

APPENDIX H

SELECTED ADDITIONAL MOTOR VEHICLE PROVISIONS

39:1-1. Words and phrases defined. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

“Alley” means a public highway wherein the roadway does not exceed 12 feet in width.

“Authorized emergency vehicles” means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the chief administrator when operated in response to an emergency call.

“Autocycle” means a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passenger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes.

“Automobile” includes all motor vehicles except motorcycles.

“Berm” means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

“Business district” means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

“Car pool” means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

“Chief Administrator” or “Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commercial motor vehicle” includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L.2003, c.13 (C.39:2A-4).

“Commissioner” means the Commissioner of Transportation of this State.

“Commuter van” means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

“Crosswalk” means that part of a highway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

“Curb extension” or “bulbout” means a horizontal extension of the sidewalk into the street which results in a narrower roadway section.

“Dealer” includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

“Deputy Chief Administrator” means the deputy chief administrator of the commission.

“Driver” means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

“Flammable liquid” means any liquid having a flash point below 200 degrees Fahrenheit, and a vapor pressure not exceeding 40 pounds.

“Gross weight” means the combined weight of a vehicle and a load thereon.

“High occupancy vehicle” or “HOV” means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Horse” includes mules and all other domestic animals used as draught animals or beasts of burden.

“Inside lane” means the lane nearest the center line of the roadway.

“Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

“Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

“Leased limousine” means any limousine subject to regulation in the State which:

a. Is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

“Leased motor vehicle” means any motor vehicle subject to registration in this State which:

a. Is offered for rental or lease, without a driver, to be operated by the lessee, his agent or servant, for purposes other than the transportation of passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

“Limited-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal

right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a “freeway” or “parkway” by authority of law.

“Local authorities” means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads.

“Low-speed electric bicycle” means a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications: “class 1 low-speed electric bicycle” which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; or “class 2 low-speed electric bicycle” which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

“Low-speed electric scooter” means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of less than 19 miles per hour.

“Low-speed vehicle” means a four-wheeled low-speed vehicle, as defined in 49 C.F.R. s. 571.3(b), whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 C.F.R. s. 571.500.

“Magistrate” means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the chief administrator.

“Manufacturer” means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

“Metal tire” means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

“Mid-block crosswalk” means a crosswalk located away from an intersection, distinctly indicated by lines or markings on the surface.

“Motorized bicycle” means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower or is powered by an electric drive motor and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour on a flat surface. This term shall not include a low-speed electric bicycle or low-speed electric scooters as defined in this section.

“Motorcycle” includes motorcycles, autocycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles, low-speed electric bicycles, and low-speed electric scooters as defined in this section, whether the motive power be a part thereof or

attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

“Motor-drawn vehicle” includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks, low-speed electric bicycles, low-speed electric scooters, and motorized bicycles.

“Motorized scooter” means a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards and other vehicles with motors not manufactured in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. This term shall not include: electric personal assistive mobility devices, motorized bicycles, low-speed vehicles, low-speed electric bicycles, or low-speed electric scooters; or motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

“Motorized skateboard” means a skateboard that is propelled otherwise than by muscular power.

“Motorized wheelchair” means any motor-driven wheelchair utilized to increase the independent mobility, in the activities of daily living, of an individual who has limited or no ambulation abilities, and includes mobility scooters manufactured specifically for such purposes and designed primarily for indoor use.

“Noncommercial truck” means every motor vehicle designed primarily for transportation of property, and which is not a “commercial vehicle.”

“Official traffic control devices” means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

“Omnibus” includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

“Operator” means a person who is in actual physical control of a vehicle or street car.

“Outside lane” means the lane nearest the curb or outer edge of the roadway.

“Owner” means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

“Parking” means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

“Passenger automobile” means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

“Pedestrian” means a person afoot.

“Pedicab” means a wheeled device that: (1) contains three or more wheels; (2) is designed to transport passengers and be propelled by muscular power using pedals; (3) is designed to accommodate no more than 15 passengers in addition to the driver; (4) is operated for hire; and (5) if equipped with a motor, is equipped with an electric motor that meets the classifications of a class 1 or class 2 low-speed electric bicycle. A pedicab shall not be considered a motor vehicle or a motorcycle.

“Person” includes natural persons, firms, copartnerships, associations, and corporations.

“Pneumatic tire” means every tire in which compressed air is designed to support the load.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

“Private road or driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

“REAL ID basic driver's license” means a basic driver's license issued by the commission that complies with the provisions of the “REAL ID Act of 2005,” Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

“REAL ID identification card” means an identification card issued by the commission that complies with the provisions of the “REAL ID Act of 2005,” Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

“REAL ID license” means any license to operate a motor vehicle issued by the commission that complies with the provisions of the “REAL ID Act of 2005,” Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

“REAL ID motorcycle license” means a motorcycle license issued by the commission that complies with the provisions of the “REAL ID Act of 2005,” Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

““REAL ID probationary license” means a probationary license issued by the commission that complies with the provisions of the “REAL ID Act of 2005,” P.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

“Residence district” means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

“Ridesharing” means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as car pools and van pools.

“Right-of-way” means the privilege of the immediate use of the highway.

“Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

“Safety zone” means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for the transportation of children to or from school for secular or religious education, which complies with the regulations of the New Jersey Motor Vehicle Commission affecting school buses, including “School Vehicle Type I” and “School Vehicle Type II” as defined below:

“School Vehicle Type I” means any vehicle designed to transport 16 or more passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the New Jersey Motor Vehicle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

“School Vehicle Type II” means any vehicle designed to transport less than 16 passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the New Jersey Motor Vehicle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

“School zone” means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate “school signs” in accordance with specifications adopted by the chief administrator and in accordance with law.

“School crossing” means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

“Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

“Shipper” means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, “shipper” shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

“Shoulder” means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

“Sidewalk” means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

“Sign.” See “Official traffic control devices.”

“Slow-moving vehicle” means a vehicle run at a speed less than the maximum speed then and there permissible.

“Solid tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

“Standard” means, when used to describe any license to operate a motor vehicle or any identification card issued by the commission under the provisions of this Title, that the issuance of the license or identification card does not require proof of lawful presence in the United States.

“Street” means the same as highway.

“Street car” means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

“Stop,” when required, means complete cessation from movement.

“Stopping or standing,” when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

“Suburban business or residential district” means that portion of highway and the territory contiguous thereto, where within any 1,320 feet along that highway there is land in use for business or residential purposes and that land occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway.

“Through highway” means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

“Trackless trolley” means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

“Traffic” means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

“Traffic control signal” means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Van pooling” means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers.

“Vehicle” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or low-speed electric bicycles, low-speed electric scooters, or motorized bicycles.

Amended. L. 1951, c. 25, §1; L. 1953, c. 36, §1; L. 1955, c. 8, §1; L. 1956, c. 132, §1; L. 1965, c. 226, §1; L. 1967, c. 238, §1; L. 1968, c. 439, §1; L. 1974, c. 162, §1; L. 1975, c. 250, §1; L. 1977, c. 267, §1; L. 1981, c. 139, §1; L. 1981, c. 413, §7; L. 1982, c. 87, §1; L. 1984, c. 33, §1; L. 1992, c. 32, §14, effective June 30, 1992; L. 1993, c. 12, §1, effective January 15, 1993; L. 1993, c. 125, §1, effective December 1, 1995, and shall apply only to registration certificates or renewals of such certificates applied for and issued after the effective date; L. 1993, c. 315, §1, effective December 23, 1993; L. 1995, c. 397, §1, effective January 10, 1996; L. 2001, c. 416, §3, effective January 8, 2002; L. 2003, c. 13, §36, approved January 28, 2003, effective on the date the Commissioner of Transportation certifies to the Governor (hereinafter the “date of certification”) that a majority of the members of the commission have been appointed or are in office and that all necessary anticipatory actions have been accomplished, provided, that the amount of revenues received pursuant to sections 109 and 110 prior to the date of certification are hereby appropriated to the division. Upon the date of certification, all such collected revenue shall be revenue of the commission. The Commissioner of Transportation, the Director of the Division of Motor Vehicles and the commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act; L. 2005, c. 147, §1, effective September 30, 2005; L. 2005, c. 158, §5, effective July 19, 2005; L. 2005, c. 159, §1, effective July 19, 2005; L. 2005, c. 273, §1, effective April 6, 2006, but such anticipatory action may be taken as necessary to effectuate the purposes of this act; L. 2009, c. 107, §1, effective August 6, 2009; L. 2016, c. 35, §1, effective August 31, 2016; L. 2019, c. 121, §1, effective May 13, 2019; L. 2019, c. 271, §1, effective January 1, 2021; L. 2022 c. 16 §2, effective October 1, 2022.

Article 2. Registration and Licensing.

39:3-10. Licensing of drivers. a. A person shall not drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver’s license issued to that person in accordance with this article.

b. A person under 18 years of age shall not be issued a basic license to drive motor vehicles, and a person shall not be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant’s ability as an operator. The examination shall include: a test of the applicant’s vision; the applicant’s ability to understand traffic control devices; the applicant’s knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; the applicant’s knowledge of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited

to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists; the applicant's knowledge of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle; the applicant's knowledge of the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; the applicant's knowledge of portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant; and the applicant's knowledge of the laws and ordinary usages of the road. The examination shall be made available in English and each of the three languages, other than English, most commonly spoken in the State, as determined by the chief administrator. The chief administrator shall periodically, and at least every five years, verify the three languages, other than English, most commonly spoken in the State.

c. A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).

Prior to taking an examination for any permit, a person shall watch a video created by the commission, in conjunction with the Attorney General, explaining the rights and responsibilities of a driver stopped by a law enforcement officer. The video shall be used for informational purposes only and shall not be used in any criminal proceeding involving a driver stopped by a law enforcement officer.

The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

d. A person shall not sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve

locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. New locations for the road test shall not be approved unless the test can be given on public streets.

e. A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of the vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

f. A person issued a motorcycle license pursuant to this section may be issued a standard motorcycle license or a REAL ID motorcycle license. The chief administrator shall require an applicant for a standard motorcycle license to provide as proof of the applicant's identity, age, and residence primary and secondary documents, with which the chief administrator shall attribute point values in accordance with the point based identification verification program established pursuant to section 28 of P.L.2003, c.13 (C.39:2A-28). The point total required to prove the identity of an applicant for the standard motorcycle license shall be the same for every applicant, regardless of immigration status. In the event that the commission changes the point total threshold, the requirement that every applicant reach the same point total threshold shall remain in effect.

In addition to requiring the person to submit satisfactory proof of identity and age, the commission shall require the person to provide:

(1) as a condition for obtaining a standard motorcycle license, proof of the person's social security number and one document providing satisfactory proof that the person is a New Jersey resident.

If the person does not have a social security number, the person shall either:

(a) provide satisfactory proof of an Individual Taxpayer Identification Number; or

(b) indicate, in a manner prescribed by the commission and consistent with all other provisions of P.L.2019, c.271 (C.39:3-10o et al.), that the person is not eligible to receive a social security number; or

(2) as a condition for obtaining a REAL ID motorcycle license: two documents providing satisfactory proof that the person is a New Jersey resident; proof of the person's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the person's presence in the United States is authorized under federal law.

A standard motorcycle license shall indicate that the license shall not be accepted as identification for an official purpose, as that term is defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

g. The commission shall issue a standard basic driver's license or a REAL ID basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this Title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

h. The commission shall expand the driver's license examination by 20 percent. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the importance of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists, and the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

The commission shall expand the driver's license examination to include questions concerning the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle.

i. Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is under 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

j. (1) The commission shall create classified licensing of drivers covering the following classifications:

(a) Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

(b) Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.

(c) (Deleted by amendment, P.L.1999, c.28)

(d) All motor vehicles not included in classifications (a) and (b). A license issued pursuant to this classification d. shall be referred to as the "basic driver's license" and may be issued as a standard basic driver's license or a REAL ID basic driver's license.

(2) Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the person's basic driver's license.

(3) A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the person's basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

k. The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize the person to drive any registered vehicle, of the kind or kinds indicated.

l. The license shall expire, except as otherwise provided, during the fourth calendar year following the date in which the license was issued and on the same calendar day as the person's date of birth. If the person's date of birth does not correspond to a calendar day of the fourth calendar year, the license shall expire on the last day of the person's birth month.

The commission may, at its discretion and for good cause shown, issue licenses that expire on a date fixed by it. If the commission issues a REAL ID basic driver's license or REAL ID motorcycle license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew the person's REAL ID basic driver's license or REAL ID motorcycle license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

m. The required fee for a license for the license period shall be as follows, subject to adjustment pursuant to section 16 of P.L.2007, c.335 (C.39:2A-36.1):

Standard motorcycle license or endorsement: \$18.

REAL ID motorcycle license: \$29.

Omnibus or school bus endorsement: \$18.

Standard basic driver's license: \$18.

REAL ID basic driver's license: \$29.

The commission shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the commission's satisfaction that the applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

n. The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of the period, the licenses to be effective immediately.

o. All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

p. The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted a permit or license, but a defect of the applicant shall not debar the applicant from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

q. A person issued a basic driver's license pursuant to this section may be issued a standard basic driver's license or a REAL ID basic driver's license. The chief administrator shall require an applicant for a standard basic driver's license to provide as proof of the applicant's identity, age, and residence primary and secondary documents, with which the chief administrator shall attribute point values in accordance with the point based identification verification program established pursuant to section 28 of P.L.2003, c.13 (C.39:2A-28). The point total required to prove the identity of an applicant for the standard basic driver's license shall be the same for every applicant, regardless of immigration status. In the event that the commission changes the point total threshold, the requirement that every applicant reach the same point total threshold shall remain in effect.

r. In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide:

(1) as a condition for obtaining a permit and standard basic driver's license, proof of the person's social security number and one document providing satisfactory proof that the applicant is a New Jersey resident. If the person does not have a social security number, the person shall either:

(a) provide satisfactory proof of an Individual Taxpayer Identification Number; or

(b) indicate, in a manner prescribed by the commission and consistent with all other provisions of P.L.2019, c.271 (C.39:3-10o et al.), that the person is not eligible to receive a social security number; or

(2) as a condition for obtaining a REAL ID basic driver's license: two documents providing satisfactory proof that the applicant is a New Jersey resident; proof of the applicant's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the applicant's presence in the United States is authorized under federal law.

s. A standard basic driver's license shall indicate that the license shall not be accepted as identification for an official purpose, as that term is defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder.

t. If the commission has reasonable cause to suspect that any document presented by an applicant pursuant to this section is altered, false, or otherwise invalid, the commission shall refuse to grant the permit or license until the time when the document may be verified by the issuing agency to the commission's satisfaction.

u. A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

v. Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

w. Any documents and personal information, including an applicant's photograph, obtained by the commission from an applicant for a standard basic driver's license or standard motorcycle license shall be confidential, shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and shall not be disclosed by the commission for any purpose related to Title 8 of the United States Code without the informed consent of the applicant, a warrant signed by a State or federal judge, or a lawful court order or subpoena; except that nothing in this section shall be construed to prohibit, or in any way restrict, any action where such prohibition or restriction would be contrary to federal law; and except that information under this subsection may be shared in accordance with section 2 of P.L.2021, c.139 (C.39:2-3.9). When

responding to a warrant, court order, or subpoena, the commission may disclose only those records or information specifically requested in the warrant, court order, or subpoena.

Possession of a standard basic driver's license or standard motorcycle license issued pursuant to this section shall not be considered evidence of an individual's citizenship or immigration status and shall not be used as a basis for an investigation, arrest, citation, prosecution, or detention.

Information regarding an applicant's Individual Tax Identification Number, social security number, or ineligibility to receive a social security number obtained by the commission for the issuance of a standard motorcycle license or standard basic driver's license pursuant to this section, shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and shall not be disclosed by the commission except where: (1) required by section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant provides written informed consent to the disclosure; (3) the requesting entity presents a warrant signed by a State or federal judge, a lawful court order, or a subpoena; (4) required by State or federal law, and to the extent that the disclosure may be necessary to permit the State to participate in the National Driver Register program, as set forth in 49 U.S.C. s.30301 et seq.; (5) the disclosure is in connection with an audit or investigation of identity fraud, driver's license fraud, or non-driver identification card fraud; or (6) consistent with section 2 of P.L.2021, c.139 (C.39:2-3.9).

x. As used in this section:

"Parking sensors" means proximity sensors which use either electromagnetic or ultrasonic technology and are designed to alert the driver to obstacles while parking.

