

ASSEMBLY, No. 2614

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen JONES, BARNES, Assemblywomen Buono,
Frischia, Assemblymen Wisniewski, Caraballo, Stanley, Dalton,
Steele, Suliga, Assemblywoman Weinberg
and Assemblyman Zisa

1 AN ACT concerning motor vehicle liability insurance and amending
2 P.L.1983, c.565, N.J.S.2C:28-4 and 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 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
8 as follows:

9 1. a. A person who knowingly sells, offers or exposes for sale a
10 document, printed form or other writing which simulates a drivers'
11 license or other document issued by a governmental agency and which
12 could be used as a means of verifying a person's identity or age is
13 guilty of a disorderly persons offense.

14 b. A person who knowingly produces, sells, offers or exposes for
15 sale a document, printed form or other writing which simulates an
16 insurance identification card is guilty of a disorderly persons offense.
17 (cf: P.L.1983, c.565, s.1)

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19 2. N.J.S.2C:28-4 is amended to read as follows:

20 2C:28-4. False reports to law enforcement authorities

21 a. Falsely incriminating another. A person who knowingly gives or
22 causes to be given false information to any law enforcement officer
23 with purpose to implicate another commits a crime of the fourth
24 degree.

25 b. Fictitious reports. A person commits a disorderly persons
26 offense if he:

27 (1) Reports or causes to be reported to law enforcement
28 authorities an offense or other incident within their concern knowing
29 that it did not occur; or

30 (2) Pretends to furnish or causes to be furnished such authorities
31 with information relating to an offense or incident when he knows he

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 has no information relating to such offense or incident.

2 c. The operator of a motor vehicle who knowingly presents a
3 falsely made, altered, forged or counterfeited insurance identification
4 card or otherwise gives or causes to be given false information to a
5 law enforcement officer concerning the liability insurance coverage on
6 the vehicle commits a disorderly persons offense.

7 (cf: N.J.S.2C:28-4)

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

11 2. Any owner or registrant of a motor vehicle registered or
12 principally garaged in this State who operates or causes to be operated
13 a motor vehicle upon any public road or highway in this State without
14 motor vehicle liability insurance coverage required by this act, and any
15 operator who operates or causes a motor vehicle to be operated and
16 who knows or should know from the attendant circumstances that the
17 motor vehicle is without motor vehicle liability insurance coverage
18 required by this act shall be subject, for the first offense, to a fine of
19 ~~[\$300.00]~~ \$500 and a period of community service to be determined
20 by the court, and shall forthwith forfeit his right to operate a motor
21 vehicle over the highways of this State for a period of one year from
22 the date of conviction. Upon subsequent conviction, he shall be
23 subject to a fine of ~~[\$500.00]~~ \$1,000 and shall be subject to
24 imprisonment for a term of 14 days and shall be ordered by the court
25 to perform community service for a period of 30 days, which shall be
26 of such form and on such terms as the court shall deem appropriate
27 under the circumstances, and shall forfeit his right to operate a motor
28 vehicle for a period of two years from the date of his conviction, and,
29 after the expiration of said period, he may make application to the
30 Director of the Division of Motor Vehicles for a license to operate a
31 motor vehicle, which application may be granted at the discretion of
32 the director. The director's discretion shall be based upon an
33 assessment of the likelihood that the individual will operate or cause
34 a motor vehicle to be operated in the future without the insurance
35 coverage required by this act. A complaint for violation of this act
36 may be made to a municipal court at any time within six months after
37 the date of the alleged offense.

38 Failure to produce at the time of trial an insurance identification
39 card or an insurance policy which was in force for the time of
40 operation for which the offense is charged, creates a rebuttable
41 presumption that the person was uninsured when charged with a
42 violation of this section.

43 [Notwithstanding any provision of P.L.1972, c.197 (C.39:6B-1 et
44 seq.), any person who violates the provisions of that act, from
45 October 1, 1990 through January 31, 1991, shall not be subject to any
46 of the penalties or sanctions provided for a first violation of that act

1 if that person produces at the time of trial an insurance identification
2 card or a motor vehicle liability insurance policy which is in force at
3 the time of the trial and the conviction for that person's offense would
4 be the person's first conviction for an offense under that act. The
5 Commissioner of Insurance shall appropriately promote and advertise
6 this limited time amnesty program for first-time offenses under that act
7 throughout the State.]

8 (cf: P.L.1990, c.8, s.49)

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10 4. This act shall take effect on the first day of the third month
11 following enactment.

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STATEMENT

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16 This bill makes it a disorderly persons offense for the operator of
17 a vehicle to knowingly give or cause to be given false information to
18 a law enforcement officer concerning the vehicle's liability insurance
19 coverage, including a phony insurance identification card. The bill
20 would also make it a disorderly persons offense to knowingly produce,
21 sell, offer or expose for sale a document, printed form or other writing
22 which simulates an insurance identification card. Disorderly persons
23 offenses are punishable by a maximum term of imprisonment of six
24 months, a maximum fine of \$1,000, or both.

25 The bill also would increase the fines imposed for the offense of
26 operating a motor vehicle without the mandatory liability insurance
27 coverage. The fine for a first offense would increase from the current
28 \$300 to \$500. The fine for a subsequent offense would increase from
29 the current \$500 to \$1,000.

30 This bill responds to the increased use of phony insurance
31 identification cards by persons without the required motor vehicle
32 liability insurance coverage. The cards are sold on the street for
33 between \$50 and \$600. They are used to obtain other required motor
34 vehicle documents and presented to police officers during routine
35 traffic stops.

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41 Makes possession and sale of phony auto insurance identification cards
a disorderly persons offense.