R.S. 39:3—69

January 16, 1975 Cy 1

LEGISLATIVE HISTORY OF R.S. 39:3-69
(Horns and audible warning devices)

L. of 1921 Chapter 208 § 7 - A483 ([redacted])
February 22 - Introduced by Tattersall.
March 29 - Passed Assembly amended.
April 5 - Passed Senate amended.
April 7 - Assembly passed Senate amendments.
April 8 - Approved.

Statement to A483
This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes thought to be effected will be found in the Commission report. All inconsistent legislation is to be repealed by another bill.

974.90 N.J. Commissioner of Motor Vehicle & Traffic Act.
T764 Report, 1921.
1921
(The Commission suggested no changes that would have affected § 7).

L. of 1924 Chapter 211 § 3 - S145
Bill had statement which did not mention horns or signaling devices.
Bill did not amend § 3.

L. of 1928 Chapter 110 § 1 - A78
Statement dealt with auto brakes only.
No amendment to section on signaling devices.

L. of 1931 Chapter 171 § 3 - A171
Statement does not apply to § 3. Bill does not amend § 3.

L. of 1933 Chapter 267 § 1 - A226
Statement urges adoption of law prescribing use of nonscatterable glass in auto manufacture. Bill does not amend § 1.

L. of 1937, Chapter 185 § 1 - S120
February 8 - Introduced by Hendrickson.
March 22 - Passed in Senate, amended.
April 5 - Received in Assembly.
April 26 - Read second time.
May 24 - Amended.
May 27 - Passed in Assembly, amended.
May 28 - Assembly amended, passed in Senate.
June 7 - Approved.

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Copy of [redacted] statement enclosed.
New section on equipment "(20) Horns and audible warning devices" added. Copy of original bill and statement enclosed. Amendments did not affect subsection (20). No reports or hearings were discovered.

L. of 1968 Chapter 97 § 1 - A513
No statement.
The 1968 amendment authorized theft alarm signals on "any vehicle" instead of "any commercial vehicle."

JA/ks

Any person convicted of displaying a fictitious number as prohibited by section thirteen, or violating the provisions of section ten shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of section nine of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision two of section eleven of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of section sixteen of this act shall, for the first offense, be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisonment in the county jail for a period not exceeding twenty days and in addition to such penalties the license of said offender shall be revoked; *provided, further,* that nothing herein contained shall prevent a revocation of license for the first offense or for the violation of any provisions of this act.

Any person who shall be convicted of violating any of the provisions of section seven of section fifteen shall be subject to a fine not exceeding twenty-five dollars.

10. This act shall take effect immediately.

1924 c.211

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following particulars.

The definition "commercial motor vehicle" is hereby amended to exempt touring cars of the passenger type used by farmers for the transportation of farm products and milk. This amendment has the approval of the Agricultural Society of New Jersey and is the result of a conference had with their representatives and the Department of Motor Vehicles.

The word "volunteer" is stricken from section two in order to allow all fire companies an exemption from the payment of the registration fee.

Section seven is amended so as to reduce the candle power of bulbs used in automobile head lamps from 24 candle power to 21 candle power, and to permit the revocation of approval permits whenever a lighting device is deficient.

Section nine of the Motor Vehicle Act is amended to enable the department to commence the issuance of licenses on November fifteenth each year for the succeeding year instead of December first as at present.

The amendment proposed to section eleven is for the purpose of preventing the misuse of dealer plates so that dealer plates now used for individual purposes and by other than bona fide dealers in connection with their business as such will no longer be possible. The same section is amended so as to hold the operator of a motor vehicle who drives the same in an overloaded condition and also fixes a penalty for the operation of a motor vehicle not equipped with rubber tires. The amendment respecting the use of dealers plates has been heartily endorsed by the Dealers Association of New Jersey.

Section fourteen is amended so as to make the offense of operating a motor vehicle without the permission of the owner or placing any sharp or cutting substance upon the highways an indictable offense constituting same as a misdemeanor. The present law omitted this provision. This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed.

An amendment is also provided to enable the imposition of a fine upon any person or persons who makes any misstatements of facts in his or her application for motor vehicles or driver's license.

Section twenty-five is amended to strike out the words "in a summary way" in order that magistrates will not be required to hold hearings at unseemly hours, and to make more difficult reversals of convictions for intoxicated driving where a summary hearing is not given.

Section twenty-eight is amended to privide wherein an appeal is taken, it shall be the duty of the attorney for the municipality wherein the alleged violation is committed, or the Attorney-General as the case may be, to represent the municipality at the trial on ap-

peal. This amendment is desired because of the fact that many appeals to reverse conviction for intoxicated driving have been successful, due to the failure of the attorney for the municipality to take action desired to uphold the judgment of the local magistrate.

This bill was unanimously passed by the 1923 legislature but was vetoed by the Governor because it required that farm tractors should be equipped with rubber tires. The objections of the Governor have been eliminated from this draft and as these amendments are very necessary, they are respectfully submitted with the earnest approval of the Department of Motor Vehicles of New Jersey.

(5) Mirrors. Any motor vehicle that is so constructed or covered as to prevent the operator thereof from having a sufficient view of the traffic following and at the sides of such vehicle shall be equipped with a mirror or some device that will show the driver the road to the rear and the road to the side.

(6) Chains. Motor vehicle tires may be fitted with chains when roads, streets, and highways are slippery, because of rain, snow, ice, oil, or manner of construction; *provided, however*, that no chains shall be used at any time on the improved highways when the same are dry, or their condition does not make such use necessary for the safety of life or property.

1928 c110

2. This act shall take effect immediately.

STATEMENT.

This Bill proposes to amend section seven of the Motor Vehicle act, in so far as the said section has to do with brakes on automobiles.

At a meeting of the Commissioners of Motor Vehicles of the States of New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Ohio, Pennsylvania, Delaware, Maryland, Virginia, Province of Ontario, and New Jersey, held on Friday, January 20, 1928, it was unanimously agreed that the amendment proposed by this Bill should be submitted to the Legislatures of each of the States hereinbefore mentioned, with the hope that it might be enacted into law and thus bring about a uniform law dealing with the four-wheel brake, so-called.

If this Bill is passed and approved by the Governor, it will give to the State absolute control over any and all braking systems which have been or may hereafter be adopted by automobile builders, and will preclude the possibility of any car being operated upon our highways with a braking system whereby if one part of the system fails to function, the car thereupon is left without brakes of any description.

Under this amendment, if one part of the braking system fails to function, the car will still be left with brakes operating upon two wheels of the automobile.

The prompt passage of this proposed amendment to the New Jersey Motor Vehicle act is sincerely urged by the New Jersey Department of Motor Vehicles. This amendment does not in any wise interfere with the braking system employed by such cars as the Packard, Pierce Arrow, Marmon, Buick, Chevrolet, Chrysler, Studebaker, Cadillac, etc.

notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided,* that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, 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 said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

15. This act shall take effect immediately.

L 1931, c. 171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the convenience of the applicants.

This amendment corrects an omission in the present law of a few words which were evidently left out inadvertently when preparing previous amendments which were passed, and which now makes the section (nine-three) read in such a way as not to make sense.

This amendment further makes it necessary for the registration certificate to be available at all times when the motor vehicle is being operated. The law as originally passed used the word "holder" which was liberally construed to mean either the owner or the operator. It was impossible to impose a penalty for failure to have registration certificate in possession, unless the owner or holder of the certificate of registration happened to be in the vehicle at the time of the violation. This amendment makes it necessary for the operator or person in charge of the vehicle to have the registration card in his possession, in order to be produced on request of police officials.

The present law demands the production of the registration certificate from *the holder thereof*. It is necessary for proper law enforcement that the registration certificate be in the possession of the operator and there is no penalty at the present time if the driver or operator fails to produce the registration certificate. This situation requires immediate correction.

In the amendment to subdivision four of section nine, the Commissioner of Motor Vehicles at the place underlined has been substituted for the Secretary of State.

The Commissioner of Motor Vehicles would appear to be the proper official to receive papers to be served by registered mail on non-residents, in damage suits arising from accidents. At the time the law was originally passed, the Department of Motor Vehicles was a part of the Department of State, but since the Act of 1926 was passed separating the Department of Motor Vehicles from the Department of State, there does not appear to be any good reason for continuing the service work through the office of the Secretary of State.

No. 5. There is no provision in the law to punish fraudulent examination takers. It is essential to life and property that only competent persons be permitted to drive motor cars, and when persons are detected who either take examinations for others or who procure licenses for others without the necessity of examination, they should be promptly punished.

The amendment to subdivision three of section ten simply strengthens provision nine-three which requires that the registration certificate must be in the motor vehicle

when such vehicle is operated over the highways, and that such certificate must be produced on request of a police officer or magistrate.

The amendment to subdivision four of section ten provides that omnibuses traveling through the State not registered under the New Jersey Act be permitted only the fifteen-day reciprocity privilege accorded to commercial vehicles. Omnibuses should not be given the ninety-day reciprocity privilege accorded to visiting passenger cars.

The amendment to subdivision five of section ten allows non-resident drivers to operate cars bearing New Jersey plates, during the ninety day reciprocity period, but does not allow this privilege to any non-resident driver under the age of seventeen years, or to any non-resident driver whose home State does not require a driving license.

No. 6. There are so few "M" plates issued yearly that it is advisable to discontinue the manufacture thereof and issue "D" plates.

With reference to amendment to subdivision four of section eleven, the problem of truck overloading is a serious one. It causes damage to our roads in an amount that is difficult to compute. Under our present law, the operator is promptly punished by a mandatory minimum penalty of one hundred dollars ($100.00) with a maximum of two hundred and fifty dollars ($250.00) for the first offense and for a subsequent offense a minimum of two hundred and fifty dollars ($250.00) and a maximum of five hundred dollars ($500.00). The experience of the department discloses that in most instances the operator is not primarily responsible for the overloading, and that he was merely carrying out the orders of his superior. In many instances, truck owners do not pay the fine of the truck driver and let him shift for himself and such demands have proven of great financial embarrassment. I suggest that the punishment be shifted to where it belongs. Place the responsibility for overloading upon the owner and make him, or the corporation, if it be the owner, be compelled to pay the fine for the offense. I believe it will tend to reduce the overloading violations in this State. If situations develop where the operator is responsible for the overloading, the owner is in a position to punish the operator by dismissal.

Motor vehicle inspectors discover numerous situations where trucks and other commercial vehicles are operated with badly worn solid rubber tires. Our present law provides for no punishment for such an offense. A penalty comparable to the penalty

imposed for failure to operate a motor vehicle with rubber tires is essential to mitigate this type of abuse.

The amendment to subdivision seven of section eleven allows the half-rate fee for registrations to go into effect *on* the first day of August, which was no doubt the original intent, but the law was not so worded.

No. 7. This amendment has been drawn to make our requirements similar to those of other states which extend the maximum height of the license plates to forty-eight inches.

No. 8. During 1930, Judge Truax of the Monmouth County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by Weeks vs. State, 101 N. J. L. P. 15 and State vs. Garton, 102 N. J. P. 318. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who *in fact* has been a previous offender, if the complaint against him does not recite a previous conviction.

There never has been a penalty imposed for a person failing to notify the Commissioner of Motor Vehicles of a change of residence; neither has there been a penalty for applying for a license at a department agency after the applicant's license has been revoked.

No. 9. This amendment to section seventeen provides a penalty for failure of a magistrate to return fines either to the Commissioner of Motor Vehicles or to the financial officer of the county. The law heretofore provided no penalty for this offense.

This amendment also provides that a magistrate must give a receipt for a fine when a defendant requests such a receipt. Countless complaints have been received by the Department from persons who have paid fines, and who have been denied receipts by the convicting magistrates. Such defendants are certainly entitled to receipts, which will also serve the double purpose of being a check on the magistrate and will assist in securing the proper return to the State or county of all moneys collected in fines for violation

of the Motor Vehicle Act. Penalty is also provided for failure to forward revoked license cards to the Commissioner.

No. 10. In section twenty-one the most important change is the addition of a table setting forth the tire sizes and the gross weight allowed for commercial vehicles bearing pneumatic tires. Previously, the law specified the table for solid-tired vehicles only.

A penalty is also provided for violation of section twenty-one, which was missing from our previous law.

No. 11. This amendment permits thirty days from the date of the *discovery* of violations as the time in which complaints may be made. This is necessary in certain cases, as violations with reference to improper applications for registrations and licenses are sometimes not discovered until more than thirty days have elapsed from the date of the application. The law at present restricts the bringing of a complaint to thirty days from the date of a violation.

No. 12. Heretofore, regardless of who made the complaint, notice of appeal has been served upon the prosecutor of the pleas. It is desired that the notice of appeal be served upon the Attorney General, where the complaint is made by a motor vehicle inspector or State police officer, in view of the fact that the Attorney General represents the State on appeal where either a motor vehicle inspector or a State Police officer is the complainant.

No. 13. The words "State Police" have been substituted for the words "State Constabulary." It is merely a technical change. There is no State Department known as the "State Constabulary."

1933, C. 267

STATEMENT

The object of this amendment is to make unlawful the operation on and after July first, one thousand nine hundred and thirty-five, of a motor vehicle manufactured after that date unless same is equipped with nonscatterable glass approved by the Commissioner of Motor Vehicles. Three States have already enacted laws relating to the subject. The States are Michigan, Massachusetts and California.

With regard to the attitude of the automobile industry toward safety glass, one-half of the manufacturers have installed it as standard equipment. Makes of passenger vehicles on which it is standard on all chassis and body models include Cadillac, LaSalle, Lincoln, Studebaker, Pierce Arrow, Franklin, Packard, Willys Knight, Rockne and Peerless. It also is a standard feature of the Crysler Imperial series, the Willys Eight and in the windshields of all Ford products.

This act carries with it the endorsement and approval of the Commissioner of Motor Vehicles.

L.1937, c. 180

Every section of safety glass shall be legibly and permanently marked with the manufacturers' distinctive designation under which the glass was approved so as to be visible when installed.

No person shall drive any motor vehicle equipped with safety glass which causes undue or unsafe distortion of visibility or equipped with unduly fractured, discolored or deterioriated safety glass, and the commissioner may revoke the registration of any such vehicle.

(27) Dangerous exhaust gases. Every motor vehicle shall be equipped and maintained so that exhaust gases cannot injure any person or animal, and no person shall use any motor vehicle so as to cause or be likely to cause any such injury.

(28) Selling or using unapproved devices or equipment. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle any unapproved device or equipment of a type which is required to be approved by the commissioner.

No person shall have for sale, sell, offer for sale or use any device, part or accessory which changes or is intended to change the design or designed performance of any device or equipment required to be approved.

No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of any motor vehicle or motor-drawn vehicle any device or equipment of a type required to be approved unless such device or equipment bears thereon the trade-mark or name under which it is approved so as to be plainly visible when installed.

2. This act shall take effect September first, one thousand nine hundred and thirty-seven.

S120(1937)

1937 c. 185

STATEMENT

The purpose of this act is to modernize the equipment section of the Motor Vehicle Act and to bring it more nearly into agreement with the Uniform Vehicle Code, thereby making for greater safety on our highways and for uniformity with the equipment laws of contiguous States.

R.S. 39:4-50

LEGISLATIVE HISTORY OF RS 39:4-50

(Operating under influence of liquor or drugs)

The section on intoxicating liquors was first introduced by

P. L. 1921, Ch. 208, A-483, Mr. Tattersall.

The bill had a short Statement

> This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill.

This bill was amended during passage but the section here involved was not changed.

974.90
T769
1921

The report of the Commission does not refer to this section.

P. L. 1923, Ch. 136, S-111, Mr. Pierson.

Statement

> This bill proposes to amend subdivision three of section fourteen by incorporating therein the place where defendant is to be imprisoned.
>
> A number of appeals have been taken based upon this omission from the present statute and the necessity of curbing intoxicated driving is so apparent that the amendment proposed hereby has been prepared by the Attorney-General at the request of the Department of Motor Vehicles in the belief that it will lessen the number of appeals that are now being taken to arrest judgment.

It was not amended during passage.

P. L. 1924, Ch. 160, S-25, Mr. Blackwell.

Statement

> This bill provides for the commitment of intoxicated automobile drivers to the county jail or workhouse of the county wherein the offense is committed. By chapter 136, P. L. 1923, it is provided the defendant upon conviction should be committed to the county jail. In some counties of the State, however, where a workhouse is maintained, it is felt that by committing the defendant to the workhouse it may arouse the motoring public to the great seriousness of operating a motor vehicle while under the influence of intoxicating liquor; hence this proposed amendment has the endorsement of the Motor Vehicle Department of New Jersey.

This bill was not amended during passage.

P. L. 1924, Ch. 211, para. 6, S-145, Agans.

The Statement to the bill refers to the section here involved as follows:

> ...This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed....

The bill was amended during passage but the section remained unchanged.

