

39:1-1 et al.

LEGISLATIVE FACT SHEET

on GENERAL TRAFFIC ACT

N.J.R.S. 39:1-1 et al.

(1928 ^{Revision} Amendment)

LAWS OF 1928

CHAPTER 281 July 10, 1928

SENATE BILL

ASSEMBLY BILL SPECIAL SESSION A1

INTRODUCED JUNE 4, 1928

BY WISE

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING/REPORT 974.90

N.J. STATE TRAFFIC COMMISSION.

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1928

REPORT, 1928.

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STATE OF NEW JERSEY

INTRODUCED JUNE 4, 1928.

By Mr. WISE.

Referred to Committee on Highways.

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).

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

ARTICLE I.

DEFINITIONS.

1 1. Definitions, as used in this act, shall for the purposes of this act have the
2 meanings respectively ascribed to them in this article except in those instances where
3 the context clearly indicates a different meaning:

1 2. Alley. A public highway wherein the roadway does not exceed twelve
2 feet in width.

1 3. Authorized Emergency Vehicle. Vehicles of the fire department, police
2 vehicles, and such ambulances and vehicles of public service corporations as are
3 approved by the local authorities when operated in response to an emergency call.

1 4. Business District. The territory contiguous to a highway when fifty per
2 centum or more of the frontage thereon for a distance of three hundred feet or
3 more is occupied by buildings in use for business.

1 5. Commissioner. The Motor Vehicle Commissioner of this State.

1 6. Crosswalk. That portion of the roadway ordinarily included within the
2 prolongation of curb and property lines at street intersections, or that portion of a
3 roadway clearly indicated for pedestrian crossing by lines marked on the surface of
4 the roadway.

1 7. Driver. The rider or driver of a horse, bicycle or motor cycle, and driver
2 or operator of a motor vehicle, unless otherwise specified.

1 8. Department. The Motor Vehicle Department of this State acting directly
2 or through its duly authorized officers and agents.

1 9. Horse. Includes mules and all other domestic animals used as draught
2 animals or beasts of burden.

1 10. Highway. Every way or place of whatever nature open to the use of the
2 public as a matter of right for purposes of vehicular travel. The term "highway"
3 shall not be deemed to include bridle paths or foot paths or roadways or driveways
4 upon grounds owned by private persons, colleges, universities or other institutions.

1 11. Intersection. The area embraced within the prolongation of the lateral curb
2 lines, or, if none, the lateral boundary lines of two or more highways which join
3 one another at an angle, whether or not one such highway crosses another.

1 12. Local Authorities. Every county, municipal and other local board or body
2 having authority to adopt local police regulations under the constitution and laws of
3 this State.

1 13. Motor Vehicle. Every vehicle, as herein defined, excepting street railway
2 cars, which is self-propelled.

1 14. Operator. Any person who is in actual physical control of a vehicle or
2 street car.

1 15. Owner. A person who holds the legal title of a vehicle or in the event a
2 vehicle is the subject of an agreement for the conditional sale or lease thereof with
3 the right of purchase upon performance of the conditions stated in the agreement
4 and with an immediate right of possession vested in the conditional vendee or lessee,
5 or in the event a mortgagor of a vehicle is entitled to possession, then such condi-
6 tional vendee or lessee or mortgagor shall be deemed the owner for the purpose of
7 this act.

1 16. **Parking.** The standing or waiting on any street, road or highway of any
2 vehicle not actually engaged in receiving or discharging passengers or merchan-
3 dise, unless in obedience to traffic regulations or traffic signs or signals.

1 17. **Person.** Every natural person, firm, copartnership, association or corpora-
2 tion.

1 18. **Pedestrian.** Any person afoot.

1 19. **Private road or driveway.** Every road or driveway not open to the use
2 of the public for purposes of vehicular travel.

1 20. **Residence district or residential district.** The territory contiguous to a
2 highway not comprising a business district when the frontage on such highway for
3 a distance of three hundred feet or more is mainly occupied by dwellings, or by
4 dwellings and buildings in use for business.

1 21. **Right-of-way.** The privilege of the immediate use of the highway.

1 22. **Roadway.** That portion of a street or highway between the regularly
2 established curb lines or that part devoted to vehicular traffic.

1 23. **Street.** Same as highway.

1 24. **Sidewalk.** That portion of a street between the curb lines and the adjacent
2 property lines.

1 25. **Slow Moving Vehicle.** A vehicle running at a speed less than the maximum
2 speed then and there permissible.

1 26. **Street Car.** Every device traveling exclusively upon rails upon a highway,
2 other than cars or trains propelled or moved by steam.

1 27. **Safety Zone.** The area or space officially set aside within a highway for
2 the exclusive use of pedestrians and which is so plainly marked or indicated by proper
3 signs as to be plainly visible at all times while set apart as a safety zone.

1 28. **Sign.** Any device, mark, marker, board, plate, or other contrivance so de-
2 signed as apparently to guide traffic or to inform of a traffic regulation.

1 29. **Traffic.** Pedestrians, vehicles, and street cars either singly, or together,
2 while using any street for purposes of travel.

1 30. **Traffic Signal.** Any device using words or colored lights, or a combina-
2 tion thereof, either manually or otherwise controlled, by which traffic is alternately
3 directed to stop and go.

31. Vehicle. Every device in, upon or by which any person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II.

ACCIDENTS.

1. The driver of any 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. The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident.

3. The driver of any 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 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.

4. The driver of any vehicle involved in an accident resulting in injuries or death to any person or damage to property to an apparent extent of twenty-five dollars or more shall within forty-eight hours forward a report of such accident to the department.

5. The department may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever, in the opinion of the department, the original report is insufficient. Such reports shall be without prejudice, shall be for the information of the department, and shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any proceeding or action arising out of such accidents.

6. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within

4 twenty-four hours after such motor vehicle is received, giving the engine number,
5 registration number and, if known, the name and address of the owner or operator
6 of such vehicle.

1 7. When in case of an accident or emergency it becomes necessary to leave a
2 vehicle in the street at night, a red light must be conspicuously displayed thereon by
3 the owner or the operator thereof.

ARTICLE III.

BICYCLES.

1 1. All bicycles when in use on any street at night shall carry at least one
2 lighted lamp on the front of such bicycle, which said lamp shall show a white light
3 and shall be of such a nature and so displayed that it may be seen at least two hundred
4 feet distant in the direction toward which the bicycle is proceeding; and if such
5 front lamp is so arranged that it will show a red light visible for a distance of at
6 least two hundred feet in the rear thereof, then no red light attached to the rear
7 of such bicycle will be necessary; *provided, however,* that where such front light
8 does not show a red light visible for a distance of at least two hundred feet from
9 the rear thereof, then there shall be attached to the rear of such bicycle one lighted
10 lamp showing a red light visible for a distance of at least two hundred feet from the
11 rear thereof, such lamp to be attached thereto and kept lighted from one-half hour
12 after sunset to one-half hour before sunrise.

1 2. Bicycles shall be equipped with an audible signal which can be heard easily
2 at a distance of two hundred feet.

1 3. The rider of any bicycle shall not allow the same to proceed in any street
2 by inertia momentum, with his feet removed from the pedals, nor shall such rider
3 remove both hands from the handle-bars while riding the bicycle nor practice any
4 trick or fancy riding in any street; nor shall he carry upon his bicycle any other
5 person.

1 4. No person shall ride a bicycle, tricycle, or similar machine on any sidewalk;
2 *provided,* nothing in this article shall be deemed or construed to prevent the use of
3 velocipedes or similar machines by children on any sidewalk in any public square,
4 park or city.

1 5. It shall be unlawful for the rider of a bicycle or a person on roller skates
2 to hold fast to or to hitch on to trolley cars or other vehicles.

ARTICLE IV.

HORSES.

1 1. No person shall drive any horse or horses attached to any sleigh or sled on
2 any highway unless there shall be a sufficient number of bells attached to the
3 harness of such horse or horses to give warning of their approach.

1 2. Every person driving a motor vehicle shall, at the request of or upon signal
2 by putting up the hand or otherwise, from a person riding or driving a horse or
3 horses in the opposite direction, cause the motor vehicle to stop and remain sta-
4 tionary so long as may be necessary to allow said horse or horses to pass.

1 3. No horse shall be left unattended in any highway unless securely fastened
2 or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened
3 or chained, and the vehicle is of sufficient weight to prevent its being dragged at a
4 dangerous speed with the wheels so secured.

1 4. No horse shall be unbitted in any highway unless secured by a halter.

1 5. No person shall remove a wheel, pole shaft, whiffletree, swinglebar, or any
2 part of a vehicle or any part of harness likely to cause accident if the horse start,
3 without first unhitching the horse or horses attached to said vehicle.

1 6. No person shall at any time fasten any horse or horses in such a manner
2 that the tie rope, reins, or lines shall be an obstruction to the free use of any side-
3 walk or crosswalk.

1 7. No horse shall be hitched or fastened to any pole carrying wires of any
2 description, nor to any public lamp post, or pole, nor to any shade tree or its pro-
3 tecting box or casing, nor to any water hydrant in any street.

1 8. No person shall run or race any horse in any highway, whether the running,
2 racing or trotting be for trial of speed or for the purpose of passing another horse or
3 vehicle; *provided, however,* that this provision shall not apply where permission for
4 racing is given by the proper municipal authorities and the portion of such highway
5 which may be devoted to such racing is properly closed to other traffic.

1 9. No person shall drive or back any horse or vehicle across or allow same
2 to stand upon any sidewalk unless it be in crossing same to go into a yard or lot and

3 then not without the consent of the owners of the premises. This does not prohibit
4 the passing of any horse or vehicle over any sidewalk in front of any alley or pas-
5 sageway with the consent of the owner. No vehicle or horse shall be driven or
6 ridden across any sidewalk at a greater speed than at the rate of four miles per
7 hour.

1 10. No person shall cease to hold the reins in his hands while riding, driving,
2 or conducting a horse.

1 11. No person shall either ill-treat, over-drive, over-ride or cruelly or unneces-
2 sarily beat any horse.

1 12. No person shall crack or so use a whip as to annoy, interfere with or
2 endanger any person, or excite any horse other than that which he is using.

ARTICLE V.

PEDESTRIANS.

1 1. On highways where traffic at intersections is controlled by a traffic signal
2 or by traffic or police officers, pedestrians shall not cross a roadway against the
3 "Stop" signal. A pedestrian crossing or starting across any such intersection on a
4 "Go" signal shall have the right of way over all vehicles, including those making
5 turns, until such pedestrian has reached the opposite curb or place of safety, and it
6 shall be unlawful for the operator of any vehicle to fail to yield the right-of-way to
7 any such pedestrian.

1 2. At intersections where traffic is directed by a police officer or by a traffic
2 signal, it shall be unlawful for any pedestrian or pedestrians to enter upon or to
3 cross a highway at any point other than a designated crosswalk.

1 3. At all intersections where traffic is not controlled and directed either by a
2 police officer or by a traffic signal, no pedestrian or pedestrians shall cross the high-
3 way other than at right angles to the curb, and when crossing at any point other
4 than a designated crosswalk shall yield the right of way to all vehicles upon the
5 highway.

1 4. It shall be unlawful for the operator of any vehicle to fail to give the right-
2 of-way to a pedestrian or pedestrians at any crosswalk where such pedestrian or
3 pedestrians having started to cross with the proper signal finds himself still within
4 the intersection when the signal changes.

1 5. In all business and residential districts pedestrians shall have the right-of-
2 way over all vehicles at any and all crossings where traffic is not controlled by
3 traffic signals or by a police or a traffic officer.

ARTICLE VI.

PARKING.

1 1. The operator of a vehicle shall not stop, stand or park such vehicle in a
2 roadway other than parallel with the edge of the roadway headed in the direction
3 of traffic; on the right-hand side of the road, and with the curb side of the
4 vehicle within six inches of the edge of the roadway, except as provided in the
5 following two subsections:

6 (A) Upon those streets which have been marked or signed for angle parking,
7 vehicles shall be parked at the angle to the curb indicated by such marks or signs.

8 (B) Upon one-way streets, local authorities may, by ordinance, designate park-
9 ing upon the left side of the roadway, instead of on the right side.

1 2. (a) No person shall park or leave standing any vehicle, whether attended
2 or unattended, upon the paved or improved main traveled portion of any highway,
3 outside of a business or residence district, when it is practicable to park or leave
4 such vehicle standing off the paved or improved or main traveled portion of such
5 highway; *provided, however,* that in no event shall any person park or leave
6 standing any vehicle, whether attended or unattended, upon any highway, unless a
7 clear and unobstructed width of not less than fifteen feet upon the main traveled
8 portion of said highway opposite such standing vehicle shall be left for free passage
9 of other vehicles thereon, nor unless a clear view of such vehicle may be obtained
10 from a distance of two hundred feet in each direction upon such highway.

11 (b) Whenever any peace officer shall find a vehicle standing upon a highway
12 in violation of the provisions of this article he is hereby authorized to move such
13 vehicle or require the driver or person in charge of such vehicle to move such vehicle
14 to a position permitted under this article.

15 (c) The provisions of this article shall not apply to the driver of any vehicle
16 which is disabled while on the paved or improved or main traveled portion of a

17 highway in such manner and to such extent that it is impossible to avoid stopping
18 and temporarily leaving such vehicle in such position.

1 3. No person having control or charge of a motor vehicle shall allow such
2 vehicle to stand on any highway unattended without first effectively setting the
3 brakes thereon and stopping the motor of said vehicle, and, when standing upon any
4 grade, without turning the wheels of such vehicle to the curb or side of the highway.

1 4. It shall be unlawful for the operator of a vehicle to stand or park such
2 vehicle in any of the following places, except when necessary to avoid conflict with
3 other traffic or in compliance with the directions of a traffic or police officer or
4 traffic sign or signal:

5 (a) Within an intersection.

6 (b) On a crosswalk.

7 (c) Between a safety zone and the adjacent curb or within at least twenty
8 (20) feet of a point on the curb immediately opposite the end of a safety zone.

9 (d) In front of a private driveway.

10 (e) Upon the approach to an intersection, within twenty-five (25) feet of the
11 nearest crosswalk or side line of street or intersecting highway, except at alleys, or
12 within fifty (50) feet of a "Stop Street" sign, or within fifty feet of the near right-
13 hand corner of any street upon which any auto bus route is established, and ap-
14 proved by the Board of Public Utility Commissioners.

