

ASSEMBLY, No. 873

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

SYNOPSIS

Permits municipality to sell certain vehicles in connection with motor vehicle offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the disposition of vehicles and supplementing
2 Title 39 of the Revised Statutes.

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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. a. The governing body of a municipality may sell at public
8 auction any vehicle impounded by a law enforcement agency for a
9 violation of Title 39 of the Revised Statutes if the owner of the
10 impounded vehicle fails to claim the vehicle by midnight of the
11 30th day following the day on which the vehicle was impounded.

12 b. The municipality shall give notice of the sale by certified
13 mail to the registrant of the motor vehicle, if the registrant's name
14 and address are known, and to the holder of any security interest
15 filed with the chief administrator, and by publication in a form to be
16 prescribed by the chief administrator by one insertion, at least five
17 days before the date of the sale, in one or more newspapers
18 published in this State and circulating in the municipality in which
19 the vehicle is impounded.

20 c. At any time prior to the sale, the owner of the motor vehicle
21 or other person entitled to the motor vehicle may reclaim possession
22 of the motor vehicle upon showing proof of: registration and
23 insurance; and payment of the reasonable costs of removal and
24 storage of the motor vehicle, any fine or penalty and court costs
25 assessed for the violation that gave rise to the impoundment of the
26 motor vehicle, and any outstanding warrants against the vehicle.
27 However, if the other person entitled to the motor vehicle is a lessor
28 or the holder of a lien on the motor vehicle, the other person may
29 reclaim the motor vehicle without providing payment or proof of:
30 registration and insurance. In such cases, the violator shall be liable
31 for all outstanding costs, fines, and penalties; and the municipality
32 shall have a lien against the property and income of that violator for
33 the total amount of all outstanding costs, fines, and penalties.

34 d. Any proceeds obtained from the sale of a motor vehicle at
35 public auction pursuant to subsection a. of this section in excess of
36 the amount owed to the municipality for the reasonable costs of
37 removal and storage of the motor vehicle, any fine or penalty and
38 court costs assessed for the violation that gave rise to the
39 impoundment of the motor vehicle, and any outstanding warrants
40 against the vehicle, shall be returned to the registrant of the vehicle,
41 if the registrant's name and address are known.

42 e. The provisions of this section shall not apply to any
43 violation that provides separate statutory authorization for a
44 municipality to sell an impounded motor vehicle.

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46 2. This act shall take effect immediately.

STATEMENT

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This bill permits a municipality to sell at public auction any vehicle impounded for a violation of Title 39 of the Revised Statutes if the owner of the vehicle failed to claim it by midnight of the 30th day following impoundment. Under current law, a municipality may only sell an impounded motor vehicle for certain violations. This bill expands that authority to all motor vehicle violations.

In order to sell a motor vehicle, the municipality is to provide notice to the registrant of the motor vehicle, to the holder of any security interest in the vehicle, and to the public. The vehicle's owner may reclaim the vehicle at any time before the sale by showing proof of: registration and insurance; payment of the reasonable costs of removal and storage, plus any fine or penalty and court costs assessed for the violation; and payment of any other outstanding warrants against the vehicle. However, a lessor or the holder of a lien on an impounded motor vehicle may reclaim the motor vehicle without providing payment or proof of registration and insurance.

Any proceeds obtained from the sale in excess of the amount owed to the municipality are to be returned to the registrant of the vehicle.

The bill's provisions do not apply to those violations that already expressly permit the sale of an impounded vehicle.