P. L. 1926, Ch. 152, para. 1, S-79, Simpson.

Statement

The Operation of Motor Vehicles by Intoxicated Drivers

It is the result of several weeks of study of the subject by a committee of police magistrates, named by the Commissioner of Motor Vehicles, to suggest to legislation a law that would curb the present day evil of obtaining the discharge of automobile drivers from custody on purely technical grounds.

The committee of police magistrates are all members of the bar and have served in the capacity of police magistrate for a long period of time, so that their experience in dealing with the subject is unquestioned. They recommend, and this bill provides, for a mandatory minimum fine of two-hundred dollars or imprisonment in jail, in the discretion of the magistrate, for the first offense. For a subsequent offense the bill provides for a mandatory jail sentence of six months and the perpetual revocation of their driver's license.

It is felt that this bill, together with the companion measure, will effectually eliminate appeals for the release of intoxicated drivers on technical grounds, and will make certain, unless the facts are to the contrary, that when a penalty for intoxicated driving is imposed the defendant will be compelled to discharge his objection to society and the State.

The bill also amends several other subdivisions of section fourteen, among them the one relating to the throwing of glass or other sharp substance on the roadway, and making it necessary to give name, address and license number whenever an accident occurs.

The bill was amended in Assembly, by changing the maximum imprisonment from six months to three months.

The committee report referred to in the statement could not be found.

P. L. 1931, Ch. 171, sec. 9, p.367, A-171, Grimm.

The paragraph of the Statement which applies to this section is

> No. 8. During 1930, Judge Truax of the Monmouth County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by Weeks vs. State, 101 N. J. L. 15 and State vs. Carton, 102 N. J. L. 316. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who in fact has been a previous offender, if the complaint against him does not recite a previous conviction.
>
> There never has been a penalty imposed for a person failing to notify the Commissioner of Motor Vehicles of a change of residence; neither has there been a penalty for applying for a license at a department agency after the applicant's license has been revoked.

The bill was reported by committee substitute and amended. The section here involved was not changed.

RS 39:4-50. This revision takes over the 1931 law practically unchanged.

P. L. 1952, Ch. 286, p.972, para. 1, A-571, Bowkley.

The bill had no statement, passed without amendment.

No further material was found on this section.

mf:mf

June 6, 1963
R.S. 39:4-50

LEGISLATIVE HISTORY OF R.S. 39:4-50

(Operating Vehicle Under Influence of Liquor - Meaning of "Operating".)

Laws 1906, Chapter 113, p. 186.

No statement. Motor vehicle Act:

Section 19. No intoxicated person shall drive a motor vehicle

Laws 1909, Chapter 127, p. 200

No statement. Supplement to Crimes Act of 1898:

> ... any person who shall drive a motor vehicle while in an intoxicated condition ...

Laws 1913, Chapter 67 - A-49 - Introduced January 20, 1913 by Mr. Kerwin

No statement. Amends disorderly persons act of 1898.

> Any person who shall operate an automobile or other motor vehicle over any public street or highway while under the influence of intoxicating liquors ... (emphasis added).

Repealed, L. 1921, c. 184, p. 485

The need to strengthen this provision is discussed in every annual report of the Commissioner of Motor Vehicles from 1914 through 1925 (copies enclosed). The terms "drive" and "operate" are used interchangeably.

Laws 1921, Chapter 208, sec. 14 - A-483 - Introduced February 22, 1921 by Mr. Mattersall.

Statement:

> This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill.

Report:

974.90 N54 1764 1921 New Jersey Comm. to Prepare a Motor Vehicle & Traffic Act. Report. 1921

(see page 14)

Laws 1923, Chapter 136, sec. 1 - S-111 - Introduced Jan. 22, 1923 by Mr. Pierson

Statement:

This bill proposes to amend subdivision three of section fourteen by incorporating therein the place where defendant is to be imprisoned.

A number of appeals have been taken based upon this omission from the present statute and the necessity of curbing intoxicated driving is so apparent that the amendment proposed hereby has been prepared by the Attorney-General at the request of the Department of Motor Vehicles in the belief that it will lessen the number of appeals that are now being taken to arrest judgment.

Laws 1924, Chapter 160, sec. 1 - S-25 - Introduced Jan. 8, 1924 by Mr. Blackwell

Statement:

This bill provides for the commitment of intoxicated automobile drivers to the county jail or workhouse of the county wherein the offense is committed. By c. 136, P. L. 1923, it is provided the defendant upon conviction should be committed to the county jail. In some counties of the State, however, where a workhouse is maintained, it is felt that by committing the defendant to the workhouse it may arouse the motoring public to the great seriousness of operating a motor vehicle while under the influence of intoxicating liquor; hence this proposed amendment has the endorsement of the Motor Vehicle Department of New Jersey.

RS/jmk

R.S. 39:4-129

April 13, 1966

LEGISLATIVE NOTES ON R.S. 39:4-129
(Action in Case of Accident)

COPY NO. 1

Particular reference to Paragraph 1, "damage to property".

L. 1921, Chapter 208, § 14 (4) - A483
Phraseology of this law somewhat different from present statute.
Introduced February 22 by Mr. Tattersall.
Amended during passage (Sect. 14 (4) not altered).
Statement on bill:

> "This bill embodies the recommendations of the Motor Vehicle Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill".

The report of this Commission made no mention of the matter of automobile accidents involving injury or death to person or damage to property.

L. 1923, Chapter 136 - S111
No relevance to particular phrase.
Concerned with driver under influence of intoxicating liquors or drugs.
Introduced January 22 by Mr. Pierson.
Not amended during passage.
Statement on bill:

> "This bill proposed to amend subdivision three of section fourteen by incorporating therein the place where defendant is to be imprisoned.
>
> A number of appeals have been based upon this omission from the present statute and the necessity of curbing intoxicated driving is so apparent that the amendment proposed hereby has been prepared by the Attorney-General at the request of the Department of Motor Vehicles in the belief that it will lessen the number of appeals that are now being taken to arrest judgment."

L. 1924, Chapter 160, sect. 1 [14 (4)] - S25
Minor change to paragraph in question.
Introduced January 8 by Mr. Blackwell.
Not amended during passage.
Statement on bill: (copy of bill and statement enclosed).

L. 1924, Chapter 211, § 6 - S145
No change to phrasing in question.
Introduced January 21 by Mr. Agans.
Amended during passage.
Statement on bill (copy of statement enclosed).

L. 1926, Chapter 152 - S79
Introduced January 25 by Mr. Simpson.
Amended during passage.
Statement on bill (copy of bill and statement enclosed).

L. 1928, Chapter 281- Special Session A1.
Introduced June 4 by Mr. Wise.
Not amended during passage.
No statement on bill.

L. 1931, Chapter 171 - A171
Minor change to particular paragraph: penalty fines are enumerated by words and figures.
Introduced February 2 by Mr. Grimm.
Amended during passage.
Statement on bill (copy of part of bill and statement enclosed).

L. 1932, Chapter 36 - A350
Introduced February 8 by Mr. Wise.
Not amended during passage.
Statement on bill (Copy of bill and statement enclosed).

L. 1932, Chapter 89 - A374
Phrasing is changed; additional stipulations in particular paragraph added.
Introduced February 8 by Mr. Wise.
Amended during passage.
Statement on bill (copy of bill, amendments, and statement enclosed).

L. 1940, Chapter 147 - A218
Introduced March 25 by Mr. Bertoni.
Not amended during passage.
Statement on bill (copy of bill and statement enclosed).

We could not find any supplementary reports or hearings on these laws.

CK/PC

L. 1967 - Chap. 189 - A846 No hearings or reports.
Intro. Apr. 10 by Parker
No statement
Not amended during passage.

L. 1924, c. 160
39-4-129

SENATE, NO. 25

(Chapter 208, P. L. 1921, as amended by Chapter 136, P. L. 1923.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1924.

By Mr. BLACKWELL.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, nineteen hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section fourteen of the act of which this act is amendatory be and the same hereby is amended to read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both for a first violation; for a second violation imprisoned not more than ten years; and for each subsequent violation imprisoned not more than fifteen years.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. Any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and, for each subsequent offense, shall be fined

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185 W. State Street
Trenton, N. J.

not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit-producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit-producing drugs to operate any motor vehicle owned by him or in his custody or control. Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the common jail or workhouse of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State; and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit-producing drugs until one year after the date of his or her conviction if for a first offense, or five years after any subsequent conviction.

(4) Every person operating a motor vehicle who shall knowingly cause injury to any other person or to property in the possession or use of such person shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and, upon request, give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred dollars nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand

pounds, without a written permit from the State Highway Commission which shall prescribe the conditions under which the same shall be operated. Any person who shall violate this provision shall be fined not less than one hundred dollars nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving, shall be fined not less than ten nor more than twenty-five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension or revocation. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the commissioner, for use by any person other than the person named in said license, nor shall loan any marker or certificate of registration, issued by the commissioner, for use on any other car other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act, shall allow such vehicle to be operated by a nonlicensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State shall be fined not more than one hundred dollars or imprisoned not more than one year, or both, for the first violation; for the second violation, imprisoned not more than ten years; and for each subsequent violation, imprisoned not more than fifteen years.

(14) Any person or persons making any misstatement of facts in his or their applications for registrations of a motor vehicle or driver's license, or give a fictitious address, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred or more than five hundred dollars, or imprisonment for one year, or both, at the discretion of the court; and the Commissioner of Motor Vehicles shall, upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

2. This act shall take effect immediately.

L. 1924, C. 160

STATEMENT.

This bill provides for the commitment of intoxicated automobile drivers to the county jail or workhouse of the county wherein the offense is committed. By chapter 136, P. L. 1923, it is provided the defendant upon conviction should be committed to the county jail. In some counties of the State, however, where a workhouse is maintained, it is felt that by committing the defendant to the workhouse it may arouse the motoring public to the great seriousness of operating a motor vehicle while under the influence of intoxicating liquor; hence this proposed amendment has the endorsement of the Motor Vehicle Department of New Jersey.

SENATE, NO. 145

(Chapter 208, P. L., 1921, page 615)
(Chapter 90, P. L., 1923, page 182)
(Chapter 108, P. L., 1923, page 201)

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1924

By Mr. AGANS.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof, fixing rules regulating the use and speed of motor vehicles, fixing the amount of license and registration fees, prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violation," approved April eighth, one thousand nine hundred and twenty one, as amended by an act approved March twenty-eighth, one thousand nine hundred and twenty three, and as further amended by an act approved March nineteenth, one thousand nine hundred and twenty three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of the act to which this is an amendment is hereby amended to read as follows:

1. The terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the Legislature.

(1) The term "motor vehicle" shall include all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(2) The term "motor cycle" shall include all motor operated vehicles of the bi-cycle or tricycle type, whether the motive power be a part thereof or attached

thereto, and having pedals and saddle with driver sitting astride, or a platform on which said driver stands.

(3) The term "automobile" includes all motor vehicles except motor cycles.

(4) The term "omnibus" as used in this act shall include all motor vehicles used for the transportation of passengers for hire, except such vehicles as are used to transport children to and from school outside of a city, provided such motor vehicle is not otherwise used in the transportation of passengers for hire.

(5) "Commercial motor vehicles" as used in this act shall include every type of motor driven vehicle used for commercial purposes on the highways, such as the transportation of foods, wares, or 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.

(6) The term "motor-drawn vehicles" as used in this act shall include trailers, semitrailers, or any other type or vehicle drawn by a motor-driven vehicle.

(7) The term "tractor" as used in this act is a motor-driven vehicle designed for drawing other vehicles but having no provision for carrying loads independently.

(8) The term "trailer" as used in this act is a vehicle of more than two wheels designed to carry a load wholly on its own structure and for being drawn by a motor-driven vehicle, except those running exclusively on tracks.

(9) The term "semitrailer" as used in this act is a two-wheeled vehicle without motor power, drawn by a motor-driven vehicle, and so designed and used in connection with a self-propelled vehicle that a considerable part of its own weight rests upon the towing vehicle.

(10) The term "manufacturer" as used in this act is an individual, partnership, or corporation engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least ten new motor vehicles.

(11) The term "dealer" as used in this act, shall include every person, firm, or corporation actively engaged in the business of buying, selling, or exchanging motor vehicles or motor cycles and who has an established place of business.

(12) The word "magistrate" shall be deemed and understood to mean and in-

clude all justices of the peace, judges of the city criminal courts, police justices, recorders, mayors, and other officers having the power of a committing magistrate

2. Section two of the act to which this is an amendment is hereby amended to read as follows:

2. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyancing of persons for hire, pleasure, or business, nor for the transportation of freight, such as steam road rollers, and traction engines, are excepted from the provisions of this act. No fee shall be charged for the registration of motor vehicles owned by the United States, the State of New Jersey, or by any city, borough, incorporated town, township, or county, duly authorized (volunteer) fire department, hospital, humane society, any anticruelty society in the State, or by the American Red Cross, providing such vehicles are not used for pleasure or hire, but all such vehicles shall be registered and shall display number plates as is provided for in this act.

3. Section seven of the act to which this is an amendment is hereby amended to read as follows:

7. (1) Brakes. Every motor vehicle of more than ten horsepower, operated in or on any highway, shall be provided with at least two brakes, powerful in action and separated from each other, of which one brake must act directly on the drive wheels or on parts of the mechanism which are firmly connected with said wheels. Each of the two brakes shall suffice alone to stop the motor vehicle within a proper distance. One of the two brakes shall be so arranged as to be operated with the feet; *provided, however*, that on automobiles not exceeding ten horsepower, one brake shall be deemed to be sufficient. Every motorcycle shall be provided with at least one brake, which may be operated by hand or foot.

(2) Signaling device. Every motor vehicle must be equipped with a horn or signaling device, and the operator of the same shall give reasonable warning of his approach whenever necessary to insure the safety of other users of the highway, and before passing any vehicle he may overtake, or pedestrian using any part of the highway other than the sidewalk, also at curves and intersecting highways where the view of approaching vehicles is obscured; but the horn, bell, or other signaling device shall not be sounded unnecessarily.

(3) Lighting devices. Every automobile shall carry, during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps showing white or yellow tinted lights, visible at least two hundred and fifty feet in the direction toward which said automobile is proceeding; and shall also exhibit a red light visible from the rear; the rays of such rear light shall shine upon the number plate carried on the rear of such vehicle in such manner as to render the numerals thereof visible for at least fifty feet in the direction from which the motor vehicle is proceeding. No automobile shall be used upon the public highway of this State which is equipped with a lamp or more than [twenty-four] twenty-one candlepower [unless a greater candlepower shall be permitted under certificate issued by the commissioner], which, when lighted, is capable of projecting direct rays at a greater height than a parallel of three and one half feet from the ground; *provided, however*, that any lamp which has attached thereto any device which cannot be operated from the driver's seat, and which when so attached, renders said lamp incapable, when lighted, of projecting direct rays at a greater height than a parallel of three and one half feet from the ground, if such lamp, when lighted, is not capable of producing a dazzling light or glare; *and provided, further*, that the use of "spotlights" for driving purposes is prohibited, and that the use of such "spotlights" is hereby confined to reading of intersecting highway signs and house numbers. In order that this section may be operative without hardship to the owners and operators of motor vehicles, the Commissioner of Motor Vehicles is hereby especially authorized to pass upon any lighting device and upon the equipment of any car, and shall for this purpose examine all lighting devices submitted to him; and if, in his judgment, such lighting devices, when properly applied to a motor vehicle licensed under the authority of this act, shall conform to the provisions of this act, he shall issue a certificate to the manufacturer, owner, or user of such device, as the case may be, that the same is in compliance with this section; such certificate of approval may be revoked by the Commissioner of Motor Vehicles, when in his opinion the lighting device described in said certificate fails to comply with the provisions of this section, by giving thirty days' notice in writing, of such revocation to the manufacturers of said lighting device. Every automobile shall show at least one white or yellow-tinted light

when standing, such white or yellow-tinted light to be on the side of the automobile nearest to the center of the road and shall display at least one red light to the rear when standing.

Every motor cycle shall carry during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white or yellow light visible at least two hundred feet in the direction toward which the motor cycle is proceeding; and shall carry upon the rear of such motor cycle a red light, the rays of which shall shine upon the number plate which shall be fixed to the rear mudguard. Any motor cycle having more than two wheels or with side car attachment shall have two white lights to the front, as provided in this section.

(4) Mufflers. Every motor vehicle shall have, and every driver of such motor vehicle shall use, devices to prevent excessive noise, annoying smoke, and the escape of gases and steam, as well as the falling out of embers or residue from the fuel, and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Devices known as "muffler cut outs" shall not be used within the State of New Jersey.

(5) Mirrors. Any motor vehicle that is so constructed or covered as to prevent the operator thereof from having a sufficient view of the traffic following and at the sides of such vehicle shall be equipped with a mirror or some device that will show the driver the road to the rear and the road to the side.