15 (f) Within twenty (20) feet of the driveway entrance to any fire station or
16 within ten (10) feet of a fire hydrant.

1 5. (a) It shall be unlawful for the operator of a vehicle to stand or park said
2 vehicle for a period of time longer than is necessary for the loading or unloading
3 of passengers or materials, provided that the loading or unloading of passengers
4 shall not consume more than three (3) minutes, in any of the following places:

5 (b) In any alley.

6 (c) It shall be unlawful for the operator of any vehicle to stand or park such
7 vehicle for a period of time longer than is necessary for the loading or unloading
8 of passengers, in the following places, and in no event longer than three minutes:
9 at any curb adjacent to the entrance of a school, church, theatre, hotel, hospital, or
10 any other place of public assemblage during hours designated by official signs.

10
ARTICLE VII.

REGULATIONS.

1 1. On all public roads, streets, highways and turnpikes, the following regula-
2 tions shall be in force:

1 2. Drivers of vehicles, street cars or horses must at all times comply with any
2 direction, by voice or hand, of any member of the police department, any peace offi-
3 cer, Commissioner of Motor Vehicles, or inspector of motor vehicles, when enforcing
4 any of the provisions of this act.

1 3. It shall be unlawful for any person or persons to stand in a roadway for
2 the purpose of or while soliciting a ride from the operator of any private vehicle.

1 4. It shall be unlawful for any person or persons to stand in the roadway of a
2 highway to stop, impede, hinder, or delay the progress of any vehicle for the pur-
3 pose of soliciting the purchase of goods, merchandise or tickets, or for the purpose
4 of soliciting contributions for any cause whatsoever, and the only question of law
5 and fact in determining guilt under this subdivision shall be whether goods, mer-
6 chandise or tickets were tendered or offered for sale, or whether a contribution was
7 solicited.

1 5. The driver of a motor vehicle traversing a steep grade or mountain high-
2 way shall hold such motor vehicle under control and as near the right-hand side of
3 the highway as reasonably possible, and upon approaching any curve where the view
4 is obstructed within a distance of two hundred feet along the highway shall give
5 audible warning with a horn or other warning device.

1 6. The driver of a motor vehicle, when traveling upon a down grade upon any
2 highway, shall not coast with the gears of such vehicle in neutral.

1 7. On a highway divided longitudinally by a parkway, walk, viaduct, or traffic
2 lines, vehicles shall keep to the right of such division.

1 8. No vehicle shall stand backed to the curb when loading or unloading, except
2 when it is impracticable to load or unload such vehicle while standing parallel to the
3 curb; *provided*, that no vehicle shall be permitted to completely block the passage
4 of other vehicles, or any street car, by remaining backed up to the curb. If neces-
5 sary to back up to the curb, if the vehicle is horse-drawn, the horse must stand
6 parallel to the curb and facing the direction of traffic.

1 9. No person shall so load a vehicle or drive a vehicle so loaded with iron or
2 other materials that may strike together without its being properly deafened so as to
3 cause no unnecessary noise.

1 10. No person shall drive or conduct any vehicle in such condition, so constructed
2 or so loaded, as to be likely to cause delay in traffic or accident to man, beast or
3 property.

1 11. No person shall ride upon the rear end of any vehicle without the con-
2 sent of the driver, and when so riding, no part of the person's body must protrude
3 beyond the limits of the vehicle.

1 12. No person shall cause or permit any vehicle to be loaded with manure
2 sand, earth, mud, clay, or rubbish, so that the contents or any part thereof shall be
3 scattered in any street.

1 13. A vehicle waiting at the curb shall promptly give place to a vehicle about
2 to take on or let off passengers.

1 14. No person shall drive a vehicle that is so constructed, so loaded, or so
2 covered in, as to prevent the driver thereof from having a clear view of the traffic
3 following and at the sides of such vehicle, unless such vehicle is equipped with some
4 device that will show the driver the road to the rear and the road to the side.

1 15. Any driver shall, upon one blast of a police whistle given by a police offi-
2 cer with hand raised, bring the vehicle to a full stop, and shall not proceed again
3 until receiving a signal so to do from such officer. Three or more blasts of the
4 police whistle is the signal for alarm and indicates the approach of a fire engine
5 or other danger.

1 16. The provisions of this act applicable to the drivers of vehicles upon the
2 highways, shall apply to the drivers of all vehicles owned or operated by this State
3 or any county, city, town, district or any other political subdivision of the State,
4 subject to such specific exceptions as are set forth in this act. The provisions of
5 this act shall not apply to persons, teams, motor vehicles and other equipment while
6 actually engaged in work upon the surface of a highway, but shall apply to such
7 persons and vehicles when traveling to or from such work.

1 17. It shall be unlawful for any person to throw from any vehicle, while same
2 is in motion, any goods, merchandise, or bundles of any kind whatsoever.

1 18. It shall be unlawful for the operator of any vehicle to stop said vehicle on
2 the street or highway for the purpose of letting off or taking on any person or per-
3 sons, other than at the curb or side of the road or highway, or to knowingly permit
4 any person or persons to alight from or to enter upon said vehicle while the same is
5 in motion.

1 19. The operator of any vehicle emerging from an alley, driveway or garage,
2 shall stop such vehicle immediately prior to driving upon the sidewalk.

ARTICLE VIII.

RIGHT OF WAY.

1 1. Right-of-Way. On all highways, the following rules and regulations shall
2 be in force:

1 2. Excepting as herein otherwise provided, every driver of a vehicle when
2 entering or crossing any intersection shall grant the right-of-way at all times to any
3 vehicle approaching from his right.

1 3. Whenever traffic or police officers are stationed in any highway for the pur-
2 pose of directing traffic, they shall have full power to regulate and control traffic
3 at such point or points, and all drivers of vehicles shall obey the orders and directions
4 of any such traffic officer, notwithstanding anything in this article contained.

1 4. When traffic on any highway, or at any intersection thereof, is controlled by
2 traffic signals, all drivers of vehicles shall obey such traffic signals unless otherwise
3 specially directed by a traffic or police officer engaged in regulating traffic.

1 5. Upon all highways of sufficient width, except upon one way streets, the
2 driver of a vehicle shall drive the same upon the right half of the highway and
3 shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb
4 of such highway, unless it is impracticable to travel on such side of the highway and
5 except when overtaking and passing another vehicle subject to the limitations appli-
6 cable in overtaking and passing set forth in sections seven and eight of this article.

1 6. In crossing an intersection of highways or the intersection of a highway
2 and a railroad right of way, the driver of a vehicle shall at all times cause such vehicle
3 to travel on the right half of the highway unless such right half is obstructed or
4 impassable.

1 **7. Drivers of vehicles proceeding in opposite directions shall pass each other**
2 **to the right, each giving to the other at least one-half of the available traveled por-**
3 **tion of the highway as nearly as possible.**

1 **8. (a) The driver of any vehicle overtaking another vehicle proceeding in the**
2 **same direction shall pass at a safe distance to the left thereof, and shall not again**
3 **drive to the right side of the highway until safely clear of such overtaken vehicle.**

4 **(b) The driver of an overtaking motor vehicle not within a business or residence**
5 **district as herein defined shall give audible warning with his horn or other warning**
6 **device before passing or attempting to pass a vehicle proceeding in the same direction.**

1 **9. (a) The driver of a vehicle shall not drive to the left side of the center**
2 **line of a highway in overtaking and passing another vehicle proceeding in the same**
3 **direction unless such left side is clearly visible and is free of oncoming traffic for a**
4 **sufficient distance ahead to permit such overtaking and passing to be made in safety.**

5 **(b) The driver of a vehicle shall not overtake and pass another vehicle proceed-**
6 **ing in the same direction upon the crest of a grade or upon a curve in the highway**
7 **where the driver's view along the highway is obstructed within a distance of five**
8 **hundred feet.**

9 **(c) The driver of a vehicle shall not overtake and pass any other vehicle pro-**
10 **ceeding in the same direction, at any steam or electric railroad grade crossing, unless**
11 **permitted so to do by a traffic officer or police officer.**

1 **10. The driver of a vehicle upon a highway, about to be overtaken and passed**
2 **by another vehicle, approaching from the rear, shall give way to the right in favor**
3 **of the overtaking vehicle on suitable and audible signal being given by the driver**
4 **of the overtaking vehicle, and shall not increase the speed of his vehicle until**
5 **completely passed by the overtaking vehicle.**

1 **11. (a) The driver of a vehicle shall not follow another vehicle more closely**
2 **than is reasonable and prudent, having due regard to the speed of such preceding**
3 **vehicle and the traffic upon, and condition of, the highway.**

4 **(b) The driver of any motor truck when traveling upon a highway, outside**
5 **of a business or residence district, shall not follow another motor truck within**
6 **one hundred feet, but this shall not be construed to prevent one motor truck over-**
7 **taking and passing another.**

12. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

13. The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles and motor vehicle inspectors when they are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of a police or fire department vehicle or motor vehicle inspector from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

14. (a) Upon the approach of any police or fire department vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed.

(b) The driver or person in control of a street car shall immediately stop said car upon the approach of a fire engine or other fire apparatus and keep it stationary until such engine or other fire apparatus shall have passed.

(c) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus, traveling in response to a fire alarm, closer than two hundred feet, or to drive into or park such vehicle within two hundred feet of where fire apparatus has stopped in answer to a fire alarm.

15. Police, fire department, fire patrol, traffic emergency repair, United States mail vehicles, physicians and hospital ambulances shall have the right of way in any street, and in addition thereto, shall have the right of way through any procession. If any procession shall take longer than five minutes to pass any given point, such procession shall be interrupted every five minutes for the passage of traffic which may be waiting.

16. It shall be unlawful for any employee of any steam or electric railroad company to operate any locomotive or train, or crossing gate in such a manner as to unnecessarily prevent or interfere with the use of any highway for the purpose of travel.

ARTICLE IX.

SPEED AND SPEEDS.

1 1. Any person who shall drive any vehicle upon a highway, carelessly and
2 heedlessly, in willful or wanton disregard of the rights or safety of others, or with-
3 out due caution and circumspection, and at a speed or in a manner so as to endanger,
4 or to be likely to endanger, any person or property, shall be guilty of reckless driving,
5 and upon conviction shall be punished as provided in section two of this article.

1 2. Every person convicted of reckless driving, as defined in section one of
2 this article, shall be punished by imprisonment in the county or municipal jail for
3 a period of not more than thirty days, or by a fine of not more than one hundred
4 dollars, or by both such fine and imprisonment, and on a second or subsequent con-
5 viction shall be punished by imprisonment for not more than two months, or by a
6 fine of not more than two hundred dollars, or both such fine and imprisonment.

1 3. Any person driving a vehicle on a highway shall drive the same at a care-
2 ful and prudent speed, not greater nor less than is reasonable and proper, having due
3 regard to the traffic, surface and width of the highway, and of any other condi-
4 tions then existing, and no person shall drive any vehicle upon a highway at such
5 a speed as to endanger the life, limb or the property of any person.

1 4. Subject to the provisions of section one of this article, and except in those
2 instances where a lower speed is specified in this act, it shall be prima facie lawful
3 for the driver of the vehicle to drive the same at a speed not exceeding the follow-
4 ing, but in any case when such speed would be unsafe, it shall not be lawful;
5 provided, however, that the word vehicle, as used in Article IX, shall be construed
6 to mean and include street cars:

7-13 (a) Ten miles an hour, when passing a school during recess or while chil-
14 dren are going to or leaving school, during opening or closing hours.

15 (b) Fifteen miles an hour when approaching within fifty feet, and in traversing,
16 an intersection of highways, when the driver's view is obstructed. A driver's view
17 shall be deemed to be obstructed when, at any time during the last fifty feet of his
18 approach to such intersection, he does not have a clear and uninterrupted view of
19 such intersection, and of traffic upon all of the highways entering such intersection,
20 for a distance of two hundred feet from such intersection.

21 (c) Fifteen miles an hour, in traversing or going around curves or traversing
22 a grade upon a highway when the driver's view is obstructed within a distance of
23 one hundred feet along such highway in the direction in which he is proceeding.

24 (d) Twenty miles an hour on any highway in a business district, as defined
25 herein, when traffic on such highway is controlled at intersections by traffic officers
26 or traffic signals.

27 (e) Fifteen miles an hour on all other highways in a business district.

28 (f) Twenty miles an hour in a residence district.

29 (g) Forty miles an hour under all other conditions.

1 5. It shall be prima facie unlawful for any person to exceed any of the fore-
2 going speed limitations. In every charge of violation of this article the complaint,
3 also the summons or notice to appear, shall specify the speed at which the defendant
4 is alleged to have driven, also the speed which this article declares shall be prima
5 facie lawful at the time and place of such alleged violation.

1 6. Local authorities shall have no power or authority to alter any speed limita-
2 tions declared in this article, or to enact or enforce any rule or regulation contrary
3 to the provisions of this act, except that local authorities shall have power by
4 ordinance for the regulation of traffic by means of traffic officers, semaphores, or
5 electric signaling devices on any highway where traffic is heavy or continuous, and
6 may increase the speed which shall be prima facie lawful where said through high-
7 way is continuously controlled at each intersection by traffic signals operated on the
8 synchronized, progressive or similar systems, where the timing of the lights and
9 local conditions warrant such regulation; *provided*, that such increase in speed shall
10 not exceed a maximum speed of thirty miles per hour; *and provided, further*, that
11 local authorities shall first place and maintain upon all such highways upon which
12 the permissible speed is increased, adequate signs giving notice of such special
13 regulations.

1 7. Nothing in this article shall be construed as applying to any speedway built,
2 or intended, for the exclusive use of motor vehicles, if the said speedway at no
3 point crosses any highway, or any railroad or railway at grade; the said speed-
4 way having been constructed with the permission of the local authorities or the
5 board of freeholders, as the case may be, of the county or counties in which said
6 speedway shall be located.

1 8. If a physician shall have his motor vehicle stopped, for exceeding the speed
 2 limit, while he is in the act of responding to an emergency call, the registration
 3 number of the vehicle and the driver's license number may be inspected and noted,
 4 and the physician shall then be allowed to proceed, in the vehicle, to his destination,
 5 and subsequently such proceedings may be taken as would have been proper had the
 6 person violating the provisions as to speed not been a physician.