"Rear visibility system" means devices or components installed on a motor vehicle at the time of manufacture that allow a forward facing driver to view a visual image of the area directly behind the vehicle.

Amended. L. 1938, c. 66, §3; L. 1953, c. 72, §1; L. 1955, c. 8, §5; L. 1955, c. 76, §1; L. 1957, c. 108, §1; L. 1964, c. 118, §1; L. 1968, c. 130, §2; L. 1975, c. 180, §3; L. 1977, c. 25, §1; L. 1979, c. 97, §1; L. 1979, c. 261, §5; L. 1980, c. 105, §7; L. 1981, c. 322, §2; L. 1982, c. 45, §1; L. 1983, c. 162, §1; L. 1983, c. 163, §1; L. 1983, c. 403, §7; L. 1984, c. 33, §2; L. 1985, c. 264, §2; L. 1987, c. 20, §1; L. 1988, c. 8, §2; L. 1991, c. 452, §7, effective July 1, 1992; L. 1992, c. 110, §1, effective September 25, 1992; L. 1993, c. 34, §1, effective January 29, 1993; L. 1998, c. 108, §1, effective January 1, 2001, and it shall apply to any applicant for a special learner's permit who is under 16 years of age, or, in the case of an applicant for an examination permit, at least 17 years of age on the effective date of this act. Prior to the effective date, the Director of the Division of Motor Vehicles in the Department of Transportation and the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act; L. 1999, c. 28, §2, effective January 1, 2000, but the Division of Motor Vehicles in the Department of Transportation may take such anticipatory administrative and regulatory action in advance as shall be necessary to implement the provisions of this act; and, further provided, that for good cause, the Director of the Division of Motor Vehicles may on January 1, 2000 delay implementation for a period not to extend beyond January 1, 2001; L. 2001, c. 391, §2, effective January 8, 2002, except that sections 3, 5, 6, 8, 9, 10, 11, and the required fees for the 48-month license added to R.S. 39:3-10 by section 2 of this act shall remain inoperative until the 60th day after the Director of the Division of Motor Vehicles in the Department of Transportation certifies to the Commissioner of Transportation that the division is prepared to issue drivers' licenses with digitized pictures of licensees, but such operative date shall be no later than January 1, 2003; L. 2001, c. 420, §3, effective January 8, 2002, and shall apply to any applicant for an initial special learner's permit or examination permit on or after the effective date of this act; L. 2003, c. 13, §37, approved January 28, 2003, effective on the date the Commissioner of Transportation certifies to the Governor (hereinafter the "date of certification") that a majority of the members of the commission have been appointed or

are in office and that all necessary anticipatory actions have been accomplished, provided, that the amount of revenues received pursuant to sections 109 and 110 prior to the date of certification are hereby appropriated to the division. Upon the date of certification, all such collected revenue shall be revenue of the commission. The Commissioner of Transportation, the Director of the Division of Motor Vehicles and the commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act; L. 2008, c. 50, §24, effective July 22, 2008; L. 2009, c. 38, §1, effective April 1, 2010; L. 2011, c. 13, §1, effective January 28, 2011, but shall remain inoperative until the date the Chief Administrator of the Motor Vehicle Commission certifies to the Governor that the commission is prepared to issue motorcycle licenses and endorsements with restriction as to engine displacement, but such operative date shall be as soon as practicable and no later than January 1, 2013; L. 2015, c. 36, §1, effective December 1, 2015; L. 2015, c. 78, §1, effective March 1, 2016; L. 2016, c. 41, §1, effective August 31, 2016; L. 2016, c. 81, §2, effective January 1, 2018; L. 2017, c. 91, §1, effective January 1, 2018, and shall apply only to licenses and cards issued or renewed on and after this date; L. 2017, c. 165, §10, effective July 21, 2017; L. 2017, c. 374, §1, effective August 1, 2018; L. 2019, c. 271, §8, effective January 1, 2021; L. 2020, c. 148, §1, effective August 1, 2021; L. 2021, c. 139, §4, effective June 30, 2021.

39:3-40. Driving when license refused, suspended, revoked or prohibited; motor vehicle license revoked; punishment. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspended or revoked, or who has been prohibited from obtaining a driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

No person whose motor vehicle registration has been revoked shall operate or permit the operation of such motor vehicle during the period of such revocation.

Except as provided in subsections i. and j. of this section, a person violating this section shall be subject to the following penalties:

a. Upon conviction for a first offense, a fine of \$500.00 and, if that offense involves the operation of a motor vehicle during a period when the violator's driver's license is suspended for a violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), revocation of the violator's motor vehicle registration privilege in accordance with the provisions of sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

b. Upon conviction for a second offense, a fine of \$750.00, imprisonment in the county jail for at least one but not more than five days and, if the second offense involves the operation of a motor vehicle during a period when the violator's driver's license is suspended and that second offense occurs within five years of a conviction for that same offense, revocation of the violator's motor vehicle registration privilege in accordance with the provisions of sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

c. Upon conviction for a third offense or subsequent offense, a fine of \$1,000.00 and imprisonment in the county jail for 10 days. If the third or a subsequent offense involves the operation of a motor vehicle during a period when the violator's driver's license is suspended and the third or subsequent offense occurs within five years of a conviction for the same offense, revocation of the violator's motor vehicle registration privilege in accordance with the provisions of sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

d. Upon conviction, the court shall impose or extend a period of suspension not to exceed six months;

e. Upon conviction, the court shall impose a period of imprisonment for not less than 45 days or more than 180 days, if while operating a vehicle in violation of this section a person is involved in an accident resulting in bodily injury to another person;

f. (1) In addition to any penalty imposed under the provisions of subsections a. through e. of this section, any person violating this section while under suspension issued pursuant to section 2 of P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined \$500.00, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.

(2) In addition to any penalty imposed under the provisions of subsections a. through e. of this section and paragraph (1) of this subsection, any person violating this section under suspension issued pursuant to R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et seq.), shall be fined \$500, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year or more than two years, and shall be imprisoned in the county jail for not less than 10 days or more than 90 days.

(3) In addition to any penalty imposed under the provisions of subsections a. through e. of this section and paragraphs (1) and (2) of this subsection, a person shall have his license to operate a motor vehicle suspended for an additional period of not less than one year or more than two years, which period shall commence upon the completion of any prison sentence imposed upon that person, shall be fined \$500 and shall be imprisoned for a period of 60 to 90 days for a first offense, imprisoned for a period of 120 to 150 days for a second offense, and imprisoned for 180 days for a third or subsequent offense, for operating a motor vehicle while in violation of paragraph (2) of this subsection while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of this paragraph.

It shall not be relevant to the imposition of sentence pursuant to subparagraph (a) or (b) of this paragraph that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be relevant to the imposition of sentence that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session;

g. (Deleted by amendment, P.L.2009, c.224);

h. A person who owns or leases a motor vehicle and permits another to operate the motor vehicle commits a violation and is subject to suspension of his license to operate a motor vehicle and to revocation of registration pursuant to sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5) if the person:

(1) Knows that the operator's license or reciprocity privilege to operate a motor vehicle has been suspended for a violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a); or

(2) Knows that the operator's license or reciprocity privilege to operate a motor vehicle is suspended and that the operator has been convicted, within the past five years, of operating a vehicle while the person's license was suspended or revoked.

In any case where a person who owns or leases a motor vehicle knows that the operator's license or reciprocity privilege of the person he permits to operate the motor vehicle is suspended or revoked for any violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the person also shall be subject to the following penalties: for a first or second offense, a fine of \$1,000, imprisonment for not more than 15 days, or both; and for a third or subsequent offense, a fine of \$1,000, imprisonment for not more than 15 days, or both, and forfeiture of the right to operate a motor vehicle over the highways of this State for a period of 90 days;

i. If the violator's driver's license to operate a motor vehicle has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-139.10) or for failure to comply with a time payment order, the violator shall be subject to a maximum fine of \$100 upon proof that the violator has paid all fines and other assessments related to the parking violation that were the subject of the Order of Suspension, or if the violator makes sufficient payments to become current with respect to payment obligations under the time payment order;

j. If a person is convicted for a second or subsequent violation of this section and the second or subsequent offense involves a motor vehicle moving violation, the term of imprisonment for the second or subsequent offense shall be 10 days longer than the term of imprisonment imposed for the previous offense.

For the purposes of this subsection, a "motor vehicle moving violation" means any violation of the motor vehicle laws of this State for which motor vehicle points are assessed by the chief administrator pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

Amended. L. 1941, c. 344, §1; L. 1945, c. 222, §2; L. 1947, c. 25, §1; L. 1964, c. 9, §1; L. 1968, c. 323, §10; L. 1981, c. 38, §1; L. 1982, c. 45, §2; L. 1983, c. 90, §1; L. 1986, c. 38, §1; L. 1992, c. 203, §1, effective December 24, 1992; L. 1994, c. 64, §2, effective June 30, 1994; L. 1999, c. 185, §3, effective December 1, 1999; L. 1999, c. 423, §3, effective January 18, 1999; L. 2001, c. 213, §1, effective August 20, 2001; L. 2002, c. 28, §1, effective June 24, 2002; L. 2007, c. 187, §1, effective January 1, 2008; L. 2009, c. 224, §1, effective January 16, 2010; L. 2009, c. 332, §1, effective August 1, 2011.

39:3-40.1. Revocation of driver's license for violation of 39:3-40. a. Any motor vehicle registration certificate and registration plates shall be revoked if a person is convicted of violating the provisions of:

(1) subsection a. of R.S.39:3-40 for operating a motor vehicle during a period when that violator's driver's license has been suspended for a violation of R.S.39:4-50; or

(2) subsection b. or c. of R.S.39:3-40 for operating a motor vehicle during a period when that violator's driver's license has been suspended within a five-year period.

This revocation of registration certificate and registration plates shall apply to all passenger automobiles and motorcycles owned or leased by the violator and registered under the provisions of R.S.39:3-4 and all noncommercial trucks owned or leased by the violator and registered under the provisions of section 2 of

P.L.1968, c.439 (C.39:3-8.1), including those passenger automobiles, motorcycles and noncommercial trucks registered or leased jointly in the name of the violator and the other owner of record.

b. At the time of conviction, the court shall notify each violator that the person's passenger automobile, motorcycle, and noncommercial truck registrations are revoked. Notwithstanding the provisions of R.S.39:5-35, the violator shall surrender the registration certificate and registration plates of all passenger automobiles, motorcycles, and noncommercial truck registrations subject to revocation under the provisions of this section within 48 hours of the court's notice. The surrender shall be at a place and in a manner prescribed by the Director of the Division of Motor Vehicles pursuant to rule and regulation. The court also shall notify the violator that a failure to surrender that vehicle registration certificate and registration plates shall result in the impoundment of the vehicle in accordance with the provisions of section 4 of P.L.1995, c.286 (C.39:3-40.3) and the seizure of said registration certificate and registration plates. The revocation authorized under the provisions of this subsection shall remain in effect for the period during which the violator's license to operate a motor vehicle is suspended and shall be enforced so as to prohibit the violator from registering or leasing any other vehicle, however acquired, during that period.

c. If the violator subject to the penalties set forth in subsections a. and b. of this section for conviction of violating the provisions of R.S.39:3-40 was operating a motor vehicle owned or leased by another person and that other owner or lessee permitted that operation with knowledge that the violator's driver's license was suspended, the court shall suspend the person's license to operate a motor vehicle and revoke the registration certificate and registration plates for that vehicle for a period of not more than six months. Notwithstanding the provisions of R.S.39:3-35, the owner or lessee shall surrender the registration certificate and registration plates of that vehicle within 48 hours of the court's notice of revocation. The surrender shall be at a place and in a manner prescribed by the Director of the Division of Motor Vehicles pursuant to rule and regulation. The court also shall notify the owner or lessee that a failure to surrender the revoked registration certificate and registration plates shall result in the impoundment of the vehicle in accordance with the provisions of section 4 of P.L.1995, c.286 (C.39:3-40.3) and the seizure of said registration certificate and registration plates. Nothing in this subsection shall be construed to limit the court from finding that owner or lessee guilty of violating R.S.39:3-39 or any other such statute concerning the operation of a motor vehicle by an unlicensed driver.

Adopted. L. 1995, c. 286, §2, effective July 1, 1996. **Amended.** L. 2000, c. 83, §2, effective September 30, 2000, and shall apply to a conviction of a violation of R.S.39:4-50 committed on or after this date. The Director of the Division of Motor Vehicles may take such anticipatory administrative and regulatory action in advance as shall be necessary to implement the provisions of this act; L. 2009, c. 201, §4, effective January 14, 2010.

39:3-40.2. Temporary registration and plates. a. The director may issue a temporary registration certificate and temporary registration plates for a motor vehicle for which the registration certificate and registration plates have been revoked under the provisions of section 2 of P.L.1995, c.286 (C.39:3-40.1) if:

(1) the name of the applicant for the temporary registration appeared upon the revoked registration certificate as a joint owner or joint lessee of the motor vehicle; or

(2) the applicant for the temporary registration is the spouse, child, dependent, parent or legal guardian of the violator or owner and certifies, in a manner prescribed by the director, that the operation of the motor vehicle is necessary for specified employment, educational, health or medical purposes.

The application shall be in a manner and form prescribed by the director. The application also shall include a signed certification that the applicant shall not knowingly permit the violator to operate the motor vehicle until the violator's license and driving privileges have been restored by the director and that any violation of this provision shall result in the revocation of the temporary registration issued for the motor vehicle under the provisions of this section, that the motor vehicle shall be ineligible for the temporary registration authorized under this act, and that the motor vehicle may be impounded in accordance with the provisions of section 4 of P.L.1995, c.286 (C.39:3-40.3) and the temporary registration certificate and temporary registration plates seized.

b. The director shall issue a temporary registration certificate and temporary registration plates for a motor vehicle registered under the provisions of this section. As prescribed by the director, the temporary registration plates shall bear a special series of numbers or letters so as to be readily identifiable by law enforcement officers.

c. The director may issue a new registration to a lessor of a vehicle for which the registration has been revoked pursuant to section 2 of P.L.1995, c.286 (C.39:3-40.1) provided that the vehicle is not leased to the same lessee.

d. The temporary registration authorized under this section shall expire and become void on the last day of the sixth month following the calendar month in which it was issued. All such temporary registrations may be renewed, upon application, by the director.

The fee schedule for the temporary registration authorized under this section shall be prescribed by the director. The schedule may provide for differing fees based upon the manufacturer's shipping weight and the model year of the motor vehicle; provided, however, that no such temporary registration fee shall exceed \$75. The registrant also shall pay a non-recurring \$25 fee for the temporary registration plates issued by the director.

Adopted. L. 1995, c. 286, §3, effective July 1, 1996. **Amended.** L. 2000, c. 83, §3, effective September 30, 2000, and shall apply to a conviction of a violation of R.S.39:4-50 committed on or after this date. The Director of the Division of Motor Vehicles may take such anticipatory administrative and regulatory action in advance as shall be necessary to implement the provisions of this act.

39:3-40.3. Impounding of vehicles. a. A motor vehicle subject to the provisions of this act may be impounded by any law enforcement officer if the registrant:

(1) knowingly permits an unlicensed driver to operate that motor vehicle;

(2) operates or permits the operation of that motor vehicle without a valid temporary registration or valid temporary registration plates as authorized under section 3 of P.L.1995, c.286 (C.39:3-40.2); or

(3) fails to surrender a registration certificate and registration plates in accordance with the provisions of subsection b. or c. of section 2 of P.L.1995, c.286 (C.39:3-40.1).

A motor vehicle impounded under the provisions of this subsection shall be removed to storage space or garage and its registration certificate and registration plates seized. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.

b. (1) If the registrant fails to claim the motor vehicle and pay the reasonable costs of removal and storage by midnight of the 30th day following impoundment, along with a fine of \$50 to cover the administrative costs of the municipality wherein the violation occurred, the municipality may sell the motor vehicle at public auction. The municipality shall give notice of the sale by certified mail to the registrant of the motor vehicle and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the motor vehicle has been impounded.

