanding any provision of this section to the contrary,
32 examination or retrieval of artifacts, or scientific research,
33 conducted by a State department, agency, commission, authority or
34 corporation otherwise required or permitted by federal or State law
35 are exempt from the provisions of this section.

36 d. A person who violates any provision of P.L.1983, c.324
37 (C.13:1L-1 et seq.), or any rule, regulation, or order adopted or
38 issued pursuant thereto, shall be liable to a civil penalty of not less
39 than \$50 nor more than \$1,500, plus restitution if applicable, for
40 each offense, except as otherwise provided under subsection b. of
41 this section, to be collected in a civil action by a summary
42 proceeding under the "Penalty Enforcement Law of 1999,"
43 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court
44 of competent jurisdiction wherein injunctive relief has been
45 requested, except that any violation involving any vehicle or off-
46 road vehicle shall be subject to the provisions of sections ¹[31] ³³
47 and ¹[32] ³⁴ of P.L. , c. (C.) (pending before the

1 Legislature as this bill). The Superior Court and municipal courts
2 shall have jurisdiction to hear and determine violations of P.L.1983,
3 c.324 (C.13:1L-1 et seq.). If the violation is of a continuing nature,
4 each day during which it continues shall constitute an additional,
5 separate, and distinct offense. If the violation results in pecuniary
6 gain to the violator, or the violator willfully or wantonly causes
7 injury or damage to property, including but not limited to natural
8 resources, the violator shall be liable to an additional civil penalty
9 equal to three times the value of the pecuniary gain or injury or
10 damage to property.

11 e. Penalties assessed pursuant to this section shall be in
12 addition to any other civil or criminal penalties that may be
13 applicable pursuant to law.

14 As used in this subsection, "vehicle" and "off-road vehicle"
15 '[means] have' the '[same as the] meanings prescribed for those
16 respective' terms '[are defined]' in section '[30] 32' of P.L. ,
17 c. (C.) (pending before the Legislature as this bill).
18 (cf: P.L.2005, c.330. s.1)

19
20 ³'[34.] 36. 1] 37. 3 Section 1 of P.L.1954, c.38 (C.23:7-9) is
21 amended to read as follows:

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

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

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

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

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

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

35 (2) (a) A person who violates any provision of subsection a. of
36 this section shall be liable to a civil penalty of not less than \$50 nor
37 more than \$1,500, plus restitution if applicable, for each offense, to
38 be collected in a civil action by a summary proceeding under the
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
40 et seq.) or in any case before a court of competent jurisdiction
41 wherein injunctive relief has been requested , except that any
42 violation involving a vehicle or off-road vehicle shall be subject to
43 the provisions of sections '[31] 33' and '[32] 34' of P.L. , c.
44 (C.) (pending before the Legislature as this bill) and any fees
45 or fines collected thereunder shall be subject to the provisions of
46 R.S.23:10-3. The Superior Court and municipal courts shall have
47 jurisdiction to hear and determine violations of subsection a. of this

1 section. If the violation is of a continuing nature, each day during
2 which it continues shall constitute an additional, separate, and
3 distinct offense. If the violation results in pecuniary gain to the
4 violator, or the violator willfully or wantonly causes injury or
5 damage to property, including but not limited to natural resources,
6 the violator shall be liable to an additional civil penalty equal to
7 three times the value of the pecuniary gain or injury or damage to
8 property.

9 As used in this subparagraph, "vehicle" and "off-road vehicle"
10 shall have the '[meaning] meanings' prescribed for those
11 'respective' terms in section '[30] 32' of P.L. , c.
12 (C.) (pending before the Legislature as this bill).

13 (b) In addition, for each subsequent violation, all license
14 certificates required, and all privileges, to take or possess wildlife
15 shall be suspended for a period of five years. A license certificate
16 or privilege suspended pursuant to this subparagraph shall not be
17 reinstated until the holder thereof has first completed, to the
18 satisfaction of the Division of Fish and Wildlife, the approved
19 remedial sportsmen education program established and conducted
20 by the division pursuant to section 12 of P.L.1990, c.29 (C.23:3-
21 22.3).