1 9. Motor vehicles belonging to the military establishment, while in use for
 2 official purposes, in time of riot, insurrection or invasion, and motor vehicle inspec-
 3 tors appointed under Chapter 208, Laws of 1921, and all police officers are exempt
 4 from the provisions of this act pertaining to speed, while said inspectors and police
 5 officers are engaged in the apprehension of violators of the provisions of this act,
 6 or of persons charged with, or suspected of, any such violation.

1 10. Any person violating any section of this article shall, for each violation,
 2 be subject to a fine of not more than fifty dollars, or to imprisonment for a period
 3 not exceeding ten days, or both, except as herein otherwise provided; *provided, how-*
 4 *ever,* that nothing in this article shall be construed to alter or change the maximum
 5 rate of speed for commercial vehicles, trailers, semitrailers, and tractors as set
 6 forth in paragraph 10, section 21, Chapter 208, Laws of 1921.

ARTICLE X.

STOP STREET.

1 1. All highways, or any section thereof, in which there shall be operated a
 2 street car, and all State highway routes, or any highway, or section thereof, which
 3 may be designated by ordinance of the board or body charged with the duty of
 4 the maintenance thereof, shall be known as a "stop street," and only such highways
 5 shall be so marked by "stop street" signs.

1 2. The board or boards, body or bodies, charged with the maintenance of any
 2 such highway, or a section thereof, shall within thirty days after the
 3-4 passage of this act, and within thirty days after any such designation,
 5 place a "stop street" sign not less than three feet, nor more than eight feet, above
 6 the surface of the ground, and so located as to be plainly visible at all times at a
 7 distance of one hundred and fifty feet, and such sign shall be illuminated at night, or

8 so placed as to be illuminated by the headlights of the approaching vehicles, or by
 9 street lights. Such signs shall be placed on the near right-hand side of each high-
 10 way intersecting such "stop street," at a distance of not more than forty feet from
 11 the nearest curb line, or side line in case no curb line shall be established, of such
 12 "stop street," and shall bear upon it the following words: "stop street."

1 3. It shall be unlawful for the driver of any vehicle or street car to enter upon
 2 or cross any "stop street," so designated and marked unless he shall have first
 3 brought his vehicle or street car to a complete stop at a point within five feet of
 4 the nearest crosswalk, or a "stop" line, marked upon the pavement, at the nearest
 5 side of such "stop street," unless authorized or ordered otherwise by a traffic or
 6 police officer stationed at such intersection, or unless such intersection shall be con-
 7 trolled by signal lights; *providing, however,* that where "stop streets" intersect each
 8 other, the board or boards, body or bodies having control of the highway shall desig-
 9 nate the highway to be known as the "stop street," and shall post but one of the
 10 said highways.

ARTICLE XI.

STREET CARS.

1 1. The driver or person in control of any vehicle traveling upon a regular
 2 street car route, and proceeding upon the tracks in front of any such street car, shall
 3 immediately upon signal from the motorman or person in control of such street car,
 4 give way thereto.

1 2. Any driver of any vehicle when following a street car, upon the street car
 2 tracks, shall keep at least ten feet behind such car.

1 3. (a) The driver of a vehicle shall not overtake and pass upon the left, any
 2 street car proceeding in the same direction, whether actually in motion or tempo-
 3 rarily at rest, when a travelable portion of the highway exists to the right of such
 4 street car, even though such portion of the highway is occupied by traffic. *Provided,*
 5 *however,* this provision shall not apply to one way streets.

6 (b) The driver of a vehicle overtaking any street car, stopped for the purpose
 7 of receiving or discharging any passenger, or passengers, shall bring such vehicle to

8 a full stop, at least ten feet in the rear of the nearest entrance or exit, then in use, of
9 such street car, and shall remain stationary until any such passenger or passengers
10 shall have boarded such car or reached the adjacent sidewalk; *provided, however,* that
11 where a safety zone has been established a vehicle if otherwise permitted to proceed
12 need not be brought to a full stop before passing any such street car but may pro-
13 ceed past such car at a speed not greater than is reasonable and proper and with due
14 caution for the safety of pedestrians; *and provided, further,* that where a clearance
15 of at least eight feet between such passing vehicle and such street car be observed
16 the vehicle if otherwise permitted to proceed need not be brought to a full stop before
17 passing such street car but may proceed past such car at a speed not greater than
18 is reasonable and proper and with due caution for the safety of pedestrians.

1 4. The driver of a vehicle shall not at any time drive through a safety zone as
2 defined in Article one, section twenty-six, of this act, unless directed to do so by a
3 police or traffic officer.

1 5. In the event of collision on the part of a street car with any person or
2 vehicle, the motorman or driver of such car shall stop immediately, give his name
3 and address, and render any assistance, to any injured person, that may be required.

1 6. The motorman or driver of any street car, on approaching road intersec-
2 tions or street crossings, shall sound his signal in quick succession at a reasonable
3 distance from such intersection, and no person shall knowingly delay or hinder the
4 passage of the car.

1 7. Street cars and vehicles when carrying materials projecting behind, shall,
2 in the daytime carry a red flag at least eighteen inches square, and at night a red
3 light, which flag or light shall be attached to the end of the materials projecting.

1 8. It shall be unlawful for any person to ride on any street car or vehicle, or
2 upon a portion thereof, not designed or intended for the conveyance of passengers.
3 This provision shall not apply to an employee engaged in the necessary discharge of
4 a duty.

1 9. It shall be unlawful for the operator of any street car or auto bus to know-
2 ingly operate the same while any door or doors of said street car or auto bus is or
3 are open.

1 10. (a) Every street railway company may establish certain road intersec-
2 tions, street crossings or other points along its railway as regular stops, and unless
3 otherwise ordered by the Board of Public Utility Commissioners, or by the board
4 or body having charge of streets in any municipality, it will not be necessary for
5 said railway company to stop its cars for the purpose of taking on or letting off
6 passengers at any place other than at such established stops.

7 (b) When such established stops are at road intersections or street crossings,
8 the near side of said intersection or crossing shall be designated as the established
9 stop, except that, at special intersections or crossings or under special conditions
10 where in the judgment of the street railway company or the Board of Public
11 Utility Commissioners, or the local authorities, the convenience or safety of the pub-
12 lic will be better served, the far side may be designated as the established stop.

1 11. The cars of any street railway company shall not be allowed to obstruct the
2 crosswalks of any street.

1 12. No vehicle or street car shall so occupy any street as to interfere with or
2 interrupt the passage of other street cars or vehicles.

ARTICLE XII.

SIGNS AND PAVEMENT MARKINGS.

1 1. Maintenance: Signs shall be maintained continuously in good order and clear
2 legibility by

3 (a) Use of enamel signs;

4 (b) Painting according to specifications;

5 (c) Self-illumination to be provided wherever possible;

6 (d) So placing signs not self-illuminated that they will be suitably illuminated
7 by street lights or headlights;

8 (e) Prompt replacement of broken or defaced signs and cleaning as required.

1 2. Shape: The shape of signs shall conform to the following specifications:

- 2 (a) Stop signs shall be octagonal;
- 3 (b) Railroad grade crossing signs shall be circular;
- 4 (c) Slow signs indicating conditions inherent in the street and requiring cau-
5 tion shall be diamond shaped;
- 6 (d) Caution signs indicating conditions adjacent to the street shall be square
7 shaped;
- 8 (e) One-way and detour signs shall be arrow shaped;
- 9 (f) Direction, information and restriction signs shall be rectangular.

1 3. Color: The color of signs shall be as follows:

- 2 (a) Stop signs shall have a yellow background with red letters, and the word
3 "stop", preferably in red reflecting glass;
- 4 (b) Slow and caution signs shall have yellow background with black letters;
- 5 (c) Direction, information, restriction, one-way and detour signs shall have
6 white background with black letters.
- 7 (d) Restriction signs shall have an orange background with white letters,
8 excepting "limited parking" signs, which shall have a green background with white
9 letters.

1 4. Corners and edges of all signs shall be rounded slightly for safety.

1 5. Location and Height: (a) All signs shall be located, as nearly as possible,
2 at the point where the message is to be obeyed, except as otherwise specially
3 authorized.

4 (b) Signs carrying reflectors shall be mounted so that the reflecting element
5 is not over three feet in height. Other stop, slow or caution signs shall be mounted
6 at a height of not less than three feet and not more than eight feet. Direction and
7 detour signs if mounted on movable stands shall be not over four feet in height and
8 if mounted on stationary poles shall be not over eight feet in height.

STOP SIGNS.

1 6. All stop signs shall be octagonal 18" x 18" outside, with the word "Stop"
2 in four and one-half to five inch letters through the horizontal center of the octagon.
3 Upper and lower brackets shall carry messages as indicated below. All stop signs
4 shall be clearly visible at all times at a distance of one hundred and fifty feet.

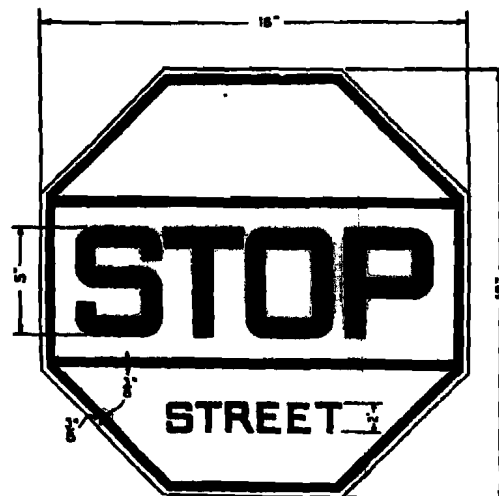
1 7. Full Stop Street: The word "Street" shall be inserted on a stop sign, below
2 the word "Stop." This sign shall be used only where full stop streets are estab-
3 lished.

1 8. Dead End Street: The words "Street" and "End" shall be inserted on a stop
2 sign, above and below the word "Stop." This sign shall be used only where the
3 street ends with no outlet and shall not be used at the end of "T" or "L" streets.

1 9. No Traffic Zone: The word "No" shall be inserted on a stop sign, above,
2 and the word "Traffic", below, the word "Stop." To be placed as conditions require.

STOP SIGNS
OCTAGON 18"X18" OUTSIDE

FULL STOP STREET SIGN



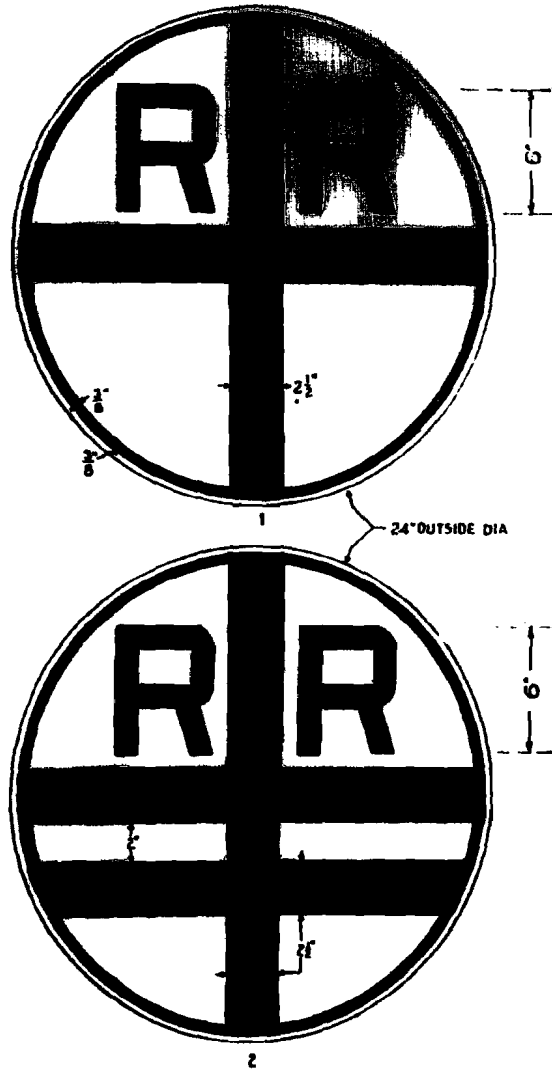
NOTE: STOP SERIES

- 1 FULL STOP STREET - WORD "STREET" BELOW
 - 2 DEAD END STREET - WORD "STREET" ABOVE, "END" BELOW
 - 3 NO TRAFFIC ZONE - WORD "NO" ABOVE, "TRAFFIC" BELOW
- ALL STOP SIGNS TO HAVE YELLOW BACKGROUND

RAILROAD SIGNS

1 10. Railroad crossing signs shall be twenty-four inches outside diameter, with
2 yellow background divided into quadrants by horizontal and vertical lines two and
3 one-half inches wide with black letters. "R. R." six inches high placed in upper quad-
4 rants of circle. Signs shall be placed within one hundred feet of the railroad
5 crossing.

RAILROAD SIGNS



NOTE: ALL RAILROAD SIGNS TO HAVE A YELLOW BACKGROUND

SLOW SIGNS.

1 11. Signs shall be eighteen inches by eighteen inches, used in the form of a
2 diamond with the word "slow" in four-inch to six-inch letters across the horizontal
3 center of the diamond. All "Slow" signs shall be clearly visible at a distance of one
4 hundred feet.

1 12. Street Car Zones: The words "safety" and "zone" shall be respectively
2 above and below the word "slow" in two-inch letters, and in addition an arrow point-
3 ing to the right just below the word "Slow." Signs shall be placed at the end of
4 the zone from which traffic approaches and at least two such signs along the side

5 away from the car track if the zone is not raised. If loading zone is longer than
6 fifty feet, additional signs shall be used. Such signs, lettering and placement shall
7 be the same as for street car zones.

