

SENATE, No. 1629

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Limits instances when license suspension may be reduced or eliminated for driving without motor vehicle liability insurance; requires proof of motor vehicle liability insurance prior to reinstatement of license.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning motor vehicle liability insurance coverage and
2 amending P.L.1972, c.197.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read
8 as follows:

9 2. a. An owner or registrant of a motor vehicle registered or
10 principally garaged in this State who operates or causes to be
11 operated a motor vehicle upon any public road or highway in this
12 State without motor vehicle liability insurance coverage required by
13 P.L.1972, c.197 (C.39:6B-1 et seq.), and an operator who operates
14 or causes a motor vehicle to be operated and who knows or should
15 know from the attendant circumstances that the motor vehicle is
16 without motor vehicle liability insurance coverage required by
17 P.L.1972, c.197 (C.39:6B-1 et seq.) shall be subject, for the first
18 offense, to a fine of not less than \$300 nor more than \$1,000 and a
19 period of community service to be determined by the court. The
20 court~~[, in its discretion,]~~ also ~~may~~ shall suspend the person's
21 right to operate a motor vehicle over the highways of this State for a
22 period of ~~up to~~ one year from the date of conviction; provided,
23 however, the period of license suspension may be reduced or
24 eliminated if there was no motor vehicle accident or personal injury
25 and the person provides the court with satisfactory proof of motor
26 vehicle liability insurance at the time of the hearing. Upon
27 subsequent conviction, the person shall be subject to a fine of up to
28 \$5,000 and shall be subject to imprisonment for a term of 14 days
29 and shall be ordered by the court to perform community service for
30 a period of 30 days, which shall be of a form and on terms as the
31 court shall deem appropriate under the circumstances, and the
32 court, in its discretion, may suspend the person's right to operate a
33 motor vehicle over the highways of this State for a period of up to
34 two years from the date of the conviction. In deciding the duration
35 of any suspension of the person's right to operate a motor vehicle
36 pursuant to this section, the court shall consider the circumstances
37 of the violation and whether the loss of driving privileges will result
38 in extreme hardship and alternative means of transportation are not
39 readily available. After the expiration of the suspension, the person
40 may make application to the Chief Administrator of the New Jersey
41 Motor Vehicle Commission for a license to operate a motor vehicle,
42 which application may be granted at the discretion of the chief
43 administrator. The chief administrator's discretion shall be based
44 upon an assessment of the likelihood that the individual will operate
45 or cause a motor vehicle to be operated in the future without 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 insurance coverage required by this act. A complaint for violation
2 of this act may be made to a municipal court at any time within six
3 months after the date of the alleged offense.

4 Failure to produce at the time of trial an insurance identification
5 card or an insurance policy which was in force for the time of
6 operation for which the offense is charged creates a rebuttable
7 presumption that the person was uninsured when charged with a
8 violation of this section.

9 b. In the event that the court suspends a person's right to
10 operate a motor vehicle pursuant to subsection a. of this section,
11 that person shall provide the chief administrator with satisfactory
12 proof of motor vehicle liability insurance coverage prior to the chief
13 administrator reinstating the person's right to operate a motor
14 vehicle.

15 (cf: P.L.2019, c.276, s.17)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill reinstates the mandatory license suspension for a first
23 offense of driving without required motor vehicle liability insurance
24 coverage that was made discretionary in section 17 of P.L. 2019,
25 c.276. The bill provides that this suspension may only be reduced or
26 eliminated by the court if there was no motor vehicle accident or
27 personal injury and the person provides satisfactory proof of insurance
28 at the time of the hearing. Under current law, a person who is found in
29 violation of driving without required motor vehicle liability insurance
30 for the first time may have the period of driver's license suspension
31 reduced or eliminated if the person provides satisfactory proof of
32 insurance at the time of the hearing.

33 The bill also provides that if a person's license is suspended by the
34 court for driving without the required motor vehicle liability insurance
35 coverage, that person is required to provide satisfactory proof of motor
36 vehicle liability insurance coverage prior to that person's license being
37 reinstated.