# ASSEMBLY, No. 1535

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblyman WILLIAM W. SPEARMAN**
**District 5 (Camden and Gloucester)**
**Assemblywoman VERLINA REYNOLDS-JACKSON**
**District 15 (Hunterdon and Mercer)**
**Assemblywoman CLEOPATRA G. TUCKER**
**District 28 (Essex)**

**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**

Introduced Pending Technical Review by Legislative Counsel.

**(Sponsorship Updated As Of: 2/20/2020)**

**AN ACT** concerning snowmobiles, dirt bikes, and all-terrain vehicles and supplementing P.L.1973, c.307 (C.39:3C-1 et seq.).

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

1. (New section) a. A snowmobile, all-terrain vehicle, or dirt bike operated on any public street, highway, or right-of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17) shall be impounded by the law enforcing agency and subject to a fee and costs as hereinafter provided:

(1) For a first offense, the snowmobile, all-terrain vehicle, or dirt bike shall be impounded for not less than seven days and shall be released to the registered owner upon proof of registration and insurance and payment of a fee of $500 payable to the municipality, plus reasonable towing and storage costs.

(2) For a second or subsequent offense, the snowmobile, all-terrain vehicle, or dirt bike shall be impounded for not less than 14 days and shall be released to the registered owner upon proof of registration and insurance and payment of a fee of $750 payable to the municipality, plus reasonable towing and storage costs.

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

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

The owner-lessor of a snowmobile, all-terrain vehicle, or dirt bike impounded pursuant to paragraph (1) or (2) of subsection a. of this section shall be entitled to reclaim possession without payment and the lessee shall be liable for all outstanding fees and costs associated with the impoundment, towing and storage of the

snowmobile or all-terrain vehicle.

d. Any proceeds obtained from the sale of a snowmobile, all-terrain vehicle, or dirt bike[1] at public auction pursuant to subsection b. of this section in excess of the amount owed to the impounding entity for the reasonable costs of towing and storage and any fees or other costs associated with the impoundment of the snowmobile, all-terrain vehicle, or dirt bike shall be returned to the owner of that snowmobile, all-terrain vehicle, or dirt bike, if the owner's name and address are known. If the owner's name and address are unknown or the person or entity cannot be located, the net proceeds shall be administered in accordance with the "Uniform Unclaimed Property Act," R.S.46:30B-1 et seq.

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

a. For a first offense, be ordered by the court to perform community service for a period of 30 days, which shall be of a form and on terms as the court shall deem appropriate under the circumstances.

b. For a second offense, be ordered by the court to perform community service for a period of 60 days, which shall be of a form and on terms as the court shall deem appropriate under the circumstances.

c. For a third or subsequent offense, be ordered by the court to perform community service for a period of 90 days, which shall be of a form and on terms as the court shall deem appropriate under the circumstances .

3. This act shall take effect on the first day of the third month following enactment.

STATEMENT

This bill revises the penalties for illegally operating snowmobiles, all-terrain vehicles, and dirt bikes on public streets, highways, and rights-of-way in violation of existing law. For a first offense, the vehicle is to be impounded for at least seven days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of $500, plus reasonable towing and storage costs. For a second or subsequent offense, the vehicle is to be impounded for not less than 14 days, and the owner may reclaim the vehicle by showing proof of registration and insurance and paying a fee of $750, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle within 30 days, it may be sold at public auction. The net proceeds of the auction are to be returned

to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors.

The bill also provides for penalties if a person unlawfully operates a snowmobile, all-terrain vehicle, or dirt bike on any public street, highway, or right-of-way. For a first offense, the person is required to be ordered to perform 30 days of community service. For a second offense, the person is required to be ordered to perform 60 days of community service. For a third or subsequent offense, the person is required to be ordered to perform 90 days of community service.