(6) Chains. Motor vehicle tires may be fitted with chains when roads, streets, and highways are slippery because of rain, snow, ice, oil, or manner of construction; *provided, however*, that no chains shall be used at any time on the improved highways when the same are dry, or their condition does not make such use necessary for the safety of life or property.

4. Section nine of the act to which this is an amendment is hereby amended to read as follows:

9. (1) Every resident of this State, and every nonresident whose automobile or motor cycle shall be driven in this State except as is hereinafter provided, shall before using such vehicle on the public highways, register the same, and no motor vehicle or motor cycle shall be driven unless so registered. Every registration shall ex-

pire and the certificate thereof become void on the thirty-first day of December of each year; and the Commissioner of Motor Vehicles shall issue licenses for the following year on and after [December first] November fifteenth of each year, such license so issued not to be used until the thirty-first day of December of the year preceding the year for which such license is issued.

(2) Such registration shall be made in the following manner:

A statement in writing shall be made to the Commissioner of Motor Vehicles, or his lawful agent, containing the name and address of such owner, together with a description of the character of such motor vehicle or motor cycle, including the name of the maker and the manufacturer's number and the motor number. Such statement shall be submitted on forms prepared by the Commissioner of Motor Vehicles and shall be sworn to by the applicant before any one authorized to take acknowledgments. Thereupon, the said commissioner shall have power to grant a registration certificate to the owner of any motor vehicle, application for registration having properly been made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this act. But it shall be lawful for the Commissioner of Motor Vehicles to refuse registrations to any vehicle that in his estimation is not a proper vehicle to be used upon public roads and highways of this State.

(3) The holder of any registration certificate issued by the Commissioner of Motor Vehicles, when requested to do so by any motor vehicle inspector, police officer or magistrate, may thereby determine the correctness of the said certificate as the same relates to the registration number plates of the automobile or the motor cycle for which the said certificate was issued.

(4) Each owner having a residence outside of the State shall file with the Secretary of State a duly executed instrument, constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding caused by the operation of his registered motor vehicle or motor cycle, within this State, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this State; the service of such process shall be made by leaving a copy of the same in the office of the Secretary of State, with a service fee of two dollars to be taxed on the plaintiff's costs of suit.

Said Commissioner of Motor Vehicles shall forthwith notify such owner of such service by letter directed to him at the post office address stated in his application

5. Section eleven of the act to which this is an amendment is hereby amended to read as follows:

11. (1) Every manufacturer of automobiles residing and having his principal place of business within this State, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this act for a registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer; that he desires to use a single number on automobiles owned or controlled by him while being used for demonstration purposes or for shop purposes. The Commissioner of Motor Vehicles may thereupon, if satisfied of the facts stated in the application, issue a certificate as herein set forth assigning the same a number, which certificate shall contain a statement that the same is issued to the applicant as a manufacturer. One certificate shall cover and be valid for five cars or not more than five automobiles of said manufacturer at one time while under his control. The Commissioner of Motor Vehicles shall provide five sets of identification marks of the general style and kind provided for motor vehicle registrations in this act, and such identification marks shall not be used on any vehicle not actually owned or controlled by said manufacturer or operated either by him or his duly authorized agent.

All such automobiles shall be registered as registered under such general number, and in addition to the registration number displayed on the front and rear of the car, as hereafter provided, there shall be carried the letter "M" of equal size and prominence. The annual fee for such manufacturer's registration shall be five dollars for each car so authorized to be operated under each registration number, and the Commissioner of Motor Vehicles shall issue registration certificates in duplicate equal to the number of cars not exceeding five authorized to be operated under the said registration number.

(2) Every dealer in automobiles or motor cycles doing business in this State, instead of registering each automobile or motor cycle owned or controlled by him, may make application as hereinbefore provided in this act, for a registration number, and the written statement, in addition to the matters hereinbefore contained,

shall state that he is a dealer; that he desires to use a single number on automobiles or motor cycles owned or controlled by him while being operated for purposes of his business as a dealer [or for his personal use, but] and not for hire. The Commissioner of Motor Vehicles may thereupon, if satisfied of the facts stated in said application, issue certificate as herein set forth, assigning the same a number, which certificate shall contain a statement that the same was issued to the applicant as a dealer. One certificate shall cover and be valid for the use of not more than five automobiles or motor cycles of said dealer at one time while under his control. The Commissioner of Motor Vehicles shall provide five sets of identification marks of the general style provided for motor vehicle registration in this act, and such identification marks shall not be used on any vehicle not actually owned by said dealer or operated either by him or his duly authorized agent. All such automobiles or motor cycles shall be regarded as registered under such general number, and in addition to the registration number displayed on the front and rear of the car or motor cycle as hereafter provided, there shall be added the letter "D" of equal size and prominence. The annual fee for such dealer's registration shall be five dollars for each car or motor cycle so authorized to be operated under such registration number, and the Commissioner of Motor Vehicles shall issue registration certificates in duplicate equal to the number of cars or motor cycles not less than five sets for automobile dealers nor less than three sets for motor cycle dealers authorized to be operated under said registration number.

No person or persons shall use or permit the use of the plates issued under a dealer's registrations on any motor vehicle other than those owned by such dealer and operated by such dealer or his employees or for any purpose other than [the personal use of the dealer, or] demonstrating said vehicle to a prospective purchaser or testing or removing same from storage place, shipping point or place of delivery before or after sale; nor shall any dealer loan dealer's plates to any person or persons whatsoever, for display upon any motor vehicle not exclusively owned by said dealer.

Dealer's plates marked "In Transit" and corresponding in number to the numerals displayed on the dealer's registration may be issued by the Commissioner of Motor Vehicles on application from any dealer. Such plates shall be used solely

in the transportation of motor vehicles from the factory to the place of business of the dealer within this State and for no other purpose whatsoever. The cost of such dealer's plates shall be two dollars for each set.

(3) For each vehicle used as an omnibus for the transportation of passengers for hire, the applicant shall pay an annual fee of fifteen dollars for vehicles having a carrying capacity of five passengers or less, for each such vehicle having a carrying capacity for passengers of not less than six nor more than eight passengers, the annual fee shall be seventeen dollars and fifty cents, for each such vehicle having a carrying capacity for passengers of not less than nine nor more than twelve passengers, the annual fee shall be twenty dollars, for each such vehicle having a carrying capacity for passengers of not less than thirteen or more than seventeen passengers, the annual fee shall be twenty five dollars, for each such vehicle having a carrying capacity for passengers of not less than eighteen nor more than twenty two passengers, the annual fee shall be thirty dollars, for each such vehicle having a carrying capacity for passengers of not less than twenty three nor more than twenty six passengers, the fee shall be thirty five dollars; for each such vehicle having a carrying capacity for passengers of not less than twenty seven nor more than thirty passengers, the fee shall be forty dollars; for each such vehicle having a carrying capacity for passengers in excess of thirty passengers, the applicant shall pay an annual fee of forty dollars, and an additional fee of two dollars for each passenger, measured by carrying capacity, in excess of thirty passengers.

The Commissioner of Motor Vehicles shall provide identification marks of the general style and kind provided for motor vehicle registrations, assigning a number to each identification mark, to which such number the letter "O" shall be placed.

Every such applicant for an omnibus registration shall make application, setting forth the fact that he is engaged or transporting passengers for hire, and the Commissioner of Motor Vehicles, if satisfied of the correctness of the statements made in such application, may issue a registration certificate for omnibus license.

Nothing in this section shall prohibit the use by an omnibus operator of any automobile duly licensed to him as owner.

(4) Commercial motor vehicles, trailers, semitrailers, tractors. The applicant for registration for automobile commercial vehicles, trailers, semitrailers and

tractors shall pay to the Commissioner of Motor Vehicles a fee based upon the gross weight of such vehicle and load, when loaded to its carrying capacity. When the gross weight of the vehicle and load exceeds the gross weight allowed by law for the particular size of tires set forth in the application for registration, then such gross weight of vehicle and load shall be determined according to law upon the size of tires given in said application. The plates to be used for the commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X"; the trailer plates shall have the letter "T."

The fee shall be in accordance with the following table:

The gross weight of vehicle and carrying capacity is

1,000 pounds or less,	$10.00
1,001 to 2,000 pounds,	12.00
2,001 to 3,000 pounds,	15.00
3,001 to 4,000 pounds,	20.00
4,001 to 5,000 pounds,	24.00
5,001 to 6,000 pounds,	27.00
6,001 to 7,000 pounds,	30.00
7,001 to 8,000 pounds,	33.00
8,001 to 9,000 pounds,	36.00
9,001 to 10,000 pounds,	39.00
10,001 to 11,000 pounds,	42.00
11,001 to 12,000 pounds,	45.00
12,001 to 13,000 pounds,	48.00
13,001 to 14,000 pounds,	51.00
14,001 to 15,000 pounds,	54.00
15,001 to 16,000 pounds,	57.00
16,001 to 17,000 pounds,	60.00
17,001 to 18,000 pounds,	63.00
18,001 to 19,000 pounds,	66.00
19,001 to 20,000 pounds,	69.00
20,001 to 21,000 pounds,	72.00
21,001 to 22,000 pounds,	75.00

22,001 to 23,000 pounds, ... 78.00

23,001 to 24,000 pounds, ... 81.00

24,001 to 25,000 pounds, ... 84.00

25,001 to 26,000 pounds, ... 87.00

26,001 to 27,000 pounds, ... 00.00

27,001 to 28,000 pounds, ... 03.00

28,001 to 29,000 pounds, ... 06.00

29,001 to 30,000 pounds, ... 09.00

Provided, that no automobile, commercial vehicle, trailer, semitrailer, or tractor shall be registered by the Commissioner of Motor Vehicles unless the same are equipped with rubber tires on all wheels; *and provided, further*, that any person who shall overload or operate any commercial motor vehicle, tractor, trailer, or semi-trailer beyond the gross weight shown in the registration certificate for said vehicle, shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for the first offense, and for any subsequent offense, not less than two hundred and fifty dollars nor more than five hundred dollars [.] , and any person who shall operate an automobile, commercial vehicle, trailer, or semitrailer, or tractor not equipped on all wheels with rubber tires shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for any subsequent offense not less than one hundred dollars nor more than two hundred dollars; *provided, further*, that tractors used for agricultural purposes may be operated over the highways of this State without being equipped with rubber tires under such regulations as shall from time to time be adopted by the Commissioner of Motor Vehicles.

(5) Passenger vehicles. The applicant for registration for motor vehicles shall pay to the Commissioner of Motor Vehicles for each registration a fee of forty cents per horsepower for the rated horsepower of such motor vehicle or the major fraction thereof for the rated horsepower of such motor vehicle up to and including vehicles of a twenty-nine horsepower rating; and all passenger motor vehicles having a rating of thirty horsepower or more shall pay a fee of fifty cents per horsepower or the major fraction thereof.

(6) Motor cycles. The applicant for registration for a motor cycle shall pay to

the Commissioner of Motor Vehicles for each registration a fee of two dollars.

(7) Reduction in fee after August first. If application shall be made for the registration of a motor vehicle, commercial motor vehicle, trailer, semitrailer, tractor or omnibus after the first day of August in any year, the applicant shall be required to pay but one-half the registration fee herein provided for in the class to which such vehicle belongs.

(8) Refusal of registration. The Commissioner of Motor Vehicles may refuse registration in the case of any automobile, commercial motor vehicle, trailer, semi-trailer, tractor, or omnibus, that shall not comply with the requirements of this act or that shall seem to him unsuitable for use on the roads and highways of this State.

(9) Certificate issued. The Commissioner of Motor Vehicles shall issue for each automobile so registered a certificate, properly numbered, stating that such motor vehicle or motor cycle is registered in accordance with the law, and shall cause the name of such owner, with his address and the number of his certificate and description of such automobile, to be entered on the records of his department in alphabetical and numerical order. And the holder of said certificate, when requested by any motor vehicle inspector, police officer, or magistrate, while in the performance of the duties of his office, shall exhibit said certificate, to the end that the said motor vehicle inspector, police officer, or magistrate may thereby determine the correctness of said certificate as the same relates to the registration number plates of the motor vehicle for which the said certificate was issued.

(10) Duplicate certificates. The Commissioner of Motor Vehicles, upon presentation of a statement duly sworn to, setting forth that the original registration certificate or driver's license has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate registration certificate or driver's license to the original holder thereof, upon the payment to the Commissioner of Motor Vehicles of a fee of one dollar for each duplicate registration certificate or driver's license so issued.

6. Section fourteen of the act to which this is an amendment is hereby amended to read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall [be fined not more than one thousand dollars or imprisoned not more than one year or both for a first violation; for a second violation imprisoned not more than ten years; and for each subsequent violation imprisoned not more than fifteen years.] be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. Any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and, for each subsequent offense, shall be fined not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drugs to operate any motor vehicle owned by him or in his custody or control. Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the county jail or work-house of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State; and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit producing drugs until one year after the date of his or her conviction, if for a first offense, or five years after any subsequent conviction.

(4) Every person operating a motor vehicle who shall knowingly cause injury to any other person or to property in the possession or use of such person shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and upon request, give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any per-

son who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five, nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand pounds, [without a written permit from the State Highway Commission which shall prescribe the conditions under which the same shall be operated.] Any person who shall violate this provision shall be fined not less than one hundred nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving, shall be fined not less than ten nor more than twenty five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension, or revocation. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the commissioner, for use by any person other than the person named in said license, nor shall loan any

marker or certificate of registration, issued by the commissioner, for use on any other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act, shall allow such vehicle to be operated by a nonlicensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State [shall be fined not more than one hundred dollars or imprisoned not more than one year, or both, for the first violation; for the second violation, imprisoned not more than than ten years; and for each subsequent violation, imprisoned not more than fifteen years] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(14) Any person or persons making any misstatement of facts in his or her application for registration of a motor vehicle or driver's license, or give a fictitious address [shall be deemed guilty of a misdemeanor and upon conviction thereof,] shall be subject to a fine of not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00), or imprisonment for one year, or both, at the discretion of the court) and the Commissioner of Motor Vehicles shall upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

7. Section twenty five of the act to which this is an amendment, is hereby amended to read as follows:

25. (1) Jurisdiction of offenses; [summary] hearings; process. A complaint having been made in writing and duly verified, that any person has violated any of

the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality, in which the offense is committed may, within thirty days after the commission of said offense, issue either a summons or a warrant directed to any constable, police officer, the inspector of motor vehicles or the Commissioner of Motor Vehicles of this State, for the appearance or arrest of the person so charged; and the magistrate shall state what section or provision of this act has been violated by the defendant, and the time, place and nature of said violation and upon the return of said summons or warrant the said magistrate shall proceed [in a summary way] to hear and determine the guilt or innocence of such person, and upon conviction, may impose upon the person so convicted the penalty, by this act prescribed, together with the costs of prosecution for such offense.

(2) Such magistrate, upon receiving complaint in writing, duly verified, of the violation of any provision of this act by a corporation, is hereby authorized and required to issue a summons directed to any constable, police officer, the inspector of motor vehicles, or the Commissioner of Motor Vehicles of this State, requiring such corporation to be and appear before said magistrate on a day therein named, to answer to said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation, or the agent upon whom other process against it may be served, at least five days before the time of appearance mentioned therein, and thereafter all proceedings shall be the same as against individuals, except where a different procedure is provided by this act.

8. Section twenty-eight of the act to which this is an amendment is hereby amended to read as follows:

28. Record of appeal, summary trial. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate within ten days after defendant has completed his appeal to send all papers and all money, if any, deposited according with the provisions of this act and all money paid for costs of prosecution together with a transcript of the proceedings in the case to the Court of Common Pleas of the said county and the trial on appeal must be noticed for a hearing by said defendant for a day not more than thirty days after he has completed his appeal and in the event that the court be not in session then for a day as soon thereafter as the said court will fix to hear the same, by serving upon the attorney of the municipality

wherein the alleged violation was committed, not more than twenty days after completing his appeal, a five days' written notice thereof, and in cases where the municipality has no attorney then upon the clerk thereof, and in cases where the [arrest] complaint is made by a motor vehicle inspector or by a member of the State Constabulary, the aforementioned notice must within the same period of time be served upon the Attorney-General of the State either personally or by registered mail; and it shall be the duty of the attorney for the municipality wherein the alleged violation was committed, to represent the municipality at the trial on appeal, provided that in cases where the complaint is made by a motor vehicle inspector or by a member of the State Constabulary, it shall be the duty of the Attorney-General to represent the complainant at the trial on appeal; and should the defendant fail to give the required notice of the trial on appeal to the person and within the time as hereinbefore provided, then the like proceedings may be had as would by the provisions of this act follow and appeal taken and a judgment of affirmance thereupon. The Court of Common Pleas, on appeal shall, de novo, and in a summary way, try and determine all such appeals and in case the defendant is convicted on such appeal, the Court of Common Pleas shall impose the penalty prescribed by the act to which this act is an amendment, and in case the defendant is acquitted on such appeal, the Court of Common Pleas shall order the return of all moneys deposited as aforesaid and all costs of prosecution paid by said defendant to said defendant.