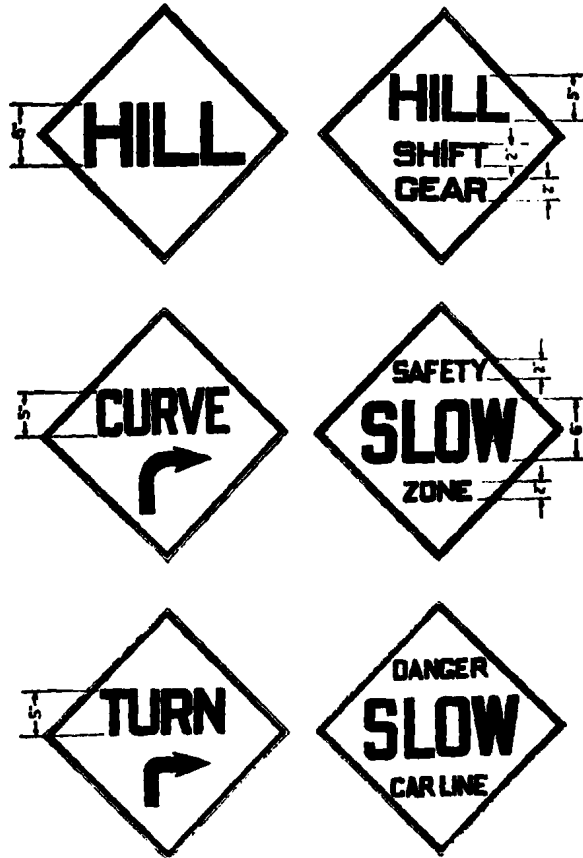
1 13. Hill: The word "Hill" shall be used in four or five-inch letters, placed
2 slightly above the horizontal center of the diamond, and with a vertical arrow in the
3 lower space, pointing downward. Sign shall be placed at approximately fifty feet
4 in front of the point where the grade begins. It shall be shown on all grades of
5 six per centum or more if longer than three hundred feet.

1 14. Curves: The word "Curve" shall be used in four or five-inch letters,
2 placed slightly above the horizontal center, with a bent arrow indicating the direc-
3 tion of the curve, below it. Sign shall be placed at approximately fifty feet from
4 beginning of curves having radii up to six hundred feet, depending on speed per-
5 mitted on approach.

1 15. Dangerous Intersections: The words "Dangerous" and "Intersection" shall
2 be placed above and below the word "Slow."

1 16. Special Slow Signs: "Bridge Caution," "Narrow Road," "Street Under
2 Repair," et cetera, where required for special purposes, shall be the regular diamond
3 slow sign with letters of suitable size to carry the message.

SLOW SIGNS
18"x18"



NOTE: ALL SLOW SIGNS TO HAVE YELLOW BACKGROUNDS

SLOW SIGNS



CAUTION SIGNS.

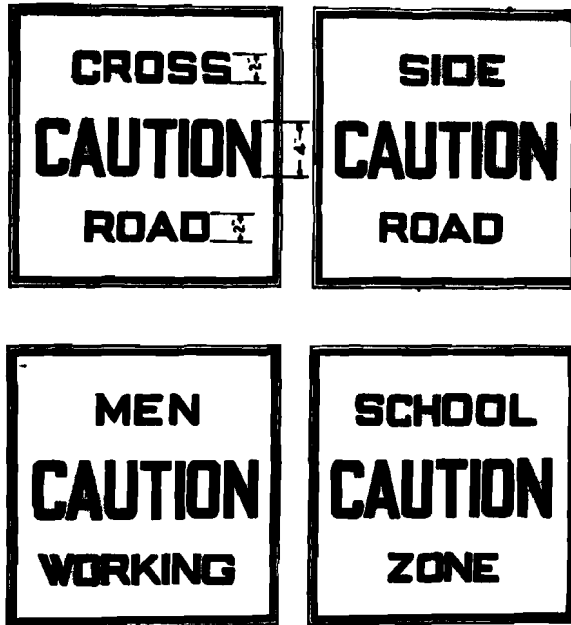
1 17. Caution signs shall be eighteen inches, used as a square with word "Caution" across the horizontal center in four-inch letters. All "Caution" signs shall
 2 be clearly visible at all times at a distance of one hundred feet.

1 18. School Zones: The words "School" and "Zone," respectively, shall be
 2 used on a caution sign, above and below the word "Caution." They shall be placed
 3 at the beginning of the zone.

1 19. Playground Zone: The word "Play" shall be placed on a caution sign,
 2 at the top, and "Ground" below the word "Caution." Variations in the wording
 3 of this sign may be used to indicate "Play Street Closed." Signs shall be placed
 4 at each end of the block where the playground is located.

- 1 **20. Caution Intersections:** A "Caution" sign shall be used with words "Cross"
 2 and "Roads" above and below the word "Caution." This sign shall be used where
 3 warning is required only in minor degree.

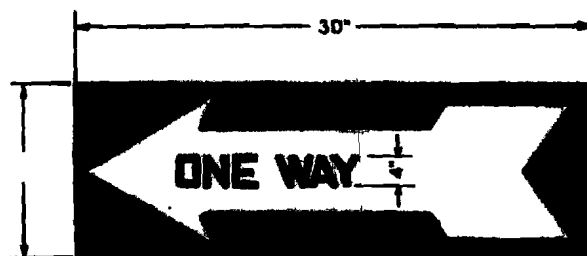
CAUTION SIGNS
 18" x 18"



ONE WAY SIGNS.

- 1 **21. One Way:** Sign shall be arrow-shaped, thirty inches long and four or five
 2 inches wide, with the words "One Way" written on the face of the arrow in four-
 3 inch letters. Or a rectangular plate shall be used, thirty-six inches long and eight
 4 inches wide, the arrow to be painted on a black background in white, the letters
 5 to be in black. These markings shall be placed not over fifteen feet from the
 6 entrance to the street which they control.
- 1 **22. Detour:** Sign shall be an arrow twenty-four inches long and six or eight
 2 inches wide, with the word "Detour" in letters three or four inches high. If it is
 3 desired to place additional information on this sign, it shall be lengthened accordingly.
 4 The sign shall be placed at the point where the detour begins and at points where
 5 question may arise as to the direction of the detour.

ONE WAY SIGNS



DIRECTION AND RESTRICTION SIGNS.

1 23. Direction and restriction signs shall be made so that one dimension will
2 be a multiple of six inches. These signs shall be so placed as to be either well
3 illuminated by street lights or carry lights of their own.

1 24. Speed Limit Signs—General: Signs shall be twenty-four inches by thirty
2 inches, with words "Speed Limit" in letters four inches high, the numerals to be
3 in figures six inches high, and the word "miles" to be in small letters at the bottom
4 of the sign. Signs shall be placed at the point where the limit starts.

1 25. Drive to Right: Signs shall be twelve inches by eighteen, with the words
2 "Keep to the Right" in letters approximately four inches high. Signs shall be
3 placed at the point where the message is to be obeyed.

1 26. No Right or Left Turn: Signs shall be twelve inches by eighteen inches
2 and to carry wording "No Right or Left Turn" or "No Left Turn" or "No Right
3 Turn," as may be required. Words to carry the former instructions shall be three
4 or four inches high. Signs shall be placed at the point where turn is prohibited.
5 Where the intersection is controlled by an automatic signal, the sign shall be attached

6 to the signal and be continuously illuminated during the time such turns are not permitted.

1 27. No Through Street: Signs shall be twelve inches by eighteen inches and 2 to carry wording "No Through Street." Height of letters shall be three or four 3 inches. Signs shall be placed at the corner of street entrance.

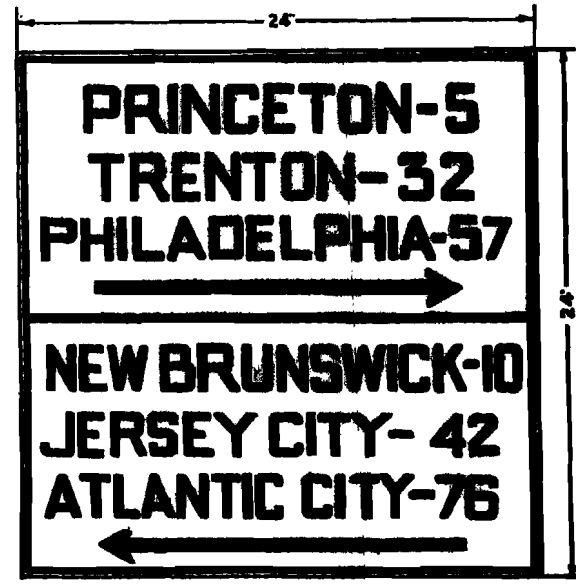
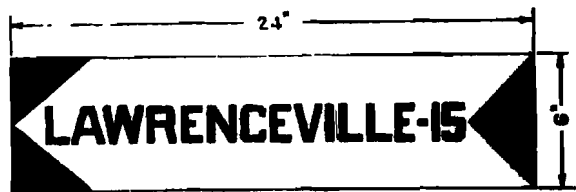
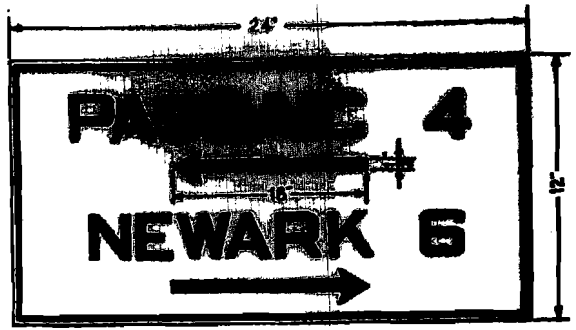
1 28. No Parking: Signs shall be square, eighteen inches on a side; largest letter 2 to be three inches in height and letters for explanatory words to be from one to 3 two inches in height, depending upon the number of words used. Signs shall be 4 placed at the point or points where the message is to be obeyed.

DIRECTION AND RESTRICTION SIGNS



NOTE: ALL DIRECTION AND RESTRICTION SIGNS TO HAVE A WHITE BACKGROUND.

DIRECTION AND RESTRICTION SIGNS



1 29. Time Limit Parking: Signs shall be the same as for "No Parking" sign,
 2 the words "Parking Limit" to appear in large letters and the rest of the message
 3 in the smaller size letters. The signs shall be placed at the point where the message
 4 is to be obeyed. Color to be green background with white letters.

1 30. Loading Zones: "No Parking" signs described above shall be used with
 2 additional explanation desired, to fill special requirements, the height dimension to
 3 be increased, if necessary, to get the entire message on. Signs shall be placed at
 4 the point where message is to be obeyed.

1 **31. Jay Walking:** Where this sign is used it shall be rectangular, twelve inches
2 by eighteen inches and high enough to carry the message desired.

1 **32. Routes and Distances:** Signs shall be twenty-four inches long and eighteen
2 inches wide or more (to be of such dimension as to carry the message required).
3 Below the message an arrow about eighteen inches long shall be placed to indicate the
4 direction desired.

1 **33. Fire House Zones:** Signs shall be eighteen inches by eighteen inches with
2 words "No Parking" in letters three or four inches high and the word "Fire
3 House" underneath in letters three inches high. The sign shall be the same height
4 and proportion as regular "No Parking" signs. Signs shall be placed at the point
5 where the restricted parking for the protection of fire houses is necessary.

1 **34. Special and Miscellaneous Restriction and Instruction Signs:** "Emergency,"
2 "No Trucking," "No Loitering," "Taxi Stand," "Bus Stand," and other restriction
3 signs where required for special purposes shall conform to the specifications for
4 "Direction" and "Restriction" signs.

1 **35. Types—Markings** shall be of the following types:

- 2 (a) Lines on pavement.
- 3 (b) Colors on curbing.
- 4 (c) Words on pavements or curbs.
- 5 (d) Mass colors on obstructions.

1 **36. Methods—Markings on pavements may be made by**

- 2 (1) Inserts embedded in the pavement so as to form lines or words.
- 3 (2) Paint applied to the surface.
- 4 (3) Canvas attached by cement.

1 **37. Lines—The uses for which lines shall be employed are:**

- 2 (a) Center line on a curve having a radius less than six hundred feet.
- 3 (b) Center line on a grade of over six per centum.
- 4 (c) Traffic lanes on streets wide enough for three or more lanes.
- 5 (d) Boundaries of pedestrian crosswalks.
- 6 (e) Vehicle turning limits at street intersections.
- 7-8 (f) Street car clearance limits at turning points.
- 9 (g) Parking space limits.

10 (h) Stalls for parking other than parallel. When lines are used to indicate the
11 turning course for traffic to follow, they shall be made in short lengths with arrow
12 heads on each to indicate direction.

1 38. Curb Markings—The principal uses for curb markings shall be to define regu-
2 lations applying to vehicles stopping or standing next to curb, for which purpose they
3 shall be of different colors to distinguish the various regulations.

- 4 (a) Prohibited parking, orange.
- 5 (b) Loading zone (passengers and material), yellow.
- 6 (c) Passenger zone (loading and unloading of passengers only), white.
- 7 (d) Limited parking (limited as to time), green.

1 39. Words—The use of words shall be limited to very brief messages expressed
2 in the shortest possible words.

1 40. Material Specifications—The following standards shall be adopted :

2 (1) Round inserts shall be made of aluminum, nonrusting steel, brass, or other
3 material that will show a bright surface under traffic. Diameter not less than three
4 inches, spacing about twelve inches on transverse lines and about eighteen inches on
5 longitudinal lines. Such inserts shall be attached to the pavement with anchor bolts
6 or similar devices so that they will retain their position; they shall not project above
7 the pavement level more than one-half inch, and they shall have rounded surfaces so
8 that they will offer a smooth contour to passing traffic.

9 (2) Rectangular inserts of any material such as brick, stone, rubber or metal
10 shall be of distinctive color from that of the pavement; they shall be set to form a
11 continuous or broken line, and shall be embedded in the pavement so that the upper
12 surface is even with the pavement level.

13 (3) The width of line shall be not less than six inches. Frequent renewals shall
14 be made to insure full visibility at all times.

15 (4) Canvas shall be firmly attached to the pavement surface with cement such
16 that lines will remain true under all conditions of use and weather. Color shall be
17 white or yellow.

1 41. Mushroom Buttons—Large diameter buttons projecting several inches above
2 the pavement shall not be used at any point in the highway where they may interfere
3 with moving traffic even if illuminated.

- 1 **42. Obstructions**—All obstructions shall be marked clearly with black and white
2 as follows:
- 3 (a) Alternate lines three to six inches wide with a slope of forty-five degrees.
4 (b) Checkerboard squares six to twelve inches on a side.

SAFETY ZONES.

