

[Second Reprint]

ASSEMBLY, No. 4686

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman ROBERT D. CLIFTON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Conaway, Senators Corrado, Sacco, Ruiz and Holzapfel

SYNOPSIS

Establishes penalties for person who commits motor vehicle noise violation.

CURRENT VERSION OF TEXT

As amended by the Senate on May 22, 2023.



(Sponsorship Updated As Of: 5/22/2023)

1 AN ACT concerning certain motor vehicles and ¹[amending various
2 parts of the statutory law]¹ supplementing Title 39 of the
3 Revised Statutes.

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

7
8 ¹[1. Section 1 of P.L.2019, c.505 (C.39:3C-35) is amended to
9 read as follows:

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted January 23, 2023.

²Senate floor amendments adopted May 22, 2023.

1 municipality in which the snowmobile, all-terrain vehicle, **[or]** dirt
2 bike, or nuisance motor vehicle is impounded.

3 c. At any time prior to a sale pursuant to subsection b. of this
4 section, the owner or other person entitled to the snowmobile, all-
5 terrain vehicle, **[or]** dirt bike, or nuisance motor vehicle may
6 reclaim possession upon showing proof of registration and
7 insurance and paying all outstanding fees and costs associated with
8 the impoundment, and reasonable towing and storage costs.

9 The owner-lessor of a snowmobile, all-terrain vehicle, **[or]** dirt
10 bike, or nuisance motor vehicle impounded pursuant to paragraph
11 (1) or (2) of subsection a. of this section shall be entitled to reclaim
12 possession without payment and the lessee shall be liable for all
13 outstanding fees and costs associated with the impoundment,
14 towing and storage of the snowmobile **[or]** , all-terrain vehicle, or
15 nuisance motor vehicle.

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

28 e. A municipality may by ordinance declare that an all-terrain
29 vehicle or dirt bike operated on any public street, highway, or right-
30 of-way in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
31 or a nuisance motor vehicle poses an immediate threat to the public
32 health, safety, or welfare and designate such all-terrain vehicles or
33 dirt bikes so operated or nuisance motor vehicles as contraband
34 subject to forfeiture in accordance with the provisions of
35 N.J.S.2C:64-1 et seq. An all-terrain vehicle **[or]** , dirt bike, or
36 nuisance motor vehicle forfeited pursuant to the provisions of
37 N.J.S.2C:64-1 et seq. as authorized by this subsection shall be
38 disposed of in accordance with the provisions of N.J.S.2C:64-6 or,
39 at the discretion of the entity funding the prosecuting agency
40 involved, may be destroyed.

41 f. As used in this section, "nuisance motor vehicle" means a
42 motor vehicle in which a person operates or amplifies the sound
43 produced from a sound system within the motor vehicle so that the
44 sound is plainly audible at a distance of 50 feet or more from the
45 motor vehicle.

46 (cf: P.L.2021, c.353, s.1)]¹

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

2 2C:64-1. a. Any interest in the following shall be subject
3 to forfeiture and no property right shall exist in them:

4 (1) Controlled dangerous substances; firearms which are
5 unlawfully possessed, carried, acquired or used; illegally possessed
6 gambling devices; untaxed or otherwise contraband cigarettes or
7 tobacco products; unlawfully possessed container e-liquid; untaxed
8 special fuel; unlawful sound recordings and audiovisual works; and
9 items bearing a counterfeit mark. These shall be designated prima
10 facie contraband.

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

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

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

24 (5) An all-terrain vehicle or dirt bike which has been operated
25 on a public street, highway, or right-of-way in violation of section
26 17 of P.L.1973, c.307 (C.39:3C-17) or a nuisance motor vehicle as
27 defined in section 1 of P.L.2019, c.505 (C.39:3C-35) in a
28 municipality that has passed an ordinance declaring that such all-
29 terrain vehicles or dirt bikes so operated or nuisance motor vehicles
30 as defined in section 1 of P.L.2019, c.505 (C.39:3C-35) pose an
31 immediate threat to the public health, safety, or welfare and
32 designating such vehicles as contraband as authorized by subsection
33 e. of section 1 of P.L.2019, c.505 (C.39:3C-35).

