

ASSEMBLY, No. 60

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 AN ACT permitting a surcharge on certain motor vehicle and traffic
2 violations, amending R.S.39:5-41 and supplementing chapter 8 of
3 Title 2A of the New Jersey Statutes.

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

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8 1. R.S.39:5-41 is amended to read as follows:

9 39:5-41. a. All fines, penalties and forfeitures imposed and
10 collected under authority of law for any violations of R.S.39:4-63 and
11 R.S.39:4-64, shall be forwarded by the judge to whom the same have
12 been paid to the proper financial officer of the municipality wherein
13 the violation occurred, to be used by the municipality to help finance
14 litter control activities in addition to or supplementing existing litter
15 pickup and removal activities in the municipality.

16 b. Except as otherwise provided by subsection a. of this section, all
17 fines, penalties and forfeitures imposed and collected under authority
18 of law for any violations of the provisions of this Title, other than
19 those violations in which the complainant is the director, a member of
20 his staff, a member of the State Police, an inspector of the Board of
21 Public Utilities, or a law enforcement officer of any other State
22 agency, shall be forwarded by the judge to whom the same have been
23 paid as follows: one-half of the total amount collected to the financial
24 officer, as designated by the local governing body, of the respective
25 municipalities wherein the violations occurred, to be used by the
26 municipality for general municipal use and to defray the cost for
27 operating the municipal court; and one-half of the total amount
28 collected to the proper financial officer of the county wherein they
29 were collected, to be used by the county as a fund for the
30 construction, reconstruction, maintenance and repair of roads and
31 bridges, snow removal, the acquisition and purchase of rights-of-way,
32 and the purchase, replacement and repair of equipment for use on said

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 roads and bridges therein. Up to 25% of the money received by a
2 municipality pursuant to this subsection, but not more than the actual
3 amount budgeted for the municipal court, whichever is less, may be
4 used to upgrade case processing.

5 Whenever any county has deposited moneys collected pursuant to
6 this section in a special trust fund in lieu of expending the same for the
7 purposes authorized by this section, it may withdraw from said special
8 trust fund in any year an amount which is not in excess of the amount
9 expended by the county over the immediate preceding three-year
10 period from general county revenues for said purposes. Such moneys
11 withdrawn from the trust fund shall be accounted for and used as are
12 other general county revenues.

13 c. The provisions of subsection a. and b. of this section shall not
14 apply to the surcharge collected by the clerk of the municipal court for
15 deposit into a separate fund to acquire public safety motor vehicles
16 pursuant to section 5 of P.L. , c. (C.) (now pending before the
17 Legislature as this bill).

18 (cf: P.L.1993, c.293, s.5)

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20 2. (New section) The surcharge on motor vehicle or traffic
21 violations imposed pursuant to section 5 of this act shall apply to a
22 violation of any violation of the motor vehicle or traffic laws.

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24 3. (New section) a. There may be created by each municipality a
25 separate non-lapsing fund which shall be administered by the chief
26 financial officer of the municipality. There shall be deposited into the
27 fund the \$5.00 surcharge imposed on motor vehicle or traffic
28 violations in that municipality pursuant to section 5 of this act and any
29 other moneys made available for the purposes of the fund.

30 b. The chief financial officer of the municipality shall credit to the
31 fund all moneys received pursuant to section 5 of this act except as
32 provided in subsection d. of this section. The moneys deposited in the
33 fund shall be held in interest-bearing accounts in public depositories,
34 as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and
35 may be invested or reinvested in such securities as are approved by the
36 chief financial officer of the municipality. Interest or other income
37 earned on moneys deposited into the fund shall be credited to the fund.

38 c. Moneys deposited in the fund shall not be expended except in
39 accordance with appropriations from the fund by resolution of the
40 governing body of the municipality, and shall be used exclusively for
41 the purposes set forth in section 4 of this act.