- 1 **43. Safety zones** at points where there is heavy pedestrian traffic exposed to
2 vehicular hazard, may be established in the following locations:
- 3 (a) Street car stops where there is heavy traffic.
4 (b) Crosswalks where highways between curbs are forty feet or more wide or
5 otherwise hazardous intersections.
- 6 **Type**—Safety zones shall be of the following types:
- 7 (1) Raised platform of concrete or wood with adequate protection against col-
8 lision at the end from which traffic approaches.
- 9 (2) Pavement space without platform, protected at the end and also along the
10 side next to the traffic lane.
- 1 **44. Location**—A traffic lane having a minimum width of nine feet shall be
2 allowed between the edge of the zone and the curb. This traffic lane shall be kept
3 clear as provided for in Article VI, section four, subsection (c).
- 1 **45. Dimensions**—All raised safety zones shall not be less than five or more than
2 six inches high, and shall not be less than three feet wide and six feet long. Those
3 used for street car loading shall be four feet wide and as long as may be necessary
4 to provide adequate access to the street car entrances.
- 1 **46. Construction**—Safety zones of both 1 and 2 types shall be protected at the end
2 from which traffic approaches by substantial obstructions, either posts or abutments
3 extending three and one-half feet above the street surface. Posts may be made
4 of heavy timber or of iron filled with concrete, and may be located at the corners or
5 around the end of a zone in a curve. Behind this protection may be placed a flashing
6 beacon or fixed light with a white globe having a blue band two inches wide, in ac-
7 cordance with the specifications for signals and mounted either on the posts or the
8 beacon support section twelve of this article "Street Car Zone" sign. It is especially
9 important that both the obstructions protecting the safety zone and the platform itself

10 should be adequately illuminated. It is equally important that posts or other protec-
11 tive obstructions should be marked in accordance with the specifications for mark-
12 ings.

13 For safety zone of the two type having no platform to define its boundaries and
14 to protect it from the intrusion of vehicles, the side of the zone next to the traffic
15 lane shall be protected by movable standards or portable signs spaced at intervals
16 not exceeding eight feet for the entire length of the zone next to the traffic lane and
17 at the ends of the zones.

1 47. No person or persons shall place, maintain or display on any premises by
2 him owned, leased or occupied, any sign, device or other contrivance in imitation
3 of, or of a nature as to be mistaken for, an official warning or direction sign; nor
4 shall any person or persons place, maintain or display, on any highway, any sign,
5 device, or other contrivance in imitation of, or of a nature as to be mistaken for
6 an official warning or direction sign, unless such sign, device or other contrivance
7 conform substantially to the signs, devices or contrivances fixed by this act.

1 48. Any sign, device, or other contrivance prohibited in section thirty-five of
2 this article, shall be deemed a public and a private nuisance; and any citizen shall
3 have the right to maintain an action at law, or in equity, for the removal of the same,
4 and the sole question of law and fact shall be whether said sign, device or other con-
5 trivance is in imitation of, or of a nature as to be mistaken for, an official warning
6 or direction sign.

1 49. It shall be unlawful for any person to willfully or intentionally deface,
2 injure or remove any official warning or direction sign or signal described in this
3 act.

1 50. *Provided, however,* that nothing in this article shall prohibit the authori-
2 ties having control of highways in rural sections from increasing the dimensions
3 of the signs by twenty-five per centum.

ARTICLE XIII.

TRAFFIC SIGNALS.

1 1. Traffic signals or signal devices shall conform strictly with the following
2 particulars:

1 2. A three-color system shall be used; red, amber and green. *Green* shall mean
2 permission for traffic to go, subject to the safety of others or the specific directions
3 of an officer; *red* shall mean traffic to stop before entering the intersection or cross-
4 walk, and remain standing until *green* is shown; *amber* (or yellow) shall be for the
5 exclusive use of pedestrians; *amber* shall mean vehicles and street cars to stop before
6 entering the intersection or crosswalk, unless when the *amber* so appears the vehicle
7 or street car is so close to the intersection that it can not be stopped within fifty
8 feet. If within fifty feet of an intersection the vehicle or street car may proceed
9 across the intersection, or make right or left turns. No vehicles or street cars shall
10 enter the intersection or crosswalk if not within this distance of fifty feet, while the
11 *amber* is displayed but must wait for the *green* to appear alone.

1 3. All other uses of *green*, *red*, *amber* or *yellow* lights, so located as to be con-
2 fused with traffic signals, shall be discontinued.

1 4. The colors shall be shown in the following sequence: a *green* light dis-
2 played for a predetermined number of seconds followed by an *amber* light for a
3 reasonable time for pedestrian traffic, followed by a *red* light, followed by a *green*
4 light. The timing of all lights shall be determined by the volume of traffic.

1 5. Semaphores shall have four vanes or sides, the stop vanes having a red field
2 with the words "Stop" plainly visible thereon, and the go vanes a green field with the
3 word "Go" plainly visible thereon.

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

1 7. Lenses. Where a vertical arrangement of lenses is used, red shall be placed
2 at the top, amber in the middle, and green at the bottom.

1 8. When it is necessary to place the lights horizontally, the order of the lights
2 shall be red at the left, amber in the middle, and green at the right.

1 9. The light shall be of such power, as to cause the signal to be visible for
2 at least three hundred feet.

1 10. All traffic signals shall be so located as to be plainly visible to all traffic to
2 be regulated. This shall be accomplished by: (a) One-way or two-way lights on
3 four corners; or (b) three-way or four-way signal on one corner; or (c) two-way
4 or four-way signal on diagonal corners, or mast arm suspension.

1 11. Poles carrying signal supports shall be so placed as to be out of pedestrian
2 crosswalk lanes.

1 12. Each intersection on a continuously controlled highway shall be controlled
2 by signals or by suitable signs. *Provided, however,* that if traffic signals are not
3 erected at every intersection, it shall not be construed as a continuously controlled
4 highway.

1 13. Hereafter no traffic signal shall be so located as to obstruct the paved width
2 of the highway, but where such signal is now located, no change shall be manda-
3 tory until after three years from the date of the passage of this act, nor shall it be
4 mandatory until after three years from the date of the passage of this act, to
5 change or remove, any traffic signal, sign or device now in use to conform with the
6 provisions of this act; *provided, nevertheless,* that no new traffic signal or device not
7 conforming with the provisions of this act shall be installed or put to use; *provided,*
8 *however,* that where there is, or may hereafter be erected a fixed raised safety zone,
9 the highway area covered by said raised safety zone shall not be construed to mean the
10 paved width of the highway.

1 14. All traffic signals shall be placed at such height as to be plainly visible to
2 approaching traffic at a distance of at least fifty feet from the intersection.

1 15. Traffic signals, operated by electricity, if within the curb line, shall be placed
2 at a height of from eight to ten feet above the pavement.

1 16. If on bracket or mast arm, a signal shall clear the pavement by fourteen
2 feet.

1 17. The period or cycle shall be based on counts of turning and through traffic,
2 study of turns, study of special intersections, distance between intersections and
3 speeds permitted.

ARTICLE XIV.

TURNS, HAND SIGNALS, STARTING, STOPPING.

1 1. Except as otherwise provided in this article, the driver of a vehicle intending
2 to turn to the right at an intersection, shall approach such intersection in the lane
3 for traffic nearest to the right-hand curb or side of the highway, and in turn-
4 ing shall keep as closely as practicable to the right-hand curb or side of the highway
5 until the turn is completed, and when intending to turn to the left shall approach
6 such intersection in the lane for traffic to the right of and nearest to the center line
7 of the highway, and in turning left shall pass immediately to the left of the center
8 of the intersection, passing as closely as shall be practicable to the left of the center
9 of the intersection.

1 2. For the purpose of this article, the center of the intersection shall mean the
2 meeting point of the medial lines of the highways intersecting one another.

1 3. Local authorities, in their respective jurisdictions, may modify the forego-
2 ing method of turning at intersections, by clearly indicating by buttons, markers or
3 other direction signs, within an intersection, the course to be followed by vehicles
4 turning therein, and it shall be unlawful for any driver to fail to turn in a manner
5 as so directed, when such direction signs are installed by local authorities.

1 4. (a) The driver of any vehicle, upon a highway, before starting, stopping,
2 backing or turning from a direct line, shall first see that such movement can be made
3 in safety, and if any pedestrian may be affected by such movement, shall give a clearly
4 audible signal by sounding the horn, and whenever the operation of any other vehicle
5 may be affected by such movement, shall give a signal, as required in this section,
6 plainly visible to the driver of such other vehicle or pedestrian of the intention to
7 make such movement.

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

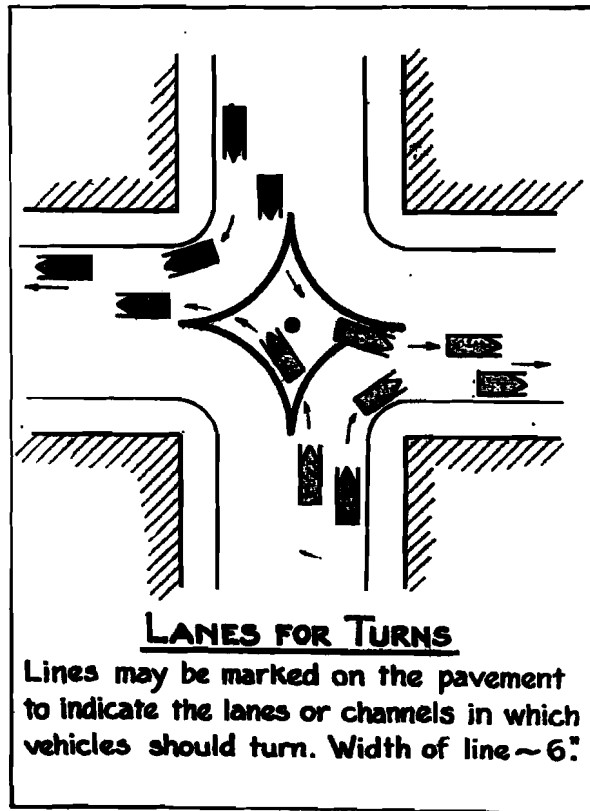
1 5. Whenever the signal is given by means of the hand and arm, the driver shall
2 indicate his intention to start, or stop, or turn by extending the hand and arm from
3 and beyond the side of the vehicle.

1 6. For a right turn, make a sweeping motion from the rear to the front to
2 indicate to drivers of vehicles behind that they may pass to the left;

1 7. For a left turn, point with index finger to the left, to indicate to drivers of
2 vehicles behind that he intends to turn in that direction;

1 8. When stopping or slowing up, keep the arm and hand in a steady position,
2 with palm to the rear.

1 9. No vehicle shall back or make a turn in any street, if by so doing it inter-
2 feres with other vehicles, but shall go around a block or to a street sufficiently wide
3 to turn in without backing.



ARTICLE XV.

ENFORCEMENT.

1 1. The enforcement of all of the provisions of this act shall be vested in the
2 police officers, peace officers of, or inspectors, duly appointed for that purpose by any

3 town, township, city, borough, or other municipality, or by any county or by the
4 State, and in the Commissioner of Motor Vehicles and the inspectors appointed
5 under his authority.

1 2. For any violation of any section or subsection of any article of this act,
2 for which no specific penalty is provided, the offender upon conviction shall be liable
3 to a penalty of not more than fifty dollars or imprisonment for a term not exceed-
4 ing five days or both.

PROCEDURE.

1 3. On Complaint Summons or Warrant to Issue.—A complaint having been
2 made in writing upon oath or affirmation, that any person has violated any of the
3 provisions of this act, any magistrate of the county, or recorder or police magistrate
4 of any municipality, or any judge of any criminal judicial District Court of any
4½ county in which the offense is committed may, within thirty days after
5 the commission of said offense, issue either a summons or a warrant directed
6 to any constable, police officer, the inspector of motor vehicles or the Commissioner
7 of Motor Vehicles of the State, for the appearance or arrest of the person so charged,
8 and the warrant or summons shall state what article, section and subsection of this
9 act has been violated by the defendant, and the time, place and nature of said viola-
10 tion, and upon the return of said summons or warrant the said magistrate shall pro-
11 ceed, in a summary way, to hear and determine the guilt or innocence of such person,
12 and, upon conviction, may impose upon the person so convicted the penalty by this
13 act prescribed, together with the cost of prosecution for such offense.

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

40

ADJOURNMENT OF TRIAL.

1 4. Adjournments.—Any hearing to be held pursuant to this act shall, on the
2 request of the defendant, be adjourned for a period of not exceeding thirty days
3 from the return day named in any summons, or from the return of any warrant,
4 as the case may be, but in such case it shall be the duty of the magistrate to detain
5 the defendant in safe custody, unless he shall make a cash deposit or enter into
6 a bond to the State of New Jersey, with at least one sufficient surety (unless
7 said defendant shall himself qualify and justify, in real estate security situated in
8 this State, in twice the amount fixed by said magistrate for bond with a surety)
9 to or in amount not exceeding five hundred dollars, conditioned for his appearance
10 on the day to which the hearing may be adjourned; and thence from day to day
11 until the case is disposed of; and such bond, if forfeited, may be prosecuted by
12 the Commissioner of Motor Vehicles in any court of competent jurisdiction; and
13 such cash deposit, if forfeited, shall be paid to said Commissioner of Motor Vehicles
14 by said magistrate, with whom the same shall have been deposited, to be, by said
15 commissioner paid over to the State Treasurer of the State of New Jersey.

RIGHT OF APPEAL.

1 5. Defendant May Appeal.—The defendant in any proceeding instituted under
2 this act may appeal from the judgment or sentence of the magistrate to the
3 Court of Common Pleas of the county in which proceeding shall have taken
4 place; *provided*, the said defendant shall, within ten days after the date of judg-
5 ment, deliver to the magistrate a bond to the State of New Jersey, with at least
6 one sufficient surety, or make a cash deposit with him of such amount as the
7 magistrate shall direct, not exceeding the amount of five hundred dollars (unless
8 said defendant can himself qualify and justify in real estate security in this State
9 in twice said amount), conditioned to stand to and abide by such further order or
10 judgment as may thereafter be made against the said party; *and provided, further*,
11 that if the said magistrate shall have imposed a sentence of imprisonment, the
12 defendant, if he does not duly appeal, shall be imprisoned forthwith upon the
13 imposing of said sentence; but that an appeal, properly taken in accordance with
14 the provisions of this act, shall be a stay of and upon the enforcement of a sen-

15 *term* of imprisonment, whether the execution of such sentence shall have been
 16 entered upon or not, as well as of such other judgment as may be pronounced; *and*
 17 *provided, further*, that if said defendant shall after the rendition of said judgment
 18 or sentence, announce to said magistrate his intention to appeal therefrom, and either
 19 give bond, make the deposit as herein provided, he shall have ten days from the
 20 date of the rendition of the said judgment or sentence within which to complete his
 21 appeal, during which said ten days the execution of whatever sentence or judgment
 22 shall have been rendered, whether of imprisonment or fine, shall be stayed, and in
 23 case said defendant shall fail to complete his appeal within said ten days, the like
 24 proceedings may be had as would by the provisions of this act follow an appeal
 25 taken and a judgment of affirmance thereupon.

