

ASSEMBLY, No. 5241

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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District 12 (Burlington, Middlesex, Monmouth and Ocean)

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District 18 (Middlesex)

SYNOPSIS

Extends timeframe for receiving certain documents issued by MVC under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2021)

1 AN ACT extending the timeframe for receiving certain documents
2 issued by the New Jersey Motor Vehicle Commission, amending
3 P.L.1964, c.163 and R.S.39:10-11, and supplementing Title 39 of
4 the Revised Statutes.

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

8
9 1. Section 1 of P.L.1964, c.163 (C.39:3-30.3) is amended to
10 read as follows:

11 1. a. Any motor vehicles registered in the name of any
12 decedent may be operated, upon the public highways of this State,
13 by a duly licensed driver who is, or is authorized to drive the same
14 by, the surviving spouse or other member of the family of said
15 decedent, under and by virtue of the registration certificate of such
16 motor vehicle issued to such decedent, for a period of not exceeding
17 30 days after the death of such decedent.

18 b. Notwithstanding any provision of subsection a. of this
19 section to the contrary, during a state of emergency declared by the
20 Governor, if a person inherits a motor vehicle from a decedent and
21 is required to schedule an appointment with the New Jersey Motor
22 Vehicle Commission to register the motor vehicle in the person's
23 name, the person may operate the motor vehicle until the date of the
24 appointment regardless of whether the date of the appointment is
25 more than 30 days after the death of the decedent. This subsection
26 shall only apply if the person inheriting the motor vehicle from the
27 decedent schedules an appointment to register the motor vehicle in
28 the person's name within 30 days of the death of the decedent.

29 (cf: P.L.1964, c.163, s.1)

30
31 2. R.S.39:10-11 is amended to read as follows:

32 39:10-11. A. The purchaser of a motor vehicle in this State,
33 other than a dealer licensed pursuant to the provisions of R.S.39:10-
34 19, shall, within 10 working days after its purchase, submit to the
35 **【director】** chief administrator evidence of the purchase. Upon
36 presentation to the **【director】** chief administrator of the certificate
37 of origin, or certificate of ownership, or bill of sale issued prior to
38 October 1, 1946, with proper assignment and certification of the
39 seller, a record of the transaction shall be made and filed. A
40 certificate of ownership shall be issued by the **【director】** chief
41 administrator and delivered to the buyer, in case of a sale not
42 subject to a security interest, and the **【director】** chief administrator
43 shall collect a fee of \$20 for the issuance and filing thereof.

44 Notwithstanding any provision of this subsection to the contrary,
45 during a state of emergency declared by the Governor, if the

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 purchaser of a motor vehicle is required to schedule an appointment
2 with the New Jersey Motor Vehicle Commission to submit evidence
3 of the purchase of the motor vehicle, the purchaser shall submit
4 evidence of the purchase at the date of the appointment, regardless
5 of whether the date of the appointment is more than 10 working
6 days after the purchase of the motor vehicle. This provision shall
7 only apply if the purchaser schedules an appointment to submit
8 evidence of the purchase of the motor vehicle within 10 working
9 days after the purchase.

10 B. In the case of a sale subject to a security interest, a
11 certificate of ownership, with the name and address of the holder of
12 the encumbrance or secured party or his assignee recorded thereon,
13 shall be delivered to the holder of the encumbrance or secured party
14 or his assignee and a copy thereof shall be delivered to the buyer.
15 The **【director】** chief administrator shall collect a fee of \$30 for his
16 services in issuing a certificate and copy thereof, and for making a
17 record of and filing the record of the transaction, pursuant to this
18 subsection.

19 C. Except as hereinafter in this section otherwise expressly
20 provided, whenever a security interest is created in a motor vehicle,
21 other than a security interest which is required to be noted on the
22 certificate of origin or the certificate of ownership, as provided in
23 R.S.39:10-8 and R.S.39:10-9, there shall be filed with the
24 **【director】** chief administrator the certificate of ownership of the
25 motor vehicle, together with a financing statement on a form
26 prescribed by the **【director】** chief administrator. The **【director】**
27 chief administrator shall make and file a record of the transaction
28 and shall issue a certificate of ownership, recording the name and
29 address of the secured party or his assignee thereon, and shall
30 deliver it to the secured party or his assignee. A copy of the
31 certificate of ownership so issued shall be delivered to the buyer.
32 The **【director】** chief administrator shall collect a fee of \$20 for his
33 services in issuing a certificate and copy thereof and for making a
34 record of and filing the record of the transaction, pursuant to this
35 subsection.

36 D. The financing statement required to be filed pursuant to
37 subsection C. hereof shall be signed only by the buyer, shall not be
38 required to be acknowledged or proved, and shall show, in addition
39 to such matters as the **【director】** chief administrator may require for
40 the proper identification of the motor vehicle affected, the date of
41 the security agreement, and the names and addresses of the parties
42 thereto. Nothing in this section **【39:10-11 contained】** shall be
43 construed as requiring that the security agreement or a copy thereof,
44 or any proof of execution thereof other than that contained in the
45 financing statement, shall be presented to the **【director】** chief
46 administrator. When the buyer is a corporation, it shall be
47 sufficient if the financing statement is signed by any officer thereof,

1 or by any agent designated by the corporation for that purpose, and
2 it shall not be necessary that the financing statement recite the
3 authorization of the agent. When there is more than one buyer, it
4 shall be sufficient if the financing statement is signed by any one of
5 them.