(2) At any time prior to the sale, the registrant or other person entitled to the motor vehicle may reclaim possession of it upon payment of the reasonable costs of removal and storage of the motor vehicle and any outstanding fines or penalties; provided, however, if the other person entitled to the motor vehicle is a lessor or the holder of a lien on the motor vehicle, he may reclaim the motor vehicle without payment. In such cases, the violator shall be liable for all outstanding costs, fines and penalties, and the municipality shall have a lien against the property and income of that violator for the total amount of those outstanding costs, fines and penalties.

(3) Any proceeds obtained from the sale of a motor vehicle at public auction pursuant to paragraph (1) of this subsection in excess of the amount owed to the municipality for the reasonable costs of removal and storage of the motor vehicle and any outstanding fines or penalties shall be returned to the registrant of the vehicle.

Adopted. L. 1995, c. 286, §4, effective July 1, 1996.

39:3-40.4. Vehicle not to be sold or registration issued. A motor vehicle subject to the registration restrictions set forth in sections 2 and 3 of P.L.1995, c.286 (C.39:3-40.1 and C.39:3-40.2) may not be sold or its ownership transferred; and the Division of Motor Vehicles shall not issue a certificate of registration for that vehicle; during the period in which those restrictions remain in effect unless that motor vehicle is sold or transferred for a fair market value.

Adopted. L. 1995, c. 286, §5, effective July 1, 1996.

39:3-40.5. Rules and regulations. The director, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act. Those rules and regulations shall include, but not be limited to, provisions providing for a notice:

a. to the lessor or lienholder of any motor vehicle subject to a revocation of registration under the provisions of this act; and

b. to each person whose driver's license has been suspended of the penalties which may be imposed under the provisions of this act.

Adopted. L. 1995, c. 286, §6, effective July 1, 1996.

39:3-40.6. Proof of valid motor vehicle insurance before release of impounded vehicle. No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the State or local law enforcement authority which impounded the vehicle unless proof of valid motor vehicle insurance for that vehicle is presented to the law enforcement authority. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.

Adopted. L. 2000, c. 61, §1, effective September 11, 2000.

Article 11. LAW OF ROAD AND RIGHT OF WAY.

39:4-80. Traffic control by officers. When a traffic or police officer is stationed in a highway for the purpose of directing traffic, he may regulate and control traffic at that point, and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained in this article.

39:4-80.1. Penalty for failure to comply with school crossing guard's signal to stop. A motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those time periods when that guard is duly authorized to control or direct vehicular or pedestrian traffic pursuant to section 4 of P.L.1979, c.82 (C.40A:9-154.4) shall be fined not less than \$150 for a first offense. For a subsequent offense, the operator shall be fined not less than \$300.

Adopted. L. 2007, c. 78, §1, effective August 1, 2007.

39:4-81. Observing traffic signals. a. The driver of every vehicle, the motorman of every street car and every pedestrian shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer.

b. When, by reason of a power failure or other malfunction, a traffic control signal at an intersection is not illuminated, the driver of a vehicle or street car shall, with respect to that intersection, observe the requirement for a stop intersection, as provided in R.S.39:4-144.

Amended. L. 1951, c. 23, §40; L. 2004, c. 92, §1, effective July 9, 2004.

39:4-82. Keeping to right. Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive it on the right half of the roadway. He shall drive a vehicle as closely as possible to the right-hand edge or curb of the roadway, unless it is impracticable to travel on that side of the roadway, and except when overtaking and passing another vehicle subject to the provisions of sections 39:4-84 and 39:4-85 of this Title.

Amended. L. 1951, c. 23, §43.

39:4-82.1. Two-roadway highways. Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed so as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an appropriate opening in such physical barrier or dividing section or space or at a cross over or intersection established by public authority.

Adopted. L. 1951, c. 23, §41.

39:4-83. Keeping to right at intersections; exception on one-way roadway. In crossing an intersection of highways or the intersection of a highway and a railroad right of way, the driver of a vehicle shall at all times cause the vehicle to travel on the right half of the roadway unless the right half is obstructed or impassable. The foregoing limitations shall not apply upon a one-way roadway.

Amended. L. 1951, c. 23, §44.

39:4-84. Passing to right when proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the available traveled portion of the highway as nearly as possible.

39:4-85. Passing to left when overtaking; passing when in lines; signaling to pass. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this paragraph and section 39:4-87 of this Title shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line either upon the right or left, nor shall those provisions be construed to prohibit drivers overtaking and passing upon the right another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle upon the right as provided in this section only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Amended. L. 1951, c. 23, §45; L. 2014, c. 69, §6, effective November 28, 2014.

39:4-85.1. Designation of highways for one-way traffic; signs. The commissioner with respect to highways under his jurisdiction may by regulation, and local and county authorities with respect to highways under their jurisdiction may by ordinance or resolution designate any such highway or any separate roadway of such highway for one-way traffic and shall erect appropriate signs giving notice thereon.

Upon a highway or roadway properly designated and signed for one-way traffic, a vehicle shall be driven only in the direction designated.

Adopted. L. 1951, c. 23, §42. **Amended.** L. 2003, c. 13, §50, approved January 28, 2003.

39:4-86. Driving to left of center line when overtaking and passing vehicles; crossing “no passing” lines. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made in safety.

The driver of a vehicle shall not drive to the left of the center of a highway in order to overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver’s view along the highway is obstructed within a distance of five hundred feet.

Except when otherwise directed by a duly constituted traffic or police officer or when the lane in which he is operating is obstructed and impassable, the driver of a vehicle shall not cross an appropriately marked “No Passing” line in a “No Passing” zone duly established pursuant to a duly promulgated regulation of the State Highway Commissioner or an ordinance or resolution duly adopted by a municipal governing body or a board of chosen freeholders, whichever has jurisdiction over the highway.

Amended. L. 1951, c. 23, §46.

39:4-86.1 through 39:4-86.3. Repealed.

Repealed. L. 1951, c. 23, §122.

39:4-87. Overtaken vehicle to give way. The driver of a vehicle on a highway, about to be overtaken and passed by another vehicle, approaching from the rear, shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Amended. L. 2014, c. 69, §7, effective November 28, 2014.

39:4-87.1. Right of way of certain buses reentering traffic. a. The driver of a non-emergency vehicle upon a highway shall yield the right of way to any bus, provided that:

(1) The driver is operating a vehicle that is in a position to overtake the bus from its rear; and

(2) The bus, after exiting an active traffic lane for the purpose of stopping to receive or discharge passengers is attempting to reenter the lane from which it exited and to enter the traffic lane occupied by the driver by signaling its intention to do so. No other lane changes shall be applicable.

As used in this act, “bus” means a bus as defined in section 3 of P.L.1995, c.225 (C.48:4-2.1e), in regular scheduled service, and a motorbus operated in regular route service pursuant to P.L.1979, c.150 (C.27:25-1 et seq.).

b. The New Jersey Transit Corporation shall conduct a public education program to inform motorists of the requirements imposed by this section relating to bus rights-of-way.

c. The Commissioner of Transportation shall study the need for further action to effectuate the purposes of this 2003 act and shall, no later than 18 months after the effective date of this 2003 act, report to the Governor and the Legislature.

d. This section shall not relieve the driver of any bus from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others. Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law.

Adopted. L. 2003, c. 226, §1, effective August 1, 2004.

39:4-88. Traffic on marked lanes. When a roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

a. A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the roadway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.

b. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

c. Upon a highway which is divided into 3 lanes, a vehicle shall not be driven in the center lane except when overtaking or passing another vehicle or in preparation for a left turn or unless the center lane is at the time allocated for traffic moving in the direction the vehicle is proceeding and is signposted to give notice of that allocation.

d. The State Highway Commissioner may by regulation or local authorities may by resolution or ordinance with respect to highways under their jurisdiction designate right-hand lanes for slow moving traffic and inside lanes for traffic moving at the speed designated for the district as provided under this chapter, and when the lanes are signposted or marked to give notice of the designation a vehicle may be driven in any lane allocated to traffic moving in the direction in which it is proceeding, but when traveling within the inside lanes the vehicle shall be driven at approximately the speed authorized in such lanes and speed shall not be decreased unnecessarily so as to block, hinder or retard traffic.

e. When such roadway had been divided in such a manner that there are three or more lanes for traffic in any one direction, no truck of 10,000 pounds registered gross weight or over shall be driven in the farthest left-hand lane, except:

(1) when and to the extent necessary to prepare for a left turn; a truck may be driven in the farthest left lane for up to one mile to prepare for a left hand turn as authorized under this paragraph;

(2) when necessary to enter or leave such roadway by entrance or exit to or from the left lane; a truck may be driven in the farthest left lane for up to one mile to prepare to enter or leave the roadway as authorized under this paragraph;

(3) when reasonably necessary in response to emergency conditions; for the purposes of this paragraph, “emergency conditions” shall include, but not be limited to: poor visibility, snow, accidents, or the presence of emergency vehicles.

Amended. L. 1951, c. 23, §47; L. 1968, c. 432, §1; L. 2013, c. 86, §1, effective August 7, 2013.

39:4-88.1. Penalties, fines. The penalty for a violation of failing to keep right under R.S.39:4-82 or failure to observe traffic lanes under R.S. 39:4-88 shall be a fine of not less than \$100 or more than \$300. In addition to any fine that may be imposed, a surcharge of \$50 shall be imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88. The State Treasurer shall annually deposit the surcharge into the fund established pursuant to section 3 of P.L.2013, c.86 (C.39:4-88.2).

Adopted. L. 2013, c. 86, §2, effective August 7, 2013.

39:4-88.2. Repository fund. There is created within the Department of the Treasury, a separate, non-lapsing fund that shall be administered by the Department of Transportation. The fund shall be the repository for the \$50 surcharge imposed for each violation of R.S.39:4-82 and R.S. 39:4-88. Unless otherwise specifically provided by law, monies in the fund shall be utilized exclusively to acquire, install, and maintain highway signs that notify motorists entering New Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-88.

Adopted. L. 2013, c. 86, §3, effective August 7, 2013.

39:4-89. Following; space between trucks. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of the preceding vehicle and the traffic upon, and condition of, the highway.

The driver of a motor truck when traveling upon a highway, outside of a business or residence district, shall not follow another motor truck within one hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

39:4-90. Right of way at intersections. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection. When 2 vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right.

The driver of a vehicle within an intersection intending to turn to the left shall yield to a vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver having so yielded, and having given a signal when and as required by law, may

make the left turn; and other vehicles approaching the intersection from the opposite direction shall yield to the driver making the left turn.

Amended. L. 1958, c. 114, §1.

39:4-90.1. Limited access highways, driving onto or from. No person shall drive a vehicle onto or from any limited-access highway except at such entrances and exits as are established by public authority.

Adopted. L. 1951, c. 23, §51.

39:4-91. Right of way of certain vehicles: liability of drivers. a. The driver of a vehicle upon a highway shall yield the right of way to any authorized emergency vehicle when it is operated on official business, or in the exercise of the driver's profession or calling, in response to an emergency call or in the pursuit of an actual or suspected violator of the law and when an audible signal by bell, siren, exhaust whistle or other means is sounded from the authorized emergency vehicle and when the authorized emergency vehicle, except a police vehicle, is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of at least five hundred feet to the front of the vehicle.

b. This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others. Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law.

Amended. L. 1951, c. 23, §49; L. 1997, c. 423, §1, effective January 19, 1998.

39:4-92. Clearance for authorized emergency vehicle; following authorized emergency vehicle. Upon the immediate approach of an authorized emergency vehicle giving audible signal, and equipped, as required by section 39:4-91 of this Title, and unless otherwise directed by a police or traffic officer,

(a) The driver of every vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of an intersection of highways, and shall stop and remain in that position until the authorized emergency vehicle has passed and

(b) The driver or person in control of a street car shall immediately stop the car clear of an intersection of highways and keep it stationary until the authorized emergency vehicle has passed.

No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle, traveling in response to an emergency call, closer than 300 feet, or drive nearer to, or park the vehicle within 200 feet of, where any fire apparatus has stopped in answer to a fire alarm.

Amended. L. 1951, c. 23, §50; L. 1962, c. 148, §1.

39:4-92.1. Display of flashing red light by fire department vehicle. It shall be lawful for any fire department vehicle when returning to its fire station from an emergency call to display a flashing red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear of the vehicle and no driver of any vehicle other than one on official business shall follow any such vehicle displaying said light closer than 300 feet.

Adopted. L. 1966, c. 289, §1.

39:4-92.2. Procedure for motorist approaching certain stationary vehicle.

a. The operator of a motor vehicle approaching a stationary authorized emergency vehicle as defined in R.S.39:1-1 that is displaying a flashing, blinking, or alternating red or blue light, or any configuration of lights containing one of these colors, shall approach the authorized emergency vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change pursuant to paragraph (1) of subsection a. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

b. The operator of a motor vehicle approaching a stationary tow truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84.6) that is displaying a flashing amber light, a stationary highway maintenance or emergency service vehicle that is operated by the State, an authority, or a county or municipality and displaying flashing yellow, amber, or red lights, or a stationary sanitation vehicle displaying a flashing amber warning light pursuant to section 1 of P.L.2011, c.3 (C.39:3-54.27) shall approach the vehicle with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1) Make a lane change into a lane not adjacent to the tow truck, highway maintenance or emergency service vehicle, or sanitation vehicle if possible in the existing safety and traffic conditions; or

(2) If a lane change under paragraph (1) of subsection b. of this section would be impossible, prohibited by law or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

c. A person who violates this section shall be punished by a fine of not less than \$100 and not more than \$500.

In addition to the fine imposed pursuant to this subsection, a person convicted of three or more offenses under this section that occur within a 12-month period shall be } {assessed two motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5)}.

A motor vehicle operator shall not be assessed motor vehicle penalty points unless the stationary vehicle is displaying flashing, blinking, or alternating lights in accordance with this section at the time of the third or subsequent violation.

Adopted. L. 2009, c. 5, §1, effective January 27, 2009. **Amended.** L. 2017, c. 43, §2, effective May 5, 2017; L. 2019, c. 370, §1, effective January 1, 2020

39:4-92.3. Public awareness campaign. The Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety shall establish a public awareness campaign to inform the general public concerning:

(1) the importance of motor vehicle operators reducing the speed of their vehicles and changing lanes when approaching an authorized emergency vehicle; tow truck; or highway maintenance, emergency service, or sanitation vehicle that is displaying flashing, blinking, or alternating emergency lights as required pursuant to section 1 of P.L.2009, c.5 (C.39:4-92.2);

(2) the risks associated with the failure of a motor vehicle operator to comply with the provisions of section 1 of P.L.2009, c.5 (C.39:4-92.2); and

(3) the penalties and fines that are imposed on a motor vehicle operator who violates section 1 of P.L.2009, c.5 (C.39:4-92.2).

Adopted. L. 2019, c. 270, §2, effective January 1, 2020.

39:4-92.4. Definitions; procedures. a. As used in this section:

“Bicycle” shall have the same meaning as set forth in R.S.39:4-14.5.

“Low-speed electric bicycle” shall have the same meaning as set forth in R.S.39:1-1.

“Low-speed electric scooter” shall have the same meaning as set forth in R.S.39:1-1.

