

MINUTES OF COMMISSION MEETING
November 13, 2003

Present at the meeting of the New Jersey Law Revision Commission held at 153 Halsey Street, 7th Floor, Newark, New Jersey, were Commissioners Albert Burstein and Vito Gagliardi, Jr. Grace Bertone, of McElroy, Deutsch & Mulvaney, attended on behalf of Commissioner Rayman Solomon; Professor William Garland of Seton Hall Law School attended on behalf of Commissioner Patrick Hobbs; and Professor Bernard Bell of Rutgers Law School, Newark, attended on behalf of Commissioner Stuart Deutsch.

Also present was Ed Eastman of the New Jersey Land Title Association.

Minutes

The minutes of the October 16, 2003 Commission meeting were accepted as submitted.

Title Recordation

The Commission decided to make the following changes to the Draft Final Report:

Section 1-5(a) and (b). After the words "a document" add "or its image."

Section 1-7. In (b) delete the word "endorsed." Rewrite the Comment to reflect that "recording information" can only be endorsed on paper documents.

Section 1-8(h). At the end of the first sentence add "or its electronic synopsis."

Section 22A:4-4.1. Add two fee categories: "For any document not listed \$50.00" and "For leases and memoranda of leases \$70.00."

Chairman Burstein proposed releasing the corrected project as a Final Report. Professor Garland seconded the motion, which carried by a unanimous vote.

Lien for Motor Vehicle Service

The Commission proposed the following changes:

Introduction. In the last three sentences of the last paragraph on page 1, the words "difference," "differences" and "differently" are used; the sentences need to be rewritten to eliminate the repetitions. "Some," the second word of the first paragraph on page 2, should be deleted.

Section 1. Retain subsection (b) rather than adopt Alt (b). In the last line of (b) add the words “notification that” between “after” and “repair.” In the first full paragraph of the Comment on page 3, change the word “obviates” to “mitigates.”

Section 2(e) and Section 3(b). The new term “habitual drivers” appearing in these subsections should be explained in the Comments to both sections.

Section 4(b). Make explicit that any excess payment will be reimbursed to the person who deposits in court the amount asserted as a lien.

Section 5. Use the elements of inoperability and safety found in subsection (c) to define “junk” in subsection (a)(2). Make clear that the vehicle is to be disposed of and not used as a motor vehicle.

Mr. Cannel will present a corrected version at the December meeting.

Title 39. Motor Vehicles

Touring Privileges. The law allows a person to drive a car in New Jersey even though the vehicle is not registered in this state. Mr. Cannel explained that if the vehicle registered out-of-state is not a commercial one, it can be driven in New Jersey. It is well established that a fee can be charged for a commercial vehicle that has foreign registration. Trucks have apportioned fees. Mr. Cannel asked whether this statute makes sense anymore. Whether or not it existed, out-of-state cars would be able to be driven in New Jersey. Chairman Burstein suggested that a de minimis approach may not make sense; that the present Commissioner of DMV wants to modernize the Department.

Mr. Cannel proposed deleting the chapter on touring privileges. Chairman Burstein deferred that decision to the next meeting.

Commissioner Gagliardi asked that all the motor vehicle documents be sent to the Commissioners again.

Title 36. Legal Holidays

The Commission discussed Title 36 but decided not to take up revision of the title as a project.

Miscellaneous

Old projects. Chairman Burstein asked Mr. Cannel to review former projects that were never completed or that have not been enacted and report on the most significant of

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them at the next meeting. He specifically mentioned Environmental Protection, Transportation, Taxation, Judgments and Common Interests Ownership

Chairman Burstein asked Mr. Cannel to make a list with capsule descriptions of projects the Commission has worked on which have not become law.

The next meeting remains scheduled for December 18, 2003.