

ASSEMBLY, No. 3211

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Prohibits suspension of driving privileges and arrest for certain crimes and offenses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning driver's license suspensions and amending and
2 repealing various parts of statutory law.

3

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

6

7 1. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to
8 read as follows:

9 3. a. If the child support arrearage equals or exceeds the
10 amount of child support payable for six months or court-ordered
11 health care coverage for the child is not provided for six months, or
12 the obligor fails to respond to a subpoena relating to a paternity or
13 child support action, or a child support-related warrant exists, and
14 the obligor is found to possess a license in the State and all
15 appropriate enforcement methods to collect the child support
16 arrearage have been exhausted, the Probation Division shall send a
17 written notice to the obligor, by certified and regular mail, return
18 receipt requested, at the obligor's last-known address or place of
19 business or employment, advising the obligor that the obligor's
20 license may be revoked or suspended unless, within 30 days of the
21 postmark date of the notice, the obligor pays the full amount of the
22 child support arrearage, or provides proof that health care coverage
23 for the child has been obtained, or responds to a subpoena, or makes
24 a written request for a court hearing to the Probation Division.
25 **【The obligor's driver's license shall be suspended by operation of**
26 **law upon the issuance of a child support-related warrant.】** If a child
27 support- related warrant for the obligor exists, the professional,
28 occupational, recreational or sporting license revocation or
29 suspension shall be terminated if the obligor pays the full amount of
30 the child support arrearage, provides proof that health care coverage
31 for the child has been obtained as required by the court order, or
32 surrenders to the county sheriff or the Probation Division.

33 b. If the obligor fails to take one of the actions in subsection a.
34 of this section within 30 days of the postmark date of the notice and
35 there is proof that service on the obligor was effective, the
36 Probation Division shall file a certification with the court setting
37 forth the obligor's non-compliance with the support order and the
38 obligor's failure to respond to the written notice of the potential
39 license suspension or revocation. If, based on the papers filed by
40 the Probation Division, the court is satisfied that service on the
41 obligor was effective as set forth in this section, it shall without
42 need for further due process or hearing, enter a court order
43 suspending or revoking all licenses held by the obligor. Upon the
44 entry of the order, the Probation Division shall forward a copy to
45 the obligor and all appropriate licensing authorities.

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.

1 For the purposes of this section, the court may deem procedural
2 due process requirements for notice and service of process to be met
3 with respect to a party thereto upon delivery of written notice to the
4 most recent residential or employer address filed with the Probation
5 Division for that party. If a party fails to respond to a notice and no
6 proof is available that the party received the notice, the Probation
7 Division shall document to the court that it has made a diligent
8 effort to locate the party by making inquiries that may include, but
9 are not limited to: the United States Postal Service, the Division of
10 Motor Vehicles in the Department of Transportation, the Division
11 of Taxation in the Department of the Treasury and the Departments
12 of Labor and Corrections. The Probation Division shall provide an
13 affidavit to the court presenting such documentation of its diligent
14 effort, which certifies its inability to locate the party, before any
15 adverse action is taken based upon the party's failure to respond to
16 the notice.

17 c. If the obligor requests a hearing, the Probation Division shall
18 file a petition for a judicial hearing in accordance with section 5 of
19 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
20 days of the obligor's request. If, at or prior to the hearing, the
21 obligor pays the full amount of the child support arrearage or
22 provides health care coverage as ordered, or responds to the
23 subpoena or surrenders to the county sheriff or the Probation
24 Division, the license revocation process shall be terminated. No
25 license revocation action shall be initiated if the Probation Division
26 has received notice that the obligor has pending a motion to modify
27 the child support order if that motion was filed prior to the date that
28 the notice of the license suspension or revocation was sent by the
29 Probation Division. The court shall consider the Probation
30 Division's petition to revoke or suspend a license in accordance
31 with section 5 of P.L.1996, c.7 (C.2A:17-56.43).
32 (cf: P.L.1998, c.1, s.28)

33
34 2. N.J.S.2C:46-2 is amended to read as follows:

35 2C:46-2. a. When a defendant sentenced to pay an assessment
36 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
37 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-
38 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73
39 (C.2C:14-10), monthly probation fee, fine, a penalty imposed
40 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-
41 imposed financial obligations or to make restitution or pay child
42 support or other support or maintenance ordered by a court defaults
43 in the payment thereof or of any installment, upon the motion of the
44 person authorized by law to collect the payment, the motion of the
45 prosecutor, the motion of the victim entitled to payment of
46 restitution, the motion of the Victims of Crime Compensation
47 Office, the motion of the State or county Office of Victim and
48 Witness Advocacy or upon its own motion, the court shall recall

1 him, or issue a summons or a warrant of arrest for his appearance.
2 The court shall afford the person notice and an opportunity to be
3 heard on the issue of default. Failure to make any payment when
4 due shall be considered a default. The standard of proof shall be by
5 a preponderance of the evidence, and the burden of establishing
6 good cause for a default shall be on the person who has defaulted.

7 (1) **【**If the court finds that the person has defaulted without good
8 cause, the court shall:

9 (a) Order the suspension of the driver's license or the
10 nonresident reciprocity driving privilege of the person; and

11 (b) Prohibit the person from obtaining a driver's license or
12 exercising reciprocity driving privileges until the person has made
13 all past due payments; and

14 (c) Notify the Chief Administrator of the New Jersey Motor
15 Vehicle Commission of the action taken; and

16 (d) Take such other actions as may be authorized by law.**】**
17 Deleted by amendment, P.L. _____, c. _____ (pending before the
18 Legislature as this bill)

19 (2) If the court finds that the person defaulted on payment of a
20 court-imposed financial obligation, restitution, or child support or
21 other support or maintenance ordered by a court without good cause
22 and finds that the default was willful, the court may**【**, in addition to
23 the action required by paragraph (1) of this subsection a.,**】** impose a
24 term of imprisonment or participation in a labor assistance program
25 or enforced community service to achieve the objective of the
26 court-imposed financial obligation, restitution, or child support or
27 other support or maintenance ordered by a court. **【These options】**
28 This option shall not reduce the amount owed by the person in
29 default. The term of imprisonment or enforced community service
30 or participation in a labor assistance program **【in such case】** shall
31 be specified in the order of commitment. It need not be equated
32 with any particular dollar amount but, in the case of a fine it shall
33 not exceed one day for each \$50 of the fine nor shall it exceed a
34 period of 90 consecutive days. In no case shall the total period of
35 imprisonment in the case of a disorderly persons offense for both
36 the sentence of imprisonment and for failure to pay a fine exceed
37 six months.

38 (3) Except where incarceration is ordered pursuant to paragraph
39 (2) of **【this】** subsection a. of this section, if the court finds that the
40 person has defaulted the court may take one or more of the
41 following actions:

42 (a) the court shall take appropriate action to modify or establish
43 a reasonable schedule for payment;

44 (b) in the case of a fine, if the court finds that the circumstances
45 that warranted the fine have changed or that it would be unjust to
46 require payment, the court may revoke or suspend the fine or the
47 unpaid portion of the fine; or

1 (c) if the defendant has served jail time for default on a court-
2 imposed financial obligation, the court may order that credit for
3 each day of confinement be given against the amount owed. The
4 amount of the credit shall be determined at the discretion of the
5 court but shall be not less than \$50 for each day of confinement
6 served.

7 (4) When failure to pay an assessment imposed pursuant to
8 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
9 restitution, a penalty imposed pursuant to section 1 of P.L.1999,
10 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of
11 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section
12 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to
13 perform enforced community service or to participate in a labor
14 assistance program is determined to be willful, the failure to do so
15 shall be considered to be contumacious.

16 (5) When a fine, assessment imposed pursuant to section 2 of
17 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
18 is imposed on a corporation, it is the duty of the person or persons
19 authorized to make disbursements from the assets of the corporation
20 or association to pay it from such assets and their failure so to do
21 may be held to be contumacious.

22 b. Upon any default in the payment of a fine, assessment
23 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
24 monthly probation fee, a penalty imposed pursuant to section 1 of
25 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
26 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
27 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other
28 financial penalties, restitution, or any installment thereof, execution
29 may be levied and such other measures may be taken for collection
30 of it or the unpaid balance thereof as are authorized for the
31 collection of an unpaid civil judgment entered against the defendant
32 in an action on a debt.