“Pedestrian” shall include, but not be limited to, a pedestrian as defined in R.S.39:1-1, a person in a wheelchair or motorized wheelchair as defined in R.S.39:1-1, a person employed by or who contracts with any public utility company in this State, a property maintenance worker, or any other person who is permitted by law to be upon the roadway for work or recreation.

b. The operator of a motor vehicle approaching a pedestrian, bicycle, low-speed electric bicycle, low-speed electric scooter, or any other lawful personal conveyance located or operating in an area designated for pedestrians or those conveyances, as appropriate, on the roadways of this State shall approach with due caution and shall, absent any other direction by a law enforcement officer, proceed as follows:

(1) when possible under existing safety and traffic conditions, make a lane change into a lane not adjacent to the pedestrian or personal conveyance;

(2) if a lane change cannot be made pursuant to paragraph (1) of this subsection, leave a reasonable and safe distance of not less than four feet while approaching the pedestrian or personal conveyance and maintain a distance of at least four feet until the motor vehicle has safely passed the conveyance; or

(3) if it is not possible, prohibited by law, or unsafe to make a lane change pursuant to paragraph (1) of this subsection or to leave a reasonable and safe distance of not less than four feet pursuant to paragraph (2) of this subsection, the motor vehicle operator shall reduce the speed of the motor vehicle to 25 miles per hour or a lower posted speed and be prepared to stop; the operator may pass the pedestrian or personal conveyance only if, considering the size and speed of the motor vehicle, traffic conditions, weather, visibility, and the surface and width of the roadway, passing does not endanger the safety of a pedestrian, operator of the personal conveyance, or any other person on the roadway.

c. A person who commits a violation of the provisions of this section which results in bodily injury as defined in N.J.S.2C:11-1 shall be fined \$500 and assessed two motor vehicle penalty points; if no bodily injury results, the violator shall be fined \$100 and shall not be assessed any penalty points.

d. Nothing in this section shall be construed to preclude or limit a prosecution or conviction for a violation of any offense defined by the laws of this State or for any violation of Title 39 of the Revised Statutes.

Adopted. L. 2021, c. 194, §1, effective March 1, 2022.

39:4-93. Processions. If a procession takes longer than five minutes to pass a given point, it shall be interrupted every five minutes for the passage of traffic which may be waiting.

Authorized emergency vehicles, United States mail vehicles and physicians' vehicles shall have the right of way through a procession.

Amended. L. 1951, c. 23, §53.

39:4-94. Railroad blocking highway. No employee of a steam or electric railroad company shall operate a locomotive, train or crossing gate in such a manner as to unnecessarily prevent or interfere with the use of a highway for the purpose of travel.

39:4-94.1. Repealed.

Repealed. L. 1989, c. 32, §30, effective May 24, 1989.

39:4-94.2. Street closings; violation; penalty. Whenever by order of the Commissioner of the Department of Transportation, a State highway, or by resolution of a county governing body, a county public road, or by appropriate action of the governing body of a municipality, a municipal street or road is declared closed to traffic for any lawful purpose, and a notice of the closing has been posted at the beginning and ending points of the closed section of the highway, road, or street, and a barricade erected at those points, any person who without the permission of the commissioner or governing body of the county, or municipality, as the case may be:

a. Mutilates or removes the notice, or damages, destroys or removes any warning sign or signal, or removes the barricade placed or posted by the commissioner or county or municipal governing body, at any point along the highway, road or street in connection with or relating to the closed portion thereof; or

b. Drives a vehicle over or upon the closed section of the highway, road or street which he knows or should have reason to know has been closed to traffic; or

c. Violates any rule or regulation for the use of the highway, road or street duly made by the commissioner or county or municipal governing body, as authorized by law, he shall be subject to a fine of not more than \$100.00.

Adopted. L. 1981, c. 229, §1.

Article 12. SPEED.

39:4-95. "Vehicle" defined. As used in this article, the word "vehicle" includes street cars.

39:4-96. Reckless driving; punishment. A person who drives a vehicle heedlessly, in willful or wanton disregard of the rights or safety of others, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of reckless driving and be punished by imprisonment in the county or municipal jail for a period of not more than 60 days, or by a fine of not less than \$50.00 or more than \$200.00, or both.

On a second or subsequent conviction he shall be punished by imprisonment for not more than three months, or by a fine of not less than \$100 or more than \$500, or both.

Amended. L. 1955, c. 220, §1; L. 1982, c. 45, §3; L. 1995, c. 70, §2, effective April 10, 1995.

39:4-97. Careless driving. A person who drives a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of careless driving.

Amended. L. 1951, c. 23, §54; L. 1955, c. 220, §2; L. 1995, c. 70, §3, effective April 10, 1995.

39:4-97a. Destruction of agricultural or recreational property. No person shall operate a motor vehicle except a motor vehicle operated for emergency purposes by a fire department or ambulance or rescue squad, in a manner which causes the destruction of agricultural crops, fences, fields or other agricultural or

recreational property. "Recreational property" means any public or private property used as a golf course, park, or other similar purpose.

Adopted. L. 1985, c. 154, §1.

39:4-97.1. Impeding slow speed prohibited. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Adopted. L. 1955, c. 220, §3.

39:4-97.2. Driving, operating a motor vehicle in an unsafe manner, offense created; fines; surcharges. a. Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.

b. A person convicted of a first offense under subsection a. of this section shall be subject to a fine of not less than \$50.00 or more than \$150.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

c. A person convicted of a second offense under subsection a. of this section shall be subject to a fine of not less than \$100.00 or more than \$250.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

d. A person convicted of a third or subsequent offense under subsection a. of this section shall be subject to a fine of not less than \$200.00 or more than \$500.00 and shall be assessed motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

e. An offense committed under this section that occurs more than five years after the prior offense shall not be considered a subsequent offense for the purpose of assessing motor vehicle penalty points under subsection d. of this section.

f. In addition to any fine, fee or other charge imposed pursuant to law, the court shall assess a person convicted of an offense under subsection a. of this section a surcharge of \$250 which shall be collected by the court and distributed to the Division of Revenue in the Department of the Treasury as a New Jersey Merit Rating Plan surcharge pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35). The surcharge shall be assessed for offenses occurring on or after July 24, 2000 but before the first day of the first month next following the date the written notification required pursuant to subsection b. of section 2 of P.L.2019, c.301 (C.52:9S-3.1) is transmitted to the State Treasurer and the Chief Administrator of the Motor Vehicle Commission. The commission shall have no legal authority to collect any surcharge, together with any interest and administrative fees, that have been assessed but remain unpaid, or that may be levied and required to be paid, on or after that date.

Adopted. L. 2000, c. 75, §1, effective July 24, 2000. **Amended.** L. 2004, c. 69, §1, effective July 1, 2004; L. 2019, c. 301, §5, effective January 13, 2020.

39:4-97.2a. Disposition of certain surcharges. a. Notwithstanding the provisions of any other law to the contrary, all debts, including bonds, refunding bonds, notes, and other obligations and the costs thereof which remain outstanding as of the effective date of P.L.2019, c.301 (C.52:9S-3.1 et al.) and that have a pledge of revenues derived specifically from a surcharge imposed pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2), shall continue to be paid until those debts have been repaid in full pursuant to the terms of those debt contracts.

b. After the effective date of P.L.2019, c.301 (C.52:9S-3.1 et al.), no new debts, including bonds, notes, and other obligations shall be issued which pledges or includes revenues derived from a surcharge imposed pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) as a source of funding for the repayment of those new bonds, so that once the debts outstanding as of the effective date of P.L.2019, c.301 (C.52:9S-3.1 et al.) have been retired, the revenues collected pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) shall not be encumbered by a debt of any sort.

c. The provisions of this section shall not prohibit the State from refinancing or refunding any outstanding debts, including bonds, refunding bonds, notes, and other obligations, which remain outstanding as of the effective date of P.L.2019, c.301 (C.52:9S-3.1 et al.) and that have a pledge of revenues derived specifically from a surcharge imposed pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2), as long as such refinancing or refunding does not extend the maturity date beyond January 1, 2035.

Adopted. L. 2019, c. 301, §6, effective January 13, 2020.

39:4-97.3. Use of wireless telephone, electronic communication device in moving vehicle; definitions; enforcement. a. The use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle. For the purposes of this section, an "electronic communication device" shall not include an amateur radio.

Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to the use of a citizen's band radio or two-way radio by an operator of a moving commercial motor vehicle or authorized emergency vehicle on a public road or highway.

b. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if:

(1) The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or

(2) The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A hand-held wireless telephone user's telephone records or the testimony or written statements from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.

As used in this act:

"Citizen's band radio" means a mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen's band radio service use.

"Hands-free wireless telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand; provided, however, this definition

shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.

"Two-way radio" means two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission.

"Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

c. (Deleted by amendment, P.L.2007, c.198).

d. A person who violates this section shall be fined \$100.

e. No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense.

f. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop and undertake a program to notify and inform the public as to the provisions of this act.

g. Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.

Adopted. L. 2003, c. 310, §1, effective July 1, 2004. **Amended.** L. 2007, c. 198, §1, effective March 1, 2008; L. 2010, c. 40, §1, effective July 6, 2010.

39:4-97.4. Inapplicability of act to certain officials. The prohibitions set forth in this act shall not be applicable to any of the following persons while in the actual performance of their official duties: a law enforcement officer; a member of a paid, part-paid, or volunteer fire department or company; or an operator of an authorized emergency vehicle.

Adopted. L. 2003, c. 310, §2, effective July 1, 2004.

39:4-97.5. Supersedure, preemption of local ordinances. This act supersedes and preempts all ordinances of any county or municipality with regard to the use of a wireless telephone or electronic communication device by an operator of a motor vehicle.

Adopted. L. 2003, c. 310, §3, effective July 1, 2004. **Amended.** L. 2007, c. 198, §2, effective March 1, 2008.

39:4-98. Rates of speed. Subject to the provisions of R.S.39:4-96 and R.S.39:4-97 and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive it at a speed not exceeding the following:

a. (1) Twenty-five miles per hour, when passing through a school zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours;

(2) Twenty-five miles per hour on certain portions of Route 130 in Burlington City, Burlington County, as provided by paragraphs (1) and (2) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-98.12);

(3) Thirty-five miles per hour on certain portions of Route 130 in Burlington City, Burlington County, as provided by paragraphs (3) and (4) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-98.12);

b. (1) Twenty-five miles per hour in any business or residential district;

(2) Thirty-five miles per hour in any suburban business or residential district;

c. Fifty miles per hour in all other locations, except as otherwise provided in the "Sixty-Five MPH Speed Limit Implementation Act," pursuant to P.L.1997, c.415 (C.39:4-98.3 et al.).

Whenever it shall be determined upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, the Commissioner of Transportation, with reference to State highways, may by regulation and municipal or county authorities, with reference to highways under their jurisdiction, may by ordinance, in the case of municipal authorities, or by ordinance or resolution, in the case of county authorities, subject to the approval of the Commissioner of Transportation, except as otherwise provided in R.S.39:4-8, designate a reasonable and safe speed limit thereat which, subject to the provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful at all times or at such times as may be determined, when appropriate signs giving notice thereof are erected at such intersection, or other place or part of the highway. Appropriate signs giving notice of the speed limits authorized under the provisions of paragraph (1) of subsection b. and subsection c. of this section may be erected if the commissioner or the municipal or county authorities, as the case may be, so determine they are necessary. Appropriate signs giving notice of the speed limits authorized under the provisions of subsection a. and paragraph (2) of subsection b. of this section shall be erected by the commissioner or the municipal or county authorities, as appropriate.

When designating reasonable and safe speed limits for a street under its jurisdiction pursuant to this subsection, as part of an engineering and traffic investigation, a municipality or county shall consider, but not be limited to, the following criteria: residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; and the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities, or senior communities. Nothing in this paragraph shall substitute for traffic count, accident, and speed sampling data as appropriate.

The driver of every vehicle shall, consistent with the requirements of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

The Commissioner of Transportation shall cause the erection and maintenance of signs at such points of entrance to the State as are deemed advisable, setting forth the lawful rates of speed, the wording of which shall be within the commissioner's discretion.

Amended. L. 1939, c. 211, §1; L. 1942, c. 325, §1; L. 1951, c. 23, §55; L. 1983, c. 227, §2; L. 1993, c. 315, §2, effective December 23, 1993; L. 1997, c. 415, §1, effective January 19, 1998; L. 2009, c. 258, §1, effective January 17, 2010; L. 2019, c. 5, §4, effective January 31, 2019.

39:4-98.1. Designation of lower maximum speed limits for trucks of 10,000 pounds and over. In accordance with the provisions of section 39:4-98 of the Revised Statutes, the State Highway Commissioner may, by regulation and identification by appropriate signs, designate lower maximum speed limits for trucks of a registered gross weight of 10,000 pounds and over, at a differential of 5 miles per hour, on State highways, or appropriate portions thereof, having 4 or more traffic lanes, where the legal speed limit is 50 miles per hour or greater.

Adopted. L. 1960, c. 100, §1.

39:4-98.2. Temporary reduction of regular speed limit. Any county or municipal governing body may adopt an ordinance or resolution, as appropriate, designating a county or municipal official who may order a reduction of a regular speed limit for periods not to exceed 72 hours on segments of highways under its jurisdiction for the purpose of maintenance or repairs. Any resolution or ordinance adopted pursuant to this act shall specify the circumstance under which a speed limit may be reduced.

An order reducing the speed limit pursuant to this act shall not require the approval of the Commissioner of Transportation; provided, however, that it shall be the duty of the designated county or municipal official to notify the commissioner of the affected segment of highway no less than 7 days before any reduced speed limit takes effect; except that in cases of emergency situations the notification period may be waived by the commissioner. It shall be the duty of the designated county or municipal official to place one or more signs indicating the reduced speed limit along the affected highway.

Any speed limit established pursuant to this act shall be prima facie lawful and subject to the provisions of R.S. 39:4-96 and 39:4-97 when appropriate signs giving notice thereof are erected.

Adopted. L. 1981, c. 237, §1.

39:4-98.3. Short title. This act may be known and shall be cited as the “Sixty-Five MPH Speed Limit Implementation Act.”

Adopted. L. 1997, c. 415, §2, effective January 19, 1998.

39:4-98.4. Definitions relative to 65 MPH speed limit. As used in this act: “Authorities” means the New Jersey Turnpike Authority and the South Jersey Transportation Authority.

“Commissioner” means the Commissioner of Transportation.

“Eligible public highways” means public highways as defined in section 3 of P.L. 1984, c. 73 (C.27:1B-3) of which portions have been determined by the commissioner to be appropriate for a 65 miles per hour speed limit based on such criteria as determined by the commissioner. Public highways under the jurisdiction of counties and municipalities shall not be eligible public highways.

Adopted. L. 1997, c. 415, §3, effective January 19, 1998; L. 2013, c. 253, §22, effective January 17, 2014.

39:4-98.5. Establishment of eligible highways; notice; signs. a. Within four months following the effective date of this act, the commissioner, in consultation with the Attorney General and the authorities, shall establish by written order speed limits of 65 miles per hour on approximately 400 miles of eligible public highways. The commissioner, pursuant to section 7 of this act, may increase or

decrease the number of miles of eligible public highways on which a 65 miles per hour speed limit has been established.

b. An order to be issued pursuant to subsection a. of this section shall cite the eligible public highways to which it is to be applicable and contain a description in plain language of the order's contents, the effective date of the order and any other information the commissioner deems necessary.

c. The commissioner shall cause a general public notice of the proposed order, including a summary of the provisions of the proposed order, to be published in a newspaper or newspapers having general circulation in the municipality or municipalities affected by the order. The notice shall include a telephone number or address which a member of the public may use to receive a copy of the complete text of the proposed order and shall provide for a 30-day period from the date of publication for public comment. The order shall be final on the 31st day after publication of the notice or on a later date if the commissioner so determines. Nothing in this subsection shall be construed as prohibiting the commissioner from extending the comment period or from modifying or withdrawing the proposed order as a result of the review of public comment.

d. A final order shall be effective and enforceable upon compliance with the requirement for the posting of signs providing notice of the speed limit, as provided under the applicable provisions of R.S.39:4-98 and R.S.39:4-198.

e. Any official traffic control device established pursuant to this section shall conform to the "Manual on Uniform Traffic Control Devices."

f. Any order issued pursuant to this section shall be binding and enforceable under the provisions of Title 39 of the Revised Statutes and all other applicable laws, in any court of competent jurisdiction, until superseded by order of the commissioner pursuant to this act.

Adopted. L. 1997, c. 415, §4, effective January 19, 1998.