9. Section thirty-four of the act to which this is an amendment is hereby amended to read as follows:

34. Any person who shall be convicted of violating the provisions of section thirteen of this act shall be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days: *provided*, that any offender who shall be convicted of second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days; *provided, further*, that the penalties above prescribed shall not apply to the display of a fictitious number.

L. 1924, C. 211

Any person convicted of displaying a fictitious number as prohibited by section thirteen, or violating the provisions of section ten shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of section nine of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision two of section eleven of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of section sixteen of this act shall, for the first offense, be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisonment in the county jail for a period not exceeding twenty days and in addition to such penalties the license of said offender shall be revoked; *provided, further,* that nothing herein contained shall prevent a revocation of license for the first offense or for the violation of any provisions of this act.

Any person who shall be convicted of violating any of the provisions of section seven of section fifteen shall be subject to a fine not exceeding twenty-five dollars.

10. This act shall take effect immediately.

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following particulars.

The definition "commercial motor vehicle" is hereby amended to exempt touring cars of the passenger type used by farmers for the transportation of farm products and milk. This amendment has the approval of the Agricultural Society of New Jersey and is the result of a conference had with their representatives and the Department of Motor Vehicles.

The word "volunteer" is stricken from section two in order to allow all fire companies an exemption from the payment of the registration fee.

Section seven is amended so as to reduce the candle power of bulbs used in automobile head lamps from 24 candle power to 21 candle power, and to permit the revocation of approval permits whenever a lighting device is deficient.

Section nine of the Motor Vehicle Act is amended to enable the department to commence the issuance of licenses on November fifteenth each year for the succeeding year instead of December first as at present.

The amendment proposed to section eleven is for the purpose of preventing the misuse of dealer plates so that dealer plates now used for individual purposes and by other than bona fide dealers in connection with their business as such will no longer be possible. The same section is amended so as to hold the operator of a motor vehicle who drives the same in an overloaded condition and also fixes a penalty for the operation of a motor vehicle not equipped with rubber tires. The amendment respecting the use of dealers plates has been heartily endorsed by the Dealers Association of New Jersey.

Section fourteen is amended so as to make the offense of operating a motor vehicle without the permission of the owner or placing any sharp or cutting substance upon the highways an indictable offense constituting same as a misdemeanor. The present law omitted this provision. This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed.

An amendment is also provided to enable the imposition of a fine upon any person or persons who makes any misstatements of facts in his or her application for motor vehicles or driver's license.

Section twenty-five is amended to strike out the words "in a summary way" in order that magistrates will not be required to hold hearings at unseemly hours, and to make more difficult reversals of convictions for intoxicated driving where a summary hearing is not given.

Section twenty-eight is amended to privide wherein an appeal is taken, it shall be the duty of the attorney for the municipality wherein the alleged violation is committed, or the Attorney-General as the case may be, to represent the municipality at the trial on ap-

peal. This amendment is desired because of the fact that many appeals to reverse conviction for intoxicated driving have been successful, due to the failure of the attorney for the municipality to take action desired to uphold the judgment of the local magistrate.

This bill was unanimously passed by the 1923 legislature but was vetoed by the Governor because it required that farm tractors should be equipped with rubber tires. The objections of the Governor have been eliminated from this draft and as these amendments are very necessary, they are respectfully submitted with the earnest approval of the Department of Motor Vehicles of New Jersey.

Laws of 1926, Chapter 152

SENATE, No. 79

37.4-129

(P. L. 1921, Chap. 208, p. 643.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1926.

By Mr. SIMPSON.

Referred to the Committee on Revision and Amendment of the Laws.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of licenses and registration fees; prescribing and regulating process and the services thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section fourteen of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and for each subsequent offense shall be fined not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of in-

toxicating liquor or any narcotic or habit-producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit-producing drugs to operate any motor vehicle owned by him or in his custody or control. [Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the county jail or workhouse of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State: and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit-producing drugs until one year after the date of his or her conviction, if for a first offense, or five years after any subsequent conviction.] Any person who shall violate this provision shall, upon conviction thereof for a first offense, be subject to a fine of not less than two hundred dollars or more than five hundred dollars, or to imprisonment for a term of not less than thirty days, and not more than six months, or both, in the discretion of the magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of two years from the date of his or her said conviction. Any person who shall violate this provision, having been convicted of a previous violation hereof, shall be imprisoned for a term of six months, and shall forfeit his right to thereafter operate a motor vehicle over the highways of this State. Any magistrate imposing a term of imprisonment pursuant to the provisions of this act may sentence the person so convicted either to the county jail or to the workhouse of the county wherein the offense was committed.

(4) Every person operating a motor vehicle who shall be involved in an accident [knowingly cause injury to any other person or to property in the possession or use of such person] shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and [upon request,] give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense not less than one hundred dollars nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand pounds. Any person who shall violate this provision shall be fined not less than one hundred nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving shall be fined not less than ten nor more than twenty-five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension, or revocation. Any person who shall violate this provision shall be fined not less than one hundred [fifty] nor more than five [one] hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the Commissioner, for use by any person other than the person named in said license, nor shall loan any marker or certificate of registration, issued by the Commissioner for use on any other car other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act

shall allow such vehicle to be operated by a non-licensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State shall [be deemed guilty of a misdemeanor and] upon conviction thereof [shall] be punished by a fine not [to exceed two thousand] less than one hundred dollars or more than five hundred dollars [by imprisonment not to exceed two years or both, at the discretion of the court.]

(14) Any person or persons making any misstatement of facts in his or her application for registration of a motor vehicle or driver's license, or give a fictitious address shall be subject to a fine of not less than two hundred (200.00) or more than five hundred dollars ($500.00) or imprisonment for one year, or both, at the discretion of the court, and the Commissioner of Motor Vehicles shall, upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

2. This act shall take effect immediately.

L. 1926, c. 152

STATEMENT.

The Operation of Motor Vehicles by Intoxicated Drivers.

It is the result of several weeks of study of the subject by a committee of police magistrates, named by the Commissioner of Motor Vehicles, to suggest to legislation a law that would curb the present day evil of obtaining the discharge of automobile drivers from custody on purely technical grounds.

The committee of police magistrates are all members of the bar and have served in the capacity of police magistrate for a long period of time, so that their experience

in dealing with the subject is unquestioned. They recommend, and this bill provides, for a mandatory minimum fine of two-hundred dollars or imprisonment in jail, in the discretion of the magistrate, for the first offense. For a subsequent offense the bill provides for a mandatory jail sentence of six months and the perpetual revocation of their driver's license.

It is felt that this bill, together with the companion measure, will effectually eliminate appeals for the release of intoxicated drivers on technical grounds, and will make certain, unless the facts are to the contrary, that when a penalty for intoxicated driving is imposed the defendant will be compelled to discharge his objection to society and the State.

The bill also amends several other subdivisions of section fourteen, among them the one relating to the throwing of glass or other sharp substance on the roadway, and making it necessary to give name, address and license number whenever an accident occurs.

[OFFICIAL COPY REPRINT.]

ASSEMBLY AMENDMENTS TO

SENATE, No 79

STATE OF NEW JERSEY

On page two, line twenty-nine, strike out the word "six" and insert in lieu thereof the word "three".

Strike out on line thirty-three, the word "six" and insert in lieu thereof the word "three".

In line thirty-eight, by inserting after the word "shall" and before the word "be" the word "knowingly".

was committed, not more than ten days after completing his appeal a five days' written notice thereof, and in cases where the complaint is made by a motor vehicle inspector or by a member of the State [Constabulary] Police, the aforementioned notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided*, that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, 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 said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

15. This act shall take effect immediately.

L 1931, c 171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the convenience of the applicants.

This amendment corrects an omission in the present law of a few words which were evidently left out inadvertently when preparing previous amendments which were passed, and which now makes the section (nine-three) read in such a way as not to make sense.

This amendment further makes it necessary for the registration certificate to be available at all times when the motor vehicle is being operated. The law as originally passed used the word "holder" which was liberally construed to mean either the owner or the operator. It was impossible to impose a penalty for failure to have registration certificate in possession, unless the owner or holder of the certificate of registration happened to be in the vehicle at the time of the violation. This amendment makes it necessary for the operator or person in charge of the vehicle to have the registration card in his possession, in order to be produced on request of police officials.

The present law demands the production of the registration certificate from *the holder thereof*. It is necessary for proper law enforcement that the registration certificate be in the possession of the operator and there is no penalty at the present time if the driver or operator fails to produce the registration certificate. This situation requires immediate correction.

In the amendment to subdivision four of section nine, the Commissioner of Motor Vehicles at the place underlined has been substituted for the Secretary of State.

The Commissioner of Motor Vehicles would appear to be the proper official to receive papers to be served by registered mail on non-residents, in damage suits arising from accidents. At the time the law was originally passed, the Department of Motor Vehicles was a part of the Department of State, but since the Act of 1926 was passed separating the Department of Motor Vehicles from the Department of State, there does not appear to be any good reason for continuing the service work through the office of the Secretary of State.

No. 5. There is no provision in the law to punish fraudulent examination takers. It is essential to life and property that only competent persons be permitted to drive motor cars, and when persons are detected who either take examinations for others or who procure licenses for others without the necessity of examination, they should be promptly punished.

The amendment to subdivision three of section ten simply strengthens provision nine-three which requires that the registration certificate must be in the motor vehicle

when such vehicle is operated over the highways, and that such certificate must be produced on request of a police officer or magistrate.

The amendment to subdivision four of section ten provides that omnibuses traveling through the State not registered under the New Jersey Act be permitted only the fifteen-day reciprocity privilege accorded to commercial vehicles. Omnibuses should not be given the ninety-day reciprocity privilege accorded to visiting passenger cars.

The amendment to subdivision five of section ten allows non-resident drivers to operate cars bearing New Jersey plates, during the ninety day reciprocity period, but does not allow this privilege to any non-resident driver under the age of seventeen years, or to any non-resident driver whose home State does not require a driving license.

No. 6. There are so few "M" plates issued yearly that it is advisable to discontinue the manufacture thereof and issue "D" plates.

With reference to amendment to subdivision four of section eleven, the problem of truck overloading is a serious one. It causes damage to our roads in an amount that is difficult to compute. Under our present law, the operator is promptly punished by a mandatory minimum penalty of one hundred dollars ($100.00) with a maximum of two hundred and fifty dollars ($250.00) for the first offense and for a subsequent offense a minimum of two hundred and fifty dollars ($250.00) and a maximum of five hundred dollars ($500.00). The experience of the department discloses that in most instances the operator is not primarily responsible for the overloading, and that he was merely carrying out the orders of his superior. In many instances, truck owners do not pay the fine of the truck driver and let him shift for himself and such demands have proven of great financial embarrassment. I suggest that the punishment be shifted to where it belongs. Place the responsibility for overloading upon the owner and make him, or the corporation, if it be the owner, be compelled to pay the fine for the offense. I believe it will tend to reduce the overloading violations in this State. If situations develop where the operator is responsible for the overloading, the owner is in a position to punish the operator by dismissal.

Motor vehicle inspectors discover numerous situations where trucks and other commercial vehicles are operated with badly worn solid rubber tires. Our present law provides for no punishment for such an offense. A penalty comparable to the penalty

imposed for failure to operate a motor vehicle with rubber tires is essential to mitigate this type of abuse.

The amendment to subdivision seven of section eleven allows the half-rate fee for registrations to go into effect *on* the first day of August, which was no doubt the original intent, but the law was not so worded.

No. 7. This amendment has been drawn to make our requirements similar to those of other states which extend the maximum height of the license plates to forty-eight inches.

No. 8. During 1930, Judge Truax of the Monmouth County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by Weeks vs. State, 101 N. J. L. P. 15 and State vs. Garton, 102 N. J. P. 318. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who *in fact* has been a previous offender, if the complaint against him does not recite a previous conviction.

There never has been a penalty imposed for a person failing to notify the Commissioner of Motor Vehicles of a change of residence; neither has there been a penalty for applying for a license at a department agency after the applicant's license has been revoked.

No. 9. This amendment to section seventeen provides a penalty for failure of a magistrate to return fines either to the Commissioner of Motor Vehicles or to the financial officer of the county. The law heretofore provided no penalty for this offense.

This amendment also provides that a magistrate must give a receipt for a fine when a defendant requests such a receipt. Countless complaints have been received by the Department from persons who have paid fines, and who have been denied receipts by the convicting magistrates. Such defendants are certainly entitled to receipts, which will also serve the double purpose of being a check on the magistrate and will assist in securing the proper return to the State or county of all moneys collected in fines for violation

of the Motor Vehicle Act. Penalty is also provided for failure to forward revoked license cards to the Commissioner.

No. 10. In section twenty-one the most important change is the addition of a table setting forth the tire sizes and the gross weight allowed for commercial vehicles bearing pneumatic tires. Previously, the law specified the table for solid-tired vehicles only.

A penalty is also provided for violation of section twenty-one, which was missing from our previous law.

No. 11. This amendment permits thirty days from the date of the *discovery* of violations as the time in which complaints may be made. This is necessary in certain cases, as violations with reference to improper applications for registrations and licenses are sometimes not discovered until more than thirty days have elapsed from the date of the application. The law at present restricts the bringing of a complaint to thirty days from the date of a violation.

No. 12. Heretofore, regardless of who made the complaint, notice of appeal has been served upon the prosecutor of the pleas. It is desired that the notice of appeal be served upon the Attorney General, where the complaint is made by a motor vehicle inspector or State police officer, in view of the fact that the Attorney General represents the State on appeal where either a motor vehicle inspector or a State Police officer is the complainant.

No. 13. The words "State Police" have been substituted for the words "State Constabulary." It is merely a technical change. There is no State Department known as the "State Constabulary."

L. 1932, C 36

ASSEMBLY, No. 350

(*Amendment to Chapter 281, P. L. 1928*)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1932

By Mr. WISE

Referred to Committee on Motor Vehicle and Traffic

AN ACT to amend an act entitled "An act providing for the regulation of vehicles, animals and pedestrians on all public roads and turnpikes, and prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act, and penalties for said violations, and granting authority to towns, cities, boroughs, and townships, under certain restrictions for the adoption of ordinances further regulating vehicles, pedestrians and animals, and designating the authorities to enforce its provisions, and defining their powers and their authority" (Revision of 1928) approved July fourteenth, one thousand nine hundred and twenty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of article two of the act to which this act is amendatory is hereby amended to read as follows:

1. The driver of any vehicle, other than a motor vehicle, involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident.

2. Section two of article two of the act to which this act is amendatory is hereby amended to read as follows:

2. The driver of any vehicle, other than a motor vehicle, involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident.

3. Section three of article two of the act to which this act is amendatory is hereby amended to read as follows:

3. The driver of any vehicle, other than a motor vehicle, involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including carrying of such person to a hospital or a physician for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

4. This act shall take effect immediately.

L. 1932, c 36

STATEMENT

A "hit and run" motor vehicle driver is punishable under the Motor Vehicle Act as well as the Traffic Act. There is conflict between the two acts with regard to the punishment. Under the above amendment, punishment of the "hit and run" motor vehicle driver will be meted out in accordance with the Motor Vehicle Act exclusively.

L. 1932, C° 89

ASSEMBLY, No. 374

(*Amendment to Chap.* 208, *P. L.* 1921)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1932

By Mr. WISE

Referred to Committee on Motor Vehicle and Traffic

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Subdivision four of section fourteen of the act to which this act is amendatory is hereby amended to read as follows:

(4) The driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, give [Every person operating a motor vehicle who shall knowingly be involved in an accident shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and give] his name and address and exhibit his driver's license and registration certificate of his vehicle to the person struck or injured and the driver and occupants of any vehicle collided with and to any police officer and to any witnesses of the accident and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a hospital or a physician for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. [his name, address, and operator's license and registration number to the person injured or to

any officer or witness of the injury]. Any person who shall violate this provision shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), or imprisoned for a period not exceeding thirty days, or both, for the first offense, and for any subsequent offense be fined not less than one hundred dollars ($100) nor more than two hundred dollars ($200), or be imprisoned for a period of not less than thirty days, nor more than ninety days, or both.

2. This act shall take effect immediately.

STATEMENT

(Subdivision 4, Section 14.) The above is a change in the definition of a hit and run driver, as well as an increase of the punishment, and is recommended and urged by the Commissioner of Motor Vehicles. It will add considerable potency in the prosecution and conviction of persons running away from the scene of an accident.

Incidentally, it makes a hit and run driver subject to criminal conviction who causes property damage, a situation not now taken care of under the present law. At the present time, a person charged with hit and run driving under the Motor Vehicle Act is not subject to imprisonment, a change which the Commissioner of Motor Vehicles emphatically recommends.

