

SENATE, No. 1852

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 15, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Enhances penalties for illegally operating a snowmobile or all-terrain vehicle.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/31/2019)

1 AN ACT concerning snowmobiles and all-terrain vehicles and
2 supplementing P.L.1973, c.307 (C.39:3C-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. a. A snowmobile or all-terrain vehicle operated on any
8 public street, highway, or right-of-way in violation of section 17 of
9 P.L.1973, c.307 (C.39:3C-17) shall be impounded by the law
10 enforcing agency and subject to a fee and costs as hereinafter
11 provided:

12 (1) For a first offense, the snowmobile or all-terrain vehicle
13 shall be impounded for not less than 48 hours and shall be released
14 to the registered owner upon proof of registration and insurance and
15 payment of a fee of \$500 payable to the municipality, plus
16 reasonable towing and storage costs.

17 (2) For a second or subsequent offense, the snowmobile or all-
18 terrain vehicle shall be impounded for not less than 96 hours and
19 shall be released to the registered owner upon proof of registration
20 and insurance and payment of a fee of \$750 payable to the
21 municipality, plus reasonable towing and storage costs.

22 b. If the registered owner fails to claim the impounded
23 snowmobile or all-terrain vehicle and pay all outstanding fees and
24 costs by midnight of the 30th day following the day on which the
25 snowmobile or all-terrain vehicle was impounded, that snowmobile
26 or all-terrain vehicle may be sold at auction. Notice of the sale
27 shall be given by the impounding entity by certified mail to the
28 owner of the snowmobile or all-terrain vehicle, if the owner's name
29 and address are known, and to the holder of any security interest
30 filed with the Chief Administrator of the New Jersey Motor Vehicle
31 Commission, and by publication in a form prescribed by the
32 director by one insertion, at least five days before the date of the
33 sale, in one or more newspapers published in this State and
34 circulating in the municipality in which the snowmobile or all-
35 terrain vehicle is impounded.

36 c. At any time prior to the sale, the owner or other person
37 entitled to the snowmobile or all-terrain vehicle may reclaim
38 possession upon showing proof of registration and insurance and
39 paying all outstanding fees and costs associated with the
40 impoundment, and reasonable towing and storage costs.

41 The owner-lessor of an impounded snowmobile or all-terrain
42 vehicle shall be entitled to reclaim possession without payment and
43 the lessee shall be liable for all outstanding fees and costs
44 associated with the impoundment, towing and storage of the
45 snowmobile or all-terrain vehicle.

46 d. Any proceeds obtained from the sale of a snowmobile or all-
47 terrain vehicle at public auction pursuant to subsection b. of this
48 section in excess of the amount owed to the impounding entity for

1 the reasonable costs of towing and storage and any fees or other
2 costs associated with the impoundment of the snowmobile or all-
3 terrain vehicle shall be returned to the owner of that snowmobile or
4 all-terrain vehicle, if his name and address are known. If the
5 owner's name and address are unknown or such person or entity
6 cannot be located, the net proceeds shall be administered in
7 accordance with the "Uniform Unclaimed Property Act,"
8 R.S.46:30B-1 et seq.

9
10 2. A person who operates a snowmobile or all-terrain vehicle
11 on any public street, highway or right-of-way in violation of section
12 17 of P.L.1973, c.307 (C.39:3C-17) shall:

13 a. For a first offense, be subject to a fine of \$250 and the
14 suspension or postponement of their driving privileges for 30 days.
15 Upon conviction, the court shall forward a report to the New Jersey
16 Motor Vehicle Commission stating the first and last day of the
17 suspension or postponement period imposed by the court under this
18 section. If a person at the time of the imposition of the sentence is
19 less than 17 years of age, the period of license postponement,
20 including a suspension or postponement of the privilege of
21 operating a motorized bicycle, shall commence on the day the
22 sentence is imposed and shall run for a period of 30 days after the
23 person reaches the age of 17 years.

24 b. For a second offense, be subject to a fine of \$500 and the
25 suspension or postponement of their driving privileges for six
26 months. Upon conviction, the court shall forward a report to the
27 New Jersey Motor Vehicle Commission stating the first and last day
28 of the suspension or postponement period imposed by the court
29 under this section. If a person at the time of the imposition of the
30 sentence is less than 17 years of age, the period of license
31 postponement, including a suspension or postponement of the
32 privilege of operating a motorized bicycle, shall commence on the
33 day the sentence is imposed and shall run for a period of six months
34 after the person reaches the age of 17 years.

35 c. For a third or subsequent offense, be subject to a fine of
36 \$1,000 and the suspension or postponement of their driving
37 privileges for two years. Upon conviction, the court shall forward a
38 report to the New Jersey Motor Vehicle Commission stating the
39 first and last day of the suspension or postponement period imposed
40 by the court under this section. If a person at the time of the
41 imposition of the sentence is less than 17 years of age, the period of
42 license postponement, including a suspension or postponement of
43 the privilege of operating a motorized bicycle, shall commence on
44 the day the sentence is imposed and shall run for a period of two
45 years after the person reaches the age of 17 years.

46
47 3. This act shall take effect on the first day of the third month
48 following enactment.

STATEMENT

This bill establishes two new penalties and enhances existing ones for illegally operating snowmobiles and all-terrain vehicles.

The two new penalties concern the operation of these vehicles on public streets, highways, and rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). The first new penalty authorizes the enforcing agencies to impound these vehicles. For a first offense, the vehicle is to be impounded for at least 48 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 96 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days it may be sold at auction. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

The other new penalty applies to the individuals who operate these vehicles on public streets, highways, or rights-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17). For a first offense, the operator is subject to a \$250 fine and a 30 day license suspension or, if under the age of 17, a postponement. For a second offense, the operator is subject to a \$500 fine and a six month license suspension or postponement. For a third or subsequent offense, the operator is subject to a \$1,000 fine and a two year license suspension or postponement.