

**NJ LAWS EMAIL
NEWSLETTER E468
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1. N.J. Gov. Signs Electronic Insurance Card- Proof of Auto Insurance, Reverse Rate Evasion Bills

New Jersey Gov. Chris Christie signed into law on

A-3905/S-2680, which authorizes motor vehicle operators to display proof of auto insurance in either physical format (a paper insurance card provided by their insurance carrier) or electronic format (evidence of insurance provided by the carrier and displayed in an electronic form, via smartphones, tablets or other mobile devices).

I still recommend keeping the paper insurance card in the car since other persons will drive your car. Also the police will not wait for you to find the insurance information on your iPhone.

The legislation (An Act concerning motor vehicle insurance identification cards and amending R.S.39:3-29) also specifies that when evidence of insurance is displayed in the electronic form using mobile devices, it does not constitute consent for a police officer or judge to access any other contents on the device.

New Law Targets Reverse Rate Evasion

Christie also signed into law on Thursday A-2281/S-1727 (An Act concerning insurance fraud and amending P.L.2003, c.89 and P.L.1983, c.320.), which includes so-called reverse rate evasion as a form of insurance fraud and provides for civil and criminal penalties.

The measure targets residents who fraudulently obtain auto insurance in another state with lower rates, even though New Jersey is their principal residence or they principally keep the insured vehicle in New Jersey. The new law would consider the reverse rate evasion a

form of insurance fraud that violates the New Jersey Insurance Fraud Prevention Act, making it a crime of the fourth degree. The bill also specifies that reverse rate evasion constitutes a violation of the New Jersey Insurance Fraud Prevention Act, with various civil penalties and remedies provided for in that act applying to violations.

The New Jersey Office of the Insurance Fraud Prosecutor has previously documented a growing trend of New Jersey residents insuring in North Carolina and Pennsylvania to avoid higher insurance rates.

Source:<http://www.insurancejournal.com/news/east/2015/05/07/367285.htm>

2. Recent Cases

Private prosecutor not permitted unless municipal prosecutor unable to prosecute State v Myerowitz 439 NJ Super. 341 (App. Div. 2015)

Defendant appealed from the judgment of the Law Division finding him guilty of harassment after conducting a de novo review of the trial record developed in the municipal court. The Court reversed and held defendant's conviction in the municipal court was void ab initio because he was prosecuted by a private attorney who did not comply with the requirements in *State v. Storm*, 141 N.J. 245 (1995) and codified in Rule 7:8-7(b). Without cross-complaints from complaining witnesses there are no legal grounds to permit a private attorney to represent the State. Public

policy favors prosecutions conducted by independent prosecutors. A municipal court judge should obtain an on-the-record statement confirming the prosecutor's recusal in the case. However, if the municipal prosecutor insists on proceeding with the prosecution, the prosecutor's decision should be final. Use of the form approved by the Administrative Director of the Courts is not discretionary. The questions contained therein, including the precise phraseology used, constitutes the expressed method adopted by the Supreme Court to accommodate the public policy concerns expressed in Storm.

3. Court Says Pot Odor, Gun Reports Did Not Justify Search State v. Samuell App. Div. unreported 11-07-0710 decided February 25, 2015

Defendant, indicted on multiple counts charging the possession of marijuana with intent to distribute and firearms offenses, appealed his conviction by guilty plea to fourth degree possession of more than 50 grams of marijuana entered after the trial court denied his motion to suppress. The panel reversed, finding that under the circumstances, the police officer contravened constitutional prohibitions when he jumped over the fence surrounding the backyard of a private residence and came up on the back porch to detain an occupant of the house who had come out on the back porch because the officer did not have probable cause to believe that that person was committing a firearms offense or an

indictable marijuana offense and the officer's reasonable and articulable suspicion of criminal activity did not authorize the police to enter private property to further their investigation and the state made no showing of an exception to the warrant requirement when the officer jumped the fence. The panel concluded that because the police observation of additional evidence in plain view and the evidence seized pursuant to the search warrant were the fruits of the initial unlawful entry, the evidence should have been suppressed. Source DailyBriefing New Jersey Law Journal February 26, 2015

4. Next community events:

May 22, 2015 Friday - "Start of Summer Happy Hour with the Legends of Belmar" Join Ken V and friends the Friday night before Spring Lake 5 race for "Legends Night" in Belmar at D'Jais 5:30 free food 1803 Ocean Ave, Belmar, NJ 07719 , then 7:30 Bar Anticipation 16th Ave Not a race, just social event

May 23, 2015 Spring Lake 5 mile 8:30 free food and reduced price drinks Bar A after race benefiting Spring Lake Recreation

May 30, 2015 [Avon 5k](#), 8:30 Avon, N.J. Sponsor Wakefern/ Shoprite

North Plainfield Senior Citizens Center

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June 2, 2015 at 11am Wills, Estate Planning & Probate Seminar

614 Greenbrook Road North Plainfield NJ 07060

Free Cedar backyard swing set w slide, tire swing and little clubhouse. We purchased the best swing set around when my kids were young. My children are in college now. The swing set has some years and needs some repairs, but still works. Email us if interested. Pick up in North Brunswick.

5. For Rent Coffee Shop/Deli
2045 Woodbridge Avenue, Edison, NJ 08817 Available Immediately

Great Store Front On Corner Lot. Great Location For A New Deli, Coffee Shop Or other Personal Service Business. New tile floor, freshly painted, and other recent remodeling. Approximately 600 Sq. Ft. \$1575 per month. For more information or to schedule a time to see space please contact:

Michael McDonald, Realtor
Keller Williams Elite
481 Memorial Parkway
Metuchen, NJ 08840
732-429-8707

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