SENATE AMENDMENTS TO

ASSEMBLY, No. 374

STATE OF NEW JERSEY

ADOPTED MARCH 15, 1932

1. Amend Section one, line 3, by inserting after the word "vehicle" and before the word "involved" the words: "who shall be knowingly".

L. 1940, C. 147

ASSEMBLY, No. 218

(*Revised Statutes, section* 39:4–129.)

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1940

By Mr. BERTONI

Referred to Committee on Judiciary

AN ACT concerning motor vehicle regulation, and amending section 39:4–129 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 39:4–129 of the Revised Statutes is amended to read as follows:

39:4–129. The driver of any vehicle knowingly involved in an accident resulting in injury or death to a person or damage to property shall immediately stop the vehicle at the scene of the accident, give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or struck 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.

A driver of a motor vehicle who, after being knowingly involved in an accident resulting in injury or death to a pedestrian, shall violate this section shall be fined in the sum of one hundred dollars ($100.00), or be imprisoned for a period of thirty days, or both, for the first offense, and for a

1990 A218

subsequent offense shall be fined in the sum of five hundred dollars ($500.00), or be imprisoned for a period of six months, or both and any other driver of a motor vehicle who violates this section shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or be imprisoned for a period of not more than thirty days, or both, for the first offense, and for a subsequent offense, shall be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00), or be imprisoned for a period of not less than thirty days nor more than ninety days, or both.

A driver of a vehicle, other than a motor vehicle, who violates this section shall be punished as provided in section 39:4-203 of this Title.

2. This act shall take effect immediately.

STATEMENT

The purpose of this act is to provide for stringent penalties for the driver of a motor vehicle who causes an accident resulting in injury or death.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 218

(Revised Statutes, section 39:4-129.)

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1940

By Mr. BERTONI

Referred to Committee on Judiciary

AN ACT concerning motor vehicle regulation, and amending section 39:4–129 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 39:4–129 of the Revised Statutes is amended to read as follows:

39:4–129. The driver of any vehicle knowingly involved in an accident resulting in injury or death to a person or damage to property shall immediately stop the vehicle at the scene of the accident, give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or struck 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.

A driver of a motor vehicle who, after being knowingly involved in an accident resulting in injury or death to a pedestrian, shall violate this section shall be fined in the sum of one hundred dollars ($100.00), or be imprisoned for a period of thirty days, or both, for the first offense, and for a

subsequent offense shall be fined in the sum of five hundred dollars ($500.00), or be imprisoned for a period of six months, or both and any other driver of a motor vehicle who violates this section shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or be imprisoned for a period of not more than thirty days, or both, for the first offense, and for a subsequent offense, shall be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00), or be imprisoned for a period of not less than thirty days nor more than ninety days, or both.

A driver of a vehicle, other than a motor vehicle, who violates this section shall be punished as provided in section 39:4–203 of this Title.

2. This act shall take effect immediately.

R.S. 39:4-129

April 13, 1966

LEGISLATIVE NOTES ON R.S. 39:4-129
(Action in Case of Accident)

COPY NO. 1

Particular reference to Paragraph 1, "damage to property".

L. 1921, Chapter 208, § 14 (4) - A483
Phraseology of this law somewhat different from present statute.
Introduced February 22 by Mr. Tattersall.
Amended during passage (Sect. 14 (4) not altered).
Statement on bill:

> "This bill embodies the recommendations of the Motor Vehicle Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill".

The report of this Commission made no mention of the matter of automobile accidents involving injury or death to person or damage to property.

L. 1923, Chapter 136 - S111
No relevance to particular phrase.
Concerned with driver under influence of intoxicating liquors or drugs.
Introduced January 22 by Mr. Pierson.
Not amended during passage.
Statement on bill:

> "This bill proposed to amend subdivision three of section fourteen by incorporating therein the place where defendant is to be imprisoned.
>
> A number of appeals have been based upon this omission from the present statute and the necessity of curbing intoxicated driving is so apparent that the amendment proposed hereby has been prepared by the Attorney-General at the request of the Department of Motor Vehicles in the belief that it will lessen the number of appeals that are now being taken to arrest judgment."

L. 1924, Chapter 160, sect. 1 [14 (4)] - S25
Minor change to paragraph in question.
Introduced January 8 by Mr. Blackwell.
Not amended during passage.
Statement on bill: (copy of bill and statement enclosed).

L. 1924, Chapter 211, § 6 - S145
No change to phrasing in question.
Introduced January 21 by Mr. Agans.
Amended during passage.
Statement on bill (copy of statement enclosed).

L. 1926, Chapter 152 - S79
Introduced January 25 by Mr. Simpson.
Amended during passage.
Statement on bill (copy of bill and statement enclosed).

L. 1928, Chapter 281- Special Session A1.
Introduced June 4 by Mr. Wise.
Not amended during passage.
No statement on bill.

L. 1931, Chapter 171 - A171
Minor change to particular paragraph: penalty fines are enumerated by words and figures.
Introduced February 2 by Mr. Grimm.
Amended during passage.
Statement on bill (copy of part of bill and statement enclosed).

L. 1932, Chapter 36 - A350
Introduced February 8 by Mr. Wise.
Not amended during passage.
Statement on bill (Copy of bill and statement enclosed).

L. 1932, Chapter 89 - A374
Phrasing is changed; additional stipulations in particular paragraph added.
Introduced February 8 by Mr. Wise.
Amended during passage.
Statement on bill (copy of bill, amendments, and statement enclosed).

L. 1940, Chapter 147 - A218
Introduced March 25 by Mr. Bertoni.
Not amended during passage.
Statement on bill (copy of bill and statement enclosed).

We could not find any supplementary reports or hearings on these laws.

CK/PC

L. 1967 - Chap. 189 - A846 No hearings or reports.
Intro. Apr. 10 by Parker
No statement
Not amended during passage.

L. 1924, c. 160
39-4-129

SENATE, NO. 25

(Chapter 208, P. L. 1921, as amended by Chapter 136, P. L. 1923.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1924.

By Mr. BLACKWELL.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, nineteen hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section fourteen of the act of which this act is amendatory be and the same hereby is amended to read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both for a first violation; for a second violation imprisoned not more than ten years; and for each subsequent violation imprisoned not more than fifteen years.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. Any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and, for each subsequent offense, shall be fined

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185 W. State Street
Trenton, N. J.

not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit-producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit-producing drugs to operate any motor vehicle owned by him or in his custody or control. Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the common jail or workhouse of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State; and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit-producing drugs until one year after the date of his or her conviction if for a first offense, or five years after any subsequent conviction.

(4) Every person operating a motor vehicle who shall knowingly cause injury to any other person or to property in the possession or use of such person shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and, upon request, give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred dollars nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand

pounds, without a written permit from the State Highway Commission which shall prescribe the conditions under which the same shall be operated. Any person who shall violate this provision shall be fined not less than one hundred dollars nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving, shall be fined not less than ten nor more than twenty-five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension or revocation. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the commissioner, for use by any person other than the person named in said license, nor shall loan any marker or certificate of registration, issued by the commissioner, for use on any other car other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act, shall allow such vehicle to be operated by a nonlicensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State shall be fined not more than one hundred dollars or imprisoned not more than one year, or both, for the first violation; for the second violation, imprisoned not more than ten years; and for each subsequent violation, imprisoned not more than fifteen years.

(14) Any person or persons making any misstatement of facts in his or their applications for registrations of a motor vehicle or driver's license, or give a fictitious address, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred or more than five hundred dollars, or imprisonment for one year, or both, at the discretion of the court; and the Commissioner of Motor Vehicles shall, upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

2. This act shall take effect immediately.

L. 1924, C. 160

STATEMENT.

This bill provides for the commitment of intoxicated automobile drivers to the county jail or workhouse of the county wherein the offense is committed. By chapter 136, P. L. 1923, it is provided the defendant upon conviction should be committed to the county jail. In some counties of the State, however, where a workhouse is maintained, it is felt that by committing the defendant to the workhouse it may arouse the motoring public to the great seriousness of operating a motor vehicle while under the influence of intoxicating liquor; hence this proposed amendment has the endorsement of the Motor Vehicle Department of New Jersey.

SENATE, NO. 145

(Chapter 208, P. L., 1921, page 615)
(Chapter 90, P. L., 1923, page 182)
(Chapter 108, P. L., 1923, page 201)

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1924

By Mr. AGANS.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof, fixing rules regulating the use and speed of motor vehicles, fixing the amount of license and registration fees, prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violation," approved April eighth, one thousand nine hundred and twenty one, as amended by an act approved March twenty-eighth, one thousand nine hundred and twenty three, and as further amended by an act approved March nineteenth, one thousand nine hundred and twenty three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of the act to which this is an amendment is hereby amended to read as follows:

1. The terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the Legislature.

(1) The term "motor vehicle" shall include all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(2) The term "motor cycle" shall include all motor operated vehicles of the bi-cycle or tricycle type, whether the motive power be a part thereof or attached

thereto, and having pedals and saddle with driver sitting astride, or a platform on which said driver stands.

(3) The term "automobile" includes all motor vehicles except motor cycles.

(4) The term "omnibus" as used in this act shall include all motor vehicles used for the transportation of passengers for hire, except such vehicles as are used to transport children to and from school outside of a city, provided such motor vehicle is not otherwise used in the transportation of passengers for hire.

(5) "Commercial motor vehicles" as used in this act shall include every type of motor driven vehicle used for commercial purposes on the highways, such as the transportation of foods, wares, or 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.

(6) The term "motor-drawn vehicles" as used in this act shall include trailers, semitrailers, or any other type or vehicle drawn by a motor-driven vehicle.

(7) The term "tractor" as used in this act is a motor-driven vehicle designed for drawing other vehicles but having no provision for carrying loads independently.

(8) The term "trailer" as used in this act is a vehicle of more than two wheels designed to carry a load wholly on its own structure and for being drawn by a motor-driven vehicle, except those running exclusively on tracks.

(9) The term "semitrailer" as used in this act is a two-wheeled vehicle without motor power, drawn by a motor-driven vehicle, and so designed and used in connection with a self-propelled vehicle that a considerable part of its own weight rests upon the towing vehicle.

(10) The term "manufacturer" as used in this act is an individual, partnership, or corporation engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least ten new motor vehicles.

(11) The term "dealer" as used in this act, shall include every person, firm, or corporation actively engaged in the business of buying, selling, or exchanging motor vehicles or motor cycles and who has an established place of business.

(12) The word "magistrate" shall be deemed and understood to mean and in-

clude all justices of the peace, judges of the city criminal courts, police justices, recorders, mayors, and other officers having the power of a committing magistrate

2. Section two of the act to which this is an amendment is hereby amended to read as follows:

2. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyancing of persons for hire, pleasure, or business, nor for the transportation of freight, such as steam road rollers, and traction engines, are excepted from the provisions of this act. No fee shall be charged for the registration of motor vehicles owned by the United States, the State of New Jersey, or by any city, borough, incorporated town, township, or county, duly authorized (volunteer) fire department, hospital, humane society, any anticruelty society in the State, or by the American Red Cross, providing such vehicles are not used for pleasure or hire, but all such vehicles shall be registered and shall display number plates as is provided for in this act.

3. Section seven of the act to which this is an amendment is hereby amended to read as follows:

7. (1) Brakes. Every motor vehicle of more than ten horsepower, operated in or on any highway, shall be provided with at least two brakes, powerful in action and separated from each other, of which one brake must act directly on the drive wheels or on parts of the mechanism which are firmly connected with said wheels. Each of the two brakes shall suffice alone to stop the motor vehicle within a proper distance. One of the two brakes shall be so arranged as to be operated with the feet; *provided, however*, that on automobiles not exceeding ten horsepower, one brake shall be deemed to be sufficient. Every motorcycle shall be provided with at least one brake, which may be operated by hand or foot.

(2) Signaling device. Every motor vehicle must be equipped with a horn or signaling device, and the operator of the same shall give reasonable warning of his approach whenever necessary to insure the safety of other users of the highway, and before passing any vehicle he may overtake, or pedestrian using any part of the highway other than the sidewalk, also at curves and intersecting highways where the view of approaching vehicles is obscured; but the horn, bell, or other signaling device shall not be sounded unnecessarily.

(3) Lighting devices. Every automobile shall carry, during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps showing white or yellow tinted lights, visible at least two hundred and fifty feet in the direction toward which said automobile is proceeding; and shall also exhibit a red light visible from the rear; the rays of such rear light shall shine upon the number plate carried on the rear of such vehicle in such manner as to render the numerals thereof visible for at least fifty feet in the direction from which the motor vehicle is proceeding. No automobile shall be used upon the public highway of this State which is equipped with a lamp or more than [twenty-four] twenty-one candlepower [unless a greater candlepower shall be permitted under certificate issued by the commissioner], which, when lighted, is capable of projecting direct rays at a greater height than a parallel of three and one half feet from the ground; *provided, however*, that any lamp which has attached thereto any device which cannot be operated from the driver's seat, and which when so attached, renders said lamp incapable, when lighted, of projecting direct rays at a greater height than a parallel of three and one half feet from the ground, if such lamp, when lighted, is not capable of producing a dazzling light or glare; *and provided, further*, that the use of "spotlights" for driving purposes is prohibited, and that the use of such "spotlights" is hereby confined to reading of intersecting highway signs and house numbers. In order that this section may be operative without hardship to the owners and operators of motor vehicles, the Commissioner of Motor Vehicles is hereby especially authorized to pass upon any lighting device and upon the equipment of any car, and shall for this purpose examine all lighting devices submitted to him; and if, in his judgment, such lighting devices, when properly applied to a motor vehicle licensed under the authority of this act, shall conform to the provisions of this act, he shall issue a certificate to the manufacturer, owner, or user of such device, as the case may be, that the same is in compliance with this section; such certificate of approval may be revoked by the Commissioner of Motor Vehicles, when in his opinion the lighting device described in said certificate fails to comply with the provisions of this section, by giving thirty days' notice in writing, of such revocation to the manufacturers of said lighting device. Every automobile shall show at least one white or yellow-tinted light

when standing, such white or yellow-tinted light to be on the side of the automobile nearest to the center of the road and shall display at least one red light to the rear when standing.

Every motor cycle shall carry during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white or yellow light visible at least two hundred feet in the direction toward which the motor cycle is proceeding; and shall carry upon the rear of such motor cycle a red light, the rays of which shall shine upon the number plate which shall be fixed to the rear mudguard. Any motor cycle having more than two wheels or with side car attachment shall have two white lights to the front, as provided in this section.

(4) Mufflers. Every motor vehicle shall have, and every driver of such motor vehicle shall use, devices to prevent excessive noise, annoying smoke, and the escape of gases and steam, as well as the falling out of embers or residue from the fuel, and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Devices known as "muffler cut outs" shall not be used within the State of New Jersey.

(5) Mirrors. Any motor vehicle that is so constructed or covered as to prevent the operator thereof from having a sufficient view of the traffic following and at the sides of such vehicle shall be equipped with a mirror or some device that will show the driver the road to the rear and the road to the side.

(6) Chains. Motor vehicle tires may be fitted with chains when roads, streets, and highways are slippery because of rain, snow, ice, oil, or manner of construction; *provided, however*, that no chains shall be used at any time on the improved highways when the same are dry, or their condition does not make such use necessary for the safety of life or property.

4. Section nine of the act to which this is an amendment is hereby amended to read as follows:

9. (1) Every resident of this State, and every nonresident whose automobile or motor cycle shall be driven in this State except as is hereinafter provided, shall before using such vehicle on the public highways, register the same, and no motor vehicle or motor cycle shall be driven unless so registered. Every registration shall ex-

pire and the certificate thereof become void on the thirty-first day of December of each year; and the Commissioner of Motor Vehicles shall issue licenses for the following year on and after [December first] November fifteenth of each year, such license so issued not to be used until the thirty-first day of December of the year preceding the year for which such license is issued.

(2) Such registration shall be made in the following manner:

A statement in writing shall be made to the Commissioner of Motor Vehicles, or his lawful agent, containing the name and address of such owner, together with a description of the character of such motor vehicle or motor cycle, including the name of the maker and the manufacturer's number and the motor number. Such statement shall be submitted on forms prepared by the Commissioner of Motor Vehicles and shall be sworn to by the applicant before any one authorized to take acknowledgments. Thereupon, the said commissioner shall have power to grant a registration certificate to the owner of any motor vehicle, application for registration having properly been made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this act. But it shall be lawful for the Commissioner of Motor Vehicles to refuse registrations to any vehicle that in his estimation is not a proper vehicle to be used upon public roads and highways of this State.

(3) The holder of any registration certificate issued by the Commissioner of Motor Vehicles, when requested to do so by any motor vehicle inspector, police officer or magistrate, may thereby determine the correctness of the said certificate as the same relates to the registration number plates of the automobile or the motor cycle for which the said certificate was issued.

