

SENATE, No. 458

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Provides one-third of motor vehicle fine moneys generated through State Police issued tickets go to municipality where violation occurred.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain motor vehicle fine and penalty moneys,
2 and amending R.S.39:5-41.

3

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

6

7 1. R.S.39:5-41 is amended to read as follows:

8 39:5-41. a. All fines, penalties, and forfeitures imposed and
9 collected under authority of law for any violations of R.S.39:4-63
10 and R.S.39:4-64 shall be forwarded by the judge to whom the same
11 have been paid to the proper financial officer of a county, if the
12 violation occurred within the jurisdiction of that county's central
13 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
14 municipality wherein the violation occurred, to be used by the
15 county or municipality to help finance litter control activities in
16 addition to or supplementing existing litter pickup and removal
17 activities in the municipality.

18 b. Except as otherwise provided by subsection a. of this
19 section, all fines, penalties, and forfeitures imposed and collected
20 under authority of law for any violations of the provisions of this
21 Title, other than those violations in which the complaining witness
22 is the chief administrator, a member of his staff, a member of the
23 State Police, a member of a county police department and force, a
24 county park police system, or a sheriff's office in a county that has
25 established a central municipal court, an inspector of the Board of
26 Public Utilities, or a law enforcement officer of any other State
27 agency, shall be forwarded by the judge to whom the same have
28 been paid as follows: one-half of the total amount collected to the
29 financial officer, as designated by the local governing body, of the
30 respective municipalities wherein the violations occurred, to be
31 used by the municipality for general municipal use and to defray the
32 cost of operating the municipal court; and one-half of the total
33 amount collected to the proper financial officer of the county
34 wherein they were collected, to be used by the county as a fund for
35 the construction, reconstruction, maintenance, and repair of roads
36 and bridges, snow removal, the acquisition and purchase of rights-
37 of-way, and the purchase, replacement, and repair of equipment for
38 use on said roads and bridges therein. Up to **【25%】** 25 percent of
39 the money received by a municipality pursuant to this subsection,
40 but not more than the actual amount budgeted for the municipal
41 court, whichever is less, may be used to upgrade case processing.

42 All fines, penalties, and forfeitures imposed and collected under
43 authority of law for any violations of the provisions of this Title in
44 which the complaining witness is a member of the State Police shall
45 be forwarded by the judge to whom the same have been paid as

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 follows: one-third of the total amount collected to the financial
2 officer, as designated by the local governing body, of the respective
3 municipalities wherein the violations occurred, to be used by the
4 municipality for general municipal use and to defray the cost of
5 operating the municipal court; and two-thirds of the total amount
6 collected to the State Treasurer for deposit and use in accordance
7 with the provisions for deposit pursuant to R.S.52:18-32.

8 All fines, penalties, and forfeitures imposed and collected under
9 authority of law for any violations of the provisions of this Title, in
10 which the complaining witness is a member of a county police
11 department and force, a county park police system, or a county
12 sheriff's office in a county that has established a central municipal
13 court, shall be forwarded by the judge to whom the same have been
14 paid to the financial officer, designated by the governing body of
15 the county, for all violations occurring within the jurisdiction of that
16 court, to be used for general county use and to defray the cost of
17 operating the central municipal court.

18 Whenever any county has deposited moneys collected pursuant
19 to this section in a special trust fund in lieu of expending the same
20 for the purposes authorized by this section, it may withdraw from
21 **【said】** the special trust fund in any year an amount which is not in
22 excess of the amount expended by the county over the immediately
23 preceding three-year period from general county revenues for said
24 purposes. **【Such】** The moneys withdrawn from the trust fund shall
25 be accounted for and used as are other general county revenues.

26 c. (Deleted by amendment, P.L.1993, c.293 **【.】**)

27 d. Notwithstanding the provisions of subsections a. and b. of
28 this section, \$1 shall be added to the amount of each fine and
29 penalty imposed and collected through a court under authority of
30 any law for any violation of the provisions of Title 39 of the
31 Revised Statutes or any other motor vehicle or traffic violation in
32 this State and shall be forwarded by the person to whom the same
33 are paid to the State Treasurer. In addition, upon the forfeiture of
34 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
35 The State Treasurer shall annually deposit those moneys so
36 forwarded in the "Body Armor Replacement" fund established
37 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
38 in the fiscal year next following the effective date of this act, the
39 State Treasurer annually shall allocate from those moneys so
40 forwarded an amount not to exceed \$400,000 to the Department of
41 the Treasury to be expended exclusively for the purposes of funding
42 the operation of the "Law Enforcement Officer Crisis Intervention
43 Services" telephone hotline established and maintained under the
44 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
45 and C.26:2NN-2).

