

## **MINUTES OF COMMISSION MEETING**

### **October 16, 2003**

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

Also present were David Ewan, Consultant to the New Jersey Land Title Association, Paul S. Natanson, Leonard A. Metzger, and Daniel W. Noonan, Supervisor, and Albin Wagner, Chief, respectively, of the Bureau of Records Management, Division of Archives and Records Management (DARM).

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Mr. Wagner again recommended that the Commission continue work on this document, with Treasury, and that some of the provisions he mentioned with regard to the three types of recording be incorporated. Chairman Burstein explained that the timing of the release of the document could be important, and that an earlier release, rather than a later one, might be more beneficial. Mr. Cannel said that if the draft needs more specification in the language or the comments, making those changes would not take much time. Chairman Burstein asked Mr. Wagner and Mr. Noonan to give Staff the names of Treasury people to contact. The Commission approved another month's work on the project including creation of a category for the larger documents.

### Liens for Motor Vehicle Services

Chairman Burstein pointed out that in section 1(a) the second sentence contains the language "repair includes...but does not include...and it does not include..." He recommended that this language be tightened up to read "does not include the cost of storage nor towing the vehicle..."

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be required. The Commission did not determine that they could not consult if they wanted to, and the comment should reflect this. Chairman Burstein agreed that the wording was misleading and directed Staff to rewrite the comment. Professor Bell suggested the inclusion of the language "our assumption is that the cost of repair will rarely exceed \$2000." Judith Ungar suggested removing the two preceding sentences and beginning the last sentence with the word "Where." Professor Bell said that in Section 2(d), the words "enforceable against holder of security interest" should be followed by "indicated on the title document."

In Section 3 Professor Garland noted that the title says towing and storage, that the first subsection begins with a towing and storage issue, but the second subsection is limited to storage. This distinction was deliberate and made at the request of the Commission. With regard to the lien for the cost of identification of the holder of the title to the vehicle, Professor Garland asked what happens if A tows the vehicle and B stores it; specifically, who enforces the lien. Mr. Cannel explained that the person who incurred the cost for identifying the holder of a security interest should be the one who has the lien for that cost. Chairman Burstein asked if an addition should be made to the comment, i.e., he who pays, gets the lien.

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The Commission agreed to draft legislation that will address both aspects, requiring volunteers to be fingerprinted, and clarifying that nothing in this statute shall prohibit the reimbursement of an applicant by a school board.

#### Weights and Measures

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Also present were David Ewan, Consultant to the New Jersey Land Title Association, Paul S. Natanson, Leonard A. Metzger, and Daniel W. Noonan, Supervisor, and Albin Wagner, Chief, respectively, of the Bureau of Records Management, Division of Archives and Records Management (DARM).

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Also present were David Ewan, Consultant to the New Jersey Land Title Association, Paul S. Natanson, Leonard A. Metzger, and Daniel W. Noonan, Supervisor, and Albin Wagner, Chief, respectively, of the Bureau of Records Management, Division of Archives and Records Management (DARM).

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Also present were David Ewan, Consultant to the New Jersey Land Title Association, Paul S. Natanson, Leonard A. Metzger, and Daniel W. Noonan, Supervisor, and Albin Wagner, Chief, respectively, of the Bureau of Records Management, Division of Archives and Records Management (DARM).

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Also present were David Ewan, Consultant to the New Jersey Land Title Association, Paul S. Natanson, Leonard A. Metzger, and Daniel W. Noonan, Supervisor, and Albin Wagner, Chief, respectively, of the Bureau of Records Management, Division of Archives and Records Management (DARM).

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