(4) Each owner having a residence outside of the State shall file with the Secretary of State a duly executed instrument, constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding caused by the operation of his registered motor vehicle or motor cycle, within this State, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this State; the service of such process shall be made by leaving a copy of the same in the office of the Secretary of State, with a service fee of two dollars to be taxed on the plaintiff's costs of suit.

Said Commissioner of Motor Vehicles shall forthwith notify such owner of such service by letter directed to him at the post office address stated in his application

5. Section eleven of the act to which this is an amendment is hereby amended to read as follows:

11. (1) Every manufacturer of automobiles residing and having his principal place of business within this State, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this act for a registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer; that he desires to use a single number on automobiles owned or controlled by him while being used for demonstration purposes or for shop purposes. The Commissioner of Motor Vehicles may thereupon, if satisfied of the facts stated in the application, issue a certificate as herein set forth assigning the same a number, which certificate shall contain a statement that the same is issued to the applicant as a manufacturer. One certificate shall cover and be valid for five cars or not more than five automobiles of said manufacturer at one time while under his control. The Commissioner of Motor Vehicles shall provide five sets of identification marks of the general style and kind provided for motor vehicle registrations in this act, and such identification marks shall not be used on any vehicle not actually owned or controlled by said manufacturer or operated either by him or his duly authorized agent.

All such automobiles shall be registered as registered under such general number, and in addition to the registration number displayed on the front and rear of the car, as hereafter provided, there shall be carried the letter "M" of equal size and prominence. The annual fee for such manufacturer's registration shall be five dollars for each car so authorized to be operated under each registration number, and the Commissioner of Motor Vehicles shall issue registration certificates in duplicate equal to the number of cars not exceeding five authorized to be operated under the said registration number.

(2) Every dealer in automobiles or motor cycles doing business in this State, instead of registering each automobile or motor cycle owned or controlled by him, may make application as hereinbefore provided in this act, for a registration number, and the written statement, in addition to the matters hereinbefore contained,

shall state that he is a dealer; that he desires to use a single number on automobiles or motor cycles owned or controlled by him while being operated for purposes of his business as a dealer [or for his personal use, but] and not for hire. The Commissioner of Motor Vehicles may thereupon, if satisfied of the facts stated in said application, issue certificate as herein set forth, assigning the same a number, which certificate shall contain a statement that the same was issued to the applicant as a dealer. One certificate shall cover and be valid for the use of not more than five automobiles or motor cycles of said dealer at one time while under his control. The Commissioner of Motor Vehicles shall provide five sets of identification marks of the general style provided for motor vehicle registration in this act, and such identification marks shall not be used on any vehicle not actually owned by said dealer or operated either by him or his duly authorized agent. All such automobiles or motor cycles shall be regarded as registered under such general number, and in addition to the registration number displayed on the front and rear of the car or motor cycle as hereafter provided, there shall be added the letter "D" of equal size and prominence. The annual fee for such dealer's registration shall be five dollars for each car or motor cycle so authorized to be operated under such registration number, and the Commissioner of Motor Vehicles shall issue registration certificates in duplicate equal to the number of cars or motor cycles not less than five sets for automobile dealers nor less than three sets for motor cycle dealers authorized to be operated under said registration number.

No person or persons shall use or permit the use of the plates issued under a dealer's registrations on any motor vehicle other than those owned by such dealer and operated by such dealer or his employees or for any purpose other than [the personal use of the dealer, or] demonstrating said vehicle to a prospective purchaser or testing or removing same from storage place, shipping point or place of delivery before or after sale; nor shall any dealer loan dealer's plates to any person or persons whatsoever, for display upon any motor vehicle not exclusively owned by said dealer.

Dealer's plates marked "In Transit" and corresponding in number to the numerals displayed on the dealer's registration may be issued by the Commissioner of Motor Vehicles on application from any dealer. Such plates shall be used solely

in the transportation of motor vehicles from the factory to the place of business of the dealer within this State and for no other purpose whatsoever. The cost of such dealer's plates shall be two dollars for each set.

(3) For each vehicle used as an omnibus for the transportation of passengers for hire, the applicant shall pay an annual fee of fifteen dollars for vehicles having a carrying capacity of five passengers or less, for each such vehicle having a carrying capacity for passengers of not less than six nor more than eight passengers, the annual fee shall be seventeen dollars and fifty cents, for each such vehicle having a carrying capacity for passengers of not less than nine nor more than twelve passengers, the annual fee shall be twenty dollars, for each such vehicle having a carrying capacity for passengers of not less than thirteen or more than seventeen passengers, the annual fee shall be twenty five dollars, for each such vehicle having a carrying capacity for passengers of not less than eighteen nor more than twenty two passengers, the annual fee shall be thirty dollars, for each such vehicle having a carrying capacity for passengers of not less than twenty three nor more than twenty six passengers, the fee shall be thirty five dollars; for each such vehicle having a carrying capacity for passengers of not less than twenty seven nor more than thirty passengers, the fee shall be forty dollars; for each such vehicle having a carrying capacity for passengers in excess of thirty passengers, the applicant shall pay an annual fee of forty dollars, and an additional fee of two dollars for each passenger, measured by carrying capacity, in excess of thirty passengers.

The Commissioner of Motor Vehicles shall provide identification marks of the general style and kind provided for motor vehicle registrations, assigning a number to each identification mark, to which such number the letter "O" shall be placed.

Every such applicant for an omnibus registration shall make application, setting forth the fact that he is engaged or transporting passengers for hire, and the Commissioner of Motor Vehicles, if satisfied of the correctness of the statements made in such application, may issue a registration certificate for omnibus license.

Nothing in this section shall prohibit the use by an omnibus operator of any automobile duly licensed to him as owner.

(4) Commercial motor vehicles, trailers, semitrailers, tractors. The applicant for registration for automobile commercial vehicles, trailers, semitrailers and

tractors shall pay to the Commissioner of Motor Vehicles a fee based upon the gross weight of such vehicle and load, when loaded to its carrying capacity. When the gross weight of the vehicle and load exceeds the gross weight allowed by law for the particular size of tires set forth in the application for registration, then such gross weight of vehicle and load shall be determined according to law upon the size of tires given in said application. The plates to be used for the commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X"; the trailer plates shall have the letter "T."

The fee shall be in accordance with the following table:

The gross weight of vehicle and carrying capacity is

1,000 pounds or less,	$10.00
1,001 to 2,000 pounds,	12.00
2,001 to 3,000 pounds,	15.00
3,001 to 4,000 pounds,	20.00
4,001 to 5,000 pounds,	24.00
5,001 to 6,000 pounds,	27.00
6,001 to 7,000 pounds,	30.00
7,001 to 8,000 pounds,	33.00
8,001 to 9,000 pounds,	36.00
9,001 to 10,000 pounds,	39.00
10,001 to 11,000 pounds,	42.00
11,001 to 12,000 pounds,	45.00
12,001 to 13,000 pounds,	48.00
13,001 to 14,000 pounds,	51.00
14,001 to 15,000 pounds,	54.00
15,001 to 16,000 pounds,	57.00
16,001 to 17,000 pounds,	60.00
17,001 to 18,000 pounds,	63.00
18,001 to 19,000 pounds,	66.00
19,001 to 20,000 pounds,	69.00
20,001 to 21,000 pounds,	72.00
21,001 to 22,000 pounds,	75.00

22,001 to 23,000 pounds, ... 78.00

23,001 to 24,000 pounds, ... 81.00

24,001 to 25,000 pounds, ... 84.00

25,001 to 26,000 pounds, ... 87.00

26,001 to 27,000 pounds, ... 00.00

27,001 to 28,000 pounds, ... 03.00

28,001 to 29,000 pounds, ... 06.00

29,001 to 30,000 pounds, ... 09.00

Provided, that no automobile, commercial vehicle, trailer, semitrailer, or tractor shall be registered by the Commissioner of Motor Vehicles unless the same are equipped with rubber tires on all wheels; *and provided, further*, that any person who shall overload or operate any commercial motor vehicle, tractor, trailer, or semi-trailer beyond the gross weight shown in the registration certificate for said vehicle, shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for the first offense, and for any subsequent offense, not less than two hundred and fifty dollars nor more than five hundred dollars [.] , and any person who shall operate an automobile, commercial vehicle, trailer, or semitrailer, or tractor not equipped on all wheels with rubber tires shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for any subsequent offense not less than one hundred dollars nor more than two hundred dollars; *provided, further*, that tractors used for agricultural purposes may be operated over the highways of this State without being equipped with rubber tires under such regulations as shall from time to time be adopted by the Commissioner of Motor Vehicles.

(5) Passenger vehicles. The applicant for registration for motor vehicles shall pay to the Commissioner of Motor Vehicles for each registration a fee of forty cents per horsepower for the rated horsepower of such motor vehicle or the major fraction thereof for the rated horsepower of such motor vehicle up to and including vehicles of a twenty-nine horsepower rating; and all passenger motor vehicles having a rating of thirty horsepower or more shall pay a fee of fifty cents per horsepower or the major fraction thereof.

(6) Motor cycles. The applicant for registration for a motor cycle shall pay to

the Commissioner of Motor Vehicles for each registration a fee of two dollars.

(7) Reduction in fee after August first. If application shall be made for the registration of a motor vehicle, commercial motor vehicle, trailer, semitrailer, tractor or omnibus after the first day of August in any year, the applicant shall be required to pay but one-half the registration fee herein provided for in the class to which such vehicle belongs.

(8) Refusal of registration. The Commissioner of Motor Vehicles may refuse registration in the case of any automobile, commercial motor vehicle, trailer, semi-trailer, tractor, or omnibus, that shall not comply with the requirements of this act or that shall seem to him unsuitable for use on the roads and highways of this State.

(9) Certificate issued. The Commissioner of Motor Vehicles shall issue for each automobile so registered a certificate, properly numbered, stating that such motor vehicle or motor cycle is registered in accordance with the law, and shall cause the name of such owner, with his address and the number of his certificate and description of such automobile, to be entered on the records of his department in alphabetical and numerical order. And the holder of said certificate, when requested by any motor vehicle inspector, police officer, or magistrate, while in the performance of the duties of his office, shall exhibit said certificate, to the end that the said motor vehicle inspector, police officer, or magistrate may thereby determine the correctness of said certificate as the same relates to the registration number plates of the motor vehicle for which the said certificate was issued.

(10) Duplicate certificates. The Commissioner of Motor Vehicles, upon presentation of a statement duly sworn to, setting forth that the original registration certificate or driver's license has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate registration certificate or driver's license to the original holder thereof, upon the payment to the Commissioner of Motor Vehicles of a fee of one dollar for each duplicate registration certificate or driver's license so issued.

6. Section fourteen of the act to which this is an amendment is hereby amended to read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall [be fined not more than one thousand dollars or imprisoned not more than one year or both for a first violation; for a second violation imprisoned not more than ten years; and for each subsequent violation imprisoned not more than fifteen years.] be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. Any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and, for each subsequent offense, shall be fined not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drugs to operate any motor vehicle owned by him or in his custody or control. Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the county jail or work-house of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State; and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit producing drugs until one year after the date of his or her conviction, if for a first offense, or five years after any subsequent conviction.

(4) Every person operating a motor vehicle who shall knowingly cause injury to any other person or to property in the possession or use of such person shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and upon request, give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any per-

son who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five, nor more than one hundred dollars for the first offense, and, for any subsequent offense, not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand pounds, [without a written permit from the State Highway Commission which shall prescribe the conditions under which the same shall be operated.] Any person who shall violate this provision shall be fined not less than one hundred nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving, shall be fined not less than ten nor more than twenty five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension, or revocation. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the commissioner, for use by any person other than the person named in said license, nor shall loan any

marker or certificate of registration, issued by the commissioner, for use on any other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act, shall allow such vehicle to be operated by a nonlicensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State [shall be fined not more than one hundred dollars or imprisoned not more than one year, or both, for the first violation; for the second violation, imprisoned not more than than ten years; and for each subsequent violation, imprisoned not more than fifteen years] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(14) Any person or persons making any misstatement of facts in his or her application for registration of a motor vehicle or driver's license, or give a fictitious address [shall be deemed guilty of a misdemeanor and upon conviction thereof,] shall be subject to a fine of not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00), or imprisonment for one year, or both, at the discretion of the court) and the Commissioner of Motor Vehicles shall upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

7. Section twenty five of the act to which this is an amendment, is hereby amended to read as follows:

25. (1) Jurisdiction of offenses; [summary] hearings; process. A complaint having been made in writing and duly verified, that any person has violated any of

the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality, in which the offense is committed may, within thirty days after the commission of said offense, issue either a summons or a warrant directed to any constable, police officer, the inspector of motor vehicles or the Commissioner of Motor Vehicles of this State, for the appearance or arrest of the person so charged; and the magistrate shall state what section or provision of this act has been violated by the defendant, and the time, place and nature of said violation and upon the return of said summons or warrant the said magistrate shall proceed [in a summary way] to hear and determine the guilt or innocence of such person, and upon conviction, may impose upon the person so convicted the penalty, by this act prescribed, together with the costs of prosecution for such offense.

(2) Such magistrate, upon receiving complaint in writing, duly verified, of the violation of any provision of this act by a corporation, is hereby authorized and required to issue a summons directed to any constable, police officer, the inspector of motor vehicles, or the Commissioner of Motor Vehicles of this State, requiring such corporation to be and appear before said magistrate on a day therein named, to answer to said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation, or the agent upon whom other process against it may be served, at least five days before the time of appearance mentioned therein, and thereafter all proceedings shall be the same as against individuals, except where a different procedure is provided by this act.

8. Section twenty-eight of the act to which this is an amendment is hereby amended to read as follows:

28. Record of appeal, summary trial. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate within ten days after defendant has completed his appeal to send all papers and all money, if any, deposited according with the provisions of this act and all money paid for costs of prosecution together with a transcript of the proceedings in the case to the Court of Common Pleas of the said county and the trial on appeal must be noticed for a hearing by said defendant for a day not more than thirty days after he has completed his appeal and in the event that the court be not in session then for a day as soon thereafter as the said court will fix to hear the same, by serving upon the attorney of the municipality

wherein the alleged violation was committed, not more than twenty days after completing his appeal, a five days' written notice thereof, and in cases where the municipality has no attorney then upon the clerk thereof, and in cases where the [arrest] complaint is made by a motor vehicle inspector or by a member of the State Constabulary, the aforementioned notice must within the same period of time be served upon the Attorney-General of the State either personally or by registered mail; and it shall be the duty of the attorney for the municipality wherein the alleged violation was committed, to represent the municipality at the trial on appeal, provided that in cases where the complaint is made by a motor vehicle inspector or by a member of the State Constabulary, it shall be the duty of the Attorney-General to represent the complainant at the trial on appeal; and should the defendant fail to give the required notice of the trial on appeal to the person and within the time as hereinbefore provided, then the like proceedings may be had as would by the provisions of this act follow and appeal taken and a judgment of affirmance thereupon. The Court of Common Pleas, on appeal shall, de novo, and in a summary way, try and determine all such appeals and in case the defendant is convicted on such appeal, the Court of Common Pleas shall impose the penalty prescribed by the act to which this act is an amendment, and in case the defendant is acquitted on such appeal, the Court of Common Pleas shall order the return of all moneys deposited as aforesaid and all costs of prosecution paid by said defendant to said defendant.

9. Section thirty-four of the act to which this is an amendment is hereby amended to read as follows:

34. Any person who shall be convicted of violating the provisions of section thirteen of this act shall be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days: *provided*, that any offender who shall be convicted of second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days; *provided, further*, that the penalties above prescribed shall not apply to the display of a fictitious number.

L. 1924, C. 211

Any person convicted of displaying a fictitious number as prohibited by section thirteen, or violating the provisions of section ten shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of section nine of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision two of section eleven of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of section sixteen of this act shall, for the first offense, be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisonment in the county jail for a period not exceeding twenty days and in addition to such penalties the license of said offender shall be revoked; *provided, further,* that nothing herein contained shall prevent a revocation of license for the first offense or for the violation of any provisions of this act.

Any person who shall be convicted of violating any of the provisions of section seven of section fifteen shall be subject to a fine not exceeding twenty-five dollars.

10. This act shall take effect immediately.

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following particulars.

The definition "commercial motor vehicle" is hereby amended to exempt touring cars of the passenger type used by farmers for the transportation of farm products and milk. This amendment has the approval of the Agricultural Society of New Jersey and is the result of a conference had with their representatives and the Department of Motor Vehicles.

The word "volunteer" is stricken from section two in order to allow all fire companies an exemption from the payment of the registration fee.

Section seven is amended so as to reduce the candle power of bulbs used in automobile head lamps from 24 candle power to 21 candle power, and to permit the revocation of approval permits whenever a lighting device is deficient.

Section nine of the Motor Vehicle Act is amended to enable the department to commence the issuance of licenses on November fifteenth each year for the succeeding year instead of December first as at present.

