

ASSEMBLY, No. 1428

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen ROBERTS and DALTON

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. Up to 25% of the money received by a  
33 municipality pursuant to this subsection, but not more than the actual  
34 amount budgeted for the municipal court, whichever is less, may be

**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 used to upgrade case processing. For the purposes of this subsection,  
2 the Delaware River Port Authority shall not be deemed a State agency.

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9 withdrawn from the trust fund shall be accounted for and used as are  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

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

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13 2. This act shall take effect immediately.

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STATEMENT

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18 The purpose of this bill is to clarify the status of the Delaware River  
19 Port Authority (DRPA) as not being a State agency for the purpose of  
20 the distribution of fines, penalties and forfeitures under R.S.39:5-41.b.  
21 to municipalities whose courts hear motor vehicle offenses occurring  
22 on DRPA property. If deemed a State agency for this purpose, the  
23 fines and penalties would be sent to the State rather than to the  
24 municipality and county, even though the municipality bears the cost  
25 of maintaining the court for the hearing of these offenses. This bill  
26 would rectify such an anomalous situation by definitively providing  
27 that the DRPA is not a State agency for the purposes of  
28 R.S.39:5-41.b.

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32 Provides that DRPA is not a State agency for purposes of  
33 R.S.39:5-41.b.