

ASSEMBLY, No. 1423

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen ROMANO and GARCIA

1 AN ACT concerning certain motor vehicle fines, penalties, and
2 forfeitures, and amending R.S.39:5-41.

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

8 39:5-41. a. All fines, penalties and forfeitures imposed and
9 collected under authority of law for any violations of R.S.39:4-63 and
10 R.S.39:4-64 shall be forwarded by the judge to whom the same have
11 been paid to the proper financial officer of the municipality wherein
12 the violation occurred, to be used by the municipality to help finance
13 litter control activities in addition to or supplementing existing litter
14 pickup and removal activities in the municipality.

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

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 enforcement officer of the county, shall be forwarded by the judge to
2 the proper financial officer of the county wherein they were collected.

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

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

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

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17 2. This act shall take effect immediately.

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STATEMENT

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22 Except in situations where the complainant is a State Police officer
23 or a law enforcement officer of another State agency, R.S.39:5-41
24 provides that motor vehicle fine revenues be divided equally between
25 the county and municipality wherein the violation occurred.

26 The statute specifies that the municipal share is to be used for
27 general municipal use and to defray the cost of operating the municipal
28 court. The municipal share is intended to compensate the municipality
29 for having its law enforcement officers issue the violations and its
30 municipal court process and dispose of the violations.

31 In certain counties like Bergen and Hudson, court rules permit
32 municipal court actions in the Special Civil Part of the Superior Court.
33 If the county is using its law enforcement officers to issue the
34 violations and the Special Civil Part is serving the function of a
35 municipal court, it is only fair that the county should receive the
36 municipal share of fines imposed.

37 The purpose of the bill is to address this situation. Under the
38 provisions of the bill, whenever county officers are issuing the
39 violations and the court actions take place in the Special Civil Part, the
40 county is to receive all the fines, penalties and forfeitures.

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45 Authorizes alternative distribution of motor vehicle fines in certain
cases.