The amendment proposed to section eleven is for the purpose of preventing the misuse of dealer plates so that dealer plates now used for individual purposes and by other than bona fide dealers in connection with their business as such will no longer be possible. The same section is amended so as to hold the operator of a motor vehicle who drives the same in an overloaded condition and also fixes a penalty for the operation of a motor vehicle not equipped with rubber tires. The amendment respecting the use of dealers plates has been heartily endorsed by the Dealers Association of New Jersey.

Section fourteen is amended so as to make the offense of operating a motor vehicle without the permission of the owner or placing any sharp or cutting substance upon the highways an indictable offense constituting same as a misdemeanor. The present law omitted this provision. This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed.

An amendment is also provided to enable the imposition of a fine upon any person or persons who makes any misstatements of facts in his or her application for motor vehicles or driver's license.

Section twenty-five is amended to strike out the words "in a summary way" in order that magistrates will not be required to hold hearings at unseemly hours, and to make more difficult reversals of convictions for intoxicated driving where a summary hearing is not given.

Section twenty-eight is amended to privide wherein an appeal is taken, it shall be the duty of the attorney for the municipality wherein the alleged violation is committed, or the Attorney-General as the case may be, to represent the municipality at the trial on ap-

peal. This amendment is desired because of the fact that many appeals to reverse conviction for intoxicated driving have been successful, due to the failure of the attorney for the municipality to take action desired to uphold the judgment of the local magistrate.

This bill was unanimously passed by the 1923 legislature but was vetoed by the Governor because it required that farm tractors should be equipped with rubber tires. The objections of the Governor have been eliminated from this draft and as these amendments are very necessary, they are respectfully submitted with the earnest approval of the Department of Motor Vehicles of New Jersey.

Laws of 1926, Chapter 152

SENATE, No. 79

37.4-129

(P. L. 1921, Chap. 208, p. 643.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1926.

By Mr. SIMPSON.

Referred to the Committee on Revision and Amendment of the Laws.

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of licenses and registration fees; prescribing and regulating process and the services thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section fourteen of the act of which this act is amendatory be and the same is hereby amended so that the same shall read as follows:

14. (1) No person shall operate or use any motor vehicle without the permission of the owner. Any person who shall violate this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two thousand dollars or by imprisonment not to exceed two years or both at the discretion of the court.

(2) No person shall interfere or tamper with a motor vehicle or put in motion the engine of such vehicle while it is standing, without the permission of the owner. any person who shall violate this provision shall be fined not less than ten nor more than fifty dollars for a first offense, and for each subsequent offense shall be fined not less than fifty nor more than one hundred dollars or imprisonment of not more than thirty days or both.

(3) No person shall operate a motor vehicle while under the influence of in-

toxicating liquor or any narcotic or habit-producing drugs, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit-producing drugs to operate any motor vehicle owned by him or in his custody or control. [Any person who shall violate this provision shall, upon conviction thereof, be punished by an imprisonment of not less than thirty days and not more than six months in the county jail or workhouse of the county wherein the offense was committed, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State: and no new license shall be issued by the Commissioner of Motor Vehicles to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor or narcotic or habit-producing drugs until one year after the date of his or her conviction, if for a first offense, or five years after any subsequent conviction.] Any person who shall violate this provision shall, upon conviction thereof for a first offense, be subject to a fine of not less than two hundred dollars or more than five hundred dollars, or to imprisonment for a term of not less than thirty days, and not more than six months, or both, in the discretion of the magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of two years from the date of his or her said conviction. Any person who shall violate this provision, having been convicted of a previous violation hereof, shall be imprisoned for a term of six months, and shall forfeit his right to thereafter operate a motor vehicle over the highways of this State. Any magistrate imposing a term of imprisonment pursuant to the provisions of this act may sentence the person so convicted either to the county jail or to the workhouse of the county wherein the offense was committed.

(4) Every person operating a motor vehicle who shall be involved in an accident [knowingly cause injury to any other person or to property in the possession or use of such person] shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and [upon request,] give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense not less than one hundred dollars nor more than two hundred dollars.

(5) No person shall operate a motor vehicle upon any public highway for a wager or in a race or for the purpose of making a speed record. Any person who shall violate this provision shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for any subsequent offense not less than one hundred nor more than two hundred dollars.

(6) No person shall operate any commercial motor vehicle on any public highway or bridge when the combined weight of vehicle and load exceeds thirty thousand pounds. Any person who shall violate this provision shall be fined not less than one hundred nor more than five hundred dollars.

(7) Any person who shall leave any motor vehicle, with its engine running, stationary on the highway and unoccupied by a person able to control the same, and without setting the hand brake in such manner as to prevent such vehicle from moving shall be fined not less than ten nor more than twenty-five dollars for each offense.

(8) No person to whom an operator's license has been refused, or whose operator's license has been suspended or revoked, shall personally operate any motor vehicle during the period of such refusal, suspension, or revocation. Any person who shall violate this provision shall be fined not less than one hundred [fifty] nor more than five [one] hundred dollars.

(9) No person shall counterfeit any number plate or marker, nor make any substitute or temporary marker. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(10) No person shall use any marker other than the one issued to him by the Commissioner of Motor Vehicles, except as provided in subdivision four of section ten. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(11) No person shall loan any operator's license issued by the Commissioner, for use by any person other than the person named in said license, nor shall loan any marker or certificate of registration, issued by the Commissioner for use on any other car other than that of the owner. Any person who shall violate this provision shall be fined not less than twenty-five nor more than fifty dollars.

(12) No person owning a motor vehicle registered as provided for in this act

shall allow such vehicle to be operated by a non-licensed driver. Any person who shall violate this provision shall be fined not less than fifty nor more than one hundred dollars.

(13) Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place, or deposit any glass or other sharp or cutting substance or any other injurious or cutting substance in or upon any of the public highways of this State shall [be deemed guilty of a misdemeanor and] upon conviction thereof [shall] be punished by a fine not [to exceed two thousand] less than one hundred dollars or more than five hundred dollars [by imprisonment not to exceed two years or both, at the discretion of the court.]

(14) Any person or persons making any misstatement of facts in his or her application for registration of a motor vehicle or driver's license, or give a fictitious address shall be subject to a fine of not less than two hundred (200.00) or more than five hundred dollars ($500.00) or imprisonment for one year, or both, at the discretion of the court, and the Commissioner of Motor Vehicles shall, upon proper evidence of such misstatement, or fictitious address, revoke the registration of the motor vehicle, or the driver's license, as the case may be. It shall be the duty of the registered owner of every motor vehicle and of every licensed operator to notify the Commissioner of Motor Vehicles of any change in his or her place of residence, within one week after such change is made.

2. This act shall take effect immediately.

L. 1926, c. 152

STATEMENT.

The Operation of Motor Vehicles by Intoxicated Drivers.

It is the result of several weeks of study of the subject by a committee of police magistrates, named by the Commissioner of Motor Vehicles, to suggest to legislation a law that would curb the present day evil of obtaining the discharge of automobile drivers from custody on purely technical grounds.

The committee of police magistrates are all members of the bar and have served in the capacity of police magistrate for a long period of time, so that their experience

in dealing with the subject is unquestioned. They recommend, and this bill provides, for a mandatory minimum fine of two-hundred dollars or imprisonment in jail, in the discretion of the magistrate, for the first offense. For a subsequent offense the bill provides for a mandatory jail sentence of six months and the perpetual revocation of their driver's license.

It is felt that this bill, together with the companion measure, will effectually eliminate appeals for the release of intoxicated drivers on technical grounds, and will make certain, unless the facts are to the contrary, that when a penalty for intoxicated driving is imposed the defendant will be compelled to discharge his objection to society and the State.

The bill also amends several other subdivisions of section fourteen, among them the one relating to the throwing of glass or other sharp substance on the roadway, and making it necessary to give name, address and license number whenever an accident occurs.

[OFFICIAL COPY REPRINT.]

ASSEMBLY AMENDMENTS TO

SENATE, No 79

STATE OF NEW JERSEY

On page two, line twenty-nine, strike out the word "six" and insert in lieu thereof the word "three".

Strike out on line thirty-three, the word "six" and insert in lieu thereof the word "three".

In line thirty-eight, by inserting after the word "shall" and before the word "be" the word "knowingly".

was committed, not more than ten days after completing his appeal a five days' written notice thereof, and in cases where the complaint is made by a motor vehicle inspector or by a member of the State [Constabulary] Police, the aforementioned notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided*, that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, 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 said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

15. This act shall take effect immediately.

L 1931, c 171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the convenience of the applicants.

This amendment corrects an omission in the present law of a few words which were evidently left out inadvertently when preparing previous amendments which were passed, and which now makes the section (nine-three) read in such a way as not to make sense.

This amendment further makes it necessary for the registration certificate to be available at all times when the motor vehicle is being operated. The law as originally passed used the word "holder" which was liberally construed to mean either the owner or the operator. It was impossible to impose a penalty for failure to have registration certificate in possession, unless the owner or holder of the certificate of registration happened to be in the vehicle at the time of the violation. This amendment makes it necessary for the operator or person in charge of the vehicle to have the registration card in his possession, in order to be produced on request of police officials.

The present law demands the production of the registration certificate from *the holder thereof*. It is necessary for proper law enforcement that the registration certificate be in the possession of the operator and there is no penalty at the present time if the driver or operator fails to produce the registration certificate. This situation requires immediate correction.

In the amendment to subdivision four of section nine, the Commissioner of Motor Vehicles at the place underlined has been substituted for the Secretary of State.

The Commissioner of Motor Vehicles would appear to be the proper official to receive papers to be served by registered mail on non-residents, in damage suits arising from accidents. At the time the law was originally passed, the Department of Motor Vehicles was a part of the Department of State, but since the Act of 1926 was passed separating the Department of Motor Vehicles from the Department of State, there does not appear to be any good reason for continuing the service work through the office of the Secretary of State.

No. 5. There is no provision in the law to punish fraudulent examination takers. It is essential to life and property that only competent persons be permitted to drive motor cars, and when persons are detected who either take examinations for others or who procure licenses for others without the necessity of examination, they should be promptly punished.

The amendment to subdivision three of section ten simply strengthens provision nine-three which requires that the registration certificate must be in the motor vehicle

when such vehicle is operated over the highways, and that such certificate must be produced on request of a police officer or magistrate.

The amendment to subdivision four of section ten provides that omnibuses traveling through the State not registered under the New Jersey Act be permitted only the fifteen-day reciprocity privilege accorded to commercial vehicles. Omnibuses should not be given the ninety-day reciprocity privilege accorded to visiting passenger cars.

The amendment to subdivision five of section ten allows non-resident drivers to operate cars bearing New Jersey plates, during the ninety day reciprocity period, but does not allow this privilege to any non-resident driver under the age of seventeen years, or to any non-resident driver whose home State does not require a driving license.

No. 6. There are so few "M" plates issued yearly that it is advisable to discontinue the manufacture thereof and issue "D" plates.

With reference to amendment to subdivision four of section eleven, the problem of truck overloading is a serious one. It causes damage to our roads in an amount that is difficult to compute. Under our present law, the operator is promptly punished by a mandatory minimum penalty of one hundred dollars ($100.00) with a maximum of two hundred and fifty dollars ($250.00) for the first offense and for a subsequent offense a minimum of two hundred and fifty dollars ($250.00) and a maximum of five hundred dollars ($500.00). The experience of the department discloses that in most instances the operator is not primarily responsible for the overloading, and that he was merely carrying out the orders of his superior. In many instances, truck owners do not pay the fine of the truck driver and let him shift for himself and such demands have proven of great financial embarrassment. I suggest that the punishment be shifted to where it belongs. Place the responsibility for overloading upon the owner and make him, or the corporation, if it be the owner, be compelled to pay the fine for the offense. I believe it will tend to reduce the overloading violations in this State. If situations develop where the operator is responsible for the overloading, the owner is in a position to punish the operator by dismissal.

Motor vehicle inspectors discover numerous situations where trucks and other commercial vehicles are operated with badly worn solid rubber tires. Our present law provides for no punishment for such an offense. A penalty comparable to the penalty

imposed for failure to operate a motor vehicle with rubber tires is essential to mitigate this type of abuse.

The amendment to subdivision seven of section eleven allows the half-rate fee for registrations to go into effect *on* the first day of August, which was no doubt the original intent, but the law was not so worded.

No. 7. This amendment has been drawn to make our requirements similar to those of other states which extend the maximum height of the license plates to forty-eight inches.

No. 8. During 1930, Judge Truax of the Monmouth County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by Weeks vs. State, 101 N. J. L. P. 15 and State vs. Garton, 102 N. J. P. 318. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who *in fact* has been a previous offender, if the complaint against him does not recite a previous conviction.

There never has been a penalty imposed for a person failing to notify the Commissioner of Motor Vehicles of a change of residence; neither has there been a penalty for applying for a license at a department agency after the applicant's license has been revoked.

No. 9. This amendment to section seventeen provides a penalty for failure of a magistrate to return fines either to the Commissioner of Motor Vehicles or to the financial officer of the county. The law heretofore provided no penalty for this offense.

This amendment also provides that a magistrate must give a receipt for a fine when a defendant requests such a receipt. Countless complaints have been received by the Department from persons who have paid fines, and who have been denied receipts by the convicting magistrates. Such defendants are certainly entitled to receipts, which will also serve the double purpose of being a check on the magistrate and will assist in securing the proper return to the State or county of all moneys collected in fines for violation

of the Motor Vehicle Act. Penalty is also provided for failure to forward revoked license cards to the Commissioner.

No. 10. In section twenty-one the most important change is the addition of a table setting forth the tire sizes and the gross weight allowed for commercial vehicles bearing pneumatic tires. Previously, the law specified the table for solid-tired vehicles only.

A penalty is also provided for violation of section twenty-one, which was missing from our previous law.

No. 11. This amendment permits thirty days from the date of the *discovery* of violations as the time in which complaints may be made. This is necessary in certain cases, as violations with reference to improper applications for registrations and licenses are sometimes not discovered until more than thirty days have elapsed from the date of the application. The law at present restricts the bringing of a complaint to thirty days from the date of a violation.

No. 12. Heretofore, regardless of who made the complaint, notice of appeal has been served upon the prosecutor of the pleas. It is desired that the notice of appeal be served upon the Attorney General, where the complaint is made by a motor vehicle inspector or State police officer, in view of the fact that the Attorney General represents the State on appeal where either a motor vehicle inspector or a State Police officer is the complainant.

No. 13. The words "State Police" have been substituted for the words "State Constabulary." It is merely a technical change. There is no State Department known as the "State Constabulary."

L. 1932, C 36

ASSEMBLY, No. 350

(*Amendment to Chapter 281, P. L. 1928*)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1932

By Mr. WISE

Referred to Committee on Motor Vehicle and Traffic

AN ACT to amend an act entitled "An act providing for the regulation of vehicles, animals and pedestrians on all public roads and turnpikes, and prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act, and penalties for said violations, and granting authority to towns, cities, boroughs, and townships, under certain restrictions for the adoption of ordinances further regulating vehicles, pedestrians and animals, and designating the authorities to enforce its provisions, and defining their powers and their authority" (Revision of 1928) approved July fourteenth, one thousand nine hundred and twenty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of article two of the act to which this act is amendatory is hereby amended to read as follows:

1. The driver of any vehicle, other than a motor vehicle, involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident.

2. Section two of article two of the act to which this act is amendatory is hereby amended to read as follows:

2. The driver of any vehicle, other than a motor vehicle, involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident.

3. Section three of article two of the act to which this act is amendatory is hereby amended to read as follows:

3. The driver of any vehicle, other than a motor vehicle, involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including carrying of such person to a hospital or a physician for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

4. This act shall take effect immediately.

L. 1932, c 36

STATEMENT

A "hit and run" motor vehicle driver is punishable under the Motor Vehicle Act as well as the Traffic Act. There is conflict between the two acts with regard to the punishment. Under the above amendment, punishment of the "hit and run" motor vehicle driver will be meted out in accordance with the Motor Vehicle Act exclusively.

L. 1932, C° 89

ASSEMBLY, No. 374

(*Amendment to Chap.* 208, *P. L.* 1921)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1932

By Mr. WISE

Referred to Committee on Motor Vehicle and Traffic

AN ACT to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April eighth, one thousand nine hundred and twenty-one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Subdivision four of section fourteen of the act to which this act is amendatory is hereby amended to read as follows:

(4) The driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, give [Every person operating a motor vehicle who shall knowingly be involved in an accident shall at once stop and ascertain the extent of the injury and render such assistance as may be needed, and give] his name and address and exhibit his driver's license and registration certificate of his vehicle to the person struck or injured and the driver and occupants of any vehicle collided with and to any police officer and to any witnesses of the accident and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a hospital or a physician for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. [his name, address, and operator's license and registration number to the person injured or to

any officer or witness of the injury]. Any person who shall violate this provision shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), or imprisoned for a period not exceeding thirty days, or both, for the first offense, and for any subsequent offense be fined not less than one hundred dollars ($100) nor more than two hundred dollars ($200), or be imprisoned for a period of not less than thirty days, nor more than ninety days, or both.

