

[Second Reprint]

**ASSEMBLY, No. 5511**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED JUNE 6, 2019

**Sponsored by:**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblywoman PATRICIA EGAN JONES**

**District 5 (Camden and Gloucester)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

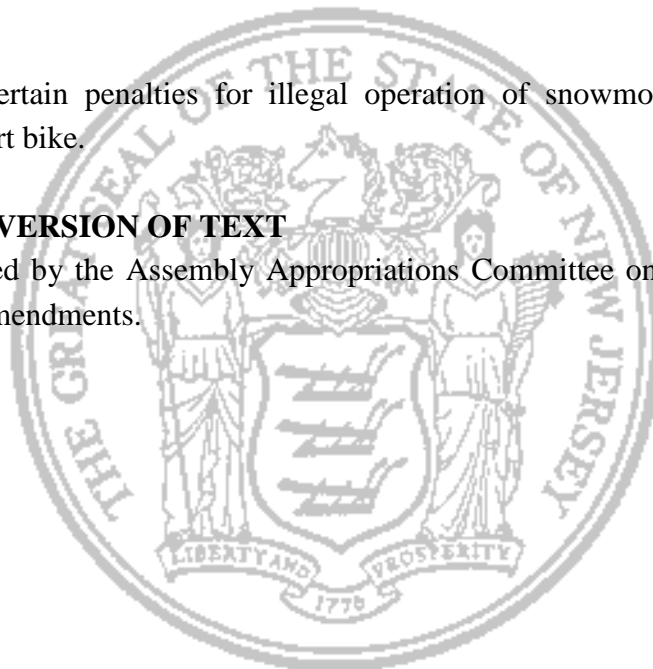
**Assemblymen Holley, Verrelli, Assemblywomen Speight and Murphy**

**SYNOPSIS**

Revises certain penalties for illegal operation of snowmobile, all-terrain vehicle, or dirt bike.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on December 12, 2019, with amendments.



**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT concerning snowmobiles <sup>1</sup>, dirt bikes,<sup>1</sup> and all-terrain  
 2 vehicles <sup>1</sup>~~and~~ <sup>2</sup>~~and~~ <sup>1</sup> and<sup>2</sup> supplementing P.L.1973, c.307  
 3 (C.39:3C-1 et seq.) <sup>2</sup>~~and amending N.J.S.2C:64-1~~<sup>1</sup><sup>2</sup>.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 1. <sup>1</sup>(New section)<sup>1</sup> a. <sup>1</sup>~~A~~ <sup>2</sup>~~Except as provided in~~  
 9 ~~subsections e. and f. of this section, a~~<sup>1</sup> A <sup>2</sup> snowmobile <sup>1</sup>~~or~~ <sup>1</sup>  
 10 all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> operated on any public street,  
 11 highway, or right-of-way in violation of section 17 of P.L.1973,  
 12 c.307 (C.39:3C-17) shall be impounded by the law enforcing  
 13 agency and subject to a fee and costs as hereinafter provided:

14 (1) For a first offense, the snowmobile <sup>1</sup>~~or~~ <sup>1</sup> all-terrain  
 15 vehicle <sup>1</sup>, or dirt bike<sup>1</sup> shall be impounded for not less than <sup>1</sup>~~48~~  
 16 ~~hours~~ seven days<sup>1</sup> and shall be released to the registered owner  
 17 upon proof of registration and insurance and payment of a fee of  
 18 \$500 payable to the municipality, plus reasonable towing and  
 19 storage costs.

20 (2) For a second or subsequent offense, the snowmobile <sup>1</sup>~~or~~ <sup>1</sup>  
 21 all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> shall be impounded for not less  
 22 than <sup>1</sup>~~96 hours~~ 14 days<sup>1</sup> and shall be released to the registered  
 23 owner upon proof of registration and insurance and payment of a  
 24 fee of \$750 payable to the municipality, plus reasonable towing and  
 25 storage costs.