46 e. Notwithstanding the provisions of subsections a. and b. of
47 this section, \$1 shall be added to the amount of each fine and
48 penalty imposed and collected through a court under authority of

1 any law for any violation of the provisions of Title 39 of the
2 Revised Statutes or any other motor vehicle or traffic violation in
3 this State and shall be forwarded by the person to whom the same
4 are paid to the State Treasurer. The State Treasurer shall annually
5 deposit those moneys so forwarded in the "New Jersey Spinal Cord
6 Research Fund" established pursuant to section 9 of P.L.1999,
7 c.201 (C.52:9E-9). In order to comply with the provisions of
8 Article VIII, Section II, paragraph 5 of the State Constitution, a
9 municipal or county agency which forwards moneys to the State
10 Treasurer pursuant to this subsection may retain an amount equal to
11 **【2%】** two percent of the moneys which it collects pursuant to this
12 subsection as compensation for its administrative costs associated
13 with implementing the provisions of this subsection.

14 f. Notwithstanding the provisions of subsections a. and b. of
15 this section, \$1 shall be added to the amount of each fine and
16 penalty imposed and collected through a court under authority of
17 any law for any violation of the provisions of Title 39 of the
18 Revised Statutes or any other motor vehicle or traffic violation in
19 this State and shall be forwarded by the person to whom the same
20 are paid to the State Treasurer. The State Treasurer shall annually
21 deposit those moneys so forwarded in the "Autism Medical
22 Research and Treatment Fund" established pursuant to section 1 of
23 P.L.2003, c.144 (C.30:6D-62.2).

24 g. Notwithstanding the provisions of subsections a. and b. of
25 this section, \$2 shall be added to the amount of each fine and
26 penalty imposed and collected by a court under authority of any law
27 for any violation of the provisions of Title 39 of the Revised
28 Statutes or any other motor vehicle or traffic violation in this State
29 and shall be forwarded by the person to whom the same are paid to
30 the State Treasurer. The State Treasurer shall annually deposit
31 those moneys so forwarded in the "New Jersey Forensic DNA
32 Laboratory Fund" established pursuant to section 7 of P.L.2003,
33 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the
34 fund, the State Treasurer shall forward to the Administrative Office
35 of the Courts an amount not to exceed \$475,000 from moneys
36 initially collected pursuant to this subsection to be used exclusively
37 to establish a collection mechanism and to provide funding to
38 update the Automated Traffic System Fund created pursuant to
39 N.J.S.2B:12-30 to implement the provisions of this subsection.

40 h. Notwithstanding the provisions of subsections a. and b. of
41 this section, \$1 shall be added to the amount of each fine and
42 penalty imposed and collected under authority of any law for any
43 violation of the provisions of Title 39 of the Revised Statutes or any
44 other motor vehicle or traffic violation in this State and shall be
45 forwarded by the person to whom the same are paid to the State
46 Treasurer. The State Treasurer shall annually deposit those moneys
47 so forwarded in the "New Jersey Brain Injury Research Fund"
48 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).

1 The Administrative Office of the Courts may retain an amount
2 equal to \$475,000 from the moneys which it initially collects
3 pursuant to this subsection, prior to depositing any moneys in the
4 "New Jersey Brain Injury Research Fund," in order to meet the
5 expenses associated with utilizing the Automated Traffic System
6 Fund created pursuant to N.J.S.2B:12-30 to implement the
7 provisions of this subsection and serve other statutory purposes.

8 i. Notwithstanding the provisions of subsections a. and b. of
9 this section, all fines and penalties imposed and collected under
10 authority of law for any violation related to the unlawful operation
11 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
12 17.1) shall be forwarded by the judge to whom the same have been
13 paid to the State Treasurer, if the complaining witness is the chief
14 administrator, a member of his staff, a member of the State Police,
15 an inspector of the Board of Public Utilities, or a law enforcement
16 officer, or other official of any other State agency; or, if the
17 complaining witness is not one of the foregoing, one-half to the
18 chief financial officer of the county and one-half to the chief
19 financial officer of the municipality wherein the violation occurred.
20 (cf: P.L.2015, c.103, s.2)

21
22 2. This act shall take effect on the first day of the fifth month
23 following enactment.
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25

26 STATEMENT

27
28 This bill revises the statutory distribution of motor vehicle fines
29 that are collected for tickets issued by the State Police.

30 Currently, all motor vehicle fine, penalty, and forfeiture moneys
31 generated through tickets written by the State Police are paid to the
32 State Treasurer and available for general State purposes.

33 This bill provides that two-thirds of those motor vehicle fine,
34 penalty, and forfeiture moneys are to be paid to the State and the
35 remaining one-third is to be paid to the municipality in which the
36 violation occurred. The bill authorizes the recipient municipalities to
37 use these moneys for general municipal purposes and to defray the
38 cost of operating their municipal courts.