2. This act shall take effect immediately.

STATEMENT

(Subdivision 4, Section 14.) The above is a change in the definition of a hit and run driver, as well as an increase of the punishment, and is recommended and urged by the Commissioner of Motor Vehicles. It will add considerable potency in the prosecution and conviction of persons running away from the scene of an accident.

Incidentally, it makes a hit and run driver subject to criminal conviction who causes property damage, a situation not now taken care of under the present law. At the present time, a person charged with hit and run driving under the Motor Vehicle Act is not subject to imprisonment, a change which the Commissioner of Motor Vehicles emphatically recommends.

SENATE AMENDMENTS TO

ASSEMBLY, No. 374

STATE OF NEW JERSEY

ADOPTED MARCH 15, 1932

1. Amend Section one, line 3, by inserting after the word "vehicle" and before the word "involved" the words: "who shall be knowingly".

L. 1940, C. 147

ASSEMBLY, No. 218

(*Revised Statutes, section* 39:4–129.)

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1940

By Mr. BERTONI

Referred to Committee on Judiciary

AN ACT concerning motor vehicle regulation, and amending section 39:4–129 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 39:4–129 of the Revised Statutes is amended to read as follows:

39:4–129. The driver of any vehicle knowingly involved in an accident resulting in injury or death to a person or damage to property shall immediately stop the vehicle at the scene of the accident, give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or struck 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.

A driver of a motor vehicle who, after being knowingly involved in an accident resulting in injury or death to a pedestrian, shall violate this section shall be fined in the sum of one hundred dollars ($100.00), or be imprisoned for a period of thirty days, or both, for the first offense, and for a

1990 A218

subsequent offense shall be fined in the sum of five hundred dollars ($500.00), or be imprisoned for a period of six months, or both and any other driver of a motor vehicle who violates this section shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or be imprisoned for a period of not more than thirty days, or both, for the first offense, and for a subsequent offense, shall be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00), or be imprisoned for a period of not less than thirty days nor more than ninety days, or both.

A driver of a vehicle, other than a motor vehicle, who violates this section shall be punished as provided in section 39:4-203 of this Title.

2. This act shall take effect immediately.

STATEMENT

The purpose of this act is to provide for stringent penalties for the driver of a motor vehicle who causes an accident resulting in injury or death.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 218

(Revised Statutes, section 39:4-129.)

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1940

By Mr. BERTONI

Referred to Committee on Judiciary

AN ACT concerning motor vehicle regulation, and amending section 39:4–129 of the Revised Statutes.

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A driver of a motor vehicle who, after being knowingly involved in an accident resulting in injury or death to a pedestrian, shall violate this section shall be fined in the sum of one hundred dollars ($100.00), or be imprisoned for a period of thirty days, or both, for the first offense, and for a

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A driver of a vehicle, other than a motor vehicle, who violates this section shall be punished as provided in section 39:4–203 of this Title.

2. This act shall take effect immediately.

R.S. 39:5-3

November 8, 1974

LEGISLATIVE HISTORY OF R.S.39:5-3
(Process for appearance or arrest; complaint; venue)

COPY 2

L.1921 - chap.208 - §25 - p.67 - A483
Judiciary Committee.
Amended twice during passage.
Bill had statement. (enclosed)
(Report cited below)

L.1924 - chap.211 - §7 - p.460 - S145
Judiciary Committee.
Amended twice during passage.
Bill had statement. (enclosed)

L.1926 - chap.151 - §3 - p.245 - S78
Committee on Revision and Amendment of Laws.
Amended three times during passage.
Bill had no statement.

L.1928 - chap.281 - Art.XV - p.764 - §3 - A1 Special session
Bill had no statement.
This is the source law for R.S.39:5-3.

L.1931 - chap.171 - §12 - p.375 - A171
Committee on Motor Vehicles and Traffic.
Committee substitute for A171.
Bill had statement. (enclosed)

L.1932 - chap.81 - §1 - p.139 - S160
Committee on Railroads and Canals.
Not amended during passage.
Bill had statement. (enclosed)

L.1940 - chap.212 - p.874 - §1 - A288
Committee on Revision and Amendment of Laws.
Amended during passage. (enclosed)
Bill had statement.

L.1942 - chap.334 - p.1178 - §1 - A255
Judiciary Committee.
Amended during passage.
Bill had a statement. (enclosed)

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L.1951 - chap.251 - p.887 - §1 - A648
Judiciary Committee.
Amended during passage. ([redacted])
Bill had statement. (enclosed)

L.1953 - chap.36 - p.619 - §6 - S33
Committee on Revision and Amendment of Laws.
Amended during passage.
Bill had no statement.

L.1959 - chap.58 - p.167 - §1 - S30
Committee on Revision and Amendment of Laws.
Amended during passage. (enclosed)
Bill had a statement. (enclosed)

We could not locate hearings or reports on any of these bills.

974.90 T764 1921 — Report of the New Jersey Commission created by Joint Resolution No.2, 1920, for the purpose of investigating vehicular traffic and to prepare a Motor Vehicle and Traffic Act to the Governor of New Jersey and the Legislature of the session of 1921.

JRM/EH
Encl.

same shall not be held to affect any other section or provision of this act.

41. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

42. This act shall take effect January first, one thousand nine hundred and twenty-two.

A483 (1921)

STATEMENT.

This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill.

Any person convicted of displaying a fictitious number as prohibited by section thirteen, or violating the provisions of section ten shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of section nine of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision two of section eleven of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of section sixteen of this act shall, for the first offense, be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisonment in the county jail for a period not exceeding twenty days and in addition to such penalties the license of said offender shall be revoked; *provided, further*, that nothing herein contained shall prevent a revocation of license for the first offense or for the violation of any provisions of this act.

Any person who shall be convicted of violating any of the provisions of section seven of section fifteen shall be subject to a fine not exceeding twenty-five dollars.

10. This act shall take effect immediately.

L. 1924, c. 211, S145

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following particulars.

The definition "commercial motor vehicle" is hereby amended to exempt touring cars of the passenger type used by farmers for the transportation of farm products and milk. This amendment has the approval of the Agricultural Society of New Jersey and is the result of a conference had with their representatives and the Department of Motor Vehicles.

The word "volunteer" is stricken from section two in order to allow all fire companies an exemption from the payment of the registration fee.

Section seven is amended so as to reduce the candle power of bulbs used in automobile head lamps from 24 candle power to 21 candle power, and to permit the revocation of approval permits whenever a lighting device is deficient.

Section nine of the Motor Vehicle Act is amended to enable the department to commence the issuance of licenses on November fifteenth each year for the succeeding year instead of December first as at present.

The amendment proposed to section eleven is for the purpose of preventing the misuse of dealer plates so that dealer plates now used for individual purposes and by other than bona fide dealers in connection with their business as such will no longer be possible. The same section is amended so as to hold the operator of a motor vehicle who drives the same in an overloaded condition and also fixes a penalty for the operation of a motor vehicle not equipped with rubber tires. The amendment respecting the use of dealers plates has been heartily endorsed by the Dealers Association of New Jersey.

Section fourteen is amended so as to make the offense of operating a motor vehicle without the permission of the owner or placing any sharp or cutting substance upon the highways an indictable offense constituting same as a misdemeanor. The present law omitted this provision. This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed.

An amendment is also provided to enable the imposition of a fine upon any person or persons who makes any misstatements of facts in his or her application for motor vehicles or driver's license.

Section twenty five is amended to strike out the words "in a summary way" in order that magistrates will not be required to hold hearings at unseemly hours, and to make more difficult reversals of convictions for intoxicated driving where a summary hearing is not given.

Section twenty-eight is amended to privide wherein an appeal is taken, it shall be the duty of the attorney for the municipality wherein the alleged violation is committed, or the Attorney-General as the case may be, to represent the municipality at the trial on ap-

peal. This amendment is desired because of the fact that many appeals to reverse conviction for intoxicated driving have been successful, due to the failure of the attorney for the municipality to take action desired to uphold the judgment of the local magistrate.

This bill was unanimously passed by the 1923 legislature but was vetoed by the Governor because it required that farm tractors should be equipped with rubber tires. The objections of the Governor have been eliminated from this draft and as these amendments are very necessary, they are respectfully submitted with the earnest approval of the Department of Motor Vehicles of New Jersey.

was committed, not more than ten days after completing his appeal a five days' written notice thereof, and in cases where the complaint is made by a motor vehicle inspector or by a member of the State [Constabulary] Police, the aforementioned notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided*, that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, 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 said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

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L.1931, c. 171, A-171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the conven-

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This amendment also provides that a magistrate must give a receipt for a fine when a defendant requests such a receipt. Countless complaints have been received by the Department from persons who have paid fines, and who have been denied receipts by the convicting magistrates. Such defendants are certainly entitled to receipts, which will also serve the double purpose of being a check on the magistrate and will assist in securing the proper return to the State or county of all moneys collected in fines for violation

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A penalty is also provided for violation of section twenty-one, which was missing from our previous law.

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No. 13. The words "State Police" have been substituted for the words "State Constabulary." It is merely a technical change. There is no State Department known as the "State Constabulary."

L.1932, c.81, S-160

STATEMENT

The purpose of this act is as expressed in its title

39:4-129 of this Title at any time within one year after the commission of the offense.

All complaints shall be made before a magistrate of the municipality in which it is alleged that the violation occurred but in the event there shall be no magistrate in said municipality, or the magistrate in said municipality shall be disqualified because of his interest in said proceedings, said complaint shall be made to a magistrate in the next nearest municipality to the one in which it is alleged such a violation occurred.

2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to require that complaints be made and jurisdiction be vested solely in magistrates in the municipality wherein a motor vehicle violation allegedly occurred or if there be no magistrate in said municipality, in the next nearest municipality, so that the unfair practice of taking defendants to magistrates far removed from the scene of the alleged violation may be stopped.

L. 1942, c. 334, A. 255

STATEMENT

This amendment is for the purpose of providing a uniform procedure for enforcing the provisions of Title 39 in its entirety.

The law now provides a method of enforcement only for "subtitle 1." Title 39 is divided into subtitle 1 and subtitle 2. As subtitle 2 is equally as important as subtitle 1, the same method of enforcement should apply to subtitle 2. It is for this reason that the word "subtitle" which is exclusively used in Chapter 5 is changed to the word "title."

When carrying out the primary purpose of the amendment, it was noticed there were various other sections in Chapter 5 which needed improving as follows:

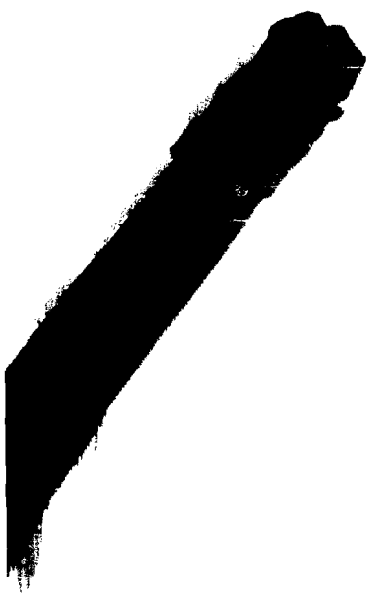
39:5–8. The law at the present time does not state how forfeited bail money should be disposed of. Forfeited bail money should be treated in the same manner as fines are treated. The amendment provides for the proper disposition of forfeited bail moneys.

39:5–17. At the present time if a defendant fails to file a notice of appeal, or the appeal is not perfected, the magistrate cannot proceed on the original offense.

39:5–29. The form of conviction as it now appears in the act was ruled to be defective by the courts. A new form has therefore been inserted in the amendment.

39:5–36. This amendment provides for imprisonment in default of payment of the fine in all cases where there is no specific provision to this effect. The law as it now stands provides only for imprisonment in default of payment of fine for violations of Chapter 3. The minimum jail sentence prescribed is now left to the magistrate's discretion, who may, therefore, give one day or one hour for a $100.00 fine. The maximum jail sentence is now one day per $1.00. The amendment will prescribe a minimum jail sentence in sections providing for a mandatory fine, of one day per $10.00.

Sections 39:5-40 and 39:5-41 have been amended to provide for the disposition of moneys received in Title 39. The law at the present time refers only to moneys received under Chapter 3 and certain sections of Chapter 4. This is very confusing and the amendment clarifies the sections in order to have them apply to the entire Title.



should the magistrates in any such municipality be disqualified because of personal interest in the proceedings, or for any other legal cause, said complaint shall be made to a magistrate in the next nearest municipality to the one in which it is alleged such a violation occurred, except in those counties where a county traffic court has been created or may be created. In such case, complaints may be made before the magistrate of the municipality in which the violation occurred or in the county traffic court, which court shall have concurrent jurisdiction.

2. This act shall take effect immediately.

L.1951, c.251, A-643

STATEMENT

Under the statute, as presently written, where the center line of a street is the dividing line between two municipalities and a police officer in one municipality wishes to enforce the motor vehicle act in the other municipality, it is necessary for the arresting officer to go to the magistrate's court in the municipality in which the offense took place to make out a complaint and appear as a witness. At times this would necessitate the police officer taking time off from his police duties to appear in the neighboring municipality to testify in the prosecution of the case, whereas the case could be handled more efficiently and with greater speed in the municipality by which the arresting officer was employed; for instance, an arrest made on the dividing line between the city of Newark and Irvington. If the offense took place in Newark, the officer from Irvington would have to travel to the municipal court of the city of Newark to

make the complaint and again to appear as a witness. This would involve far greater travel and time than if the complaint were made in Irvington.

Every large city in the State and the smaller municipalities surrounding the same would be greatly benefited by the enactment of this legislation.

ing such jurisdiction be disqualified because of personal interest in the proceedings, or for any other legal cause, said proceeding shall be brought before a magistrate having jurisdiction in the nearest municipality to the one in which it is alleged such a violation occurred, except in those counties where there is a county traffic court. In such case, the proceeding may be brought before a magistrate as aforesaid or in the county traffic court, which court shall have concurrent jurisdiction.

2. This act shall take effect immediately.

L.1959, c.58, s.3.

STATEMENT

Prosecution for a violation of R. S. 39:3–40 should not be limited by the 30-day rule. With the revocation of license power one of the most important weapons in our traffic safety program, enforcement of violation of revocation is a basic necessity. In many cases at the time of arrest of a driver who cannot exhibit a driver's license, the arresting officer is unable to determine whether or not a driver is actually in the revoked status or has simply failed to carry his driver's license. In this circumstance he cannot properly charge a violation of R. S. 39:3–40, and after he has ascertained that such is actually the case, he may have considerable difficulty in locating the violator. This amendment would assure that all violators of this vital statute would have to answer for their true offense.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 30

STATE OF NEW JERSEY

ADOPTED FEBRUARY 2, 1959

Amend page 1, section 1, line 8, delete "39:3-40,".

Amend page 1, section 1, line 9, add before "." "and for a violation of section 39:3-40 of this Title, at any time within 90 days after the commission of the offense".

R.S. 39:3—69

January 16, 1975 Cy 1

LEGISLATIVE HISTORY OF R.S. 39:3-69
(Horns and audible warning devices)

L. of 1921 Chapter 208 § 7 - A483 (
February 22 - Introduced by Tattersall.
March 29 - Passed Assembly amended.
April 5 - Passed Senate amended.
April 7 - Assembly passed Senate amendments.
April 8 - Approved.

Statement to A483
This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes thought to be effected will be found in the Commission report. All inconsistent legislation is to be repealed by another bill.

974.90 N.J. Commissioner of Motor Vehicle & Traffic Act.
T764 Report, 1921.
1921

(The Commission suggested no changes that would have affected § 7).

L. of 1924 Chapter 211 § 3 - S145
Bill had statement which did not mention horns or signaling devices.
Bill did not amend § 3.

L. of 1928 Chapter 110 § 1 - A78
Statement dealt with auto brakes only.
No amendment to section on signaling devices.

✓ L. of 1931 Chapter 171 § 3 - A171
Statement does not apply to § 3. Bill does not amend § 3.

L. of 1933 Chapter 267 § 1 - A226
Statement urges adoption of law prescribing use of nonscatterable glass in auto manufacture. Bill does not amend § 1.

L. of 1937, Chapter 185 § 1 - S120
February 8 - Introduced by Hendrickson.
March 22 - Passed in Senate, amended.
April 5 - Received in Assembly.
April 26 - Read second time.
May 24 - Amended.
May 27 - Passed in Assembly, amended.
May 28 - Assembly amended, passed in Senate.
June 7 - Approved.

PHOTOCOPY COPY

(Corrected statement ...
... 2)

notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided,* that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, 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 said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

15. This act shall take effect immediately.

L 1931, c. 171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the convenience of the applicants.

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