39:4-98.6. Fines; signs; driver manual and motorist guide. a. The fine for a motor vehicle offense embodied in the following sections of statutory law, when committed in an area which has been designated as having a speed limit of 65 miles per hour, shall be double the amount specified by law:

R.S.39:4-52;

R.S.39:4-57;

R.S. 39:4-80;

R.S. 39:4-81;

R.S. 39:4-84;

R.S. 39:4-85;

R.S. 39:4-86;

R.S. 39:4-88;

R.S. 39:4-89;

R.S. 39:4-90;

R.S. 39:4-96;

R.S. 39:4-97;

R.S. 39:4-98, when guilty of driving at a speed that is 10 miles per hour or more over the established speed limit;

R.S. 39:4-126;

R.S. 39:4-127;

R.S. 39:4-129;

R.S. 39:4-144;

P.L. 1955, c.217 (C.39:5C-1);

Section 41 of P.L. 1951, c.23 (C.39:4-82.1);

Section 51 of P.L. 1951, c.23 (C.39:4-90.1);

Section 5 of P.L. 1951, c.264 (C.27:23-29);

Section 18 of P.L. 1952, c.16 (C.27:12B-18); and

Section 21 of P.L. 1991, c.252 (C.27:25A-21).

b. (1) Signs designed in compliance with the specifications of the Department of Transportation or, if appropriate, the authority having jurisdiction over the appropriate highway, shall be appropriately placed, by order of the commissioner or the affected authority, as the case may be, to notify drivers approaching areas designated as having a speed limit of 65 miles per hour that the fines are doubled for motor vehicle offenses in those areas.

(2) In addition, all traffic control signs and devices erected or displayed by the State Department of Transportation or an authority within an area designated as having a speed limit of 65 miles per hour shall conform to the uniform system specified in the most current "Manual on Uniform Traffic Control Devices for Streets and Highways," prepared by the Federal Highway Administration in the United States Department of Transportation.

c. It shall not be a defense to the imposition of the fines authorized under the provisions of this act that a sign notifying drivers that fines are doubled was not posted, improperly posted, wrongfully removed or stolen, or that signs or devices were not placed in compliance with the most current "Manual on Uniform Traffic Control Devices for Streets and Highways."

d. The Director of Motor Vehicles in the Department of Transportation shall include information concerning the penalties imposed pursuant to this section in any subsequent revision of the New Jersey Driver Manual and the New Jersey Motorist Guide.

Adopted. L. 1997, c. 415, §5, effective January 19, 1998.

39:4-98.7. Speeding 20 mph or more over limit; fines, certain; doubled.

The fine for a motor vehicle offense shall be double the amount specified by law when traveling 20 miles per hour or more over the designated speed limit as set forth in R.S.39:4-98, except as provided in subsection b. of section 1 of P.L.1993, c.332 (C.39:4-203.5) and subsection a. of section 5 of P.L.1997, c.415 (C.39:4-98.6).

Adopted. L. 1997, c. 415, §6, effective January 19, 1998.

39:4-98.8. Study of impact, report, implementation of recommendations.

a. During the first 18 months following the establishment of 65 miles per hour speed limits on eligible public highways pursuant to section 4 of this act, the commissioner, in consultation with the Attorney General and the authorities, shall conduct a study to determine the overall impact of this act. The study shall consider public safety, environmental and cost issues, including, but not limited to speed, accident rates, fatalities, enforcement, air quality and such other issues as the commissioner deems appropriate to evaluate fully the effect of the 65 miles per hour speed limit on the State.

b. A report of the study's findings and recommendations, including a recommendation as to whether the number of miles of eligible public highways should increase, decrease or remain the same, shall be submitted to the Governor, President of the Senate and Speaker of the General Assembly no later than 21 months after the establishment of 65 miles per hour speed limits on eligible public highways pursuant to section 4 of this act.

c. The commissioner shall implement the recommendations contained in the report 60 days following the report's submission to the Governor and Legislature unless the recommendations, either all or in part, are disapproved each by the Senate and the General Assembly by passage of a concurrent resolution stating, in substance, that the Legislature does not favor the recommendations. If the recommendations are disapproved in part by concurrent resolution, the commissioner shall implement those recommendations that are not disapproved.
Adopted. L. 1997, c. 415, §7, effective January 19, 1998.

39:4-98.9. Emergency changes. a. Notwithstanding any other provision of law to the contrary, the commissioner is authorized to set or change by emergency order, for periods of up to 60 days, the speed limit on any public highway based on emergent conditions, such as construction work, dangerous conditions, extreme congestion or traffic problems, imminent peril, or imminent risk to motorists or to the public safety.

b. An emergency order issued pursuant to this section shall cite the portions of public highway to which it is to be applicable, a description in plain language of what the order requires, the effective date of the order, and any other information the commissioner deems necessary.

c. An emergency order issued pursuant to this section shall be final upon the signature of the commissioner, or on a later date if the commissioner so determines, and shall be effective and enforceable upon compliance with the requirement for the posting of signs providing notice of the speed limit, as provided under the applicable provisions of R.S.39:4-98 and R.S.39:4-198.

d. An emergency order issued pursuant to this section may, upon its expiration date, be renewed by the commissioner for additional 60-day periods, until the emergent condition necessitating the emergency order is mitigated.

e. Any official traffic control device established pursuant to this section shall conform to the "Manual on Uniform Traffic Control Devices."

Adopted. L. 1997, c. 415, §8, effective January 19, 1998.

39:4-98.10. "Antwan's Law". This act shall be known and may be cited as "Antwan's Law."

Adopted. L. 2019, c. 5, §1, effective January 31, 2019.

39:4-98.11. Findings and declarations regarding "Antwan's Law". The Legislature finds and declares:

a. Route 130 is one of the most dangerous roadways in the State for pedestrians, evidenced by the fact that it was adjudged the most dangerous roadway in New Jersey by the Tri-State Transportation Campaign for five consecutive years from 2011 to 2015.

b. Since 2009, Route 130 has never ranked lower than second on the Tri-State Transportation Campaign's list of most dangerous roadways for pedestrians.

c. The portion of Route 130 in Burlington City, Burlington County is particularly dangerous because its northbound and southbound lanes are separated by a block of commercial properties that contains several popular locales, including a prominent convenience store, two fast food restaurants, two pizza places, a pharmacy, an omelette house, and an ice cream parlor.

d. In addition, Burlington City High School is directly adjacent to the northbound lanes of Route 130 in Burlington City and the Wilbur Watts Intermediate School is directly adjacent to the southbound lanes of Route 130 in Burlington City.

e. A large portion of the Burlington City High School student body resides west of Route 130, necessitating many students of the high school to cross Route 130 in order to get to and from school.

f. The proximity of the northbound and southbound lanes to the two schools, the existence of several commercial properties frequented by members of the student body of those two schools and by residents of the city, and the fact that many students cross Route 130 in order to get to and from school creates a dangerous set of circumstances that threatens the safety of the students and residents of Burlington City.

g. Although the speed limit is reduced to 25 miles per hour on a portion of Route 130 in Burlington City when the presence of children is clearly visible from the roadway during recess or while children are going to or leaving school during opening or closing hours for the Burlington City High School and the Wilbur Watts Intermediate school, the speed limit is 40 miles per hour at all other times.

h. On May 22, 2016, Antwan Timbers, Jr. was returning home, after visiting one of the popular convenience stores located between the northbound and southbound lanes of Route 130 in Burlington City, when he was struck and killed by a passing motorist.

i. Antwan, a beloved member of his school and community, planned to play football and wrestle during the 2016-2017 school year, was a participant in Burlington City High School's Junior Reserve Officer Training Corps, and had expressed interest in joining the military after graduation.

j. Following his tragic death, Antwan's friends and schoolmates banded together to start a "25 Saves Lives" campaign, calling for a permanent, full-day reduction in the speed limit in the school zone along Route 130 in Burlington City.

k. The speed limit of 40 miles per hour on the portion of Route 130 adjacent to the Burlington City High School and the Wilbur Watts Intermediate School is too high and, accordingly, needs to be permanently reduced in the interest of public safety.

Adopted. L. 2019, c. 5, §2, effective January 31, 2019.

39:4-98.12. Speed limits on certain sections of Route 130; violation fine tripled. a. The driver of a motor vehicle shall not operate the motor vehicle at a speed in excess of:

(1) Twenty-five miles per hour on the northbound lanes of Route 130 between a point 300 feet south of the southerly curb line of Wood Street and Jacksonville Road in Burlington City, Burlington County;

(2) Twenty-five miles per hour on the southbound lanes of Route 130 between a point 400 feet north of the northerly curb line of East Federal Street and Wood Street in Burlington City, Burlington County;

(3) Thirty-five miles per hour on the northbound lanes of Route 130 between Lincoln Avenue and a point 300 feet south of the southerly curb line of Wood Street in Burlington City, Burlington County;

(4) Thirty-five miles per hour on the southbound lanes of Route 130 between Logan Avenue and a point 400 feet north of the northerly curb line of East Federal Street in Burlington City, Burlington County.

b. The fine for a violation of this section shall be triple the amount of the fine for a violation of R.S.39:4-98.

Adopted. L. 2019, c. 5, §3, effective January 31, 2019.

39:4-99. Exceeding speed limitations; speed specified in charge. It shall be prima facie unlawful for a person to exceed any of the foregoing speed limitations or any speed limitation in effect as established by authority of section 39:4-98 of this Title.

In every charge of violation of section 39:4-98 of this Title, the complaint and the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed which this article declares shall be prima facie lawful at the time and place of the alleged violation.

Amended. L. 1951, c. 23, §56.

39:4-100. Rate of speed across sidewalk. No vehicle or horse shall be driven or ridden across a sidewalk at a rate of speed greater than four miles per hour.

39:4-101. Speedways. Nothing in this article shall apply to a speedway, constructed with the permission of the local authorities or the board of freeholders, as the case may be, of the county or counties in which the speedway is located, and built or intended for the exclusive use of motor vehicles, if the speedway at no point crosses a highway, railroad or railway at grade.

39:4-102. Speeding by physicians in emergencies. If a physician's motor vehicle is stopped for exceeding the speed limit while in the act of responding to an emergency call, the registration number of the vehicle and the driver's license number may be inspected and noted and the physician shall then be allowed to proceed in the vehicle to his destination. Such proceedings may be taken subsequently as would have been proper had the person not been a physician.

39:4-103. Exemptions from speed regulations. Motor vehicles belonging to the military establishment, while in use for official purposes in time of riot, insurrection or invasion; all police officers, while the officers are engaged in the apprehension of violators of the law, or of persons charged with, or suspected of, a violation, are exempt from the provisions of this chapter relating to speed.

Amended. L. 1951, c. 23, §57; L. 1983, c. 403, §16.

39:4-103.1. Photo radar not permitted. a. Notwithstanding any law, rule or regulation to the contrary, a law enforcement officer or agency shall not use photo radar to enforce the provisions of chapter 4 of Title 39 of the Revised Statutes.

b. As used in this act, "photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a radar unit linked to a camera, which automatically produces a photograph of a vehicle traveling at a speed in excess of the legal limit.

Adopted. L. 1992, c. 91, §1, effective September 4, 1992.

39:4-104. Violations of article; penalty. A person violating a section of this article shall, for each violation, be subject to a fine of not less than \$50.00 or more than \$200.00, or imprisonment for a period not exceeding 15 days, or both, except as herein otherwise provided.

Amended. L. 1955, c. 221, §1; L. 1982, c. 45, §4.

Article 13. TRAFFIC SIGNALS.

39:4-105. Color system. Traffic signals or signal devices shall conform strictly with the provisions of this article.

A three-color system shall be used; red, amber and green. Green means permission for traffic to go, subject to the safety of others or the specific directions

of an officer, official sign or special signal. Red means traffic to stop before entering the intersection or crosswalk and remain standing until green is shown alone, unless otherwise specifically directed to go by an officer, official sign or special signal. Amber, or yellow, when shown alone following green means traffic to stop before entering the intersection or nearest crosswalk, unless when the amber appears the vehicle or street car is so close to the intersection that with suitable brakes it cannot be stopped in safety. A distance of fifty feet from the intersection is considered a safe stopping distance for a speed of twenty miles per hour, and vehicles and street cars if within that distance when the amber appears alone, and which cannot be stopped with safety, may proceed across the intersection or make a right or left turn unless the turning movement is specifically limited.

All other uses of green, red, amber or yellow lights so located as to be confused with traffic signals shall be discontinued.

39:4-106. Sequence of lights. The colors shall be shown in the following sequence: A green light displayed for a predetermined number of seconds followed by an amber light for a reasonable time necessary for the clearance of traffic, followed by a red light, followed by a green light. The timing of all lights shall be determined by the volume of traffic.

39:4-107. Period or cycle. The period or cycle shall be based on counts of turning and through traffic and study of turns, special intersections, distance between intersections and speeds permitted.

39:4-108. Semaphores. Semaphores shall have four vanes or sides, the stop vanes having a red field with the word "stop" plainly visible thereon, and the go vanes a green field with the word "go" plainly visible thereon.

When used at night, semaphores shall be equipped with red and green lights, corresponding with the vanes or sides, and with the same meaning and visibility as electrically equipped signals.

39:4-109. Position of lenses. When a vertical arrangement of lenses is used, red shall be placed at the top, amber in the middle and green at the bottom. When it is necessary to place the lights horizontally, the order of the lights shall be red at the left, amber in the middle and green at the right.

39:4-110. Height of signals. Traffic signals shall be placed at such height as to be plainly visible to approaching traffic at a distance of at least one hundred and fifty feet from the intersection, and shall, if within the curb line and operated by electricity, be placed at a height of from eight to ten feet above the pavement. If on bracket, mast arm or cable, the signal shall clear the pavement by fourteen feet and six inches.

Amended. L. 1948, c. 422, §1.

39:4-111. Power of light. The light shall be of such power as to cause the signal to be visible for at least three hundred feet.

39:4-112. Visibility of signals to traffic. Traffic control signals shall be so located as to be plainly visible to all traffic to be regulated and shall provide at least two indications for each approach at the intersection. At least one signal face shall give an unmistakable indication to traffic approaching, as well as passing through the intersection area. This shall be accomplished by means of posts,

brackets, mast arms or cables so located that at least one signal face shall be to the right of, or over the traffic it is intended to control.

Amended. L. 1948, c. 422, §2.

39:4-113. Continuously controlled highway. Each intersection on a continuously controlled highway shall be controlled by signals or suitable signs. If traffic signals are not erected at every intersection it shall not be construed as a continuously controlled highway.

39:4-114. Traffic signal in paved roadway or poles in crosswalk lanes prohibited. No traffic signal shall be so located as to obstruct the paved width of the highway, nor shall poles carrying signal supports be so placed as to be in pedestrian crosswalk lanes. Where there is, or may hereafter be erected a fixed raised safety zone, the highway area covered by the raised safety zone shall not be construed to mean the paved width of the highway.

39:4-115. Making right or left turn. The driver of a vehicle or the motorman of a streetcar: a. intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a traffic or police officer, shall proceed to make either turn with proper care to avoid accidents and, except as provided in b. below, only upon the “go” signal unless otherwise directed by a traffic or police officer, an official sign or special signal; or b. intending to turn right at an intersection where traffic is controlled by a traffic control signal shall, unless an official sign of the State, municipality, or county authority having jurisdiction over the intersection prohibits the same, proceed to make the turn upon a “stop” or “caution” signal with proper care to avoid accidents after coming to a full stop, observing traffic in all directions, yielding to other vehicular traffic traveling in a direction in which the turn will be made, and stopping and remaining stopped for pedestrians crossing the roadway within a marked crosswalk, or at an unmarked crosswalk, into which the driver is turning. Both the approach for and the turn shall be made as close as practicable to the right-hand curb or edge of the roadway, unless such intersection is otherwise posted.

Amended. L. 1976, c. 46, §1; L. 2009, c. 319, §3, effective April 1, 2010.

39:4-116. Special right or left turn. Special right or left turn movements may be provided when approved by the director at intersections where traffic is controlled by traffic control signals, by incorporating an additional lens in the signal. This additional lens shall be a green arrow lens and shall designate the special right or left turn movement by the direction of the arrow.

When a green arrow lens is incorporated in a traffic control signal and the signal is operating to control traffic at an intersection, vehicles shall make turning movements in the direction of the arrow only when the lens is illuminated.

Amended. L. 1951, c. 23, §58.

39:4-117. Special pedestrian interval. A special pedestrian interval may be provided when approved by the director at intersections where traffic is controlled by traffic control signals.

When a special pedestrian interval is incorporated in the operation of a traffic control signal and signified by means of an approved indication, pedestrians shall cross the roadway only when the indication is illuminated, and vehicles and street cars shall stop and remain standing until the green is shown alone.

