

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.