

P.L. 2021, CHAPTER 353, *approved January 10, 2022*
Senate Committee Substitute for
Senate, No. 4080

1 **AN ACT** concerning all-terrain vehicles and dirt bikes and amending
2 various parts of the statutory law.

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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. Section 1 of P.L.2019, c.505 (C.39:3C-35) is amended to
8 read as follows:

9 1. a. **【A】** Except as provided in subsection e. of this section, a
10 snowmobile, all-terrain vehicle, or dirt bike operated on any public
11 street, highway, or right-of-way in violation of section 17 of
12 P.L.1973, c.307 (C.39:3C-17) shall be impounded by the law
13 enforcing agency and subject to a fee and costs as hereinafter
14 provided:

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

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

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

41 c. At any time prior to a sale pursuant to subsection b. of this
42 section, the owner or other person entitled to the snowmobile, all-

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 terrain vehicle, or dirt bike may reclaim possession upon showing
2 proof of registration and insurance and paying all outstanding fees
3 and costs associated with the impoundment, and reasonable towing
4 and storage costs.

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

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

22 e. A municipality may by ordinance declare that an all-terrain
23 vehicle or dirt bike operated on any public street, highway, or right-
24 of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
25 poses an immediate threat to the public health, safety, or welfare
26 and designate such all-terrain vehicles or dirt bikes so operated as
27 contraband subject to forfeiture in accordance with the provisions
28 of N.J.S.2C:64-1 et seq. An all-terrain vehicle or dirt bike forfeited
29 pursuant to the provisions of N.J.S.2C:64-1 et seq. as authorized by
30 this subsection shall be disposed of in accordance with the
31 provisions of N.J.S.2C:64-6 or, at the discretion of the entity
32 funding the prosecuting agency involved, may be destroyed.
33 (cf: P.L.2019, c.505, s.1)
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35 2. N.J.S.2C:64-1 is amended to read as follows:
36 2C:64-1. Property Subject to Forfeiture.

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

39 (1) Controlled dangerous substances~~[,]~~; firearms which are
40 unlawfully possessed, carried, acquired or used~~[,]~~; illegally
41 possessed gambling devices~~[,]~~; untaxed or otherwise contraband
42 cigarettes or tobacco products~~[,]~~; unlawfully possessed container e-
43 liquid~~[,]~~; untaxed special fuel~~[,]~~; unlawful sound recordings and
44 audiovisual works; and items bearing a counterfeit mark. These
45 shall be designated prima facie contraband.

46 (2) All property which has been, or is intended to be, utilized in
47 furtherance of an unlawful activity, including, but not limited to,

1 conveyances intended to facilitate the perpetration of illegal acts, or
2 buildings or premises maintained for the purpose of committing
3 offenses against the State.

4 (3) Property which has become or is intended to become an
5 integral part of illegal activity, including, but not limited to, money
6 which is earmarked for use as financing for an illegal gambling
7 enterprise.

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

12 (5) An all-terrain vehicle or dirt bike which has been operated
13 on a public street, highway, or right-of-way in violation of section
14 17 of P.L.1973, c.307 (C.39:3C-17) in a municipality that has
15 passed an ordinance declaring that such all-terrain vehicles or dirt
16 bikes so operated pose an immediate threat to the public health,
17 safety, or welfare and designating such vehicles as contraband as
18 authorized by subsection e. of section 1 of P.L.2019, c.505
19 (C.39:3C-35).

20 b. Any article subject to forfeiture under this chapter may be
21 seized by the State or any law enforcement officer as evidence
22 pending a criminal prosecution pursuant to **【section 2C:64-4】**
23 N.J.S.2C:64-4 or, when no criminal proceeding is instituted, upon
24 process issued by any court of competent jurisdiction over the
25 property, except that seizure without such process may be made
26 when not inconsistent with the Constitution of this State or the
27 United States, and when

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

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

31 c. For the purposes of this section:

32 "Items bearing a counterfeit mark" means items bearing a
33 counterfeit mark as defined in **【N.J.S.2C:21-32】** section 1 of
34 P.L.1997, c.57 (C.2C:21-32).

35 "Unlawful sound recordings and audiovisual works" means
36 sound recordings and audiovisual works as those terms are defined
37 in **【N.J.S.2C:21-21】** section 1 of P.L.1991, c.125 (C.2C:21-21)
38 which were produced in violation of 【N.J.S.2C:21-21】 section 1 of
39 P.L.1991, c.125 (C.2C:21-21).

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

44 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
45 kerosene on which the motor fuel tax imposed pursuant to
46 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
47 transferred in this State in a manner not authorized pursuant to

1 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
2 (cf: P.L.2019, c.147, s.10)

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4 3. N.J.S.2C:64-6 is amended to read as follows:

5 2C:64-6. Disposal of Forfeited Property.

6 a. Property which has been forfeited shall be destroyed if it can
7 serve no lawful purpose or it presents a danger to the public health,
8 safety or welfare. An all-terrain vehicle or dirt bike operated in
9 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) which has
10 been forfeited may be destroyed, at the discretion of the entity
11 funding the prosecuting agency involved. All other forfeited
12 property or any proceeds resulting from the forfeiture and all money
13 seized pursuant to this chapter shall become the property of the
14 entity funding the prosecuting agency involved and shall be
15 disposed of, distributed, appropriated and used in accordance with
16 the provisions of this chapter.

17 The prosecutor or the Attorney General, whichever is
18 prosecuting the case, shall divide the forfeited property, any
19 proceeds resulting from the forfeiture or any money seized pursuant
20 to this chapter with any other entity where the other entity's law
21 enforcement agency participated in the surveillance, investigation,
22 arrest or prosecution resulting in the forfeiture, in proportion to the
23 other entity's contribution to the surveillance, investigation, arrest
24 or prosecution resulting in the forfeiture, as determined in the
25 discretion of the prosecutor or the Attorney General, whichever is
26 prosecuting the case. Notwithstanding any other provision of law,
27 such forfeited property and proceeds shall be used solely for law
28 enforcement purposes, and shall be designated for the exclusive use
29 of the law enforcement agency which contributed to the
30 surveillance, investigation, arrest or prosecution resulting in the
31 forfeiture.

32 The Attorney General is authorized to promulgate rules and
33 regulations to implement and enforce the provisions of this act.

34 b. For a period of two years from the date of enactment of
35 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds
36 obtained by the Attorney General under the provisions of subsection
37 a. of this section shall be deposited into the Hepatitis Inoculation
38 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
39 100.13).

40 c. Beginning two years from the date of enactment of
41 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
42 of the proceeds obtained by the Attorney General under the
43 provisions of subsection a. of this section shall be deposited into the
44 Hepatitis Inoculation Fund established pursuant to section 2 of
45 P.L.1993, c.227 (C.26:4-100.13).

46 (cf: P.L.1993, c.227, s.1)

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48 4. This act shall take effect immediately.

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3 Authorizes municipalities to address certain unlawful operation
4 of all-terrain vehicles and dirt bikes through seizure and, in some
5 circumstances, destruction of vehicles.