

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 4080**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED DECEMBER 16, 2021

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblyman WILLIAM F. MOEN, JR.**

**District 5 (Camden and Gloucester)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

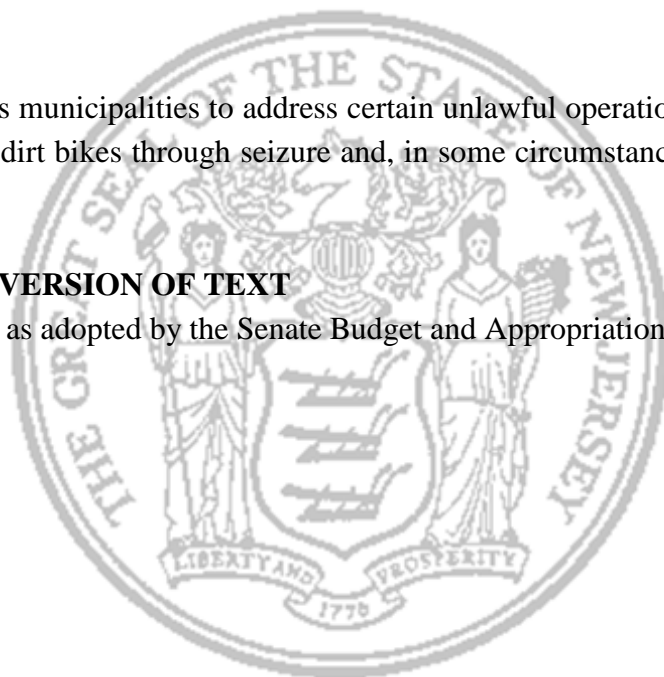
**Assemblywomen McKnight and Jimenez**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.



**(Sponsorship Updated As Of: 12/20/2021)**

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

3

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

6

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-  
43 terrain vehicle, or dirt bike may reclaim possession upon showing  
44 proof of registration and insurance and paying all outstanding fees  
45 and costs associated with the impoundment, and reasonable towing  
46 and storage costs.

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

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

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

29 (cf: P.L.2019, c.505, s.1)

30  
31 2. N.J.S.2C:64-1 is amended to read as follows:

32 2C:64-1. Property Subject to Forfeiture.

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

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

42 (2) All property which has been, or is intended to be, utilized in  
43 furtherance of an unlawful activity, including, but not limited to,  
44 conveyances intended to facilitate the perpetration of illegal acts, or  
45 buildings or premises maintained for the purpose of committing  
46 offenses against the State.

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

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

9 (5) An all-terrain vehicle or dirt bike which has been operated  
10 on a public street, highway, or right-of-way in violation of section  
11 17 of P.L.1973, c.307 (C.39:3C-17) in a municipality that has  
12 passed an ordinance declaring that such all-terrain vehicles or dirt  
13 bikes so operated pose an immediate threat to the public health,  
14 safety, or welfare and designating such vehicles as contraband as  
15 authorized by subsection e. of section 1 of P.L.2019, c.505  
16 (C.39:3C-35).

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

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

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

28 c. For the purposes of this section:

29 "Items bearing a counterfeit mark" means items bearing a  
30 counterfeit mark as defined in **section 1 of**  
31 **P.L.1997, c.57 (C.2C:21-32).**

32 "Unlawful sound recordings and audiovisual works" means  
33 sound recordings and audiovisual works as those terms are defined  
34 in **section 1 of P.L.1991, c.125 (C.2C:21-21)**  
35 which were produced in violation of **section 1 of**  
36 **P.L.1991, c.125 (C.2C:21-21).**

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

41 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and  
42 kerosene on which the motor fuel tax imposed pursuant to  
43 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or  
44 transferred in this State in a manner not authorized pursuant to  
45 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).

46 (cf: P.L.2019, c.147, s.10)

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

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

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

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

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

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

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

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

44

45       4. This act shall take effect immediately.