

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5441

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 2023

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 5441.

As amended and reported by the committee, Assembly Bill No. 5441 increases the penalties for a licensed motor vehicle dealer or licensed motor bicycle dealer who violates current law, including any rules and regulations prescribed by the Chief Administrator of the New Jersey Motor Vehicle Commission (MVC) regarding the issuance of temporary license plates and temporary registration certificates.

Upon finding that a licensed dealer has violated the provisions of current law or the provisions of any rule or regulation prescribed by the Chief Administrator of the New Jersey Motor Vehicle Commission related to the issuance of a temporary registration certificate or plate, the chief administrator is required to impose a fine in the amount of \$2,000 if the violation involves 500 or less temporary certificates or plates; a fine of \$3,500 if the violation involves more than 500, but less than 1,000 temporary certificates or plates; and a fine of \$5,000 if the violation involves 1,000 or more temporary certificates or plates.

The amended bill also establishes penalties for a person who commits a violation related to a temporary license plate or temporary registration certificate obtained by providing false information to the chief administrator, as follows: 1) it is a crime of the fourth degree if a person knowingly produces, sells, offers, or exposes for sale such a temporary license plate or registration certificate; 2) it is a disorderly persons offense if a person knowingly displays or produces such a temporary license plate or registration certificate; and 3) it is a petty disorderly persons offense if a person knowingly possesses such a temporary license plate or registration certificate.

A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. A disorderly persons offense is punishable by up to six months imprisonment, a fine of up to \$1,000, or both. A petty disorderly persons offense is punishable by up to 30 days imprisonment, a fine of up to \$500, or both.

In addition, the amended bill requires the Chief Administrator of the MVC to revoke the license of a licensed motor vehicle dealer or licensed motor bicycle dealer who is a natural person convicted of producing or selling, displaying, or possessing a temporary license plate or temporary registration certificate knowing it was obtained by providing false information to the chief administrator.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that upon finding that a licensed dealer has violated the provisions of current law related to the issuance of a temporary registration certificate or plate, the chief administrator is required to impose a fine in the amount of \$2,000 if the violation involves 500 or less temporary certificates or plates; a fine of \$3,500 if the violation involves more than 500, but less than 1,000 temporary certificates or plates; and a fine of \$5,000 if the violation involves 1,000 or more temporary certificates or plates; as introduced, a dealer was subject to a fine of \$2,500 for a first offense and \$5,000 for a subsequent offense;

(2) downgrade the penalties established under the bill related to producing or selling, displaying, or possessing a temporary license plate or temporary registration certificate knowingly obtained by providing false information from a crime of the third degree, a crime of the fourth degree, and a disorderly persons to a crime of the fourth degree, a disorderly persons offense, and a petty disorderly persons offense, respectively;

(3) provide that the Chief Administrator of the MVC only is required to revoke the license of a licensed motor vehicle dealer or licensed motor bicycle dealer who is a natural person convicted of producing or selling, displaying, or possessing a temporary license plate or temporary registration certificate knowing it was obtained by providing false information to the chief administrator; and

(4) make technical changes to the bill.