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

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

26

27 ³38. (New section) a. Within three years after the date of
28 enactment of P.L. , c. (C.) (pending before the Legislature as this
29 bill), the Commissioner of Environmental Protection shall:

30 (1) designate and make available three sites on State-owned land
31 for the use of snowmobiles, all-terrain vehicles, and dirt bikes, one
32 each in the northern, central, and southern part of the State; and

33 (2) adopt, pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
35 governing the use of the sites designated pursuant to paragraph (1)
36 of this subsection. These rules and regulations shall seek to
37 minimize any detrimental effects on the environment that may be
38 caused by snowmobiles, all-terrain vehicles, and dirt bikes, and
39 shall protect public safety.

40 b. In designating the sites for the use of snowmobiles, all-
41 terrain vehicles, and dirt bikes pursuant to subsection a. of this
42 section, the commissioner shall determine the most suitable location
43 for the sites. The preferred location shall be on lands that are not
44 State parks and forests, wildlife management areas, or reservoir
45 lands. The commissioner shall consider: impacts to wildlife, biota,
46 natural resources and forest resources, and water quality; the
47 potential impacts on other authorized recreational activities that

1 occur within State parks and forests, wildlife management areas,
2 and reservoir lands; and public safety.

3 c. The sites designated pursuant to subsection a. of this section
4 may be the same sites as the commissioner may designate pursuant
5 to section 14 of P.L.1973, c.307 (C.39:3C-14).

6 d. If the commissioner is unable to designate and make
7 available three sites for the use of snowmobiles, all-terrain vehicles,
8 and dirt bikes pursuant to subsection a. of this section, the
9 commissioner shall submit a report to the Governor and, pursuant to
10 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
11 detailing the reasons why sites have not been designated.³

12
13 ³39. (New section) If the commissioner has not made
14 substantial progress in designating and making available three sites
15 on State-owned land for the use of snowmobiles, all-terrain
16 vehicles, and dirt bikes within three years of the date of enactment
17 of P.L. , c. (C.) (pending before the Legislature as this bill),
18 the increase in the fees established pursuant to section 3 of
19 P.L.1973, c.307 (C.39:3C-3) shall expire on the first day of the
20 fourth year and revert to the fee amounts established prior to the
21 enactment of P.L. , c. (C.) (pending before the Legislature
22 as this bill).³

23
24 ³[¹[35.] 37.¹] 40.³ ²(New section)² The chief administrator
25 ¹[shall] and the commissioner may¹ promulgate rules and
26 regulations pursuant to the "Administrative Procedure Act,"
27 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the
28 purposes of ²[this ¹[section] act¹] P.L. , c. (C.) (pending
29 before the Legislature as this bill)².

30
31 ¹[36. The following section is repealed:
32 Section 4 of P.L.1973, c.307 (C.39:3C-4).]¹

33
34 ¹[37.] ³[38.¹ This] 41. Sections 14, 35, 38, 40, and 41 of this³
35 act shall take effect ³[on the first day of the ²[eighteenth] 18th²
36 month following the date of enactment ²of _____ P.L. ,
37 c. (pending before the Legislature as Assembly Bill No. 2796 (2R)
38 of 2008 or Senate Bill No. 1059 (SCS) of 2008)²] immediately;
39 sections 1 through 13, 15 through 34, 36, 37, and 39 shall take
40 effect on the 1st day of the third month after the commissioner has
41 designated the first of the three sites pursuant to paragraph (1) of
42 subsection a. of section 38 of P.L. , c. (C.) (pending before
43 the Legislature as this bill)³ , but the commission and the
44 department may take such anticipatory administrative action in
45 advance as shall be necessary for the implementation of this act.