34 b. Any article subject to forfeiture under this chapter may be
35 seized by the State or any law enforcement officer as evidence
36 pending a criminal prosecution pursuant to N.J.S.2C:64-4 or, when
37 no criminal proceeding is instituted, upon process issued by any
38 court of competent jurisdiction over the property, except that
39 seizure without such process may be made when not inconsistent
40 with the Constitution of this State or the United States, and when

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

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

44 c. For the purposes of this section:

45 "Items bearing a counterfeit mark" means items bearing a
46 counterfeit mark as defined in section 1 of P.L.1997, c.57 (C.2C:21-
47 32).

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

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

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

14 (cf: P.L.2021, c.353, s.2)】¹
15

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

17 2C:64-6 a. Property which has been forfeited shall be
18 destroyed if it can serve no lawful purpose or it presents a danger to
19 the public health, safety or welfare. An all-terrain vehicle or dirt
20 bike operated in violation of section 17 of P.L.1973, c.307
21 (C.39:3C-17) or a nuisance motor vehicle as defined in section 1 of
22 P.L.2019, c.505 (C.39:3C-35) which has been forfeited may be
23 destroyed, at the discretion of the entity funding the prosecuting
24 agency involved. All other forfeited property or any proceeds
25 resulting from the forfeiture and all money seized pursuant to this
26 chapter shall become the property of the entity funding the
27 prosecuting agency involved and shall be disposed of, distributed,
28 appropriated and used in accordance with the provisions of this
29 chapter.

30 The prosecutor or the Attorney General, whichever is
31 prosecuting the case, shall divide the forfeited property, any
32 proceeds resulting from the forfeiture or any money seized pursuant
33 to this chapter with any other entity where the other entity's law
34 enforcement agency participated in the surveillance, investigation,
35 arrest or prosecution resulting in the forfeiture, in proportion to the
36 other entity's contribution to the surveillance, investigation, arrest
37 or prosecution resulting in the forfeiture, as determined in the
38 discretion of the prosecutor or the Attorney General, whichever is
39 prosecuting the case. Notwithstanding any other provision of law,
40 such forfeited property and proceeds shall be used solely for law
41 enforcement purposes, and shall be designated for the exclusive use
42 of the law enforcement agency which contributed to the
43 surveillance, investigation, arrest or prosecution resulting in the
44 forfeiture.

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

47 b. For a period of two years from the date of enactment of
48 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds

1 obtained by the Attorney General under the provisions of subsection
2 a. of this section shall be deposited into the Hepatitis Inoculation
3 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
4 100.13).

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

11 (cf: P.L.2021, c.353, s.3)]¹

12

13 ¹1. a. A person commits a motor vehicle violation pursuant to
14 this section if the person operates or amplifies a sound system,
15 connected to or located within a motor vehicle, that violates the
16 noise standards and any rules and regulations adopted pursuant to
17 the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.).

18 b. A person convicted of a first motor vehicle violation
19 pursuant to subsection a. of this section shall be subject to a fine of
20 ²not less than ²\$250 ²or more than \$500² and shall not be assessed
21 any motor vehicle penalty points pursuant to section 1 of P.L.1982,
22 c.43 (C.39:5-30.5).

23 c. A person convicted of a second motor vehicle violation
24 pursuant to subsection a. of this section shall be subject to a fine of
25 ²not less than ²\$500 ²or more than \$750² and shall not be assessed
26 any motor vehicle penalty points pursuant to section 1 of P.L.1982,
27 c.43 (C.39:5-30.5).

28 d. A person convicted of a third or subsequent motor vehicle
29 violation pursuant to subsection a. of this section shall be subject to
30 a fine of ²not less than ²\$750 ²or more than \$1,000² and shall be
31 assessed two motor vehicle penalty points pursuant to section 1 of
32 P.L.1982, c.43 (C.39:5-30.5).¹

33

34 ¹[4.] ²1.¹ This act shall take effect immediately.