Amended. L. 1951, c. 23, §59.

39:4-118. Beacon or flashing signal. Beacon or flashing signals may be erected on pedestals or posts or suspended by means of mast arms or cables over the intersection, but the signal shall not be erected within the travelable portion of a highway, except as provided in section 39:4-114 of this Title.

Amended. L. 1951, c. 23, §60.

39:4-119. Operation of beacons and flashes; red; amber. Traffic control signals and beacon or flashing signals when operating as flashing mechanisms shall conform to the following:

a. Flashing red: The red lens when illuminated with rapid intermittent flashes shall require drivers to come to a complete stop before entering or crossing the intersection. The driver shall proceed only after yielding the right of way to all traffic on the intersecting street, which traffic is so close as to constitute an immediate hazard.

b. Flashing amber: The amber lens when illuminated with rapid intermittent flashes shall indicate the presence of danger and require drivers to proceed only with caution.

Amended. L. 1985, c. 59, §1.

39:4-120. Director to determine signals. The commissioner may determine the character, type, location, placing and operation of all traffic control signal devices on the highways of this State. The commissioner may adopt a manual and specifications for a uniform system of traffic control signals consistent with the provisions of this act for use upon public highways within the State. Such uniform system shall correlate with and so far as possible conform to the system then current as specified in the “Manual on Uniform Traffic Control Devices for Streets and Highways.”

Amended. L. 1951, c. 23, §61; L. 2003, c. 13, §51, approved January 28, 2003, effective on the date the Commissioner of Transportation certifies to the Governor (hereinafter the “date of certification”) that a majority of the members of the commission have been appointed or are in office and that all necessary anticipatory actions have been accomplished, provided, that the amount of revenues received pursuant to sections 109 and 110 prior to the date of certification are hereby appropriated to the division. Upon the date of certification, all such collected revenue shall be revenue of the commission. The Commissioner of Transportation, the Director of the Division of Motor Vehicles and the commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

39:4-120.1. Placing official traffic control signals. Official traffic control signals shall be placed only by the authority of a public body or official having jurisdiction as authorized by law and only for the purpose of regulating traffic.

Adopted. L. 1951, c. 23, §62.

39:4-120.2. Nighttime flashing traffic signals authorized. Subject to the provisions of R.S. 39:4-8 and P.L.1969, c. 65 (C. 27:1A-43 et seq.), a municipality may determine the operation of any approved traffic control device as a flashing mechanism on municipally-owned and maintained streets and roads during the offpeak hours between 10 p.m. to 6 a.m. of any day of the week.

Adopted. L. 1981, c. 437, §1.

39:4-120.3. Flashing traffic signal details submitted to Department of Transportation. Any municipality seeking to enact an ordinance, regulation or resolution under this act shall first submit written information to the Commissioner of the Department of Transportation indicating the location of the traffic control device where the use of flashing signals is requested, the intended hours of operation of such signal, data as to the traffic volume at, and the site

distances from, each intersection of, each location, and any other information requested by the commissioner.

Adopted. L. 1981, c. 437, §2.

39:4-120.4. State approval required before operation. Any ordinance, regulation or resolution adopted hereunder shall become effective on the ninetieth day following enactment unless it shall have been disapproved before that time by the commissioner; provided that the commissioner shall have received a certified copy of the ordinance, regulation or resolution, as the case may be, within 5 days of its enactment.

Adopted. L. 1981, c. 437, §3.

39:4-120.5. Definitions for regulation of traffic at public-private intersections. As used in this act:

a. "Private road open to the public" means a private road leading from an establishment open to the public including but not limited to a shopping center, restaurant, movie theater or arena.

b. "Public-private intersection" means the intersection of a private road open to the public with a highway.

Adopted. L. 1991, c. 298, §1, effective February 1, 1992.

39:4-120.6. Official traffic control devices at public-private intersections. The owner of a private road open to the public which forms a public-private intersection may erect an official traffic control device at the public-private intersection after obtaining the necessary approval in accordance with section 3 of this act [39:4-120.7]. All official traffic control devices shall conform to the same specifications as those regulating intersections.

Adopted. L. 1991, c. 298, §2, effective February 1, 1992.

39:4-120.7. Approval of official traffic control devices at public-private intersections. a. Where the public-private intersection contains a State highway, the Commissioner of Transportation by regulation shall approve the erection of an official traffic control device.

b. Where the public-private intersection contains a highway under the jurisdiction of local authorities, the local authorities by ordinance or resolution shall approve the erection of an official traffic control device, subject to the approval of the commissioner.

c. The commissioner by appropriate order may withdraw an official traffic control device from a public-private intersection.

Adopted. L. 1991, c. 298, §3, effective February 1, 1992.

39:4-120.8. Owner of private road to obtain, install and maintain official traffic control devices. The owner of the private road open to the public shall obtain, install and maintain any official traffic control device at a public-private intersection.

Adopted. L. 1991, c. 298, §4, effective February 1, 1992.

39:4-120.9. Drivers to obey traffic control devices. The driver of a motor vehicle shall observe and obey an official traffic control device erected at a public-private intersection in the same manner as those erected at any other intersection.

Adopted. L. 1991, c. 298, §5, effective February 1, 1992.

39:4-120.10. Penalty for failure to obey traffic control devices. For a violation of this act, the offender shall be subject to the same penalties as exist in connection with violations at public intersections.

Adopted. L. 1991, c. 298, §6, effective February 1, 1992.

39:4-120.11. Rules and regulations. The Commissioner of Transportation may promulgate rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

Adopted. L. 1991, c. 298, §7, effective October 4, 1991.

39:4-121. Traffic lights on state roads in suburban districts at location of fire engine houses; installation by state highway commissioner. The State Highway Commissioner, after proper investigation and survey, subject to the approval of the director, may install and maintain traffic lights upon State roads in suburban districts wherever a fire engine house is located within one thousand feet of such road or is located upon such road. The investigation and survey must clearly indicate a special hazard existing because of heavy traffic congestion or of traffic speed upon such road at the locality in question.

Amended. L. 1951, c. 23, §63.

39:4-121.1. Dangerous intersections in counties or municipalities; traffic lights; erection. Any county or municipality, wherein a dangerous intersection has been established by reason of the construction of a State highway within the territorial limits thereof, may apply to the State Highway Commissioner for the installation and maintenance of traffic lights at such intersection, and after an application is so made the commissioner shall cause to be made a proper investigation and survey concerning the traffic hazards which exist at such intersection. The State Highway Commissioner, after an investigation and survey, may install and maintain traffic lights at any intersection where an application, as hereinbefore provided for, has been made, but the installation of any traffic lights pursuant to this section shall receive the approval of the director.

Amended. L. 1951, c. 23, §64.

39:4-121.2. Expenses paid from state highway fund. The state highway commissioner may expend such moneys as may be necessary to install and maintain traffic lights at the places mentioned in section 39:4-121.1 of this title, said moneys to be withdrawn from those appropriated to the state highway commissioner from the state highway fund.

39:4-121.3. Installation or alteration of traffic control devices on county or municipal streets or highways. Upon approval by the Department of Transportation of a request by a county or municipality for the installation, alteration or maintenance of a traffic control device on a county or municipal street or highway, the county or municipality may, and is authorized to, enter into an agreement with the Commissioner of Transportation for the Department to perform the work or contract for the installation, alteration or maintenance at the expense of the county or municipality.

Adopted. L. 1972, c. 97, §1. **Amended.** L. 1989, c. 72, §1, effective April 14, 1989.

39:4-122. Signal by police whistle. A driver shall, upon one blast of a police whistle given by a police officer with hand raised, bring the vehicle to a full stop, and shall not proceed again until he receives a signal so to do from the officer. Three or more blasts of the police whistle is the signal for alarm and indicates the approach of a fire engine or other danger.

Article 14. TURNS, HAND SIGNALS, STARTING AND STOPPING.

39:4-123. Right and left hand turns. Except as otherwise provided in this article, the driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Amended. L. 1951, c. 23, §65.

39:4-124. Method of turning at intersection; commissioner and local authorities may determine. The State Highway Commissioner and local authorities, with reference to highways under their respective jurisdictions, may modify the method provided in section 39:4-123 of this Title, of turning at intersections by clearly indicating by buttons, markers or other direction signs, within an intersection, the course to be followed by vehicles turning therein. No driver shall fail to turn in the manner so directed when such direction signs are installed by said authorities.

Amended. L. 1951, c. 23, §66.

39:4-125. Turning on curve, grade or place where view obstructed or state highway marked with "no U turn" sign. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade or at any place upon a highway as defined in R.S. 39:1-1 where the view of such vehicle is obstructed within a distance of five hundred feet along the highway in either direction; and no such vehicle shall be turned around so as to proceed in the opposite direction on a highway which shall be conspicuously marked with signs stating "no U turn".

Amended. L. 1987, c. 81, §1.

39:4-126. Signaling before starting, turning or stopping. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 39:4-123, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway, or start or back a vehicle unless and until such movement can be made with safety. No person shall so turn any vehicle without giving an

appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear.

The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to front and rear, the signal shall be given by a device of a type which has been approved by the division.

When the signal is given by means of the hand and arm, the driver shall indicate his intention to stop or turn by extending the hand and arm from and beyond the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (a) Left turn.—Hand and arm extended horizontally.
- (b) Right turn.—Hand and arm extended upward.
- (c) Stop or decrease speed.—Hand and arm extended downward.

Amended. L. 1951, c. 23, §67; L. 1956, c. 107, §2.

39:4-127. Backing or turning in street. No vehicle shall back or make a turn in a street, if by so doing it interferes with other vehicles, but shall go around a block or to a street sufficiently wide to turn in without backing.

39:4-127.1. Railroad crossing; stopping. (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until the driver can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment;
2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;
3. A railroad train or other on-track equipment approaching within approximately 1500 feet of the highway crossing emits a signal audible from such distance and such railroad train or other on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Adopted. L. 1951, c. 23, §68. **Amended.** L. 2019, c. 422, §1. effective January 21, 2020.

39:4-127.2. Movable span bridges; duties of driver. No person shall drive any vehicle through, around, or under any gate or barrier at or on the approaches to a movable span bridge while such gate or barrier is closed or is being opened or closed, nor shall any person drive any vehicle in disobedience to the directions of

a traffic control signal or sign, police officer or duly authorized bridge tender, flagman or gateman, located at or in advance of said bridge.

Adopted. L. 1951, c. 23, §69.

39:4-128. Certain vehicles required to stop at railroad crossings; exempt crossings. (a) The driver of any omnibus, designed for carrying more than six passengers, or of any school bus carrying any school child or children, or of any vehicle carrying explosive substance or flammable liquids as a cargo or part of a cargo, or of any commercial motor vehicle specified in 49 C.F.R. s.392.10(a) (1) through (6), before crossing at grade any track or tracks of a railroad shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped listen and look in both directions along such track or tracks, for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks. This section shall not apply to grade crossings which are no longer used for railroad traffic and which have been abandoned by the railroad company provided that appropriate signs have been posted to indicate that such grade crossing has been abandoned or is no longer used for any railroad traffic. This section shall not apply to grade crossings where the railroad track has been removed or paved over and the warning signs erected by the railroad in accordance with R.S.48:12-58 have been removed, provided that in such case written notice is given to the Commissioner of Transportation and to the appropriate State or local authority having jurisdiction over the highway, road, or street prior to the undertaking of such removal or paving of railroad track. This section shall also not apply to grade crossings marked with a sign reading "Exempt Crossing."

The Commissioner of Transportation is hereby vested with the exclusive authority to designate and mark any railroad grade crossings across any street or highway in this State with a sign "Exempt Crossing." The commissioner shall hold a public hearing before designating any crossing as exempt with notice of such hearing to be served in accordance with regulations promulgated by the commissioner.

The commissioner shall designate a grade crossing an exempt crossing when the potential for damage and injury from accidents between motor vehicles required to stop at grade crossings and other motor vehicles traveling in the same direction exceeds that between a train and the vehicles required to stop by law. Crossings designated as exempt crossings may include, but shall not be limited to, industrial, spurline and secondary crossings. The commissioner shall promulgate such regulations as are necessary to effectuate the purpose of the establishment of exempt crossings.

(b) No person shall operate or move any crawler-type tractor, wheel tractor, tractor engine with or without trailer or trailers attached, steam shovel, derrick, roller, self-propelled concrete mixer, or any self-propelled vehicle, commercial motor vehicle, equipment, machinery, apparatus or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than 1/2 inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway,

upon or across any track or tracks at a railroad grade crossing without first complying with the following requirements.

Notice of any such intended crossing shall be given to the nearest superintendent or trainmaster of such railroad. Such notice shall specify the approximate time of crossing and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

After concluding satisfactory arrangements with the proper officer of the railroad and before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track or tracks for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall not proceed until the crossing can be made safely.

No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car or other on-track equipment. If the flagman is provided by the railroad, movement over the crossing shall be made under his jurisdiction.

(c) Any person violating the provisions of this section shall be punished by a fine of not more than \$50 for the first offense and for the second offense a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

(d) This section shall not be construed as limiting the authority of any municipality to adopt police regulations governing the operation of omnibuses and to provide penalties for their violation, or to relieve the owner or operator of such omnibus subject to the jurisdiction of the Board of Public Utilities from any penalty prescribed by the laws of this State for violation of orders of such board.

Amended. L. 1938, c. 164, §1; L. 1941, c. 260, §3; L. 1950, c. 294, §1; L. 1951, c. 23, §70; L. 1971, c. 393, §1; L. 1973, c. 177, §1; L. 1979, c. 48, §1; L. 2005, c. 147, §9, effective September 30, 2005; L. 2019, c. 422, §2, effective January 21, 2020.

39:4-128.1. School buses stopped for children, certain disabled persons, duty of motorists, bus driver; violations, penalties. On highways having roadways not divided by safety islands or physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus, which is being used for the transportation of children to or from school or a summer day camp or any school connected activity, or which is being used for the transportation of a person who has a developmental disability, and which has stopped for the purpose of receiving or discharging any child or a person who has a developmental disability, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child or person who has a developmental disability has entered said bus or has alighted and reached the side of such highway and until a flashing red light is no longer exhibited by the bus; provided, such bus is designated as a school bus by one sign on the front and one sign on the rear, with each letter on such signs at least four inches in height.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle overtaking a school bus, which has stopped for the purpose of receiving or discharging any child or any person who has a developmental disability, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child or person who has a developmental disability has entered said bus or has alighted

and reached the side of the highway and until a flashing red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the purpose of receiving or discharging any child, or any person who has a developmental disability shall reduce the speed of his vehicle to not more than 10 miles per hour and shall not resume normal speed until the vehicle has passed the bus and has passed any child who may have alighted therefrom or be about to enter said bus.

For purposes of this section, "highway" means the entire width between the boundary lines of every way whether publicly or privately maintained when any part thereof is open to the public for purposes of vehicular travel.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children to enter a school, or a summer day camp or any school connected activity, which is located on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass said bus without stopping, but at a speed not in excess of 10 miles per hour.

Whenever a school bus is parked at the curb for the purpose of receiving or discharging a person who has a developmental disability on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass the bus without stopping, but at a speed not in excess of 10 miles per hour.

The driver of a bus which is being used for the transportation of children to or from school or a summer day camp or any school connected activity, or for the transportation of a person who has a developmental disability shall continue to exhibit a flashing red light and shall not start his bus until every child who may have alighted therefrom shall have reached a place of safety.

Any person who shall violate any provision of this act shall be subject to (1) a fine of not less than \$100.00, (2) imprisonment for not more than 15 days or community service for 15 days in such form and on such terms as the court shall deem appropriate, (3) or both for the first offense, and a fine not less than \$250.00, imprisonment for not more than 15 days, or both for each subsequent offense. The penalties shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes. There shall be a rebuttable presumption that the registered owner of the vehicle which was involved in the violation of this section was the person who committed the act. Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of \$100.

The Chief Administrator of the Motor Vehicle Commission may also revoke the license to drive a motor vehicle of any person who shall have been guilty of such willful violation of any of the provisions of this act as shall, in the discretion of the chief administrator, justify such revocation, but the chief administrator shall, at all times, have power to validate such a license which has been revoked, or to grant a new license to any person whose license to drive a motor vehicle shall have been revoked pursuant to this act.