33 c. Upon any default in the payment of restitution or any
34 installment thereof, the victim entitled to the payment may institute
35 summary collection proceedings authorized by subsection b. of this
36 section.

37 d. Upon any default in the payment of an assessment imposed
38 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
39 installment thereof, the Victims of Crime Compensation Office or
40 the party responsible for collection may institute summary
41 collection proceedings authorized by subsection b. of this section.

42 e. When a defendant sentenced to make restitution to a public
43 entity other than the Victims of Crime Compensation Office,
44 defaults in the payment thereof or any installment, the court may, in
45 lieu of other modification of the sentence, order the defendant to
46 perform work in a labor assistance program or enforced community
47 service program.

1 f. If a defendant ordered to participate in a labor assistance
2 program or enforced community service program fails to report for
3 work or to perform the assigned work, the comprehensive
4 enforcement hearing officer may revoke the work order and impose
5 any sentence permitted as a consequence of the original conviction.

6 g. If a defendant ordered to participate in a labor assistance
7 program or an enforced community service program pays all
8 outstanding assessments, the comprehensive enforcement hearing
9 officer may review the work order, and modify the same to reflect
10 the objective of the sentence.

11 h. As used in this section:

12 (1) "Comprehensive enforcement program" means the program
13 established pursuant to the "Comprehensive Enforcement Program
14 Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-
15 1 et seq.).

16 (2) The terms "labor assistance program" and "enforced
17 community service" have the same meaning as those terms are
18 defined in section 5 of the "Comprehensive Enforcement Program
19 Fund Act," P.L.1995, c.9 (C.2B:19-5).

20 (3) "Public entity" means the State, any county, municipality,
21 district, public authority, public agency and any other political
22 subdivision or public body in the State.

23 (4) "Court-imposed financial obligation" means any fine,
24 statutorily-mandated assessment, surcharge, or other financial
25 penalty imposed by a court, but does not include restitution or child
26 support or other support or maintenance ordered by a court.

27 (cf: P.L.2013, c.180, s.1)

28

29 3. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to
30 read as follows:

31 6. a. (Deleted by amendment, P.L.1997, c.151.)

32 b. There is created a Motor Vehicle Violations Surcharge
33 System which shall apply to all drivers and shall include, but not be
34 limited to, the following provisions:

35 (1) (a) Surcharges shall be levied, beginning on or after
36 January 1, 1984, by the New Jersey Motor Vehicle Commission
37 (hereinafter the "commission") established by section 4 of
38 P.L.2003, c.13 (C.39:2A-4) on any driver who, in the preceding 36-
39 month period, has accumulated six or more motor vehicle points, as
40 provided in Title 39 of the Revised Statutes; except that the
41 allowance for a reduction of points in Title 39 of the Revised
42 Statutes shall not apply for the purpose of determining surcharges
43 under this paragraph. The accumulation of points shall be
44 calculated as of the date the point violation is posted to the driver
45 history record and shall be levied pursuant to rules promulgated by
46 the commission. Surcharges assessed pursuant to this paragraph
47 shall be **[\$150.00]** \$150 for six points, and **[\$25.00]** \$25 for each
48 additional point. No offense shall be selected for billing which

1 occurred prior to February 10, 1983. No offense shall be considered
2 for billing in more than three annual assessments.

3 (b) (Deleted by amendment, P.L.1984, c.1.)

4 (2) (a) Surcharges shall be levied pursuant to subsection f. of
5 section 1 of P.L.2000, c.75 (C.39:4-97.2) for each offense of unsafe
6 driving under subsection a. of that section.