26 b. If the registered owner <sup>1</sup>of a snowmobile, all-terrain vehicle,  
 27 or dirt bike impounded pursuant subsection a. of this section<sup>1</sup> fails  
 28 to claim the impounded snowmobile <sup>1</sup>~~or~~ <sup>1</sup> all-terrain vehicle <sup>1</sup>, or  
 29 dirt bike<sup>1</sup> and pay all outstanding fees and costs by midnight of the  
 30 30th day following the day on which the snowmobile <sup>1</sup>~~or~~ <sup>1</sup> all-  
 31 terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> was impounded, that snowmobile  
 32 <sup>1</sup>~~or~~ <sup>1</sup> all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> may be sold at public<sup>1</sup>  
 33 auction. Notice of the sale shall be given by the impounding entity  
 34 by certified mail to the owner of the snowmobile or all-terrain  
 35 vehicle, if the owner's name and address are known, and to the  
 36 holder of any security interest filed with the Chief Administrator of  
 37 the New Jersey Motor Vehicle Commission, and by publication in a  
 38 form prescribed by the <sup>1</sup>~~director~~ chief administrator<sup>1</sup> by one  
 39 insertion, at least five days before the date of the sale, in one or  
 40 more newspapers published in this State and circulating in the  
 41 municipality in which the snowmobile <sup>1</sup>~~or~~ <sup>1</sup> all-terrain vehicle <sup>1</sup>,  
 42 or dirt bike<sup>1</sup> is impounded.

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATR committee amendments adopted December 9, 2019.

<sup>2</sup>Assembly AAP committee amendments adopted December 12, 2019.

1 c. At any time prior to <sup>1</sup>~~the~~ <sup>1</sup>a sale <sup>1</sup>pursuant to subsection b.  
 2 of this section<sup>1</sup>, the owner or other person entitled to the  
 3 snowmobile <sup>1</sup>~~or~~ <sup>1</sup>all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> may reclaim  
 4 possession upon showing proof of registration and insurance and  
 5 paying all outstanding fees and costs associated with the  
 6 impoundment, and reasonable towing and storage costs.

7 The owner-lessor of <sup>1</sup>~~an impounded~~ <sup>1</sup>a snowmobile <sup>1</sup>~~or~~ <sup>1</sup>  
 8 all-terrain vehicle <sup>1</sup>, or dirt bike impounded pursuant to paragraph  
 9 (1) or (2) of subsection a. of this section<sup>1</sup> shall be entitled to reclaim  
 10 possession without payment and the lessee shall be liable for all  
 11 outstanding fees and costs associated with the impoundment,  
 12 towing and storage of the snowmobile or all-terrain vehicle.

13 d. Any proceeds obtained from the sale of a snowmobile  
 14 <sup>1</sup>~~or~~ <sup>1</sup>all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> at public auction pursuant  
 15 to subsection b. of this section in excess of the amount owed to the  
 16 impounding entity for the reasonable costs of towing and storage  
 17 and any fees or other costs associated with the impoundment of the  
 18 snowmobile <sup>1</sup>~~or~~ <sup>1</sup>all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> shall be  
 19 returned to the owner of that snowmobile <sup>1</sup>~~or~~ <sup>1</sup>all-terrain vehicle  
 20 <sup>1</sup>, or dirt bike<sup>1</sup>, if <sup>1</sup>~~his~~ <sup>1</sup>the owner's<sup>1</sup> name and address are known.  
 21 If the owner's name and address are unknown or <sup>1</sup>~~such~~ <sup>1</sup>the<sup>1</sup>  
 22 person or entity cannot be located, the net proceeds shall be  
 23 administered in accordance with the "Uniform Unclaimed Property  
 24 Act," R.S.46:30B-1 et seq.

25 <sup>2</sup><sup>1</sup>e. A snowmobile, all-terrain vehicle, or dirt bike operated in a  
 26 municipality that has enacted an ordinance pursuant to section 4 of  
 27 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill)  
 28 designating a snowmobile, all-terrain vehicle, or dirt bike operated  
 29 in violation of section 17 of P.L.1973, c.307 (C.39:3C-17) as prima  
 30 facie contraband shall be subject to the forfeiture provisions of  
 31 chapter 64 of Title 2C of the New Jersey Statutes.

32 f. A municipality may destroy a snowmobile, all-terrain vehicle,  
 33 or dirt bike designated as prima facie contraband pursuant to section  
 34 4 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
 35 bill) upon its return to the municipality pursuant to the provision of  
 36 N.J.S.2C:64-2. <sup>1</sup>]<sup>2</sup>

37  
 38 2. <sup>1</sup>(New section )<sup>1</sup> A person who operates a snowmobile  
 39 <sup>1</sup>~~or~~ <sup>1</sup>all-terrain vehicle <sup>1</sup>, or dirt bike<sup>1</sup> on any public street,  
 40 highway or right-of-way in violation of section 17 of P.L.1973,  
 41 c.307 (C.39:3C-17) shall:

42 a. For a first offense, be <sup>1</sup>~~subject to a fine of \$250 and the~~  
 43 suspension or postponement of their driving privileges for 30 days.  
 44 Upon conviction, the court shall forward a report to the New Jersey  
 45 Motor Vehicle Commission stating the first and last day of the  
 46 suspension or postponement period imposed by the court under this  
 47 section. If a person at the time of the imposition of the sentence is

1 less than 17 years of age, the period of license postponement,  
2 including a suspension or postponement of the privilege of  
3 operating a motorized bicycle, shall commence on the day the  
4 sentence is imposed and shall run for a period of 30 days after the  
5 person reaches the age of 17 years **】** ordered by the court to perform  
6 community service for a period of 30 days, which shall be of a form  
7 and on terms as the court shall deem appropriate under the  
8 circumstances<sup>1</sup>.