42 d. Fifty cents (\$.50) of each \$5.00 surcharge imposed pursuant to
43 section 5 of P.L. , c. (C.) (now pending before the
44 Legislature as this bill) shall be forwarded to the Administrative Office
45 of the Courts for deposit in the Automated Traffic System Fund
46 pursuant to N.J.S.2B:12-30.

1 4. a. (New section) Moneys deposited by the municipality into the
2 separate fund established pursuant to section 5 of this act shall, in
3 addition to amounts appropriated in the municipality's annual budget,
4 be annually appropriated by resolution of the governing body of the
5 municipality to acquire public safety motor vehicles. If any moneys
6 remain in the fund after the immediate and foreseeable public safety
7 motor vehicle needs of the municipality have been met, application
8 may be made to the Director of the Division of Local Government
9 Services in the Department of Community Affairs for a waiver to
10 expend moneys in the fund for other public safety equipment.

11 b. As used in this act, "public safety motor vehicle" means an
12 appropriately marked motor vehicle acquired and used by a functional
13 division of a municipality which provides law enforcement, fire
14 fighting, emergency medical services, or other emergency services, and
15 such other emergency vehicles as the Director of the Division of Local
16 Government Services in the Department of Community Affairs may
17 authorize by regulation.

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19 5. (New section) a. In addition to any fine or penalty imposed and
20 collected under the authority of law for any violation of the motor
21 vehicle or traffic laws which occurs within the municipality, the
22 municipal court shall also impose a \$5.00 surcharge if the municipality
23 has established a fund pursuant to section 3 of P.L. , c. (C.)
24 (now pending before the Legislature as this bill). The surcharge shall
25 be collected by the clerk of the municipal court for deposit into the
26 separate fund created pursuant to section 3 of this act to acquire
27 public safety motor vehicles. The court shall not suspend the
28 collection of the \$5.00 surcharge imposed pursuant to this section.

29 b. The Administrative Office of the Courts shall prescribe any
30 revisions necessary to reflect the surcharge required under the
31 provisions of subsection a. of this section in any summons or
32 complaint form in use on the operative date of this act in connection
33 with a motor vehicle or traffic violation.

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35 6. (New section) The Supreme Court of New Jersey may adopt
36 Rules of Court appropriate or necessary to effectuate the purposes of
37 this act.

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39 7. (New section) Pursuant to the provisions of the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Director
41 of the Division of Local Government Services in the Department of
42 Community Affairs shall adopt rules and regulations to effectuate the
43 provisions of this act.

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45 8. This act shall take effect immediately, but shall remain
46 inoperative until the first day of the sixth month following enactment

1 and shall apply to offenses committed on or after the operative date.

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STATEMENT

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6 This bill permits a municipality to impose a \$5 surcharge on
7 penalties for all motor vehicle and traffic violations. These moneys
8 would be deposited into special funds created by municipalities
9 choosing to do so, for the purpose of acquiring public safety motor
10 vehicles. The surcharge shall apply to all motor vehicle or traffic
11 violations which occur within a municipality which chooses to
12 establish a fund for this purpose, and provide that \$.50 of each \$5.00
13 surcharge shall be forwarded to the Administrative Office of the
14 Courts for deposit in the Automated Traffic System Fund.

15 The bill defines "public safety motor vehicle" as an appropriately
16 marked motor vehicle acquired and used by a functional division of a
17 municipality which provides law enforcement, fire fighting, emergency
18 medical services, or other emergency services, and any other
19 emergency vehicles as the Director of the Division of Local
20 Government Services in the Department of Community Affairs
21 authorizes by regulation.

22 If moneys remain in the fund created by the bill after the immediate
23 and foreseeable public safety motor vehicle needs of the municipality
24 have been met, the municipality may apply to the director for a waiver
25 to expend moneys in the fund for other public safety equipment.

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30 Permits imposition of \$5.00 surcharge on motor vehicle violations to
31 replace municipal public safety vehicles if municipality establishes
32 fund.