7 (b) Surcharges shall be levied for convictions (i) under
8 R.S.39:4-50 for violations occurring on or after February 10, 1983,
9 and (ii) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for
10 offenses committed in other jurisdictions of a substantially similar
11 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512
12 (C.39:4-50.4a), for violations occurring on or after January 26,
13 1984. Except as hereinafter provided, surcharges under this
14 subparagraph (b) shall be levied annually for a three-year period,
15 and shall be ~~【\$1,000.00】~~ \$1,000 per year for each of the first two
16 convictions, for a total surcharge of \$3,000 for each conviction, and
17 ~~【\$1,500.00】~~ \$1,500 per year for the third conviction occurring
18 within a three-year period, for a total surcharge of \$4,500 for the
19 third conviction. If a driver is convicted under both R.S.39:4-50 and
20 section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out
21 of the same incident, the driver shall be assessed only one surcharge
22 for the two offenses.

23 **【If, upon written notification from the commission or its**
24 **designee, mailed to the last address of record with the commission,**
25 **a driver fails to pay a surcharge levied under this section and**
26 **collectible by the commission, the driving privilege of the driver**
27 **shall be suspended forthwith until at least five percent of each**
28 **outstanding surcharge assessment that has resulted in suspension is**
29 **paid to the commission; except that the commission may authorize**
30 **payment of the surcharge on an installment basis over a period of**
31 **12 months for assessments under \$2,300 or 24 months for**
32 **assessments of \$2,300 or more.】** The commission, for good cause,
33 may authorize payment of any surcharge on an installment basis
34 over a period not to exceed 36 months. If a driver fails to pay the
35 surcharge or any installments on the surcharge, the total surcharge
36 shall become due immediately, except as otherwise prescribed by
37 rule of the commission.

38 The commission may authorize any person to pay the surcharge
39 levied under this section and collectible by the commission by use
40 of a credit card, debit card or other electronic payment device, and
41 the administrator is authorized to require the person to pay all costs
42 incurred by the commission in connection with the acceptance of
43 the credit card, debit card or other electronic payment device. If a
44 surcharge or related administrative fee is paid by credit or debit
45 cards or any other electronic payment device and the amount is
46 subsequently reversed by the credit card company or bank, **【the**
47 **driving privilege of the surcharged driver shall be suspended and】**

1 the driver shall be subject to the fee imposed for dishonored checks
2 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

3 In addition to any other remedy provided by law, the commission
4 is authorized to utilize the provisions of the SOIL (Set off of
5 Individual Liability) program established pursuant to P.L.1981,
6 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under
7 this section and collectible by the commission that is unpaid on or
8 after the effective date of this act. As an additional remedy, the
9 commission may issue a certificate to the Clerk of the Superior
10 Court stating that the person identified in the certificate is indebted
11 under this surcharge law in such amount as shall be stated in the
12 certificate. The certificate shall reference the statute under which
13 the indebtedness arises. Thereupon the clerk to whom such
14 certificate shall have been issued shall immediately enter upon the
15 record of docketed judgments the name of such person as debtor;
16 the State as creditor; the address of such person, if shown in the
17 certificate; the amount of the debt so certified; a reference to the
18 statute under which the surcharge is assessed, and the date of
19 making such entries. The docketing of the entries shall have the
20 same force and effect as a civil judgment docketed in the Superior
21 Court, and the commission shall have all the remedies and may take
22 all of the proceedings for the collection thereof which may be had
23 or taken upon the recovery of a judgment in an action, but without
24 prejudice to any right of appeal. Upon entry by the clerk of the
25 certificate in the record of docketed judgments in accordance with
26 this provision, interest in the amount specified by the court rules for
27 post-judgment interest shall accrue from the date of the docketing
28 of the certificate, however payment of the interest may be waived
29 by the commission or its designee. In the event that the surcharge
30 remains unpaid following the issuance of the certificate of debt and
31 the commission takes any further collection action including
32 referral of the matter to the Attorney General or his designee, the
33 fee imposed, in lieu of the actual cost of collection, may be 20
34 percent of surcharges of \$1,000 or more. The administrator or his
35 designee may establish a sliding scale, not to exceed a maximum
36 amount of \$200, for surcharge principal amounts of less than \$1,000
37 at the time the certificate of debt is forwarded to the Superior Court
38 for filing. The commission shall provide written notification to a
39 driver of the proposed filing of the certificate of debt at least 10
40 days prior to the proposed filing; such notice shall be mailed to the
41 driver's last address of record with the commission. Upon the filing
42 of a certificate of debt with the Clerk of the Superior Court, the
43 surcharged driver shall not be eligible for the restoration of his
44 driving privilege until at least five percent of each outstanding
45 surcharge assessment that has resulted in the suspension, including
46 interest and costs, if any, is paid to the commission. If a certificate
47 of debt is satisfied following a credit card payment, debit card
48 payment or payment by other electronic payment device and that

1 payment is reversed, a new certificate of debt shall be filed against
2 the surcharged driver unless the original is reinstated.

