

39:4-103.1

LEGISLATIVE HISTORY CHECKLIST  
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(Photo radar--prohibit use by  
police to catch speeders)

NJSA: 39:4-103.1  
LAWS OF: 1992 CHAPTER: 91  
BILL NO: A1357  
SPONSOR(S) Zangari  
DATE INTRODUCED: May 14, 1992  
COMMITTEE: ASSEMBLY: Judiciary; Law, Public Safety  
SENATE: ---  
AMENDED DURING PASSAGE: Assembly committee  
substitute enacted  
DATE OF PASSAGE: ASSEMBLY: June 11, 1992  
SENATE: July 20, 1992  
DATE OF APPROVAL: September 4, 1992  
FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:  
SPONSOR STATEMENT: Yes  
COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: No  
FISCAL NOTE: No  
VETO MESSAGE: No  
MESSAGE ON SIGNING: No  
FOLLOWING WERE PRINTED:  
REPORTS: No  
HEARINGS: No

See newspaper clippings--attached  
KBG:pp

Additional Information:

974.90 A939 1992b

N.J. Legislature.Senate.Law & Public Safety Comm.

Public Hearing on...The issues and problems involving the use of a photo radar system.

(Held May 18, 1992. Trenton. 47,66 10.)

Original from Library

P.L.1992, CHAPTER 91, *approved September 4, 1992*  
*Assembly Committee Substitute for*  
1992 Assembly No. 1357 and 1432.

1 **AN ACT** prohibiting the use of photo radar to enforce motor  
2 vehicle speeding laws and supplementing chapter 4 of Title 39  
3 of the Revised Statutes.

4

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

7 1. a. Notwithstanding any law, rule or regulation to the  
8 contrary, a law enforcement officer or agency shall not use photo  
9 radar to enforce the provisions of chapter 4 of Title 39 of the  
10 Revised Statutes.

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

16 2. This act shall take effect immediately.

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21 **Prohibits the use of photo radar for law enforcement purposes for**  
22 **enforcing certain motor vehicle violations.**

ASSEMBLY, No. 1357

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1992

By Assemblymen MIKULAK, WARSH, Assemblywoman Derman,  
Assemblymen T. Smith, Lustbader, Gibson, Singer,  
Assemblywoman Haines, Assemblymen Wolfe and Cottrell

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16 2. This act shall take effect immediately.

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STATEMENT

21 This bill prohibits law enforcement officers and agencies from  
22 using photo radar to enforce motor vehicle speed limit laws.  
23 Photo radar is defined as a device used primarily for highway  
24 speed limit enforcement substantially consisting of a radar unit  
25 linked to a camera, which automatically produces a photograph of  
26 a vehicle traveling in excess of the legal speed limit. Such a  
27 device is currently being tested by the Divisions of Highway  
28 Traffic Safety and State Police through a \$250,000 federal  
29 demonstration grant.

30 However, the use of a photo radar system to enforce speed  
31 limit laws is fraught with problems. First, photo radar  
32 dehumanizes law enforcement by eliminating an officer's  
33 discretion in citing a violator. For example, a motorist speeding  
34 in response to an emergency would be automatically cited,  
35 forcing him to choose between an unjust penalty or a court  
36 appearance.

37 Second, the currently used radar enforcement system requires  
38 a police officer at the time of the offense to positively identify  
39 the driver who is cited for speeding. The written citation issued  
40 by the officer includes a positive identification of the driver and  
41 the date, time and place of the violation. However, a photo radar  
42 system may result in the conviction of a motorist who was not  
43 driving the vehicle cited but who merely resembles the true  
44 offender.

45 Third, use of a photo radar system would result in further

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1 clogging an already overburdened municipal court system.  
2 Motorists would be compelled to fight citations issued under such  
3 a system because of the inherent problems associated with  
4 properly identifying the driver of a cited vehicle. Moreover, this  
5 technology has not been accepted by the courts in this State.

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10 Prohibits the use of photo radar for law enforcement purposes.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1357 and 1432**

**STATE OF NEW JERSEY**

DATED: JUNE 1, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bills Nos. 1357 and 1432.

This substitute prohibits law enforcement officers and agencies from using photo radar to enforce any of the provisions of chapter 4 of Title 39. This bill is prompted by the current federally funded demonstration project conducted by the State Police to investigate the use of photo radar to enforce motor vehicle speed limit laws. Photo radar is a device which takes a front and rear picture of a motor vehicle and its driver and passengers when radar indicates that the vehicle is travelling above the legal speed limit.