

## **MINUTES OF COMMISSION MEETING**

**December 15, 2016**

Present at the New Jersey Law Revision Commission meeting held at 153 Halsey Street, 7th Floor, Newark, New Jersey, were Chairman Vito A. Gagliardi, Jr., Commissioner Virginia Long, and Commissioner Andrew Bunn. Professor Bernard W. Bell, of Rutgers Law School, attended on behalf of Commissioner Ronald K. Chen; and Professor Edward A. Hartnett, of Seton Hall University School of Law, attended on behalf of Commissioner Kathleen M. Boozang.

### **Minutes**

The Minutes of the November 2016 Commission meeting, as corrected and amended, were approved on motion of Commissioner Bell, seconded by Commissioner Hartnett.

### **Sales and Use Tax Exemption, N.J.S. 54:32B-8.28**

Susan Thatch addressed a Revised Draft Final Report and a Memorandum relating to the sales and use tax exemption contained in N.J.S. 54:32B-8.28. She informed the Commission that the project had last been discussed during the October 2016 meeting, at which time some questions were raised regarding treatment of certain vehicles such as buses and jitneys. She described the revisions contained in the Report as consistent with the court's decision, and said the Memorandum considered definitions relevant to the revisions.

Regarding the mention of the Interstate Commerce Commission in the statute, Commissioner Bell asked whether there was a more appropriate term, since that body has been abolished. Commissioner Long observed that the term could appear in other statutes, as well. The Chairman advised Staff to remove or change the term within 54:32B-8.28 if it did not appear in other statutes, otherwise, Staff should insert an appropriate comment and possibly address the issue in a separate project.

Commissioners Bunn and Long moved and seconded release of the Final Report with the modifications regarding the agency name, respectively, with unanimous approval.

### **Uniform Interstate Enforcement of Domestic Violence Protection Orders Act**

Jayne Johnson began a discussion of a Draft Final Report relating to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act by explaining that the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (UIEDVPOA) is designed to establish uniform procedures for enforcing out-of-state domestic violence protection orders. She further indicated that the Draft Final Report does not recommend enacting the UIEDVPOA in New Jersey at this time, in light of the existing Office of the New Jersey Attorney General Guidelines governing interstate enforcement of protective orders and the recent

enactment of the Sexual Assault Survivor Protection Act of 2015, which largely address the issues contemplated by the UIEDVPOA.

Chairman Gagliardi noted that this seems to be a straightforward issue and recognized that it is part of the Commission's mandate to review the acts promulgated by the Uniform Law Commission to determine their potential applicability in New Jersey. The Commission voted unanimously to release the Draft Final Report upon the motion of Commissioner Long, which was seconded by Commissioner Bunn.

### **Motorcycle License Plate Display**

Vito Petitti addressed a Draft Final Report relating to the display of motorcycle license plates under N.J.S. 39:3-3, which included new proposed language as discussed at the November 2016 meeting. After additional discussion among the Commissioners regarding the precise language of the Final Report, the Commission advised Staff to specify that motorcycle license plates would be mounted horizontally for horizontally printed plates, and mounted vertically for vertically printed plates.

The Commission voted unanimously to release the Draft Final Report with the recommended language pending further outreach to the Motor Vehicle Commission, upon motion of Commissioner Bell, seconded by Commissioner Hartnett.

### **Unclaimed Real Property**

John Cannel proposed a project which would revisit the area of unclaimed real property. The Commission recommended in a previous project that unclaimed real estate should be handled as much like other unclaimed property as possible. The recommendation was that it be sold and the proceeds put into the unclaimed property fund awaiting a claimant. Mr. Cannel explained that current law provides only for the escheat of real estate. Escheated property becomes the property of the State, and a later claimant has no right to it. He added that the more modern approach of the Uniform Unclaimed Property Act gives control of property to the State but preserves a claimant's eventual rights.

The newly revised Uniform Act does not cover realty, however, and it is unclear how proposed provisions would pertain to property on which there is a mortgage; they do not supplant foreclosure or other remedies potentially available in such cases. Mr. Cannel requested guidance from the Commission whether to revisit this area, and if so as an independent project or as a part of the Commission's consideration of the newly revised Uniform Unclaimed Property Act.

Commissioner Bunn asked if the implications of environmental remediation and other related issues were considered at this stage of the research. Mr. Cannel stated that in his

preliminary research these environmental issues were not pursued, but Staff would consider these issues if the Commission authorized the project.

Commissioner Long asked Mr. Cannel why the Uniform Act focuses solely on personal property, to which Mr. Cannel responded that the ULC identified administration of unclaimed personal property as an interstate issue, which would be best remedied by a uniform framework of procedures. He noted that, if the NJLRC recommended including real property, the proposed New Jersey act would deviate from the uniform approach. Chairman Gagliardi asked Staff to explore the feasibility of including unclaimed real property as a part of the NJLRC report recommending enactment of the Uniform Unclaimed Property Act and, if it does not seem to be a good fit for inclusion in such a report, then it can be considered as a stand-alone project.

The Commission directed Staff to pursue the project.

### **Miscellaneous**

The Commission received the draft Annual Report for 2016 and agreed to provide requests for changes to Laura Tharney in advance of the January filing date of January 9, 2017. January 19<sup>th</sup> was approved as the date for the January meeting of the Commission, and the remaining dates will be considered and approved at the January meeting.

Ms. Tharney advised the Commission that the Governor had conditionally vetoed the Overseas Residents Absentee Voting Law on December 5, 2016 and that she was not aware of any legislative action taken in response to date.

The Commission meeting was adjourned upon motion of Commissioner Bell, seconded by Commissioner Hartnett.