3 If the administrator or his designee approves a special payment
4 plan, of such duration as the administrator or his designee deems
5 appropriate, for repayment of the certificate of debt, and the driver
6 is complying with the approved plan, the plan may be continued for
7 any new surcharge not part of the certificate of debt.

8 All moneys collectible by the commission under subparagraph
9 (b) of paragraph (2) of this subsection b. shall be billed and
10 collected by the commission except as provided in P.L.1997, c.280
11 (C.2B:19-10 et al.) for the collection of unpaid surcharges.
12 Commencing on September 1, 1996, or such earlier time as the
13 Commissioner of Banking and Insurance shall certify to the State
14 Treasurer that amounts on deposit in the New Jersey Automobile
15 Insurance Guaranty Fund are sufficient to satisfy the current and
16 anticipated financial obligations of the New Jersey Automobile Full
17 Insurance Underwriting Association, all surcharges collected by the
18 commission under subparagraph (b) of paragraph (2) of this
19 subsection b. shall be remitted to the Division of Motor Vehicles
20 Surcharge Fund:

21 (i) for transfer to the Market Transition Facility Revenue Fund,
22 as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the
23 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a
24 time as all the Market Transition Facility bonds, notes and
25 obligations and all Motor Vehicle Commission bonds, notes and
26 obligations issued pursuant to that section 4 of P.L.1994, c.57
27 (C.34:1B-21.4) and the costs thereof are discharged and no longer
28 outstanding; and

29 (ii) from and after the date of certification by the Commissioner
30 of Banking and Insurance that the moneys collectible under
31 subparagraph (b) of paragraph (2) of this subsection b. are no longer
32 needed to fund the association or at such time as all Market
33 Transition Facility bonds, notes and obligations and all Motor
34 Vehicle Commission bonds, notes and obligations issued pursuant
35 to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof
36 are discharged and no longer outstanding, for transfer to the Motor
37 Vehicle Surcharges Revenue Fund established pursuant to section 6
38 of the "Motor Vehicle Surcharges Securitization Act of 2004,"
39 P.L.2004, c.70 (C.34:1B-21.28) to be applied as set forth in section
40 6 that act. From and after such time as all bonds issued under
41 section 4 of the "Motor Vehicle Surcharges Securitization Act of
42 2004," P.L.2004, c.70 (C.34:1B-21.26) and the costs thereof are
43 discharged and no longer outstanding, all surcharges collected by
44 the commission under subparagraph (b) of paragraph (2) of this
45 subsection b. shall, subject to appropriation, be remitted to the New
46 Jersey Property-Liability Insurance Guaranty Association created
47 pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for
48 payment of any loans made by that association to the New Jersey

1 Automobile Insurance Guaranty Fund pursuant to paragraph (10) of
2 subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided
3 that all such payments shall be subject to and dependent upon
4 appropriation by the State Legislature.

5 All surcharges collected by the courts pursuant to subparagraph
6 (a) of paragraph (2) of this subsection b. shall be forwarded not less
7 frequently than monthly to the Division of Revenue. The Division
8 of Revenue shall transfer: all such surcharges received prior to July
9 1, 2006, to the General Fund, and commencing July 1, 2006, all
10 such surcharges to the Unsafe Driving Surcharge Revenue Fund
11 established pursuant to section 5 of the "Motor Vehicle Surcharges
12 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.27) to be
13 applied as set forth in section 5 of that act. From and after such
14 time as all bonds (including refunding bonds), notes and other
15 obligations issued under section 4 of the "Motor Vehicle Surcharges
16 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.26), and
17 the costs thereof are discharged and no longer outstanding, all such
18 surcharges collected by the courts pursuant to subparagraph (a) of
19 paragraph (2) of this subsection b. and forwarded to the Division of
20 Revenue shall be transferred to the General Fund.