Adopted. L. 1942, c. 192, §1. **Amended.** L. 1948, c. 132, §1; L. 1949, c. 102, §1; L. 1951, c. 23, §71; L. 1966, c. 234, §1; L. 1968, c. 171, §1; L. 1983, c. 27, §1; L. 1989, c. 319, §1, effective January 12, 1990; L. 1992, c. 72, §1, effective July 30, 1992; L. 2000, c. 85, §2, effective August 14, 2000; L. 2012, c. 20, §2, effective July 12, 2012.

39:4-128.2. Repealed.

Repealed. L. 1989, c. 36, §1, effective March 9, 1989.

39:4-128.3. Frozen desserts purchased from vendor in a motor vehicle; definitions. For the purposes of this act:

a. “Division” means the Division of Motor Vehicles.

b. “Frozen dessert truck” means every motor vehicle in which frozen desserts are carried for purposes of retail sale on the streets of the State.

c. “Vend” or “vending” means offering frozen desserts for sale from a motor vehicle on the streets of the State.

d. “Frozen desserts” means ice cream, frozen custard, French ice cream, French custard ice cream, sherbet, fruit sherbet, ice milk, ice, water ice, nonfruit sherbets, nonfruit water ices, freezer made milk shakes, quiescently frozen confection, quiescently frozen dairy confection, whipped cream confection, bisque tortoni, artificially sweetened ice cream, or artificially sweetened ice milk, special frozen dietary foods, frozen yogurt, mellorine frozen desserts, as all such products are commonly known, together with any such mix used in frozen desserts and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as such products are customarily prepared or frozen whether made with dairy or non-dairy products and ice flavored with syrup.

Adopted. L. 1979, c. 438, §1.

39:4-128.4. Vehicles approaching or overtaking a stopped frozen dessert truck; regulations. a. The driver of a vehicle approaching or overtaking from either direction a frozen dessert truck stopped on the highway shall stop before reaching the truck when the flashing red lights and stop signal arm described in section 3 [39:4-128.5] are in use. After stopping, a driver may proceed past such truck at a reasonable and prudent speed, not exceeding 15 miles per hour, and shall yield the right of way to any pedestrian who crosses the roadway to or from the frozen dessert truck.

b. The driver of a vehicle on a highway having dual or multiple roadways separated by safety islands or physical traffic separation installations need not stop upon meeting or passing a frozen dessert truck on another roadway.

Adopted. L. 1979, c. 438, §2.

39:4-128.5. Required equipment for frozen dessert truck. In addition to other equipment required by law, every frozen dessert truck shall be equipped with:

a. Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be 5 to 7 inches in diameter and shall display two alternately flashing red lights visible at 500 feet to the front and rear in normal sunlight upon a straight level highway.

b. A stop signal arm that can be extended horizontally from the left side of the truck. When such arm is extended, the side of the stop signal arm nearest the truck shall be 7 1/4 inches long and parallel to the side of the truck. The side furthest from the truck shall be 18 inches long and parallel to the side nearest the truck. The two sides shall be 18 inches apart creating a symmetrical, trapezoidal shape. Two alternately flashing red lights shall be located in the outside corners of the extended signal arm and such corners shall be rounded to conform with the shape of the lights. Each red light shall be 3 to 5 inches in diameter and visible at 300 feet to the front and rear in normal sunlight upon a straight and level street. Both sides of the signal arm shall have a red reflectorized background and the following legend: The word “STOP” shall appear in 6-inch high, 1 inch wide white letters in the middle of the signal arm; above the word “STOP,” the phrase “IF SAFE” shall

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appear in 2 inch high, one-quarter inch wide white letters; below the word "STOP," the phrase "THEN GO" shall appear in 2 inch high, one-quarter inch wide white letters. All colors shall meet specifications in the most recently published Federal Highway Administration Standard Color Charts. The bottom of the extended signal arm shall be 42 inches above the street.

c. A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the truck obscured by the hood.

Adopted. L. 1979, c. 438, §3.

39:4-128.6. Use of flashing lights and stop signal arm. a. The driver of a frozen dessert truck stopped on the highway for the purpose of vending shall actuate the special red flashing lights and extend the stop signal arm required by section 3 [39:4-128.5].

b. These lights and the stop signal arm shall not be used when the truck is in motion nor at any time the truck is stopped for a purpose other than vending.

Adopted. L. 1979, c. 438, §4.

39:4-128.7. Restrictions on vending. a. A person shall not vend on streets where the speed limit exceeds 30 miles per hour.

b. A person shall not vend within 500 feet of any property used as a grade or junior high or middle school from 1 hour before the regular school day to 1 hour after the regular school day; provided, this subsection shall not apply on days when school is not attended by children nor on school property when vending has been approved in writing by the board of education.

c. A person shall vend only when the frozen dessert truck is lawfully parked or stopped.

d. A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or edge of the highway.

e. A person shall not vend to a person standing in the roadway.

f. A person shall not stop on the left side of a one-way highway to vend.

Adopted. L. 1979, c. 438, §5.

39:4-128.8. Backing up to make sale prohibited. The driver of a frozen dessert truck shall not back up the same to make or attempt a sale.

Adopted. L. 1979, c. 438, §6.

39:4-128.9. Unauthorized person not permitted to ride on or in truck. a. The driver of a frozen dessert truck shall not permit any unauthorized person to ride in or on the vehicle.

b. A person shall not ride in or on a frozen dessert truck unless employed by its owner or unless authorized in writing to do so by the owner or police department.

Adopted. L. 1979, c. 438, §7.

39:4-128.10. Penalty. Any person violating any provision of this act shall be liable for a penalty of not more than \$100.00 for each offense, which may be enforced by summary proceedings.

Adopted. L. 1979, c. 438, §8.

39:4-128.11. Regulations relative to certain commercial vehicles stopping at railroad crossings. a. A driver of a commercial motor vehicle, other than a commercial motor vehicle that is required to stop at a railroad crossing in accordance with R.S.39:4-128, shall, upon approaching a railroad grade crossing, drive at a rate of speed that will permit the commercial motor vehicle to be stopped before reaching the nearest rail of the crossing. A driver shall not drive a

commercial motor vehicle upon or over a railroad crossing until the driver has exercised due caution to ascertain that a train or other on-track equipment is not approaching the crossing.

b. A driver of a commercial motor vehicle, other than a commercial motor vehicle that is required to stop at a railroad crossing in accordance with R.S.39:4-128, shall stop that commercial motor vehicle before reaching the nearest rail of the crossing, if the tracks of the crossing are not clear of other vehicles or if there is insufficient space to drive the commercial motor vehicle completely through the crossing without stopping the commercial motor vehicle.

c. An employer shall not knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle in violation of R.S.39:4-128, section 68 of P.L.1951, c.23 (C.39:4-127.1), or this section. An employer who is convicted of any such violation shall be fined not more than \$10,000.

Adopted. L. 2005, c. 147, §10, effective September 30, 2005. **Amended.** L. 2019, c. 422, §3. effective January 21, 2020

Article 15. ACCIDENTS AND REPORTS.

39:4-129. Action in case of accident. (a) The driver of any vehicle, knowingly involved in an accident resulting in injury or death to any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined not less than \$2,500 nor more than \$5,000, or be imprisoned for a period of 180 days, or both. The term of imprisonment required by this subsection shall be imposed only if the accident resulted in death or injury to a person other than the driver convicted of violating this section.

In addition, any person convicted under this subsection shall forfeit his right to operate a motor vehicle over the highways of this State for a period of one year from the date of his conviction for the first offense and for a subsequent offense shall thereafter permanently forfeit his right to operate a motor vehicle over the highways of this State.

(b) The driver of any vehicle knowingly involved in an accident resulting only in damage to a vehicle, including his own vehicle, or other property which is attended by any person shall immediately stop his vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined not less than \$200 nor more than \$400, or be imprisoned for a period of not more than 30 days, or both, for the first offense, and for a subsequent offense, shall be fined not less than \$400 nor more than \$600, or be imprisoned for a period of not less than 30 days nor more than 90 days or both.

In addition, a person who violates this subsection shall, for a first offense, forfeit the right to operate a motor vehicle in this State for a period of six months from the date of conviction, and for a period of one year from the date of conviction for any subsequent offense.

(c) The driver of any vehicle knowingly involved in an accident resulting in injury or death to any person or damage to any vehicle or property shall give his

name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or whose vehicle or property was damaged and to any police officer or witness of the accident, and to the driver or occupants of the vehicle collided with and render to a person injured in the accident reasonable assistance, including the carrying of that person to a hospital or a physician for medical or surgical treatment, if it is apparent that the treatment is necessary or is requested by the injured person.

In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under this subsection, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (a) and (b) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the local police department or of the county police of the county or of the State Police and submit thereto the information specified in this subsection.

(d) The driver of any vehicle which knowingly collides with or is knowingly involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or, in the event an unattended vehicle is struck and the driver or owner thereof cannot be immediately located, shall attach securely in a conspicuous place in or on such vehicle a written notice giving the name and address of the driver and owner of the vehicle doing the striking or, in the event other property is struck and the owner thereof cannot be immediately located, shall notify the nearest office of the local police department or of the county police of the county or of the State Police and in addition shall notify the owner of the property as soon as the owner can be identified and located. Any person who violates this subsection shall be punished as provided in subsection (b) of this section.

(e) There shall be a permissive inference that the driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage in the amount of \$250.00 or more to any vehicle or property has knowledge that he was involved in such accident.

For purposes of this section, it shall not be a defense that the operator of the motor vehicle was unaware of the existence or extent of personal injury or property damage caused by the accident as long as the operator was aware that he was involved in an accident.

There shall be a permissive inference that the registered owner of the vehicle which was involved in an accident subject to the provisions of this section was the person involved in the accident; provided, however, if that vehicle is owned by a rental car company or is a leased vehicle, there shall be a permissive inference that the renter or authorized driver pursuant to a rental car contract or the lessee, and not the owner of the vehicle, was involved in the accident, and the requirements and penalties imposed pursuant to this section shall be applicable to that renter or authorized driver or lessee and not the owner of the vehicle.

Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of not less than \$250 or more than \$1,000.

Amended. L. 1940, c. 147, §1; L. 1967, c. 189, §1; L. 1977, c. 407, §1; L. 1978, c. 180, §1; L. 1979, c. 463, §1; L. 1994, c. 183, §1, effective December 23, 1994; L. 2003, c. 55, §1, effective June 1, 2003; L. 2007, c. 266, §1, effective January 13, 2008.

39:4-130. Reports of accidents. The driver of a vehicle or street car involved in an accident resulting in injury to or death of any person, or damage to property of any one person in excess of \$500.00 shall by the quickest means of communication give notice of such accident to the local police department or to the nearest office of the county police of the county or of the State Police, and in addition shall within 10 days after such accident forward a written report of such accident to the division on forms furnished by it. Such written reports shall contain sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved and such information as may be necessary to enable the director to determine whether the requirements for the deposit of security required by law are inapplicable by reason of the existence of insurance or other circumstances. The director may rely upon the accuracy of the information contained in any such report, unless he has reason to believe that the report is erroneous. The division may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it when in the opinion of the division, the original report is insufficient. The reports shall be without prejudice, shall be for the information of the division, and shall not be open to public inspection. The fact that the reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any proceeding or action arising out of the accident.

Whenever the driver of a vehicle is physically incapable of giving immediate notice or making a written report of an accident as required in this section and there was another occupant in the vehicle at the time of the accident capable of giving notice or making a report, such occupant shall make or cause to be made said notice or report not made by the driver.

Whenever the driver is physically incapable of making a written report of an accident as required by this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall make such report not made by the driver.

In those cases where a driver knowingly violates the provisions of this section by failing to make a written report of an accident, there shall be a permissive inference that the registered owner of the vehicle which was involved in that accident was the person involved in the accident; provided, however, if that vehicle is owned by a rental car company or is a leased vehicle, there shall be a permissive inference that the renter or authorized driver pursuant to a rental car contract or the lessee, and not the owner of the vehicle, was the person involved in the accident, and the requirements and penalties imposed pursuant to this section shall be applicable to that renter or authorized driver or lessee and not the owner of the vehicle.

Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of not less than \$250 or more than \$1,000.

A written report of an accident shall not be required by this section if a law enforcement officer submits a written report of the accident to the division pursuant to R.S.39:4-131.

Except as otherwise provided in this section, a person who knowingly violates this section shall be fined not less than \$30 or more than \$100.

The director may revoke or suspend the operator's license privilege and registration privilege of a person who violates this section.

For purposes of this section, it shall not be a defense that the operator of the motor vehicle was unaware of the existence or extent of personal injury or property damage caused by the accident as long as the operator was aware that he was involved in an accident.

Amended. L. 1951, c. 23, §72; L. 1953, c. 187, §1; L. 1967, c. 189, §2; L. 1983, c. 193, §1; L. 1994, c. 183, §2, effective December 23, 1994; L. 2007, c. 266, §2, effective January 13, 2008.

39:4-131. Accident reports; availability. The Department of Transportation shall prepare and supply to police departments and other suitable agencies, forms for accident reports calling for sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved, the compliance with P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and passengers of the vehicles involved in the accident, whether the operator of the vehicle was using a cellular telephone when the accident occurred, and such other information as the Commissioner of Transportation may require.

Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this Title, or who otherwise prepares a written or an electronic report as a result of an accident or thereafter by interviewing the participants or witnesses, shall electronically transmit a report of such accident to the department, on forms furnished by it and in the electronic format prescribed by the department, within five days after the law enforcement officer's investigation of the accident.

Such written or electronic reports required to be prepared by law enforcement officers and the information contained therein shall not be privileged or held confidential. Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and copy such reports and shall also have the right in person to purchase copies of the reports at the same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of reports are requested other than in person, an additional fee of up to \$5 may be added to cover the administrative costs of the report. Upon request, a police department shall send an accident report to a person through the mail or via fax. The police department may require the person requesting the report to provide a completed request form and the appropriate fee prior to faxing or mailing the report. The police department shall provide the person requesting the report with the option of submitting the form and providing the appropriate fee either in person, through the mail, or via fax.

The provisions of any other law or regulation to the contrary notwithstanding, reports obtained pursuant to this act shall not be subject to confidentiality requirements except as provided by section 28 of P.L.1960, c.52 (C.2A:84A-28).

When a motor vehicle accident results in the death or incapacitation of the driver or any passenger, the law enforcement officer responsible for notifying the next of kin that their relative is deceased or incapacitated, also shall inform the relative, in writing, how to obtain a copy of the accident report required by this

section and the name, address, and telephone number of the person storing the motor vehicle pursuant to section 1 of P.L.1964, c.81 (C.39:10A-1).

The New Jersey Department of Transportation shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to require law enforcement officers to electronically transmit crash reports required to be prepared pursuant to this section

Amended. L. 1951, c. 23, §73; L. 1952, c. 177, §1; L. 1967, c. 189, §3; L. 1979, c. 412, §1; L. 1981, c. 105, §1; L. 1987, c. 26, §1; L. 2001, c. 161, §2, effective January 1, 2002; L. 2007, c. 20, §1, effective January 26, 2007; L. 2008, c. 107, §1, effective April 1, 2009; L. 2010, c. 75, §1, effective January 25, 2011; L. 2023, c. 55, §1, effective May 8, 2023.

39:4-131.1. Inconsistent acts superseded. Any rule, regulation, resolution or ordinance inconsistent with this act or establishing a fee in excess of the fee permitted by section 2 of P.L.1963, c. 73 (C. 47:1A-2) is superseded insofar as it is inconsistent or to the extent that it exceeds the fee so established.

Adopted. L. 1979, c. 412, §2.

39:4-132. Certain damages reported by repairman. The person in charge of a garage or repair shop to which is brought a motor vehicle which shows evidence of having been involved in an accident of which report must be made by the driver thereof as provided in section 39:4-130 of the Revised Statutes or of having been struck by a bullet shall report to the nearest office of the local police department or of the county police of the county or of the State Police within 24 hours after the motor vehicle is received, giving the serial number, registration number and, if known, the name and address of the owner or operator of the vehicle.

Any person who shall violate this section shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned for a period of not less than 30 days nor more than 90 days, or both.

