

SENATE, No. 2203

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Revises certain motor vehicle fines imposed on motor vehicle drivers or operators for failing to have required documentation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain motor vehicle fines and amending
2 R.S.39:3-29.

3

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

6

7 1. R.S.39:3-29 is amended to read as follows:

8 39:3-29. a. The driver's license, the registration certificate of
9 a motor vehicle and an insurance identification card shall be in the
10 possession of the driver or operator at all times when **【he】** the
11 driver or operator is in charge of a motor vehicle on the highways
12 of this State.

13 The driver or operator shall exhibit **【his】** the driver's or
14 operator's driver's license and an insurance identification card, and
15 the holder of a registration certificate or the operator or driver of a
16 motor vehicle for which a registration certificate has been issued,
17 whether or not the holder, driver or operator is a resident of this
18 State, shall also exhibit the registration certificate, when requested
19 so to do by a police officer or judge, while in the performance of
20 the duties of **【his】** that office**【, and】**. The driver or operator shall
21 write **【his】** the driver's or operator's name in the presence of the
22 officer, so that the officer may thereby determine the identity of the
23 licensee and at the same time determine the correctness of the
24 registration certificate, as it relates to the registration number and
25 number plates of the motor vehicle for which it was issued; and the
26 correctness of the evidence of a policy of insurance, as it relates to
27 the coverage of the motor vehicle for which it was issued.

28 The insurance identification card may be displayed or provided
29 in either paper or electronic form. For the purposes of this section,
30 "electronic form" means the display of images on an electronic
31 device, such as a cellular telephone, tablet, or computer.

32 The use of a cellular telephone, tablet, computer, or any other
33 electronic device to display proof of insurance does not constitute
34 consent for a police officer or judge to access any other contents on
35 the device. Any police officer or judge presented with an electronic
36 device pursuant to this section shall be immune from any liability
37 resulting from damage to the device.

38 **【Any person violating this section shall be subject to a fine of**
39 **\$150, except that if the person is a driver or operator of an omnibus,**
40 **as defined pursuant to R.S.39:1-1, the amount of the fine shall be**
41 **\$250.】**

42 b. The driver or operator who fails to exhibit a driver's license
43 or registration certificate as required pursuant to subsection a. of
44 this section shall be subject to a fine of \$25, provided that the
45 officer is able to determine by electronic means that such

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 documents have been issued to the person and are valid on the date
2 of the charge.

3 c. Except as provided in subsection e. of this section, a driver
4 or operator who fails to exhibit a driver's license or registration
5 certificate as required pursuant to subsection a. of this section shall
6 be subject to a fine of \$150 if the officer is not able to determine by
7 electronic means that such documents have been issued to the
8 person and are valid on the date of the charge. Of the amount of
9 any such fine collected pursuant to this [paragraph] subsection, \$25
10 shall be deposited in the Uninsured Motorist Prevention Fund
11 established by section 2 of P.L.1983, c.141 (C.39:6B-3).

12 d. Except as provided in subsection e. of this section, a driver
13 or operator who fails to exhibit an insurance identification card as
14 required pursuant to subsection a. of this section shall be subject to
15 a fine of \$150. Of the amount of any such fine collected pursuant
16 to this subsection, \$25 shall be deposited in the Uninsured Motorist
17 Prevention Fund established by section 2 of P.L.1983, c.141
18 (C.39:6B-3).

19 e. A driver or operator of an omnibus as defined pursuant to
20 R.S.39:1-1 who fails to exhibit a driver's license, registration
21 certificate, or insurance identification card pursuant to subsection a.
22 of this section shall be subject to a fine of \$250 if the officer is not
23 able to determine by electronic means that such documents have
24 been issued to the person and are valid on the date of the charge.
25 Of the amount of any such fine collected pursuant to this
26 subsection, \$25 shall be deposited in the Uninsured Motorist
27 Prevention Fund established by section 2 of P.L.1983, c.141
28 (C.39:6B-3). In addition to, and independent of, any fine or other
29 penalty provided for under law, a driver or operator of an omnibus
30 convicted of a violation of subsection a. of this section who does
31 not have a certificate of public convenience and necessity as
32 required pursuant to R.S.48:4-3 shall be subject to a fine of \$150
33 which shall be deposited in the "Omnibus Safety Enforcement
34 Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-
35 79.23). The fine described herein shall not be deemed a fine,
36 penalty, or forfeiture pursuant to R.S.39:5-41.

37 f. If a person charged with a violation of this section can
38 exhibit [his] the person's driver's license, insurance identification
39 card and registration certificate, which were valid on the [day he
40 was] date charged, to the judge of the municipal court before whom
41 [he] the person is summoned to answer to the charge, such judge
42 may dismiss the charge. However, the judge may impose court
43 costs.

44 [In addition to and independent of any fine or other penalty
45 provided for under law, the court shall impose a fine of \$150 on any
46 driver or operator of an omnibus, convicted of a violation of this
47 section, who does not have a certificate of public convenience and

1 necessity as required pursuant to R.S.48:4-3. The State Treasurer
2 shall annually deposit the monies collected from the fines imposed
3 pursuant to this paragraph to the "Omnibus Safety Enforcement
4 Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-
5 79.23). The fine described herein shall not be deemed a fine,
6 penalty, or forfeiture pursuant to R.S.39:5-41.】
7 (cf: P.L.2015, c.54, s.1)
8

9 2. This act shall take effect on the 60th day after the date of
10 enactment.
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13 STATEMENT
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15 This bill revises the fines for drivers or operators who fail to
16 have their driver's license or vehicle registration certificate while
17 driving or operating a motor vehicle in this State. Under current
18 law, the fine is \$150 for drivers or operators of motor vehicles and
19 \$250 for the drivers or operators of omnibuses.

20 The bill imposes a \$25 fine on a driver or operator of a motor
21 vehicle who fails to exhibit a driver's license or registration
22 certificate if the officer issuing the ticket is able to determine by
23 electronic means that such documents have been issued and are
24 valid on that date. If the officer is not able to determine that the
25 driver's license or registration certificate is valid, the penalty
26 remains \$150. Under the bill, the fine for failing to exhibit a valid
27 insurance identification card in either paper or electronic form
28 remains \$150.