21 Upon request, the Administrative Office of the Courts shall
22 provide a monthly report to the Division of Revenue containing
23 information on the number of convictions for the offense of unsafe
24 driving pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) that
25 were entered during such month, the amount of the surcharges that
26 were assessed by the courts pursuant to subsection f. of section 1 of
27 P.L.2000, c.75 (C.39:4-97.2) for such month, and the amount of the
28 surcharges collected by the courts pursuant to subsection f. of
29 section 1 of P.L.2000, c.75 (C.39:4-97.2) during such month.

30 (3) In addition to any other authority provided in P.L.1983, c.65
31 (C.17:29A-33 et al.), the commissioner, after consultation with the
32 commission, is specifically authorized (a) (Deleted by amendment,
33 P.L.1994, c.64), (b) to impose, in accordance with subparagraph (a)
34 of paragraph (1) of this subsection b., surcharges for motor vehicle
35 violations or convictions for which motor vehicle points are not
36 assessed under Title 39 of the Revised Statutes, or (c) to reduce the
37 number of points for which surcharges may be assessed below the
38 level provided in subparagraph (a) of paragraph (1) of this
39 subsection b., except that the dollar amount of all surcharges levied
40 under the Motor Vehicle Violations Surcharge System shall be
41 uniform on a Statewide basis for each filer, without regard to
42 classification or territory. Surcharges adopted by the commissioner
43 on or after January 1, 1984 for motor vehicle violations or
44 convictions for which motor vehicle points are not assessable under
45 Title 39 of the Revised Statutes shall not be retroactively applied
46 but shall take effect on the date of the New Jersey Register in which
47 notice of adoption appears or the effective date set forth in that
48 notice, whichever is later.

1 c. No motor vehicle violation surcharges shall be levied on an
2 automobile insurance policy issued or renewed on or after January
3 1, 1984, except in accordance with the Motor Vehicle Violations
4 Surcharge System, and all surcharges levied thereunder shall be
5 assessed, collected and distributed in accordance with subsection b.
6 of this section.

7 d. (Deleted by amendment, P.L.1990, c.8.)

8 e. The Commissioner of Banking and Insurance and the
9 commission as may be appropriate, shall adopt any rules and
10 regulations necessary or appropriate to effectuate the purposes of
11 this section.

12 (cf: P.L.2007, c.282, s.1)

13
14 4. Section 5 of P.L.1985, c.14 (C.39:4-139.6) is amended to
15 read as follows:

16 5. The municipal court shall immediately upon expiration of
17 time to answer or appear, with respect to residents of New Jersey,
18 follow the procedures set forth in R.7:6-3(a) of the Rules Governing
19 the Courts of the State of New Jersey. These procedures include the
20 mailing of a notice of offense or a failure to appear notice to
21 defendant. That notice shall be on a form approved by the
22 Administrative Director of the Courts and shall inform the
23 defendant of the parking offense charged; the time and date of the
24 parking offense; the amount of fines, penalties, and costs due; of
25 **his** the defendant's right to have a hearing; that a civil judgment
26 may be entered against **him** the defendant for failure to appear or
27 pay the amount due; and that **his driver's license** the defendant's
28 motor vehicle registration may be suspended; **that his driving**
29 **privileges may be revoked; and that a warrant may be issued for his**
30 **arrest** and that the defendant's vehicle may be impounded,
31 immobilized, or sold at public auction pursuant to section 12 of
32 P.L.1985, c.14 (C.39:4-139.13).

33 The procedures set forth in R. 7:6-3(c) of the Rules Governing
34 the Courts of the State of New Jersey shall be followed in the case
35 of a nonresident.

36 (cf: P.L.1985, c.14, s.5)

37
38 5. Section 9 of P.L.1985, c.14 (C.39:4-139.10) is amended to
39 read as follows:

40 9. a. If a person has failed to respond to a failure to appear
41 notice or has failed to pay a parking judgment, the municipal court
42 may give notice of that fact to the commission in a manner
43 prescribed by the chief administrator. If notice has been given
44 under this section of a person's failure to respond to a failure to
45 appear notice or to pay a parking judgment and if the fines and
46 penalties are paid or if the case is dismissed or otherwise disposed

1 of, the municipal court shall promptly give notice to that effect to
2 the commission.