Amended. L. 1967, c. 189, §4.

39:4-133. Repealed.

Repealed. L. 1967, c. 189, §6.

39:4-134. Report of death to director. Every county prosecutor, county medical examiner, or other official performing like functions shall make a report to the director with respect to a death found to have been the result of a motor vehicle accident.

Amended. L. 1951, c. 23, §74; L. 1971, c. 2, §17.

39:4-134.1. Duties and responsibilities; applicability. The duties and responsibilities imposed by the provisions of this article upon all persons designated therein shall apply to accidents occurring upon highways and elsewhere throughout the State.

Adopted. L. 1967, c. 189, §5.

39:4-134.2. "Next-of-Kin Registry." a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop an emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purposes established in section 2 of P.L.2011, c.47 (C.39:4-134.3). Under the program, the holder of any New Jersey State validated permit or probationary or basic driver's license may voluntarily submit the name and telephone number of two emergency contacts and the vehicle identification number of any vehicle owned, leased, or

authorized to be used by the permit holder or licensee to the "Next-of-Kin Registry" through an in-person application, through the commission's website, or by mail and the holder of any New Jersey non-driver identification card may voluntarily submit the name and telephone number of two emergency contacts to the "Next-of-Kin Registry" through an in-person application, through the commission's website, or by mail.

b. In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may:

(1) electronically sign onto the commission's web site using: (a) the holder's validated permit or probationary or basic driver's license number to submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry;" or (b) the holder's non-driver identification card number to submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry";

(2) (a) for the holder of any validated permit or probationary or basic driver's license, submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings; or (b) for the holder of any non-driver identification card, submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings; or

(3) (a) for the holder of any validated permit or probationary or basic driver's license, use an application in person at a commission agency location to submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry"; or

(b) for the holder of any non-driver identification card, use an application in person at a commission agency location to submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry."

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact or vehicle identification number shall have the opportunity to revise or update the emergency contact and vehicle identification number information at any time. The commission shall automatically prompt a person who has used the commission's internet website to schedule an appointment to apply for a validated permit, probationary driver's license, or initial driver's license or non-driver identification card, or who is renewing a driver's license or non-driver identification card online through the commission's Internet website, to enter information for the "Next-of-Kin Registry" in accordance with the provisions of this section.

c. Information in the “Next-of-Kin Registry” shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.). The commission shall afford law enforcement officers with direct access to the information in the registry, provided that the chief administrator, in consultation with the Superintendent of State Police, may impose reasonable restrictions and conditions on such access. Any emergency contact or vehicle identification number information submitted to the commission shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to public records and shall not be discoverable as a government record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

d. The chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.), shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver’s license, or non-driver identification card from accessing, or inputting information into, the “Next-of-Kin Registry” or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the “Next-of-Kin Registry”; (2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the “Next-of-Kin Registry” by any holder of any New Jersey State validated permit, probationary or basic driver’s license, or non-driver identification card; or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

e. (1) The commission shall engage in a public awareness campaign and coordinate with all other appropriate executive branch departments and agencies for the purpose of raising public awareness about the “Next-of-Kin Registry.”

(2) The Attorney General, in consultation with the Superintendent of State Police, shall take appropriate steps to raise awareness among law enforcement agencies and officers on the proper use of the registry.

f. For the purposes of P.L.2011, c.47 (C.39:4-134.2 et al.), “emergency contact person” or “emergency contact” means a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver’s license, or non-driver identification card has designated to be contacted by law enforcement personnel when the permit

holder, licensee, or non-driver identification card holder is rendered unable to communicate due to a motor vehicle accident resulting in the serious bodily injury, death, or incapacitation of the permit holder, licensee, or non-driver identification card holder. An “emergency contact person” or “emergency contact” may or may not be the next-of-kin of the permit holder, licensee, or non-driver identification card holder; except that if the permit holder, licensee, or card holder is under the age of eighteen and is not emancipated, the emergency contact person shall be the parent or guardian of that permit holder, licensee, or card holder.

Adopted. L. 2011, c. 47, §4. **Amended.** L. 2015, c. 131, §1, effective April 4, 2016; L. 2017, c. 382, §1, effective January 16, 2018, but shall remain inoperative until the first day of the thirteenth month following enactment; L. 2022, c. 117, §1, effective May 1, 2023.

39:4-134.3. Use of "Next-of-Kin Registry." a. When a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger, the law enforcement officer investigating the motor vehicle accident shall attempt to locate an emergency contact person by accessing the “Next-of-Kin Registry,” established pursuant to section 1 of P.L.2011, c.47 (C.39:4-134.2). The law enforcement officer shall, when practicable, expeditiously notify the emergency contact of each person involved in the motor vehicle accident and inform the emergency contact of the hospital or other location at which the driver or passenger may be receiving medical treatment.

b. No law enforcement officer or law enforcement employee shall be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver’s license, or non-driver identification card from accessing, or inputting information into, the “Next-of-Kin Registry” or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the “Next-of-Kin Registry”; (2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or out-dated information into the “Next-of-Kin Registry” by any holder of any New Jersey State validated permit, probationary or basic driver’s license, or non-driver identification card; or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

Adopted. L. 2011, c. 47, §5.

39:4-134.4. Rules, regulations. The chief administrator may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations necessary for the implementation of this act.

Adopted. L. 2011, c. 47, §6.

Chapter 5. ENFORCEMENT AND PROCEDURE

39:5-1. Enforcement. Except as otherwise provided, the enforcement of this subtitle shall be vested in the director and the police or peace officers of, or inspectors duly appointed for that purpose by, any municipality or county or by the State. Nothing in this section shall be construed to authorize police or peace officers or inspectors appointed by any municipality or county to conduct random roadside examinations of any vehicle.

Amended. L. 1938, c. 164, §2; L. 1972, c. 169, §3; L. 1983, c. 403, §18; L. 1994, c. 60, §34, effective July 1, 1994.

39:5-2. Judicial powers of director; holding court. The director shall have the same powers as are conferred by this subtitle on a magistrate.

In considering violations of this subtitle, the director may hold court in any municipality in the State, upon five days' notice given to the defendants summoned to appear before him and shall conduct the proceedings in compliance with, insofar as they are applicable, the rules of the Supreme Court governing municipal courts. The fees and costs shall be the same as in a municipal court. Appeals from a court held by the director shall, in the manner provided for an appeal from a municipal court, be taken to the Superior Court.

Amended. L. 1953, c. 36, §5; L. 1991, c. 91, §371, effective April 9, 1991.

39:5-3. Appearance, arrest process; complaint; venue. a. When a person has violated a provision of this subtitle, the judge may, within 30 days after the commission of the offense, issue process directed to a constable, police officer, or the chief administrator for the appearance or arrest of the person so charged and for a violation of R.S.39:4-81, issue process within 90 days after the commission of the offense. In the case of a violation enumerated in subsection b. of this section, this period shall commence upon the filing of a complaint.

b. A complaint may be made to a judge for a violation of R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24 at any time within one year after the commission of the offense; for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 10 of P.L.1990 c.103 (C.39:3-10.18), section 16 of P.L.1990, c.103 (C.39:3-10.24), section 3 of P.L.1952, c.157 (C.12:7-46), section 9 of P.L.1986, c.39 (C.12:7-57), R.S.39:3-40, or section 1 of P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the commission of the offense.

c. All proceedings shall be brought before a judge having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a street through which the boundary line of two or more municipalities runs or crosses, then the proceeding may be brought before the judge having jurisdiction in any one of the municipalities divided by said boundary line, and in the event there shall be no judge or should no judge having such jurisdiction be available for the acceptance of bail and disposition of the case, or should the judges having such jurisdiction be disqualified because of personal interest in the proceedings, or for any other legal cause, said proceeding shall be brought before a judge having jurisdiction in the nearest municipality to the one in which it is alleged such a violation occurred.

Amended. L. 1940, c. 212, §1; L. 1942, c. 334, §1; L. 1951, c. 251, §1; L. 1953, c. 36, §6; L. 1959, c. 58, §1; L. 1983, c. 403, §19; L. 2000, c. 85, §1, effective August 14, 2000; L. 2002, c. 56, §1, effective August 3, 2002; L. 2009, c. 52, §1, effective July 3, 2009; L. 2017, c. 249, §1, effective January 8, 2018.

39:5-4. Repealed.

Repealed. L. 1953, c. 36, §7.

39:5-5. Entitling proceedings; bond to secure costs. All proceedings for the violation of this subtitle shall be brought in the name of the State, with the director, police officer, peace officer, constable or any other person who institutes the proceedings as prosecutor. A judge may, at his discretion, refuse to issue a warrant on the complaint of a person other than the director or a police officer, until a sufficient bond to secure costs has been executed and delivered to the judge.

Amended. L. 1953, c. 36, §8; L. 1983, c. 403, §20.

39:5-6. Performance of ministerial acts. All acts, whether in connection with the taking of complaints, issuing of process, return thereof, taking of bail for appearance or committing to custody for failure to deposit such bail and all proceedings preliminary to trial, including the arraignment, taking of plea and postponement of trial and all ministerial acts and proceedings subsequent to trial, may be performed by the clerk or deputy clerk of a magistrate, and the jurisdiction so to do with respect to a violation of this subtitle is hereby conferred.

Amended. L. 1952, c. 288, §1.

39:5-7. Suspension of sentence; probation. In any proceeding instituted pursuant to the provisions of this subtitle, except where a mandatory penalty is fixed herein, the magistrate may suspend the imposition or execution of sentence, and may also place the defendant on probation under the supervision of the chief probation officer of the county for a period of not less than six months nor more than one year. The probation shall be effected and administered pursuant to the provisions of sections 2A:168-1 to 2A:168-13 of the New Jersey Statutes.

Amended. L. 1953, c. 36, §9.

39:5-8. Repealed.

Repealed. L. 1953, c. 36, §10.

39:5-9. Forfeiture of bond or cash deposit; disposition of moneys. A bail bond, if forfeited, may be enforced by the director, and any cash deposit in lieu of bond, if forfeited, shall be paid to the director by the magistrate with whom it was deposited; provided, that such forfeiture is in a proceeding instituted by the director, or a member of his staff, or by the State Police, or an inspector of the Public Utility Commission, or a law enforcement officer of any other State agency. The director shall dispose of the proceeds of said forfeiture in the manner provided by section 39:5-40 of this Title and the proceeds of forfeitures in a proceeding instituted by a local officer shall be forwarded by the magistrate to the proper financial officer of the county, wherein they were collected, to be used by the county as a fund for road repairs therein; provided, however, that the magistrate may first deduct costs and fees from forfeited bail in an amount not to exceed the amount of the costs and fees authorized by section 22A:3-4 of the New Jersey Statutes, and pay the same to the municipal treasurer.

Amended. L. 1942, c. 334, §2; L. 1953, c. 36, §11; L. 1965, c. 230, §1.

39:5-10. Repealed.

Repealed. L. 1953, c. 36, §12.

39:5-11. Appeal to county court; effect on charges. If the defendant appeals to the Superior Court, the appeal shall operate as a consent to an amendment of the complaint in that court so as to substitute a new or different charge growing

out of the act or acts complained of or the circumstances surrounding such acts; and any provision of law limiting the time within which any such charge may be brought or proceedings taken in the prosecution thereof shall not operate and shall be deemed to have been waived by the appeal.

Amended. L. 1953, c. 36, §13; L. 1991, c. 91, §372, effective April 9, 1991.

39:5-12 through 39:5-19. Repealed.

Repealed. L. 1953, c. 36, §14-21.

39:5-20. Complainant represented on appeal by county prosecutor, attorney general or municipal attorney. On an appeal by the defendant in any proceeding instituted under this subtitle, the county prosecutor of the county wherein the alleged violation was committed shall represent the complainant; but where a complaint is made by a member of the State Police charging a violation of either section 39:3-40, 39:4-50 or 39:4-96 of this Title, the Attorney General, and not the prosecutor, shall represent the complainant, and where there is violation of a municipal ordinance relating to traffic regulations and the proceeding was instituted by a municipal officer, the municipal attorney shall represent the complainant. The county prosecutor, charged with the enforcement of this subtitle, may request the Attorney General to attend personally, or by such assistant or assistants as he shall designate, to aid in the prosecution of the appeal.

Amended. L. 1953, c. 36, §22; L. 1967, c. 41, §1; L. 1983, c. 403, §21.

39:5-21. Repealed.

Repealed. L. 1953, c. 36, §23.

39:5-22. Revoked license not restored by appeal; restoration by court.

Where a license has been revoked for a violation of section 39:4-50 of this Title, and an appeal has been taken from the judgment, the appeal shall not operate to restore the license during the pendency of the appeal, however, the license may be restored either by the trial court or the appellate court pending disposition of the appeal.

Amended. L. 1953, c. 36, §24; L. 1965, c. 237, §1.

39:5-23. Repealed.

Repealed. L. 1953, c. 36, §25.

39:5-24. Proceedings on Sunday. Proceedings under this subtitle may be instituted on any day of the week, and the institution of the proceedings on Sunday shall be no bar to the successful prosecution thereof. Any process served on Sunday shall be as valid as if served on any other day of the week.

39:5-25. Right of arrest; appearance before magistrate; detention of offender; time limit; other violations; warrant and hearing; summoning offender. Any law enforcement officer may, without a warrant, arrest any person violating in his presence any provision of chapter 3 of this Title, or any person, other than a motorman or person having control of a street car or auto bus, running upon a route approved by the Board of Public Utilities, violating in his presence any provision of chapter 4 of this Title. A law enforcement officer may arrest without a warrant any person who the officer has probable cause to believe has operated a motor vehicle in violation of R.S.39:4-50 or section 5 of P.L. 1990, c. 103 (C.39:3-10.13), regardless of whether the suspected violation occurs in the officer's presence. The exemption from arrest of a motorman or person having control of a street car or auto bus, as conferred herein, shall not operate to prevent

his arrest, however, for a violation of R.S.39:4-50. The arresting officer shall bring any person so arrested before any judge of the municipal court of the municipality wherein the offense is committed, or before the director at any place designated as his office. If the arrest is for a violation of R.S.39:4-50, the arresting officer may, if no judge, clerk or deputy clerk is available, detain the person arrested, either in any police station, lockup or other place maintained by any municipality for the detention of offenders or in the common jail of the county, for such reasonable time as will permit the arresting officer to obtain a warrant for the offender's further detention, which temporary detention shall not exceed 24 hours from the time of the arrest. If the arrest is for a violation of any other provision of this subtitle, the person arrested shall be detained in the police station or municipal court until the arresting officer makes a complaint and a warrant issues.

Any law enforcement officer may, instead of arresting an offender as herein provided, serve upon him a summons.

Amended. L. 1940, c. 139, §1; L. 1953, c. 36, §26; L. 1983, c. 403, §22; L. 1983, c. 563, §1; L. 1994, c. 184, §4, effective December 23, 1994.

39:6B-2. Violations; punishment. Any owner or registrant of a motor vehicle registered or principally garaged in this State who operates or causes to be operated a motor vehicle upon any public road or highway in this State without motor vehicle liability insurance coverage required by this act, and any operator who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by this act [chapter] shall be subject, for the first offense, to a fine of not less than \$300 nor more than \$1,000 and a period of community service to be determined by the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of one year from the date of conviction. Upon subsequent conviction, he shall be subject to a fine of up to \$5,000 and shall be subject to imprisonment for a term of 14 days and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall forfeit his right to operate a motor vehicle for a period of two years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. The director's discretion shall be based upon an assessment of the likelihood that the individual will operate or cause a motor vehicle to be operated in the future without the insurance coverage required by this act [chapter]. A complaint for violation of this act [chapter] may be made to a municipal court at any time within six months after the date of the alleged offense.

Failure to produce at the time of trial an insurance identification card or an insurance policy which was in force for the time of operation for which the offense is charged creates a rebuttable presumption that the person was uninsured when charged with a violation of this section.

Adopted. L. 1972, c. 197, §2. **Amended.** L. 1983, c. 141, §1; L. 1987, c. 46, §1; L. 1988, c. 156, §15; L. 1990, c. 8, §49, effective March 12, 1990; L. 1997, c. 151, §12, effective June 30, 1997.