

# ASSEMBLY, No. 395

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Makes discretionary driver's license suspension for first offense of driving without motor vehicle liability insurance.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A395 DIEGNAN

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1 AN ACT concerning motor vehicle liability insurance coverage and  
2 amending P.L.1972, c.197.

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

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7 1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read  
8 as follows:

9 2. Any owner or registrant of a motor vehicle registered or  
10 principally garaged in this State who operates or causes to be  
11 operated a motor vehicle upon any public road or highway in this  
12 State without motor vehicle liability insurance coverage required by  
13 this act, and any operator who operates or causes a motor vehicle to  
14 be operated and who knows or should know from the attendant  
15 circumstances that the motor vehicle is without motor vehicle  
16 liability insurance coverage required by this act shall be subject, for  
17 the first offense, to a fine of not less than \$300 nor more than  
18 \$1,000 and a period of community service to be determined by the  
19 court~~], and shall forthwith forfeit his~~ . The court also may revoke  
20 the person's right to operate a motor vehicle over the highways of  
21 this State for a period of one year from the date of conviction. Upon  
22 subsequent conviction, he shall be subject to a fine of up to \$5,000  
23 and shall be subject to imprisonment for a term of 14 days and shall  
24 be ordered by the court to perform community service for a period  
25 of 30 days, which shall be of such form and on such terms as the  
26 court shall deem appropriate under the circumstances, and shall  
27 forfeit his right to operate a motor vehicle for a period of two years  
28 from the date of his conviction, and, after the expiration of said  
29 period, he may make application to the ~~Director of the Division of~~  
30 ~~Motor Vehicles~~ Chief Administrator of the New Jersey Motor  
31 Vehicle Commission for a license to operate a motor vehicle, which  
32 application may be granted at the discretion of the ~~director~~ chief  
33 administrator. The director's discretion shall be based upon an  
34 assessment of the likelihood that the individual will operate or  
35 cause a motor vehicle to be operated in the future without the  
36 insurance coverage required by this act. A complaint for violation  
37 of this act may be made to a municipal court at any time within six  
38 months after the date of the alleged offense.

39 Failure to produce at the time of trial an insurance identification  
40 card or an insurance policy which was in force for the time of  
41 operation for which the offense is charged creates a rebuttable  
42 presumption that the person was uninsured when charged with a  
43 violation of this section.  
44 (cf: P.L.1997, c.151, s.12)

**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       2. This act shall take effect immediately.

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STATEMENT

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6       This bill would make discretionary the current mandatory one-  
7 year driver's license suspension for driving without required motor  
8 vehicle liability insurance coverage.

9       Under current law, a person who commits a first offense of  
10 driving without insurance is subject to a fine of between \$300 and  
11 \$1,000, a period of community service to be determined by the  
12 court and loss of driver's license for one-year from the date of  
13 conviction. Under this bill, the one-year driver's license suspension  
14 is within the discretion of the court.

15       The bill does not change the penalties for a subsequent offense of  
16 driving without insurance.

17       The bill also makes technical amendments.