

**SENATE, No. 2328**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED NOVEMBER 13, 2006

**Sponsored by:**  
**Senator SHIRLEY K. TURNER**  
**District 15 (Mercer)**

**SYNOPSIS**

Revises driver's license suspension for operating a motor vehicle without certain insurance.

**CURRENT VERSION OF TEXT**

As introduced.



S2328 TURNER

2

1 AN ACT concerning driving without proper insurance and amending  
2 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. Any 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 this act, and any operator who operates or causes a motor vehicle to  
14 be operated and who knows or should know from the attendant  
15 circumstances that the motor vehicle is without motor vehicle  
16 liability insurance coverage required by this act shall be subject, for  
17 the first offense, to a fine of not less than \$300 nor more than  
18 \$1,000 and a period of community service to be determined by the  
19 court, and shall forthwith forfeit his right to operate a motor vehicle  
20 over the highways of this State for a period of **[one year]** not less  
21 than two months from the date of conviction. In determining, for  
22 any such first offense, the duration of the forfeiture of the right to  
23 operate a motor vehicle, the court may take into consideration  
24 evidence that, prior to the date of conviction for that offense, the  
25 owner or registrant shall have acquired for the motor vehicle in  
26 question the liability insurance coverage required by P.L.1972,  
27 c.197 (C.39:6B-1 et seq.). Upon subsequent conviction, he shall be  
28 subject to a fine of up to \$5,000 and shall be subject to  
29 imprisonment for a term of 14 days and shall be ordered by the  
30 court to perform community service for a period of 30 days, which  
31 shall be of such form and on such terms as the court shall deem  
32 appropriate under the circumstances, and shall forfeit his right to  
33 operate a motor vehicle for a period of two years from the date of  
34 his conviction, and, after the expiration of said period, **[he may**  
35 **make application to the Director of the Division of Motor Vehicles**  
36 **for a license to operate a motor vehicle, which application may be**  
37 **granted at the discretion of the director. The director's discretion**  
38 **shall be based upon an assessment of the likelihood that the**  
39 **individual will operate or cause a motor vehicle to be operated in**  
40 **the future without the insurance coverage required by this act]** the  
41 chief administrator shall issue a new license to the individual. A  
42 complaint for violation of this act may be made to a municipal court  
43 at any time within six months after the date of the alleged offense.

44 Failure to produce at the time of trial an insurance identification  
45 card or an insurance policy which was in force for the time of

**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 operation for which the offense is charged creates a rebuttable  
2 presumption that the person was uninsured when charged with a  
3 violation of this section.  
4 (cf: P.L.1997, c.151, s.12)

5  
6 2. This act shall take effect on the first day of the sixth month  
7 following enactment.

8

9

10 STATEMENT

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12 This bill, drafted in response to the recommendations of the  
13 Motor Vehicles Affordability and Fairness Task Force, changes the  
14 mandatory license suspension for a first offense of driving without  
15 insurance from one year to not less than two months.

16 Also, with respect to any person whose license has been  
17 suspended for driving without insurance, the bill eliminates the  
18 discretion of the Chief Administrator of the Motor Vehicle  
19 Commission to deny restoration of the driver's license once the  
20 period of suspension has expired.