3 b. The judge or the commission may suspend **the driver's**
4 **license, or** the registration of the motor vehicle of an owner,
5 lessee, or operator who has not answered or appeared in response to
6 a failure to appear notice or has not paid or otherwise satisfied
7 outstanding parking fines or penalties.

8 If the **license or** registration suspension is the result of the
9 failure to pay outstanding parking fines or penalties, or respond to a
10 failure to appear notice, the commission shall:

11 (1) delay the imposition of the **license or** registration
12 suspension for at least **30** 90 days after the date on which the
13 commission received a notice of suspension from the municipal
14 court; and

15 (2) upon receipt of a notice of suspension from the municipal
16 court, provide written notice advising the owner, lessee, or operator
17 that the suspension shall take effect **30** 90 days after the date of
18 the commission's notice. The written notice issued by the
19 commission shall provide the reason for suspension, identify the
20 municipal court that issued the notice of suspension, and inform the
21 owner, lessee, or operator that the suspension may be avoided by
22 contacting the municipal court that issued the notice of suspension
23 within the **30** 90 day period to resolve the pending parking
24 violation.

25 If an owner, lessee or operator has been found guilty of a parking
26 offense and has failed to pay or otherwise satisfy outstanding
27 parking fines or penalties, the court shall provide notice and an
28 opportunity to appear before a judge prior to suspending that
29 person's **driver's license or** motor vehicle registration. In
30 determining whether to suspend the person's **driver's license or**
31 **the** motor vehicle registration, the judge and the commission shall
32 take into consideration the area where the person resides and
33 whether or not the person has access to off-street parking. In
34 accordance with section 1 of P.L.1981, c.365 (C.39:4-203.1) and
35 section 1 of P.L.2009, c.317 (C.2B:12-23.1), a court may permit
36 alternatives to the payment of certain outstanding portions of
37 parking fines and penalties based on a person's ability to pay,
38 including allowing the payment of the fine in installments,
39 conversion of the fine to community service, or revoking portions
40 of the fine or penalty.

41 When a person whose **license or** registration has been
42 suspended appears at court proceedings or otherwise resolves
43 pending parking violations, or pays or otherwise satisfies all
44 parking fines or penalties, the municipal court shall provide the
45 person with a receipt of payment and shall give electronic notice to
46 the commission that the person's obligations have been satisfied and
47 the suspension ordered by the court shall not be imposed. If, prior

1 to the effective date of the suspension by the commission, the
2 person submits the receipt of payment to the commission or the
3 commission receives the electronic notice stating that the person's
4 obligations have been satisfied, the commission shall not suspend
5 the person's **【license or】** registration. If the commission receives
6 the receipt or electronic notice after the effective date of the
7 suspension, the person shall seek the restoration of the **【license or】**
8 registration through procedures adopted by the commission.

9 c. The commission shall keep a record of a suspension ordered
10 by the court pursuant to subsection b. of this section.

11 (cf: P.L.2017, c.75, s.1)

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13 6. Section 1 of P.L.1999, c.423 (C.39:4-139.10a) is amended to
14 read as follows:

15 1. In any parking case, if the municipal court fails, within three
16 years of the date of the violation, to either issue **【a warrant for the**
17 **defendant's arrest, or to】** an order for a suspension of the
18 defendant's **【driving privileges】** motor vehicle registration, or the
19 defendant's non-resident reciprocity privileges, or prohibit the
20 person from receiving or obtaining **【driving privileges】** a motor
21 vehicle registration, the matter shall be dismissed and shall not be
22 reopened.

23 (cf: P.L.1999, c.423, s.1)

24
25 7. Section 10 of P.L.1985, c.14 (C.39:4-139.11) is amended to
26 read as follows:

27 10. a. When a person whose license or motor vehicle
28 registration has been suspended pursuant to **【subsection b. of**
29 **section 9 of】** the “Parking Offenses Adjudication Act,” P.L.1985,
30 c.14 **【(C.39:4-139.10)】** (C.39:4-139.1 et seq.) satisfies the fines and
31 any penalties imposed by the court, the court shall forward to the
32 commission a notice to restore the person's driver's license or motor
33 vehicle registration.