RECORD OF APPEAL.

1 6. On Appeal, All Papers and Records Sent to Court by Magistrate.—When-
 2 ever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate
 3 to send all papers and all money, if any, deposited according to the provisions of
 4 this act and all money paid for costs of prosecution, together with a transcript of
 5 the proceedings in the case, to the next Court of Common Pleas of the said county,
 6 which court shall, de novo, and in a summary way, try and determine all such
 7 appeal, and in case the judgment or sentence of the magistrate shall be reversed
 8 on such appeal, the said Common Pleas Court shall order the return of all money
 9 deposited as aforesaid, and all costs of prosecution paid by said defendant to said
 10 defendant.

PROCEEDINGS MAY BE INSTITUTED ON SUNDAY.

1 7. Proceedings Taken on Sunday.—Proceedings under this act may be insti-
 2 tuted on any day of the week, and the institution of such proceedings on Sunday
 3 shall be no bar to the successful prosecution of the same and any process served on
 4 Sunday shall be as valid as if served on any other day of the week.

PROCEEDINGS, WHEN BOND FOR COSTS MAY BE DEMANDED.

1 8. Title in Proceedings.—All proceedings for the violations of the provi-
 2 sions of this act shall be entitled and shall run in the name of the State of New
 3 Jersey, with the Commissioner of Motor Vehicles, or a motor vehicle inspector,

4 or a police officer, peace officer, or a constable, or such other person as shall by
5 complaint institute the proceedings as prosecutor; and any magistrate may, at his
6 discretion, refuse to issue a warrant on the complaint of any person other than the
7 Commissioner of Motor Vehicles, or a motor vehicle inspector, or a police officer,
8 until a sufficient bond to secure costs shall have been executed and delivered to the
9 said magistrate.

ARREST WITHOUT WARRANT.

1 9. Arrest at Sight.—Any constable or police officer, peace officer, or motor
2 vehicle inspector, or the Commissioner of Motor Vehicles, is hereby authorized to
3 arrest, without warrant, any person other than a motorman or person having con-
4 trol of a street car or auto bus, running upon a route approved by the Board of
5 Public Utility Commissioners, violating, in the presence of such a constable, or police
6 officer, peace officer, or motor vehicle inspector, or the Commissioner of Motor
7 vehicles, any of the provisions of this act, and to bring the defendant before any
8 magistrate of the county where such offense is committed, or before the Commis-
9 sioner of Motor Vehicles at any place designated as his office. Said Commissioner
10 of Motor Vehicles shall have all the power of a magistrate to determine any vio-
11 lation of this act. The person so offending shall be detained in the office of the
12 magistrate until the officer making such arrest shall make a complaint, under oath
13 or affirmation, which he shall do forthwith, declaring that the person under arrest
14 has violated one or more of the provisions of this act, and specifying the provision
15 or provisions violated, whereupon said magistrate shall issue a warrant, returnable
16 forthwith, and the said magistrate shall proceed summarily to hear or postpone the
17 case as provided in this act. And any such constable or police officer, or motor
18 vehicle inspector, or the Commissioner of Motor Vehicles, upon satisfying himself
19 that such offender is a resident of this State, may, instead of arresting such
20 offender as herein provided, serve upon him a summons in the name of any police
21 court, recorder's court or any other court of competent jurisdiction in the county,
22 city, town, township, village, borough or other municipality, wherein such officer
23 shall be authorized to discharge his duties, directing such offender to appear and
24 answer such charge or charges as may then and there be preferred against him;
25 and for this purpose the county, city, town, township, village and borough clerks,

26 respectively shall provide the said officer or officers with a form of summons which,
27 when filled out, executed and issued by said officer or officers, in such cases as herein
28 provided, shall be good and effectual according to the purpose and intent thereof.

VALIDITY OF WARRANT—CASH DEPOSIT OR RECOGNIZANCE.

1 10. Validity of Summons or Warrant.—A summons or warrant issued by
2 any magistrate in accordance with the provisions of this act shall be valid through-
3 out the State, and any officer who has power to serve the said warrant and make
4 arrests thereon in the county where the same shall have been issued, shall have like
5 power to serve said summons and to serve said warrant and make arrest thereon
6 in any of the several counties of the State. If any person shall be arrested for a
7 violation committed in the county other than that in which the arrest shall take
8 place, the person so arrested may demand to be taken before a magistrate of the
9 county in which the arrest may have been made for the purpose of making a cash
10 deposit or of entering into a recognizance with sufficient surety; whereupon the
11 officer serving the said warrant shall take the person so apprehended before a magis-
12 trate of the county in which the arrest shall have been made, who shall thereupon
13 fix a day for the matter to be heard before the magistrate issuing the said warrant,
14 and shall take from the person apprehended a cash deposit or recognizance to the
15 State of New Jersey, with sufficient surety or sureties for the appearance of the
16 said person at the time and place designated in accordance with the provisions of
17 this act. The cash deposit or recognizance so taken shall be returned to the magis-
18 trate issuing the warrant to be retained and disposed of by him as by this act provided.

FEES.

1 11. Schedule of Fees.—The fees provided in the following schedule, and no
2 other charges whatsoever, shall be allowed the magistrate and officers in proceed-
3 ings under this act, and where no fee is provided for any necessary service to be
4 performed the same shall be performed without any charge therefor.

JUSTICES.

5 Complaint	10 cents
6 Summons or warrant when necessary to be issued, but not in case of arrest	
7 without warrant based on complaint.....	10 cents

8 Copies, each	5 cents
9 Subpoena	10 cents
10 Administering oath to each witness	10 cents
11 Each adjournment	15 cents
12 Entry of judgment	20 cents
13 Recognizance of bond, drawing entry and approval of	25 cents
14 Making return to certiorari	50 cents
15 Granting appeal and necessary papers	50 cents
16 Hearing contested case	50 cents
17 Hearing noncontested case	25 cents
18 Serving of summons or warrant (except in cases of arrest on view where no	
19 costs for service)	30 cents
20 Service of subpoena (except where subpoena to party present at time of	
21 arrests where no costs)	30 cents
22 Service of execution	75 cents
23 For every mile of travel in serving any summons or warrant, after first	
24 mile, computing the number of miles in and out by the most direct route	
25 from the place where such process is returnable	3 cents
Execution	25 cents

WITNESSES.

27 For each witness, not exceeding three to each party, twenty-five cents, and
 28 which shall be paid by the defendant if the defendant be found guilty of the
 29 charge laid against him, but if, on appeal, said judgment be reversed, said costs
 30 shall be repaid to said defendant as hereinbefore provided. If the defendant be
 31 found not guilty of the charge or charges laid against him, then the costs must
 32 be paid by the prosecutor, except that when in such instances the Commissioner of
 33 Motor Vehicles or the inspector of motor vehicles, a peace officer, or a police officer
 34 shall have been prosecutor.

1 12. Review of Proceedings.—It shall be lawful for a justice of the Supreme
 2 Court or the judge of the Court of Common Pleas of the county in which any
 3 conviction may be had, upon application made to him, by a verified petition for
 4 that purpose, by any person against whom a judgment or sentence for the violation

5 of any of the provisions of this act shall have been rendered, who may desire to
 6 have the legality of his conviction reviewed or the reasonableness of the sentence
 7 of penalty imposed, to order the said complaint, process, proceedings, evidence and
 8 record of conviction to be forthwith brought before him, that the legality of such
 9 proceedings and sentence or judgment or the reasonableness of the sentence or penalty
 10 may be summarily reviewed and determined; and if such proceedings and sentence
 11 or judgment shall thereupon be found to be illegal, or the sentence or penalty be
 12 unreasonable, forthwith to set aside the same and to order the remission or reduc-
 13 tion of any fine and costs that may have been imposed or the discharge of any
 14 offender from custody.

1 13. The word "magistrate" as used in this act shall be deemed and understood
 2 to mean and include all justices of the peace, judges of the city or district criminal
 3 courts, police judges, recorders, mayors and other officers having the powers of a
 4 committing magistrate and the Commissioner of Motor Vehicles; *provided, how-*
 5 *ever,* that no justice of the peace shall sit as a magistrate under this act within the
 6 corporate limits of any city within this State.

7 Moneys received in accordance with the provisions of this act shall be by the
 8 magistrate, accounted for and forwarded to the proper financial officer of the county
 9 wherein the same were collected, to be used by said county as a fund for road repairs
 10 in said county; *provided, however,* all moneys received as a result of any complaint
 11 instituted by the Commissioner of Motor Vehicles, or a member of his staff, or a
 12 member of the State Police, shall be by the magistrate, accounted for and forwarded
 13 to the Commissioner of Motor Vehicles, and by him paid over to the State Treasurer
 14 of the State of New Jersey, to be used as a fund for the repair of the improved roads
 15 throughout the State, regard being had to the repair of the most important improved
 16 roads, and the distribution of the benefits of this act throughout the several counties
 17 of this State.

ARTICLE XVI.

POWERS OF MUNICIPALITIES.

1 1. Cities, Etc., Not to Pass Ordinances Relative Hereto.—Towns, boroughs,
 2 townships, cities, or other municipalities are prohibited from passing any ordinance
 3 on any matter covered by this act or to pass ordinances altering or in anywise nulli-

4 lyng the provisions of this act, ~~provided~~, however, that ordinances may be passed
5 regulating special conditions existent in such municipality on the following subjects
6 and within the following limitations:

- 7 (A) As provided in Article IX, section six of this act;
- 8 (B) Limiting use of streets to certain class of vehicles;
- 9 (C) Designation of one-way street;
- 10 (D) Regulation of public hacks and designation of hack-stands and auto bus
11 stops or stations;
- 12 (E) Regulating the stopping or starting of street cars at special places, such as
13 railroad stations public squares, or in front of certain public buildings;
- 14 (F) Special regulations governing the passage or stopping of traffic at certain
15 congested street corners, or other designated points;
- 16 (G) Regulations governing the parking of vehicles on streets and portions of
17 streets.
- 18 (H) To erect, construct and maintain signs, pavement markings and safety
19 zones as provided for in Article XII of this act, subject to the provisions of section
20 six of this article.

1 2. All ordinances passed under the provisions of this act, shall not be in force
2 and effect until the same have been submitted to the Commissioner of Motor
3 Vehicles and approved by him after he has satisfied himself that such ordinances are
4 not contrary to the provisions of this act and are not in excess of the powers and
5 authority granted under this section. The said commissioner shall be given ten days
6 after receipt of any such proposed ordinance to examine same, and shall before or at
7 the expiration of that time forward such ordinance to the proper municipal authority,
8 with a certificate indicating whether such ordinance is a proper ordinance or whether
9 such ordinance is an improper ordinance. In the event of the failure of the commis-
10 sioner to make such return within the prescribed time, such ordinance shall become
11 effective without his approval.

1 3. Any action taken by the Commissioner of Motor Vehicles either approving or
2 disapproving any ordinance passed in accordance with the provisions of this act, on
3 the application of any person affected thereby, may be reviewed by certiorari or by
4 petition to the Supreme Court of the State of New Jersey within thirty days from

5 the date upon which such approval or disapproval as above becomes effective. Said
6 petition shall be filed with the Clerk of the Supreme Court and a copy thereof served
7 on the Commissioner of Motor Vehicles, either personally or by leaving same in the
8 office of the said commissioner in the city of Trenton. The Supreme Court is hereby
9 given jurisdiction to review said action of the commissioner as above, and to de-
10 clare that such approval or disapproval by the said commissioner is contrary to the
11 provisions of this act.

1 4. The procedure for review, except as herein provided, shall be prescribed by
2 the rules of the Supreme Court. The allowance of a writ of certiorari or the institu-
3 tion of any proceedings to review any action of the Commissioner of Motor Vehicles
4 by the Supreme Court as aforesaid shall in no case supersede or make inoperative the
5 approval or disapproval, as the case may be, of the said Commissioner of Motor
6 Vehicles, unless the Supreme Court or a justice thereof shall so direct. Any proceed-
7 ings in the Supreme Court of this State as above affecting the approval or the disap-
8 proval of the Commissioner of Motor Vehicles as above shall have preference over
9 all other civil proceedings pending in such court, except such civil proceedings as are
10 provided for under sections thirty-eight, thirty-nine, and forty of an act entitled
11 "An act concerning public utilities, to create a Board of Public Utility Commission-
12 ers, and to prescribe its duties and powers," approved April twenty-first, one thou-
13 sand nine hundred and eleven.

1 5. No special ordinance passed under the powers as contained in any article of
2 this act shall be effective unless due notice of same be given to the public by placing
3 a sign at the places where such ordinance is effective, and by briefing its provisions
4 on signs according to specifications contained in this act. Signs to be so placed as
5 to be easily read by pedestrians or operators of vehicles.

1 6. No safety zones or platforms, commonly called "safety isles"; traffic signal
2 devices, guideposts, or other structures of any kind whatsoever shall be hereafter
3 erected, constructed, operated, or maintained in, over, or upon any State highway
4 of this State, without the permission of the State Highway Commission first hav-
5 ing been obtained.

ARTICLE XVII.

1 **1. As to Validity of Any Part of Act.**—In case for any reason any section or
2 any provision of this act shall be questioned in any court, and shall be held to be
3 unconstitutional or invalid, the same shall not be held to affect any other section or
4 provision of this act.

1 **2. At the time of the issuance or the renewal of a driver's license, the Commis-**
2 **sioner of Motor Vehicles shall give to each applicant for such license a compendium**
3 **of the traffic act.**

1 **3. Repealer.**—All acts or parts of acts incónsistent herewith are hereby re-
2 pealed, but nothing herein contained shall effect the powers of regulation now vested
3 in the Public Utilities Commission.

