

CHAPTER 75

AN ACT concerning license suspension and amending P.L.1985, c.14.

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

1. Section 9 of P.L.1985, c.14 (C.39:4-139.10) is amended to read as follows:

C.39:4-139.10 Failure to respond, pay parking judgment, penalties.

9. a. If a person has failed to respond to a failure to appear notice or has failed to pay a parking judgment, the municipal court may give notice of that fact to the commission in a manner prescribed by the chief administrator. If notice has been given under this section of a person's failure to respond to a failure to appear notice or to pay a parking judgment and if the fines and penalties are paid or if the case is dismissed or otherwise disposed of, the municipal court shall promptly give notice to that effect to the commission.

b. The judge or the commission may suspend the driver's license, or the registration of the motor vehicle of an owner, lessee, or operator who has not answered or appeared in response to a failure to appear notice or has not paid or otherwise satisfied outstanding parking fines or penalties.

If the license or registration suspension is the result of the failure to pay outstanding parking fines or penalties, or respond to a failure to appear notice, the commission shall:

(1) delay the imposition of the license or registration suspension for at least 30 days after the date on which the commission received a notice of suspension from the municipal court; and

(2) upon receipt of a notice of suspension from the municipal court, provide written notice advising the owner, lessee, or operator that the suspension shall take effect 30 days after the date of the commission's notice. The written notice issued by the commission shall provide the reason for suspension, identify the municipal court that issued the notice of suspension, and inform the owner, lessee, or operator that the suspension may be avoided by contacting the municipal court that issued the notice of suspension within the 30 day period to resolve the pending parking violation.

If an owner, lessee or operator has been found guilty of a parking offense and has failed to pay or otherwise satisfy outstanding parking fines or penalties, the court shall provide notice and an opportunity to appear before a judge prior to suspending that person's driver's license or motor vehicle registration. In determining whether to suspend the person's driver's license or the motor vehicle registration, the judge and the commission shall take into consideration the area where the person resides and whether or not the person has access to off-street parking. In accordance with section 1 of P.L.1981, c.365 (C.39:4-203.1) and section 1 of P.L.2009, c.317 (C.2B:12-23.1), a court may permit alternatives to the payment of certain outstanding portions of parking fines and penalties based on a person's ability to pay, including allowing the payment of the fine in installments, conversion of the fine to community service, or revoking portions of the fine or penalty.

When a person whose license or registration has been suspended appears at court proceedings or otherwise resolves pending parking violations, or pays or otherwise satisfies all parking fines or penalties, the municipal court shall provide the person with a receipt of payment and shall give electronic notice to the commission that the person's obligations have been satisfied and the suspension ordered by the court shall not be imposed. If, prior to the effective date of the suspension by the commission, the person submits the receipt of payment to the commission or the commission receives the electronic notice stating that the person's obligations have been satisfied, the commission shall not suspend the person's

license or registration. If the commission receives the receipt or electronic notice after the effective date of the suspension, the person shall seek the restoration of the license or registration through procedures adopted by the commission.

c. The commission shall keep a record of a suspension ordered by the court pursuant to subsection b. of this section.

2. This act shall take effect on the first day of the seventh month following enactment and shall apply to parking violations that occur after that date.

Approved May 11, 2017.