6 E. Nothing in subsections C. and D. of this section shall apply
7 to security interests in motor vehicles which constitute inventory
8 held for sale, but such interests shall be subject to chapter 9 of Title
9 12A of the New Jersey Statutes, nor shall anything in the said
10 subsections apply to interests in personal property subject to chapter
11 28 of Title 46 of the Revised Statutes.

12 F. In addition to the fees elsewhere in this section provided for,
13 there shall be paid to the **【director】** chief administrator at the time a
14 certificate of ownership is issued a fee of \$10 for notice of
15 satisfaction of the lien or encumbrance of the record or abstract, or
16 of the termination of the security interest, where the motor vehicle
17 is subject to a lien or encumbrance or a security interest as provided
18 in R.S.39:10-14.

19 G. Notwithstanding any other provision of this chapter, when
20 any dealer licensed under the provisions of R.S.39:10-19 is the
21 purchaser of a motor vehicle in this State, he may, within 10
22 working days after its purchase, submit to the **【director】** chief
23 administrator the evidence of purchase. Upon presentation of the
24 certificate of ownership with proper assignment and certification of
25 the seller to the **【director】** chief administrator, a record of the
26 transaction shall be made and filed. A certificate of ownership shall
27 be issued by the **【director】** chief administrator and delivered to
28 such purchaser, and the **【director】** chief administrator shall collect a
29 fee of \$10 for the issuing and filing thereof.

30 If a dealer does not submit the evidence of purchase, upon resale
31 of the motor vehicle he shall execute and attach to the certificate of
32 ownership a dealer reassignment certificate. The **【director】** chief
33 administrator shall issue dealer reassignment certificates in lots
34 upon payment of a fee of \$10 for each certificate.

35 H. Any purchaser of a motor vehicle who fails to comply with
36 the provisions of this section shall pay to the **【director】** chief
37 administrator a penalty of \$25 plus the issuing and filing fee.

38 I. The failure of any person to comply with the requirements of
39 this section shall not constitute a misdemeanor within the
40 provisions of R.S.39:10-24, nor shall such failure affect the validity
41 of any instrument creating or reserving a security interest in a motor
42 vehicle, as between the parties to such instrument.

43 J. The notation of the name and business or residence address
44 of a secured party or his assignee, on the certificate of origin or on
45 the certificate of ownership, as provided in R.S.39:10-8 and
46 R.S.39:10-9, and the presentation to the **【director】** chief
47 administrator, in accordance with R.S.39:10-11, of the certificate of

1 origin or certificate of ownership so noted, and the compliance with
2 the requirements of subsections C. and D. of R.S.39:10-11 shall be
3 in lieu of all filing requirements imposed by chapter 9 of Title 12A
4 of the New Jersey Statutes and shall constitute the perfection of a
5 security interest in the motor vehicle, and the rights and remedies of
6 the debtors and the secured parties in respect to such security
7 interest shall, except as otherwise expressly provided in this
8 chapter, be subject to and governed by chapter 9 of Title 12A of the
9 New Jersey Statutes.

10 (cf: P.L.1994, c.60, s.26)

11
12 3. (New section) a. During a state of emergency declared by
13 the Governor, if a customer is required to schedule an appointment
14 with the New Jersey Motor Vehicle Commission to renew a
15 document, the expiration date of the document subject to renewal
16 shall be automatically extended until the date of the appointment
17 except as otherwise required by federal law.

18 b. The commission shall issue documentation to the customer
19 extending the expiration date of the document in accordance with
20 the provisions of subsection a. of this section.

21 c. This section shall apply to all documents that are required to
22 be renewed in-person and by appointment-only at a commission
23 agency. This section shall only apply if a customer schedules an
24 appointment to renew a document prior to the expiration date listed
25 on the document.

26
27 4. This act shall take effect immediately.

30 STATEMENT

31
32 This bill extends the timeframe for receiving certain documents
33 issued by the New Jersey Motor Vehicle Commission (commission)
34 during a state of emergency declared by the Governor.

35 Under the bill, if, during a state of emergency declared by the
36 Governor, a person is required to schedule an appointment to
37 register a motor vehicle that the person inherits, the person is
38 authorized to operate the motor vehicle until the date of the
39 appointment without obtaining a new registration for the motor
40 vehicle, instead of for a maximum period of 30 days after the
41 decedent's death. For this exception to apply, the person is required
42 to schedule the appointment within 30 days of the death of the
43 decedent.

44 If, during a state of emergency declared by the Governor, the
45 purchaser of a motor vehicle is required to schedule an appointment
46 with the commission to submit evidence of the purchase of a motor
47 vehicle, the purchaser is required to submit this evidence at the date
48 of the appointment, instead of within 10 working days after the

1 purchase. For this exception to apply, the purchaser is required to
2 schedule the appointment within 10 working days after the
3 purchase.

4 The bill further provides that during a state of emergency
5 declared by the Governor, if a customer is required to schedule an
6 appointment to renew a document, the expiration date of the
7 document is to be automatically extended until the date of the
8 appointment. The commission is required to issue documentation to
9 the customer that extends the expiration date of the document as
10 provided in the bill. This provision of the bill is to apply to all
11 documents that are required to be renewed in-person and by
12 appointment-only at a commission agency. This provision only
13 applies if a customer schedules an appointment to renew a
14 document before the date that the document expires.