1 **4. This act shall take effect September 1, 1928.**

R.S. 39:4-91

January 16, 1975

LEGISLATIVE HISTORY OF R.S. 39:4-91
(Right of way of emergency vehicles; liability of drivers)

Cy 2

L. 1928 Chapter 281 Art VIII §§ 13, 15 - SSA1
June 4 - Introduced at Special Session.
July 10 - Passed in Assembly.
July 10 - Passed in Senate.
July 10 - Approved. (Copy of original SSA1, §13,15 enclosed).

L. 1951 Chapter 23 § 49 - A4
January 15 - Introduced by Cavinato (Pages photocopied from original bill and statement enclosed)
January 22 - 2nd reading, amended.
January 29 - Amended.
February 5 - Passed in Assembly, amended.
February 12 - Received in Senate.
March 14 - Reported with com. amendts., 2nd reading.
March 14 - Amended.
March 21 - Passed in Senate, amended.
March 26 - Senate amend., received in Assembly.
March 28 - Senate amend., passed in Assembly.
April 5 - Approved. (Amendments to A4 did not effect §49)

No hearings or reports discovered.

JA/ks

*See
39:4-198
for fuller
history on 1951, c23*

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1 12. When two vehicles approach or enter an intersection at approximately the
2 same time, the driver of the vehicle on the left shall yield the right of way to the
3 vehicle on the right.

✓ 1 13. The driver of a vehicle upon a highway shall yield the right of way to
2 police and fire department vehicles and motor vehicle inspectors when they are
3 operated upon official business and the drivers thereof sound audible signal by bell,
4 siren or exhaust whistle. This provision shall not operate to relieve the driver of
5 a police or fire department vehicle or motor vehicle inspector from the duty to drive
6 with due regard for the safety of all persons using the highway, nor shall it protect
7 the driver of any such vehicle from the consequences of an arbitrary exercise of
8 such right of way.

1 14. (a) Upon the approach of any police or fire department vehicle giving
2 audible signal by bell, siren or exhaust whistle, the driver of every other vehicle
3 shall immediately drive the same to a position as near as possible and parallel to the
4 right hand edge or curb of the highway, clear of any intersection of highways, and
5 shall stop and remain in such position unless otherwise directed by a police or
6 traffic officer until the police or fire department vehicle shall have passed.

7 (b) The driver or person in control of a street car shall immediately stop said
8 car upon the approach of a fire engine or other fire apparatus and keep it stationary
9 until such engine or other fire apparatus shall have passed.

10 (c) It shall be unlawful for the driver of any vehicle other than one on official
11 business to follow any fire apparatus, traveling in response to a fire alarm, closer
12 than two hundred feet, or to drive into or park such vehicle within two hundred
13 feet of where fire apparatus has stopped in answer to a fire alarm.

✓ 1 15. Police, fire department, fire patrol, traffic emergency repair, United States
2 mail vehicles, physicians and hospital ambulances shall have the right of way in any
3 street, and in addition thereto, shall have the right of way through any procession.
4 If any procession shall take longer than five minutes to pass any given point, such
5 procession shall be interrupted every five minutes for the passage of traffic which
6 may be waiting.

1 16. It shall be unlawful for any employee of any steam or electric railroad com-
2 pany to operate any locomotive or train, or crossing gate in such a manner as to
3 unnecessarily prevent or interfere with the use of any highway for the purpose of
4 travel.

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

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

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

1 48. When the driver of a vehicle, about to enter a highway from a
2 private road or driveway or about to enter a private road or driveway
3 from a highway, shall find it necessary to drive upon the sidewalk, he shall
4 yield the right of way to all pedestrians on the sidewalk.

5 The driver of a vehicle about to enter or cross a highway from a pri-
6 vate road or driveway shall yield the right of way to all vehicles approach-
7 ing on said highway.

1 49. Section 39:4-91 of the Revised Statutes is amended to read as
2 follows:

3 39:4-91. The driver of a vehicle upon a highway shall yield the right
4 of way to [police, fire department, fire patrol, traffic] any authorized emer-
5 gency [repair and United States mail vehicles, motor vehicle inspectors,
6 physicians and hospital ambulances,] vehicle when [they are] it is oper-

7 ated on official business, or in the exercise of **their drivers'** the driver's
 8 profession or calling, in response to an emergency call or in the pursuit
 9 of an actual or suspected violator of the law and when **the drivers thereof**
 10 sound] an audible signal by bell, siren, exhaust whistle or other **signal**
 11 means is sounded from the authorized emergency vehicle and when the au-
 12 thorized emergency vehicle, except a police vehicle, is equipped with at
 13 least one lighted lamp displaying a red light visible under normal atmos-
 14 pheric conditions from a distance of at least five hundred feet to the front
 15 of the vehicle.

16 This section shall not **operate to** relieve the driver of any **such**
 17 authorized emergency vehicle from the duty to drive with due regard for
 18 the safety of all persons **using the highway**, nor shall it protect the
 19 driver **of any such vehicle** from the consequences of **an arbitrary exer-**
 20 cise of the right of way] his reckless disregard for the safety of others.

1 50. Section 39:4-92 of the Revised Statutes is amended to read as
 2 follows:

3 39:4-92. Upon the immediate approach of **a police or fire department**
 4 an authorized emergency vehicle giving audible signal, **by bell, siren or**
 5 **exhaust whistle,** and equipped, as required by section 39:4-91 of this
 6 Title, and unless otherwise directed by a police or traffic officer,

7 (a) The driver of every vehicle shall immediately drive to a position
 8 as near as possible and parallel to the right-hand edge or curb of the
 9 highway, clear of an intersection of highways, and shall stop and remain
 10 in that position **, unless otherwise directed by a police or traffic officer,**
 11 until the **police or fire department** authorized emergency vehicle has
 12 passed **.] and**

13 (b) The driver or person in control of a street car shall immediately
 14 stop the car **upon the approach of a fire engine or other fire apparatus**
 15 clear of an intersection of highways and keep it stationary until the **en-**
 16 **gine or other fire apparatus** authorized emergency vehicle has passed.

A-4

1951

original

64

4 approved August fourth, one thousand nine hundred and forty-one (P. L.
5 1941, c. 345) is repealed.

1 124. This act shall take effect immediately, except section seventy of
2 this act, which shall take effect July first, one thousand nine hundred and fifty-
3 two.

STATEMENT

✓ The purpose of this bill is to revise and bring up to date the New Jersey
Traffic Act (chapter four of Title 39 of the Revised Statutes) because of the
changes in motor vehicle traffic conditions and to bring New Jersey Traffic Act
into greater conformity with the "Uniform Act Regulating Traffic on High-
ways," a part of the uniform vehicle code.

39:4-99

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-99

Laws of 1928 Chapter 281

Bill No. Special Session A1

Sponsor(s) Wise

Date Introduced June 4, 1928

Committee: Assembly -

Senate -

Amended during passage Yes No

Date of passage: Assembly July 10, 1928

Senate July 10, 1928

Date of approval July 10, 1928

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

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) - A183

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. 1947 - Chap 187 - A846 *No hearings or reports.*
Intro Apr 10 by Bertoni
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.

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

1 1. Section fourteen of the act of which this act is amendatory be and the same
2 hereby is amended 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 more
5 than one thousand dollars or imprisoned not more than one year or both for a first
6 violation; for a second violation imprisoned not more than ten years; and for each
7 subsequent violation imprisoned not more than fifteen years.

8 (2) No person shall interfere or tamper with a motor vehicle or put in motion
9 the engine of such vehicle while it is standing, without the permission of the owner.
10 Any person who shall violate this provision shall be fined not less than ten nor more
11 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.

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

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

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

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

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

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

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

51 (8) No person to whom an operator's license has been refused, or whose oper-
52 ator'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
58 be 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 other
66 car other than that of the owner. Any person who shall violate this provision shall
67 be 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 or
 76 imprisoned not more than one year, or both, for the first violation; for the second
 77 violation, imprisoned not more than ten years; and for each subsequent violation, im-
 78 prisoned not more than fifteen years.

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

1 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 613.)

(Chapter 99, P. L. 1923, page 182.)

(Chapter 108, P. L. 1922, 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 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" include 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 conveyance 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 sioner of Motor Vehicles to refuse registrations to any vehicle that in his estimation
24 is not a proper vehicle to be used upon public roads and highways of this State.

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

30 (4) Each owner having a residence outside of the State shall file with the
31 Secretary of State a duly executed instrument, constituting the Secretary of State and
32 his successors in office the true and lawful attorney upon whom all original process
33 in any action or legal proceeding caused by the operation of his registered
34 motor vehicle or motor cycle, within this State, against such owner may be served,
35 and therein shall agree that any original process against such owner shall be of the
36 same force and effect as if served on such owner within this State; the service of such
37 process shall be made by leaving a copy of the same in the office of the Secretary
38 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 hereinafter 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 five or 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 registered and 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 hereinafter provided in this act, for a registration num-
30 ber, and the written statement, in addition to the matters hereinafter 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 for transporting passengers for hire, and the Com-
89 missioner of Motor Vehicles, in satisfaction 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 to 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 dollars 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.

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:

Laws of 1926, Chapter 152

SENATE, No. 79

374129

(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.

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

1 1. Section fourteen of the act of which this act is amendatory be and the same
2 is hereby amended so that the same shall 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 deemed
5 guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of
6 not to exceed two thousand dollars or by imprisonment not to exceed two years or
7 both at the discretion of the court.

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

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

15 toxicating liquor or any narcotic or habit-producing drugs, or permit any person
16 who may be under the influence of intoxicating liquor or narcotic or habit-produc-
17 ing drugs to operate any motor vehicle owned by him or in his custody or control.
18 [Any person who shall violate this provision shall, upon conviction thereof, be pun-
19 ished by an imprisonment of not less than thirty days and not more than six months
20 in the county jail or workhouse of the county wherein the offense was committed,
21 and shall forthwith forfeit his right to operate a motor vehicle over the highways
22 of this State: and no new license shall be issued by the Commissioner of Motor Ve-
23 hicles to any person convicted of operating a motor vehicle while under the infu-
24 ence of intoxicating liquor or narcotic or habit-producing drugs until one year after
25 the date of his or her conviction, if for a first offense, or five years after any
26 subsequent conviction.] Any person who shall violate this provision shall, upon con-
27 viction thereof for a first offense, be subject to a fine of not less than two hundred
28 dollars or more than five hundred dollars, or to imprisonment for a term of not less
29 than thirty days, and not more than six months, or both, in the discretion of the
30 magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the
31 highways of this State for a period of two years from the date of his or her said
32 conviction. Any person who shall violate this provision, having been convicted of
33 a previous violation hereof, shall be imprisoned for a term of six months, and shall
34 forfeit his right to thereafter operate a motor vehicle over the highways of this
35 State. Any magistrate imposing a term of imprisonment pursuant to the provi-
36 sions of this act may sentence the person so convicted either to the county jail
37 or to the workhouse of the county wherein the offense was committed.

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

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

52 (6) No person shall operate any commercial motor vehicle on any public high-
53 way or bridge when the combined weight of vehicle and load exceeds thirty thou-
54 sand pounds. Any person who shall violate this provision shall be fined not less
55 than one hundred nor more than five hundred dollars.

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

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

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

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

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

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

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

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

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

1 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

- 1 On page two, line twenty-nine, strike out the word "six" and insert in lieu there-
 - 2 of the word "three".
 - 3 Strike out on line thirty-three, the word "six" and insert in lieu thereof the
 - 4 word "three".
 - 5 In line thirty-eight, by inserting after the word "shall" and before the word "be"
 - 6 the word "knowingly".
-

12 was committed, not more than ten days after completing his appeal a five days'
 13 written notice thereof, and in cases where the complaint is made by a motor vehicle
 14 inspector or by a member of the State Police, the aforementioned
 15 notice must, within the same period of time, be served upon the Attorney-General of
 16 the State, either personally, or by registered mail; and it shall be the duty of the
 17 prosecutor of the pleas of the county, wherein the alleged violation was committed,
 18 to represent the complainant at the trial on appeal; *provided*, that in cases where the
 19 complaint is made by a motor vehicle inspector, or by a member of the State Police,
 20 it shall be the duty of the Attorney-General to represent the com-
 21 plainant at the trial or appeal; the prosecutor of the pleas of any county, charged
 22 with the enforcement of the provisions of this section, may request the Attorney-
 23 General to attend personally, or by such assistant or assistants, as he shall designate
 24 to aid in the prosecution of the said appeal, and should the defendant fail to give the
 25 required notice of trial on appeal to the person, and within the time as hereinbefore
 26 provided, then the like proceeding may be had as would by the provisions of this act
 27 follow an appeal taken and a judgment of affirmance thereupon. The court of
 28 common pleas, on appeal, shall, de novo, and in a summary manner try and determine
 29 all such appeals, and in case the defendant is convicted on such appeal, the court of
 30 common pleas shall impose the penalty prescribed by the act of which this act is
 31 amendatory, and in case the defendant is acquitted upon such an appeal, the court of
 32 common pleas shall order the return of all moneys deposited as aforesaid, and all
 33 costs of prosecution paid by the said defendant, to the said defendant. It shall be
 34 lawful for the court of common pleas in any appeal brought before it at all times
 35 to amend all defects and errors for the purpose of determining on the trial of any
 36 appeal the merits of the said case.

1 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.

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

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

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

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

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

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

3 3. The driver of any vehicle, other than a motor vehicle, involved in any acci-
4 dent resulting in injury or death to any person or damage to property shall also give
5 his name, address and the registration number of his vehicle and exhibit his oper-
6 ator's license to the person struck or the driver or occupants of any vehicle collided
7 with, and shall render to any person injured in such accident reasonable assistance,
8 including carrying of such person to a hospital or a physician for medical or surgi-
9 cal treatment, if it is apparent that such treatment is necessary or is requested by
10 the injured person.

1 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.

