

SENATE, No. 3131

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

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:

Senators Corrado and Sacco

SYNOPSIS

Provides for impoundment of nuisance motor vehicles and allows municipalities to seize and, in certain circumstances, destroy vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/2/2023)

1 AN ACT concerning certain motor vehicles and amending various
2 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. 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) or nuisance motor vehicle shall be
13 impounded by the law enforcing agency and subject to a fee and
14 costs as hereinafter provided:

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

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

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

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

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

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

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

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

44 (cf: P.L.2021, c.353, s.1)

45
46 2. N.J.S.2C:64-1 is amended to read as follows:

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

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

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

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

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

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

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

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

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

43 c. For the purposes of this section:

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

47 "Unlawful sound recordings and audiovisual works" means
48 sound recordings and audiovisual works as those terms are defined

1 in section 1 of P.L.1991, c.125 (C.2C:21-21) which were produced
2 in violation of section 1 of P.L.1991, c.125 (C.2C:21-21).

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

7 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
8 kerosene on which the motor fuel tax imposed pursuant to
9 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
10 transferred in this State in a manner not authorized pursuant to
11 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
12 (cf: P.L.2021, c.353, s.2)

13

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

15 2C:64-6. a. Property which has been forfeited shall be destroyed
16 if it can serve no lawful purpose or it presents a danger to the public
17 health, safety or welfare. An all-terrain vehicle or dirt bike
18 operated in violation of section 17 of P.L.1973, c.307 (C.39:3C-17)
19 or a nuisance motor vehicle as defined in section 1 of P.L.2019,
20 c.505 (C.39:3C-35) which has been forfeited may be destroyed, at
21 the discretion of the entity funding the prosecuting agency involved.
22 All other forfeited property or any proceeds resulting from the
23 forfeiture and all money seized pursuant to this chapter shall
24 become the property of the entity funding the prosecuting agency
25 involved and shall be disposed of, distributed, appropriated and
26 used in accordance with the provisions of this chapter.

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

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

44 b. For a period of two years from the date of enactment of
45 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds
46 obtained by the Attorney General under the provisions of subsection
47 a. of this section shall be deposited into the Hepatitis Inoculation

1 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
2 100.13).

3 c. Beginning two years from the date of enactment of
4 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
5 of the proceeds obtained by the Attorney General under the
6 provisions of subsection a. of this section shall be deposited into the
7 Hepatitis Inoculation Fund established pursuant to section 2 of
8 P.L.1993, c.227 (C.26:4-100.13).
9 (cf: P.L.2021, c.353, s.3)

10

11 4. This act shall take effect immediately.

12

13

14 **STATEMENT**

15

16 This bill provides for the impoundment of nuisance motor
17 vehicles, commonly referred to as boom cars, and allows
18 municipalities to seize and, in certain circumstances, destroy the
19 vehicles.

20 Under current law, snowmobiles, all-terrain vehicles, and dirt
21 bikes operated in violation of current law may be impounded. For a
22 first offense, the vehicle is required to be impounded for at least
23 seven days, and the owner may reclaim the vehicle by showing
24 proof of registration and insurance and paying a fee of \$500, plus
25 reasonable towing and storage costs. For a second or subsequent
26 offense, the vehicle is to be impounded for not less than 14 days,
27 and the owner may reclaim the vehicle by showing proof of
28 registration and insurance and paying a fee of \$750, plus reasonable
29 towing and storage costs. If the owner fails to reclaim the vehicle
30 within 30 days, it may be sold at public auction. The net proceeds
31 of the auction are to be returned to the owner or administered in
32 accordance with the “Uniform Unclaimed Property Act.” Under the
33 provisions of this bill, nuisance motor vehicles may also be
34 impounded as set forth above.

35 In addition, under current law, municipalities may adopt an
36 ordinance declaring that an all-terrain vehicle or dirt bike operated
37 in violation of current law is an immediate threat to the public
38 health, safety, and welfare and designating the all-terrain vehicles
39 or dirt bikes as contraband subject to forfeiture. Also, current law
40 provides that an all-terrain vehicle or dirt bike that is forfeited is to
41 be disposed of in accordance with State law on disposal of forfeited
42 property or, at the discretion of the entity funding the prosecuting
43 agency, destroyed. Under the provisions of this bill, these
44 provisions would also apply to a nuisance motor vehicle.

45 The bill defines a nuisance motor vehicle as a motor vehicle in
46 which a person operates or amplifies the sound produced from a
47 sound system within the motor vehicle so that the sound is plainly
48 audible at a distance of 50 feet or more from the motor vehicle.