

R.S. 39:3-69

January 16, 1975

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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 All inconsistent legislation is to be repealed by another bill.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.

(Some related materials...
- 2)

SENATE, No. 145

(Chapter 208, P. L. 1921, page 643.)

(Chapter 96, P. L. 1923, page 182.)

(Chapter 108, P. L. 1923, page 201.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 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 an act approved March nineteenth, one thousand nine hundred and twenty-three, and as further amended by an act approved March nineteenth, one thousand nine hundred and twenty three.

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

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

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

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

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

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

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

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

17 (5) "Commercial motor vehicles" as used in this act shall include every type of
18 motor driven vehicle used for commercial purposes on the highways, such as the
19 transportation of foods, wares, or merchandise, excepting such vehicles as are run
20 only upon rails or tracks [.] and vehicles of the passenger car type used for touring
21 purposes or the carrying of farm products and milk as the case may be.

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

24 (7) The term "tractor" as used in this act is a motor-driven vehicle de-
25 signed for drawing other vehicles but having no provision for carrying loads inde-
26 pendently.

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

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

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

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

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

42 clude all justices of the peace, judges of the city criminal courts, police justices, re-
43 corders, mayors, and other officers having the power of a committing magistrate.

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

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

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

3 7. (1) Brakes. Every motor vehicle of more than ten horsepower, operated in
4 or on any highway, shall be provided with at least two brakes, powerful in action
5 and separated from each other, of which one brake must act directly on the drive
6 wheels or on parts of the mechanism which are firmly connected with said wheels.
7 Each of the two brakes shall suffice alone to stop the motor vehicle within a proper
8 distance. One of the two brakes shall be so arranged as to be operated with the
9 feet; *provided, however*, that on automobiles not exceeding ten horsepower, one
10 brake shall be deemed to be sufficient. Every motorcycle shall be provided with at
11 least one brake, which may be operated by hand or foot.

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

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

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

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

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

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

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

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

3 9. (1) Every resident of this State, and every nonresident whose automobile
 4 or motor cycle shall be driven in this State except as is hereinafter provided, shall be-
 5 fore using such vehicle on the public highways, register the same, and no motor ve-
 6 hicle or motor cycle shall be driven unless so registered. Every registration shall ex-

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

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

13 A statement in writing shall be made to the Commissioner of Motor Vehicles, or
14 his lawful agent, containing the name and address of such owner, together with a de-
15 scription of the character of such motor vehicle or motor cycle, including the name
16 of the maker and the manufacturer's number and the motor number. Such state-
17 ment shall be submitted on forms prepared by the Commissioner of Motor Vehicles
18 and shall be sworn to by the applicant before any one authorized to take acknowledg-
19 ments. Thereupon, the said commissioner shall have power to grant a registration
20 certificate to the owner of any motor vehicle, application for registration having
21 properly been made and the fee therefor paid, and the vehicle being of a type that
22 complies with the requirements of this act. But it shall be lawful for the Commis-
23-24 sioner of Motor Vehicles to refuse registrations to any vehicle that in his estimation
25 is not a proper vehicle to be used upon public roads and highways of this State.

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

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

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

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

3 11. (1) Every manufacturer of automobiles residing and having his principal
4 place of business within this State, instead of registering each automobile owned
5 or controlled by him, may make application, as hereinbefore provided in this act for
6 a registration number, and the written statement, in addition to the matters herein-
7 before contained, shall state that he is a manufacturer; that he desires to use a single
8 number on automobiles owned or controlled by him while being used for demonstra-
9 tion purposes or for shop purposes. The Commissioner of Motor Vehicles may
10 thereupon, if satisfied of the facts stated in the application, issue a certificate as
11 herein set forth assigning the same a number, which certificate shall contain a
12 statement that the same is issued to the applicant as a manufacturer. One cer-
13 tificate shall cover and be valid for the use of not more than five automobiles of
14 said manufacturer at one time while under his control. The Commissioner of Motor
15 Vehicles shall provide five sets of identification marks of the general style and kind
16 provided for motor vehicle registrations in this act, and such identification marks
17 shall not be used on any vehicle not actually owned by said manufacturer or oper-
18 ated either by him or his duly authorized agent.

19 All such automobiles shall be regarded as registered under such general number,
20 and in addition to the registration number displayed on the front and rear of the
21 car, as hereafter provided, there shall be added the letter "M" of equal size and
22 prominence. The annual fee for such manufacturer's registration shall be five
23 dollars for each car so authorized to be operated under each registration number,
24 and the Commissioner of Motor Vehicles shall issue registration certificates in dupli-
25 cate equal to the number of cars not exceeding five authorized to be operated under
26 the said registration number.