9 b. For a second offense, be <sup>1</sup>**【**subject to a fine of \$500 and the  
10 suspension or postponement of their driving privileges for six  
11 months. Upon conviction, the court shall forward a report to the  
12 New Jersey Motor Vehicle Commission stating the first and last day  
13 of the suspension or postponement period imposed by the court  
14 under this section. If a person at the time of the imposition of the  
15 sentence is less than 17 years of age, the period of license  
16 postponement, including a suspension or postponement of the  
17 privilege of operating a motorized bicycle, shall commence on the  
18 day the sentence is imposed and shall run for a period of six months  
19 after the person reaches the age of 17 years **】** ordered by the court to  
20 perform community service for a period of 60 days, which shall be  
21 of a form and on terms as the court shall deem appropriate under the  
22 circumstances<sup>1</sup>.

23 c. For a third or subsequent offense, be <sup>1</sup>**【**subject to a fine of  
24 \$1,000 and the suspension or postponement of their driving  
25 privileges for two years. Upon conviction, the court shall forward a  
26 report to the New Jersey Motor Vehicle Commission stating the  
27 first and last day of the suspension or postponement period imposed  
28 by the court under this section. If a person at the time of the  
29 imposition of the sentence is less than 17 years of age, the period of  
30 license postponement, including a suspension or postponement of  
31 the privilege of operating a motorized bicycle, shall commence on  
32 the day the sentence is imposed and shall run for a period of two  
33 years after the person reaches the age of 17 years **】** ordered by the  
34 court to perform community service for a period of 90 days, which  
35 shall be of a form and on terms as the court shall deem appropriate  
36 under the circumstances<sup>1</sup>.

37

38 <sup>2</sup>**【**<sup>13</sup>. (New section ) The Legislature finds and declares that:

39 a. Snowmobiles, all-terrain vehicles, and dirt bikes are strictly  
40 regulated in this State. In order to protect the public's safety and  
41 mitigate detrimental effects of these vehicles on the environment,  
42 these vehicles, with limited exceptions, may lawfully only be  
43 operated on designated sites.

44 b. State law explicitly restricts the operation of these vehicles  
45 on public streets and highways, except for the limited purpose of  
46 crossing or paralleling the road in order to get to a designated site.

1       c. State law also requires snowmobiles, all-terrain vehicles, and  
2 dirt bikes to be registered and insured, and requires passengers to  
3 wear protective helmets.

4       d. Despite regulation of these vehicles under current law,  
5 snowmobiles, all-terrain vehicles, and dirt bikes are being operated  
6 illegally, in increasing numbers, in certain municipalities in the  
7 State. This illegal operation has caused a number of deaths and  
8 serious bodily injuries to passengers as well as innocent bystanders.

9       e. The unlawful use of snowmobiles, all-terrain vehicles, and  
10 dirt bikes on public roads, parks, and other public spaces has  
11 threatened the public safety and caused damage to these spaces.

12       f. The purpose of this act is to provide additional resources to  
13 law enforcement in order to protect the citizens of this State, as well  
14 as public lands, by enabling a municipality to enact an ordinance  
15 designating snowmobiles, all-terrain vehicles, and dirt bikes  
16 illegally operated in the municipality as prima facie contraband  
17 subject to civil asset forfeiture.<sup>1</sup>】<sup>2</sup>

18  
19       <sup>2</sup>【<sup>14</sup>. The governing body of a municipality may enact an  
20 ordinance designating any snowmobile, all-terrain vehicle, and dirt  
21 bike operated on any public street, highway, or right-of-way in  
22 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) as prima  
23 facie contraband subject to forfeiture in accordance with the  
24 procedures set forth in chapter 64 of Title 2C of the New Jersey  
25 Statutes.<sup>1</sup>】<sup>2</sup>

26  
27       <sup>2</sup>【<sup>15</sup>. N.J.S.2C:64-1 is amended to read as follows:

28       2C:64-1. Property Subject to Forfeiture.

29       a. Any interest in the following shall be subject to forfeiture  
30 and no property right shall exist in them:

31       (1) Controlled dangerous substances【,】; firearms which are  
32 unlawfully possessed, carried, acquired or used【,】; illegally  
33 possessed gambling devices【,】; untaxed or otherwise contraband  
34 cigarettes or tobacco products【,】; unlawfully possessed container e-  
35 liquid【,】; untaxed special fuel【,】; unlawful sound recordings and  
36 audiovisual works; snowmobiles, all-terrain vehicles, and dirt bikes  
37 illegally operated in a municipality that has enacted an ordinance  
38 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill); and items bearing a counterfeit mark.  
40 These shall be designated prima facie contraband.

41       (2) All property which has been, or is intended to be, utilized in  
42 furtherance of an unlawful activity, including, but not limited to,  
43 conveyances intended to facilitate the perpetration of illegal acts, or  
44 buildings or premises maintained for the purpose of committing  
45 offenses against the State.

46       (3) Property which has become or is intended to become an  
47 integral part of illegal activity, including, but not limited to, money

1 which is earmarked for use as financing for an illegal gambling  
2 enterprise.

3 (4) Proceeds of illegal activities, including, but not limited to,  
4 property or money obtained as a result of the sale of prima facie  
5 contraband as defined by subsection a. (1), proceeds of illegal  
6 gambling, prostitution, bribery and extortion.

7 b. Any article subject to forfeiture under this chapter may be  
8 seized by the State or any law enforcement officer as evidence  
9 pending a criminal prosecution pursuant to **[section 2C:64-4]**  
10 N.J.S.2C:64-4 or, when no criminal proceeding is instituted, upon  
11 process issued by any court of competent jurisdiction over the  
12 property, except that seizure without such process may be made  
13 when not inconsistent with the Constitution of this State or the  
14 United States, and when

15 (1) The article is prima facie contraband; or

16 (2) The property subject to seizure poses an immediate threat to  
17 the public health, safety or welfare.

18 c. For the purposes of this section:

19 "All-terrain vehicle" shall have the same meaning as provided in  
20 section 1 of P. L.1973, c.307 (C.39:3C-1).

21 "Dirt bike" shall have the same meaning as provided in section 1  
22 of P. L.1973, c.307 (C.39:3C-1).

23 "Items bearing a counterfeit mark" means items bearing a  
24 counterfeit mark as defined in N.J.S.2C:21-32.

25 "Snowmobile" shall have the same meaning as provided in  
26 section 1 of P. L.1973, c.307 (C.39:3C-1).

27 "Unlawful sound recordings and audiovisual works" means  
28 sound recordings and audiovisual works as those terms are defined  
29 in N.J.S.2C:21-21 which were produced in violation of  
30 N.J.S.2C:21-21.

31 "Unlawfully possessed container e-liquid" means container e-  
32 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is  
33 possessed for retail sale by a person that is not licensed as a vapor  
34 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

35 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and  
36 kerosene on which the motor fuel tax imposed pursuant to  
37 **[R.S.54:39-1 et seq.] P.L.2010, c.22 (C.54:39-101 et al.)** is not paid  
38 that is delivered, possessed, sold or transferred in this State in a  
39 manner not authorized pursuant to **[R.S.54:39-1 et seq.] P.L.2010,**  
40 c.22 (C.54:39-101 et al.) or P.L.1938, c.163 (C.56:6-1 et seq.).<sup>1</sup>

41 (cf: P.L.2019, c.147, s.10)]<sup>2</sup>

42

43 <sup>2</sup>**[16. (New Section) a. It shall be the duty of any law**  
44 enforcement officer who knows, or has reasonable cause to believe,  
45 that a person is or has been engaged in the unlawful operation of a  
46 snowmobile, all-terrain vehicle, or dirt bike to investigate and seize  
47 any vehicle that the officer knows, or has reasonable grounds to

1 believe, is a snowmobile, all-terrain vehicle, or dirt bike that is or  
2 has been operated unlawfully. A law enforcement officer shall not  
3 be required to obtain a search warrant to investigate and seize an  
4 unlawfully operated vehicle located on private property.

5 b. A snowmobile, all-terrain vehicle, or dirt bike seized  
6 pursuant to subsection a. of this section shall be subject to the  
7 provisions of section 1 of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):<sup>1</sup><sup>2</sup>

9  
10 <sup>1</sup>~~[3.]~~ <sup>2</sup>~~[7.]~~ <sup>3.</sup><sup>2</sup> This act shall take effect on the first day of the  
11 third month following enactment.