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

1 1. Subdivision four of section fourteen of the act to which this act is amend-
2 atory is hereby amended to read as follows:

3 (4) The driver of any motor vehicle involved in an accident resulting in in-
4 jury or death to any person or damage to property shall immediately stop such ve-
5 hicle at the scene of such accident, give [Every person operating a motor vehicle
6 who shall knowingly be involved in an accident shall at once stop and ascertain the
7 extent of the injury and render such assistance as may be needed, and give] his
8 name and address and exhibit his driver's license and registration certificate of his
9 vehicle to the person struck or injured and the driver and occupants of any vehicle col-
10 lided with and to any police officer and to any witnesses of the accident and shall render
11 to any person injured in such accident reasonable assistance, including the carrying of
12 such person to a hospital or a physician for medical or surgical treatment if it is appar-
13 ent that such treatment is necessary or is requested by the injured person. [his name,
14 address, and operator's license and registration number to the person injured or to

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

1 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.

1. 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

17 subsequent offense shall be fined in the sum of five hundred dollars (\$500.00),
 18 or be imprisoned for a period of six months, or both and any other driver of
 19 a motor vehicle who violates this section shall be fined not less than twenty-
 20 five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be im-
 21 prisoned for a period of not more than thirty days, or both, for the first
 22 offense, and for a subsequent offense, shall be fined not less than one hun-
 23 dred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or be
 24 imprisoned for a period of not less than thirty days nor more than ninety
 25 days, or both.

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

1 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.

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.

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

1 1. Section 39:4-129 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:4-129. The driver of any vehicle knowingly involved in an accident
4 resulting in injury or death to a person or damage to property shall im-
5 mediately stop the vehicle at the scene of the accident, give his name and
6 address and exhibit his operator's license and registration certificate of his
7 vehicle to the person injured or struck and to any police officer or witness of
8 the accident, and to the driver or occupants of the vehicle collided with and
9 render to a person injured in the accident reasonable assistance, including
10 the carrying of that person to a hospital or a physician for medical or surgical
11 treatment, if it is apparent that the treatment is necessary or is requested by
12 the injured person.

13 A driver of a motor vehicle who, after being knowingly involved in an
14 accident resulting in injury or death to a pedestrian, shall violate this sec-
15 tion shall be fined in the sum of one hundred dollars (\$100.00), or be im-
16 prisoned for a period of thirty days, or both, for the first offense, and for a

17 subsequent offense shall be fined in the sum of five hundred dollars (\$500.00),
18 or be imprisoned for a period of six months, or both and any other driver of
19 a motor vehicle who violates this section shall be fined not less than twenty-
20 five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be im-
21 prisoned for a period of not more than thirty days, or both, for the first
22 offense, and for a subsequent offense, shall be fined not less than one hun-
23 dred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or be
24 imprisoned for a period of not less than thirty days nor more than ninety
25 days, or both.

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

1 2. This act shall take effect immediately.

39:4-130

LEGISLATIVE HISTORY OF R.S. 39:4-130
(Report of accidents)

COPY NO. 2

L. 1921, Chapter 208, § 20 - A483
See legislative history of R.S. 39:4-129.

L. 1928, Chapter 281 - Special Session A1
See legislative history of R.S. 39:4-129.

L. 1931, Chapter 247, § 4 - S290
Introduced March 9 by Mr. Reeves.
Amended during passage.
Section 4 of this act read:

The driver of any vehicle involved in an accident resulting in injuries or death to any person or damage to property to an apparent extent of \$25.00 or more shall within forty-eight hours forward a report of such accident to the department upon forms furnished by it.

Statement on bill:

This act provides means of regulating present day traffic conditions which have arisen since the passage of the original act.

L. 1951, Chapter 23, § 72, - A4
Introduced January 15 by Mr. Cavinato.
Not amended during passage (copy of section 72 of bill enclosed)
Statement on bill:

The purpose of this bill is to revise and bring up to date the New Jersey Traffic Act (chapter four of Title 39 of the Revised Statutes) because of the changes in motor vehicle traffic conditions and to bring New Jersey Traffic Act into greater conformity with the "Uniform Act Regulating Traffic on Highways," a part of the uniform vehicle code.

L. 1953, Chapter 187, § 1 - A19
Introduced March 16 by Messrs. Thomas & Tompkins.
Not amended during passage.
Statement on bill (copy of bill and statement enclosed).

We could not find any reports or hearings on these bills.

CK/PC

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35 Any person who shall violate any provision of this act shall be fined not
36 less than ten dollars (\$10.00) for the first offense, and not less than twenty-
37 five dollars (\$25.00) for each subsequent offense, which shall be enforced and
38 recovered pursuant to the provisions of chapter five of Title 39 of the Revised
39 Statutes.

40 The Commissioner Director of the Division of Motor Vehicles may
41 also revoke the license to drive a motor vehicle of any person who shall
42 have been guilty of such willful violation of any of the provisions of this act
43 as shall, in the discretion of the director commissioner, justify such
44 revocation but the director commissioner shall, at all times, have power
45 to validate such a license which has been revoked, or to grant a new license to
46 any person whose license to drive a motor vehicle shall have been revoked,
47 pursuant to this act.

1 72. Section 39:4-130 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:4-130. The driver of a vehicle involved in an accident resulting in in-
4 juries or death to a person or damage to property to an apparent extent of
5 twenty-five one hundred dollars (\$100.00) or more shall, within forty-eight
6 hours, forward a report of the accident to the department division on
7 forms furnished by it.

8 The driver of a vehicle involved in an accident resulting in injury to or
9 death of any person shall immediately by the quickest means of communica-
10 tion, whether oral or written, give notice of such accident to the local police
11 department or to the nearest office of the State Police. A record of all such
12 reports shall be forwarded to the director within forty-eight hours after
13 receipt.

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

19 Whenever the driver is physically incapable of making a written report
 20 of an accident as required in this section and such driver is not the owner of
 21 the vehicle, then the owner of the vehicle involved in such accident shall with-
 22 in forty-eight hours after learning of the accident make such report not made
 23 by the driver.

24 The **【commissioner】** director may revoke or suspend the operator's li-
 25 cense privilege and registration privilege of a **【motor vehicle operator】**
 26 person who violates this section.

1 73. Section 39:4-131 of the Revised Statutes is amended to read as fol-
 2 lows:

3 39:4-131. The **【department】** division shall prepare and supply to police
 4 departments and other suitable agencies, forms for accident reports calling for
 5 sufficiently detailed information with reference to a motor vehicle accident,
 6 including the cause, the conditions then existing, the persons and vehicles in-
 7 volved and such other information as may be necessary. The **【department】**
 8 division may require operators involved in accidents to file supplemental re-
 9 ports of accidents upon forms furnished by it when in the opinion of the
 10 division **【department】**, the original report is insufficient. The reports shall
 11 be without prejudice, shall be for the information of the **【department】** divi-
 12 sion, and shall not be open to public inspection. The fact that the reports
 13 have been so made shall be admissible in evidence solely to prove a compli-
 14 ance with this section, but no report or any part thereof or statement con-
 15 tained therein shall be admissible in evidence for any other purpose in a pro-
 16 ceeding or action arising out of the accident.

1 74. Section 39:4-134 of the Revised Statutes is amended to read as fol-
 2 lows:

3 39:4-134. Every county prosecutor, county medical examiner, coroner, or
 4 other official performing like functions shall make a report to the **【commis-**
 5 **sioner】** director with respect to a death found to have been the result of a
 6 motor vehicle accident.

ASSEMBLY, No. 10

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Messrs. THOMAS and TOMPKINS

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning traffic regulations, and amending section 39:4-130 of the Revised Statutes.

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

1 1. Section 39:4-130 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:4-130. [The driver of a vehicle involved in an accident resulting in
4 injuries or death to a person or damage to property to an apparent extent of
5 one hundred dollars (\$100.00) or more shall, within forty-eight hours, for-
6 ward a report of the accident to the division on forms furnished by it.

7 The driver of a vehicle involved in an accident resulting in injury to or
8 death of any person shall immediately by the quickest means of communica-
9 tion, whether oral or written, give notice of such accident to the local police
10 department or to the nearest office of the State police. A record of all such
11 reports shall be forwarded to the director within forty-eight hours after re-
12 ceipt.]

13 The driver of a vehicle or street car involved in an accident resulting in
14 injury to or death of any person, or damage to property of any one person in
15 excess of one hundred dollars (\$100.00) shall by the quickest means of com-
16 munication give notice of such accident to the local police department or to
17 the nearest office of the county police of the county or of the State police, and

18 in addition shall within five (5) days after such accident forward a written
19 report of such accident to the division on forms furnished by it.

20 Whenever the driver of a vehicle is physically incapable of making
21 giving [an] immediate notice or making a written report of an accident as
22 required in this section and there was another occupant in the vehicle at the
23 time of the accident capable of giving notice or making a report, such oc-
24 cupant shall make or cause to be made said notice or report not made by the
25 driver.

26 Whenever the driver is physically incapable of making a written report
27 of an accident as required in by this section and such driver is not the
28 owner of the vehicle, then the owner of the vehicle involved in such accident
29 shall within forty-eight hours after learning of the accident make such re-
30 port not made by the driver.

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

1 2. This act shall take effect immediately.

STATEMENT

This bill is sponsored by the State Co-ordinating Council on Traffic and Safety. It is the purpose of this bill, at the request of the New Jersey Association of Chiefs of Police, to require immediate notification to the local, county or State police of all reportable accidents including not alone injury or death, but also property damage to any one person in excess of one hundred dollars (\$100.00). This bill also establishes a more realistic time of forwarding written reports of accidents to the Division of Motor Vehicles, changing the present forty-eight (48) hours to five (5) days.

R.S. 39:4-198

August 13, 1971

LEGISLATIVE HISTORY OF R.S.39:4-198
(Notice of ordinance, resolution or regulation by signs)

For Background material see:

974.90 New Jersey State Traffic Commission Report 1928.
T764
1928

974190 New Jersey Traffic Safety Study Commission
S128 January 25, 1954
1954 Report on Joint Resolution no.10-1953.

L.1928 - Chap.281 (Special Session Act)

June 4 - Introduced by Wise.
July 10 - Passed in Assembly.
July 10 - Passed in Senate.
July 10 - Approved, chapter 281.
No statement on the bill.

As amended by:

L.1951 - Chap.23 §112 (A4)

Jan.15 - Introduced by Cavinto.
Jan.15 - Highways Committee.
Jan.22 - Reported.
Jan.22 - Read second time.
Jan.22 - AMENDED.
Jan.29 - AMENDED.
Feb.5 - Passed in Assembly, (amended)
Feb.12 - Received in Senate.
Feb.12 - Public Safety Committee.
Mar.14 - Reported with Committee amendments.
Mar.14 - Read second time.
Mar.14 - AMENDED.
Mar.21 - Passed in Senate, amended.
Mar.26 - Senate amendment received in Assembly.
Mar.28 - Senate amendment passed in Assembly.
Apr.5 - Approved, chapter 23.
Sponsor statement on the bill (enclosed) referring to
Uniform Act Regulating Traffic on Highways

G.C. - Yes.

As amended by:

L.1956 - Chap.186 (A457)

Apr.9 - Introduced by Mintz
May 14 - Passed in Assembly.
May 24 - Passed in Senate.
June 28 - Returned by Governor with recommended amendment
Nov. 19 - Amended as recommended, 2nd reading.

Nov. 29 - Reenacted in Assembly.
Dec. 20 - Reenacted in Senate.
Dec. 27 - Approved, Chapter 186.
Sponsor statement on the bill.
Governor's returning message.

G.C. - yes.

AGD/EH
Encl.

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. (~~enclosed~~)
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 Report of the New Jersey Commission created
T764 by Joint Resolution No.2, 1920, for the
1921 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.

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

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

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

A 483
(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.

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.

L. 1924, c. 211, § 145

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.

12 was committed, not more than ten days after completing his appeal a five days'
 13 written notice thereof, and in cases where the complaint is made by a motor vehicle
 14 inspector or by a member of the State **【Constabulary】** Police, the aforementioned
 15 notice must, within the same period of time, be served upon the Attorney-General of
 16 the State, either personally, or by registered mail; and it shall be the duty of the
 17 prosecutor of the pleas of the county, wherein the alleged violation was committed,
 18 to represent the complainant at the trial on appeal; *provided*, that in cases where the
 19 complaint is made by a motor vehicle inspector, or by a member of the State **【Con-**
 20 **stabulary】** Police, it shall be the duty of the Attorney-General to represent the com-
 21 plainant at the trial or appeal; the prosecutor of the pleas of any county, charged
 22 with the enforcement of the provisions of this section, may request the Attorney-
 23 General to attend personally, or by such assistant or assistants, as he shall designate
 24 to aid in the prosecution of the said appeal, and should the defendant fail to give the
 25 required notice of trial on appeal to the person, and within the time as hereinbefore
 26 provided, then the like proceeding may be had as would by the provisions of this act
 27 follow an appeal taken and a judgment of affirmance thereupon. The court of
 28 common pleas, on appeal, shall, de novo, and in a summary manner try and determine
 29 all such appeals, and in case the defendant is convicted on such appeal, the court of
 30 common pleas shall impose the penalty prescribed by the act of which this act is
 31 amendatory, and in case the defendant is acquitted upon such an appeal, the court of
 32 common pleas shall order the return of all moneys deposited as aforesaid, and all
 33 costs of prosecution paid by the said defendant, to the said defendant. It shall be
 34 lawful for the court of common pleas in any appeal brought before it at all times
 35 to amend all defects and errors for the purpose of determining on the trial of any
 36 appeal the merits of the said case.

1 15. This act shall take effect immediately.

----- L1931, 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-

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. 81, S-160

2

STATEMENT

The purpose of this act is as expressed in its title

17 39:4-129 of this Title at any time within one year after the commission of
18 the offense.

19 All complaints shall be made before a magistrate of the municipality in
20 which it is alleged that the violation occurred but in the event there shall
21 be no magistrate in said municipality, or the magistrate in said municipality
22 shall be disqualified because of his interest in said proceedings, said com-
23 plaint shall be made to a magistrate in the next nearest municipality to the
24 one in which it is alleged such a violation occurred.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to require that complaints be made and jurisdic-
tion 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 defend-
ants to magistrates far removed from the scene of the alleged violation may be
stopped.

1938 (9-11)

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.

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

1 2. This act shall take effect immediately.

L-1951, c. 25, A-648

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.

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

1 2. This act shall take effect immediately.

L. 1959, c. 58, § 30

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 impor-
 tant weapons in our traffic safety program, enforcement of violation of revo-
 cation 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".