34 b. Upon receiving a notice to restore pursuant to subsection a.
35 of this section, the commission shall record the restoration and
36 notify the person of the restoration.

37 Nothing in this section shall be construed to authorize the
38 suspension of a person's driver's license pursuant to the “Parking
39 Offenses Adjudication Act,” P.L.1985, c.14 (C.39:4-139.1 et seq.)
40 after the effective date of P.L. , c. (pending before the
41 Legislature of this bill).

42 (cf: P.L.2007, c.280, s.2)

43
44 8. Section 11 of P.L.1985, c.14 (C.39:4-139.12) is amended to
45 read as follows:

46 11. There shall be included in the fines and penalties imposed by
47 the court on a person whose license has been suspended pursuant to

1 **【subsection b. of section 9 of this act】** the “Parking Offenses
 2 Adjudication Act,” P.L.1985, c.14 (C.39:4-139.1 et seq.) a fee of
 3 \$3.00 which shall be transferred by the court to the division. All
 4 fees so transferred shall be deposited in a fund established to
 5 effectuate the purposes of **【this act】** the “Parking Offenses
 6 Adjudication Act,” P.L.1985, c.14 (C.39:4-139.1 et seq.).

7 Nothing in this section shall be construed to authorize the
 8 suspension of a person’s driver’s license pursuant to the “Parking
 9 Offenses Adjudication Act,” P.L.1985, c.14 (C.39:4-139.1 et seq.)
 10 after the effective date of P.L. , c. (pending before the
 11 Legislature of this bill).

12 (cf: P.L.1985, c.14, s.11)

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14 9. Section 27 of P.L.1952, c.174 (C.39:6-87) is amended to
 15 read as follows:

16 27. Registration, etc. not restored until fund is reimbursed.

17 Where the license or privileges of any person, or the registration
 18 of a motor vehicle registered in **【his】** the person’s name, has been
 19 suspended or cancelled under the Motor Vehicle Security-
 20 Responsibility Law of this State, and the association has paid from
 21 the fund any amount in settlement of a claim or towards satisfaction
 22 of a judgment against that person, or for the payment of personal
 23 injury protection benefits as provided in section 7 and section 10 of
 24 **【this act】** P.L.1952, c.174 (C.39:6-67 and C.39:6-70), the
 25 cancellation or suspension shall not be removed, nor the license,
 26 privileges, or registration restored, nor shall any new license or
 27 privilege be issued or granted to, or registration be permitted to be
 28 made by, that person until **【he】** the person has:

29 (a) **【Repaid in full to the association the amount so paid by him**
 30 **together with interest thereon at 8% per annum from the date of**
 31 **such payment】** (deleted by amendment, P.L. , c.) (pending
 32 before the Legislature as this bill); and

33 (b) Satisfied all requirements of **【said】** the Motor Vehicle
 34 Security-Responsibility Law in respect of giving proof of ability to
 35 respond in damages for future accidents, provided, that the court in
 36 which **【such】** the judgment was rendered may, upon 10 days' notice
 37 to the association, make an order permitting payment of the amount
 38 of **【such】** the person's indebtedness to the fund, to be made in
 39 installments, or in the event the fund makes personal injury
 40 protection benefit payments, **【such】** the person and the fund by
 41 agreement may provide for repayment to the fund to be made in
 42 installments, and in such case, **【such】** the person's driver's license,
 43 or **【his】** driving privileges, or registration certificate, if the same
 44 have been suspended or revoked, or have expired, may be restored
 45 or renewed and shall remain in effect unless and until **【such】** the
 46 person defaults in making any installment payment specified in

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A3211 TIMBERLAKE, REYNOLDS-JACKSON

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- 1 the person's motor vehicle. The bill also delays the period that a
- 2 municipality may impound, immobilize, or authorize the sale of a
- 3 motor vehicle for unpaid parking tickets from 30 days to 90 days.