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

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

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

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

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

66 (3) For each vehicle used as an omnibus for the transportation of passengers
67 for hire, the applicant shall pay an annual fee of fifteen dollars for vehicles having
68 a carrying capacity of five passengers or less; for each such vehicle having a carry-
69 ing capacity for passengers of not less than six nor more than eight passengers, the
70 annual fee shall be seventeen dollars and fifty cents; for each such vehicle having a
71 carrying capacity for passengers of not less than nine nor more than twelve
72 passengers, the annual fee shall be twenty dollars; for each such vehicle having a
73 carrying capacity for passengers of not less than thirteen or more than seventeen
74 passengers, the annual fee shall be twenty-five dollars; for each such vehicle having a
75 carrying capacity for passengers of not less than eighteen nor more than twenty-two
76 passengers, the annual fee shall be thirty dollars; for each such vehicle having a
77 carrying capacity for passengers of not less than twenty-three nor more than twenty-
78 six passengers, the fee shall be thirty-five dollars; for each such vehicle having a
79 carrying capacity for passengers of not less than twenty-seven nor more than thirty
80 passengers, the fee shall be forty dollars; for each such vehicle having a carrying
81 capacity for passengers in excess of thirty passengers, the applicant shall pay an
82 annual fee of forty dollars, and an additional fee of two dollars for each passenger,
83 measured by carrying capacity, in excess of thirty passengers.

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

87 Every such applicant for an omnibus registration shall make application, setting
88 forth the fact that he is in business of transporting passengers for hire, and the Com-
89 missioner of Motor Vehicles, if satisfied of the correctness of the statements made
90 in such application, may issue a registration certificate for omnibus license.

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

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

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

103 The fee shall be in accordance with the following table:

104 The gross weight of vehicle and carrying capacity is

105	1,000 pounds or less,	\$10.00
106	1,001 to 2,000 pounds,	12.00
107	2,001 to 3,000 pounds,	15.00
108	3,001 to 4,000 pounds,	20.00
109	4,001 to 5,000 pounds,	24.00
110	5,001 to 6,000 pounds,	27.00
111	6,001 to 7,000 pounds,	30.00
112	7,001 to 8,000 pounds,	33.00
113	8,001 to 9,000 pounds,	36.00
114	9,001 to 10,000 pounds,	39.00
115	10,001 to 11,000 pounds,	42.00
116	11,001 to 12,000 pounds,	45.00
117	12,001 to 13,000 pounds,	48.00
118	13,001 to 14,000 pounds,	51.00
119	14,001 to 15,000 pounds,	54.00
120	15,001 to 16,000 pounds,	57.00
121	16,001 to 17,000 pounds,	60.00
122	17,001 to 18,000 pounds,	63.00
123	18,001 to 19,000 pounds,	66.00
124	19,001 to 20,000 pounds,	69.00
125	20,001 to 21,000 pounds,	72.00
126	21,001 to 22,000 pounds,	75.00

127	22,001 to 23,000 pounds,	78.00
128	23,001 to 24,000 pounds,	81.00
129	24,001 to 25,000 pounds,	84.00
130	25,001 to 26,000 pounds,	87.00
131	26,001 to 27,000 pounds,	90.00
132	27,001 to 28,000 pounds,	93.00
133	28,001 to 29,000 pounds,	96.00
134	29,001 to 30,000 pounds,	99.00

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

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

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

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

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

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

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

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

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

3 14. (1) No person shall operate or use any motor vehicle without the permis-
4 sion of the owner. Any person who shall violate this provision shall [be fined not
5 more than one thousand dollars or imprisoned not more than one year or both for
6 a first violation; for a second violation imprisoned not more than ten years; and for
7 each subsequent violation imprisoned not more than fifteen years.] be deemed guilty
8 of a misdemeanor and upon conviction thereof shall be punished by a fine of not to
9 exceed two thousand dollars or by imprisonment not to exceed two years or both at
10 the discretion of the court.

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

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

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

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

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

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

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

51 (8) No person to whom an operator's license has been refused, or whose opera-
52 tor's license has been suspended or revoked, shall personally operate any motor ve-
53 hicle during the period of such refusal, suspension, or revocation. Any person who
54 shall violate this provision shall be fined not less than fifty nor more than one hun-
55 dred dollars.

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

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

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

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

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

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

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

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

3 25. (1) Jurisdiction of offenses; [summary] hearings; process. A complaint
4 having been made in writing and duly verified, that any person has violated any of

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

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

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

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

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

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

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

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

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

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

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

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

1 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 par-
 ticulars.

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 Ve-
 hicles.

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 provide 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: