

39:1-1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Speed limits--35--certain areas)

**NJSA:** 39:1-1 et al

**LAWS OF:** 1993 **CHAPTER:** 315

**BILL NO:** S574

**SPONSOR(S)** Haines

**DATE INTRODUCED:** March 16, 1992

**COMMITTEE:** **ASSEMBLY:** Transportation  
**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** December 16, 1993  
**SENATE:** June 10, 1993

**DATE OF APPROVAL:** December 23, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]

SENATE, No. 574

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1992

By Senator HAINES

1 AN ACT concerning speed limits on certain highways, and  
2 amending R.S.39:1-1 and R.S.39:4-98.

3

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

6 <sup>1</sup>[1. R.S.39:1-1 is amended to read as follows:

7 39:1-1. As used in this subtitle, unless other meaning is clearly  
8 apparent from the language or context, or unless inconsistent  
9 with the manifest intention of the Legislature:

10 "Alley" means a public highway wherein the roadway does not  
11 exceed 12 feet in width.

12 "Authorized emergency vehicles" means vehicles of the fire  
13 department, police vehicles and such ambulances and other  
14 vehicles as are approved by the Director of the Division of Motor  
15 Vehicles in the Department of Law and Public Safety when  
16 operated in response to an emergency call.

17 "Automobile" includes all motor vehicles except motorcycles.

18 "Berm" means that portion of the highway exclusive of  
19 roadway and shoulder, bordering the shoulder but not to be used  
20 for vehicular travel.

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

28 "Carpool" means two or more persons commuting on a daily  
29 basis to and from work by means of a vehicle with a seating  
30 capacity of nine passengers or less.

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

38 "Commissioner" means the Director of the Division of Motor  
39 Vehicles in the Department of Law and Public Safety of this  
40 State.

41 "Commuter van" means a motor vehicle having a seating  
42 capacity of not less than eight nor more than 15 adult passengers,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SLP committee amendments adopted May 6, 1993.

1 in which eight or more persons commute on a daily basis to and  
2 from work and which vehicle may also be operated by the driver  
3 or other designated persons for their personal use.

4 "Crosswalk" means that part of a highway at an intersection  
5 included within the connections of the lateral lines of the  
6 sidewalks on opposite sides of the highway measured from the  
7 curbs or, in the absence of curbs, from the edges of the shoulder,  
8 or, if none, from the edges of the roadway; also, any portion of a  
9 highway at an intersection or elsewhere distinctly indicated for  
10 pedestrian crossing by lines or other marking on the surface.

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

14 "Department" means the Division of Motor Vehicles in the  
15 Department of Law and Public Safety of this State acting  
16 directly or through its duly authorized officers or agents.

17 "Deputy commissioner" means deputy director of the Division  
18 of Motor Vehicles in the Department of Law and Public Safety.

19 "Deputy director" means deputy director of the Division of  
20 Motor Vehicles in the Department of Law and Public Safety.

21 "Director" means the Director of the Division of Motor  
22 Vehicles in the Department of Law and Public Safety.

23 "Division" means the Division of Motor Vehicles in the  
24 Department of Law and Public Safety acting directly or through  
25 its duly authorized officers or agents.

26 "Driver" means the rider or driver of a horse, bicycle or  
27 motorcycle or the driver or operator of a motor vehicle, unless  
28 otherwise specified.

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

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

42 "Flammable liquid" means any liquid having a flash point below  
43 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

44 "Gross weight" means the combined weight of a vehicle and a  
45 load thereon.

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

49 "Horse" includes mules and all other domestic animals used as  
50 draught animals or beasts of burden.

51 "Inside lane" means the lane nearest the center line of the  
52 roadway.

53 "Intersection" means the area embraced within the  
54 prolongation of the lateral curb lines or, if none, the lateral

1 boundary lines of two or more highways which join one another at  
2 an angle, whether or not one such highway crosses another.

3 "Laned roadway" means a roadway which is divided into two or  
4 more clearly marked lanes for vehicular traffic.

5 "Limited-access highway" means every highway, street, or  
6 roadway in respect to which owners or occupants of abutting  
7 lands and other persons have no legal right of access to or from  
8 the same except at such points only and in such manner as may be  
9 determined by the public authority having jurisdiction over such  
10 highway, street, or roadway; and includes any highway designated  
11 as a "freeway" or "parkway" by authority of law.

12 "Local authorities" means every county, municipal and other  
13 local board or body having authority to adopt local police  
14 regulations under the Constitution and laws of this State,  
15 including every county board of chosen freeholders with relation  
16 to county roads.

17 "Magistrate" means any municipal court and the Superior  
18 Court, and any officer having the powers of a committing  
19 magistrate and the Director of the Division of Motor Vehicles in  
20 the Department of Law and Public Safety.

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

25 "Metal tire" means every tire the surface of which in contact  
26 with the highway is wholly or partly of metal or other hard  
27 nonresilient material.

28 "Motorized bicycle" means a pedal bicycle having a helper  
29 motor characterized in that either the maximum piston  
30 displacement is less than 50 cc. or said motor is rated at no more  
31 than 1.5 brake horsepower and said bicycle is capable of a  
32 maximum speed of no more than 25 miles per hour on a flat  
33 surface.

34 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
35 motor attached and all motor-operated vehicles of the bicycle or  
36 tricycle type, except motorized bicycles as defined in this  
37 section, whether the motive power be a part thereof or attached  
38 thereto and having a saddle or seat with driver sitting astride or  
39 upon it or a platform on which the driver stands.

40 "Motor-drawn vehicle" includes trailers, semitrailers, or any  
41 other type of vehicle drawn by a motor-driven vehicle.

42 "Motor vehicle" includes all vehicles propelled otherwise than  
43 by muscular power, excepting such vehicles as run only upon rails  
44 or tracks and motorized bicycles.

45 "Noncommercial truck" means every motor vehicle designed  
46 primarily for transportation of property, and which is not a  
47 "commercial vehicle."

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

53 "Omnibus" includes all motor vehicles used for the  
54 transportation of passengers for hire, except commuter vans and

1 vehicles used in ridesharing arrangements and school buses, if the  
2 same are not otherwise used in the transportation of passengers  
3 for hire.

4 "Operator" means a person who is in actual physical control of  
5 a vehicle or street car.

6 "Outside lane" means the lane nearest the curb or outer edge  
7 of the roadway.

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

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

20 "Passenger automobile" means all automobiles used and  
21 designed for the transportation of passengers, other than  
22 omnibuses and school buses.

23 "Pedestrian" means a person afoot.

24 "Person" includes natural persons, firms, copartnerships,  
25 associations, and corporations.

26 "Pneumatic tire" means every tire in which compressed air is  
27 designed to support the load.

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

35 "Private road or driveway" means every road or driveway not  
36 open to the use of the public for purposes of vehicular travel.

37 "Railroad train" means a steam engine, electric or other  
38 motor, with or without cars coupled thereto, operated upon rails,  
39 except street cars.

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

45 "Ridesharing" means the transportation of persons in a motor  
46 vehicle, with a maximum carrying capacity of not more than 15  
47 passengers, including the driver, where such transportation is  
48 incidental to the purpose of the driver. The term shall include  
49 such ridesharing arrangements known as carpools and vanpools.

50 "Right-of-way" means the privilege of the immediate use of  
51 the highway.

52 "Road tractor" means every motor vehicle designed and used  
53 for drawing other vehicles and not so constructed as to carry any  
54 load thereon either independently or any part of the weight of a

1 vehicle or load so drawn.

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

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

12 "School bus" means every motor vehicle operated by, or under  
13 contract with, a public or governmental agency, or religious or  
14 other charitable organization or corporation, or privately  
15 operated for compensation for the transportation of children to  
16 or from school for secular or religious education, which complies  
17 with the regulations of the Department of Education affecting  
18 school buses, including "School Vehicle Type I" and "School  
19 Vehicle Type II" as defined below:

20 "School Vehicle Type I" means any vehicle with a seating  
21 capacity of 17 or more, used to transport enrolled children, and  
22 adults only when serving as chaperones, to or from a school,  
23 school connected activity, day camp, summer day camp, nursery  
24 school, child care center, preschool center or other similar places  
25 of education. Such vehicle shall comply with the regulations of  
26 the Division of Motor Vehicles and either the Department of  
27 Education or the Department of Human Services, whichever is  
28 the appropriate supervising agency.

29 "School Vehicle Type II" means any vehicle with a seating  
30 capacity of 16 or less, used to transport enrolled children, and  
31 adults only when serving as chaperones, to or from a school,  
32 school connected activity, day camp, summer day camp, nursery  
33 school, child care center, preschool center or other similar places  
34 of education. Such vehicle shall comply with the regulations of  
35 the Division of Motor Vehicles and either the Department of  
36 Education or the Department of Human Services, whichever is  
37 the appropriate supervising agency.

38 "School zone" means that portion of a highway which is either  
39 contiguous to territory occupied by a school building or is where  
40 school crossings are established in the vicinity of a school, upon  
41 which are maintained appropriate "school signs" in accordance  
42 with specifications adopted by the director and in accordance  
43 with law.

44 "School crossing" means that portion of a highway where  
45 school children are required to cross the highway in the vicinity  
46 of a school.

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

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

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

5 "Sign." See "Official traffic control devices."

6 "Slow-moving vehicle" means a vehicle run at a speed less than  
7 the maximum speed then and there permissible.

8 "Solid tire" means every tire of rubber or other resilient  
9 material which does not depend upon compressed air for the  
10 support of the load.

11 "Street" means the same as highway.

12 "Street car" means a car other than a railroad train, for  
13 transporting persons or property and operated upon rails  
14 principally within a municipality.

15 "Stop," when required, means complete cessation from  
16 movement.

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

22 "Suburban business or residential district" means that portion  
23 of highway and the territory contiguous thereto, where within any  
24 1,320 feet along that highway there is land in use for business or  
25 residential purposes and that land occupies more than 660 feet of  
26 frontage on one side or collectively more than 660 feet of  
27 frontage on both sides of that roadway.

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

33 "Trackless trolley" means every motor vehicle which is  
34 propelled by electric power obtained from overhead trolley wires  
35 but not operated upon rails.

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

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

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

47 "Truck" means every motor vehicle designed, used, or  
48 maintained primarily for the transportation of property.

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

53 "Van-pooling" means eight or more persons commuting on a  
54 daily basis to and from work by means of a vehicle with a seating

1 arrangement designed to carry eight to 15 adult passengers.

2 "Vehicle" means every device in, upon or by which a person or  
3 property is or may be transported upon a highway, excepting  
4 devices moved by human power or used exclusively upon  
5 stationary rails or tracks or motorized bicycles.

6 (cf: P.L.1984, c.33, s.1)]<sup>1</sup>

7 <sup>1</sup>1. R.S.39:1-1 is amended to read as follows:

8 39:1-1. Words and phrases defined

9 39:1-1. As used in this subtitle, unless other meaning is clearly  
10 apparent from the language or context, or unless inconsistent  
11 with the manifest intention of the Legislature:

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

14 "Authorized emergency vehicles" means vehicles of the fire  
15 department, police vehicles and such ambulances and other  
16 vehicles as are approved by the Director of the Division of Motor  
17 Vehicles in the Department of Law and Public Safety when  
18 operated in response to an emergency call.

19 "Automobile" includes all motor vehicles except motorcycles.

20 "Berm" means that portion of the highway exclusive of  
21 roadway and shoulder, bordering the shoulder but not to be used  
22 for vehicular travel.

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

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

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

40 "Commissioner" means the Director of the Division of Motor  
41 Vehicles in the Department of Law and Public Safety of this  
42 State.

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

48 "Crosswalk" means that part of a highway at an intersection  
49 included within the connections of the lateral lines of the  
50 sidewalks on opposite sides of the highway measured from the  
51 curbs or, in the absence of curbs, from the edges of the shoulder,  
52 or, if none, from the edges of the roadway; also, any portion of a  
53 highway at an intersection or elsewhere distinctly indicated for  
54 pedestrian crossing by lines or other marking on the surface.



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

4 "Department" means the Division of Motor Vehicles in the  
5 Department of Law and Public Safety of this State acting  
6 directly or through its duly authorized officers or agents.

7 "Deputy commissioner" means deputy director of the Division  
8 of Motor Vehicles in the Department of Law and Public Safety.

9 "Deputy director" means deputy director of the Division of  
10 Motor Vehicles in the Department of Law and Public Safety.

11 "Director" means the Director of the Division of Motor  
12 Vehicles in the Department of Law and Public Safety.

13 "Division" means the Division of Motor Vehicles in the  
14 Department of Law and Public Safety acting directly or through  
15 its duly authorized officers or agents.

16 "Driver" means the rider or driver of a horse, bicycle or  
17 motorcycle or the driver or operator of a motor vehicle, unless  
18 otherwise specified.

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

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

32 "Flammable liquid" means any liquid having a flash point below  
33 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

34 "Gross weight" means the combined weight of a vehicle and a  
35 load thereon.

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

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

43 "Horse" includes mules and all other domestic animals used as  
44 draught animals or beasts of burden.

45 "Inside lane" means the lane nearest the center line of the  
46 roadway.

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

51 "Laned roadway" means a roadway which is divided into two or  
52 more clearly marked lanes for vehicular traffic.

53 "Limited-access highway" means every highway, street, or  
54 roadway in respect to which owners or occupants of abutting

1 lands and other persons have no legal right of access to or from  
2 the same except at such points only and in such manner as may be  
3 determined by the public authority having jurisdiction over such  
4 highway, street, or roadway; and includes any highway designated  
5 as a "freeway" or "parkway" by authority of law.

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

11 "Magistrate" means any municipal court and the Superior  
12 Court, and any officer having the powers of a committing  
13 magistrate and the Director of the Division of Motor Vehicles in  
14 the Department of Law and Public Safety.

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

19 "Metal tire" means every tire the surface of which in contact  
20 with the highway is wholly or partly of metal or other hard  
21 nonresilient material.

22 "Motorized bicycle" means a pedal bicycle having a helper  
23 motor characterized in that either the maximum piston  
24 displacement is less than 50 cc. or said motor is rated at no more  
25 than 1.5 brake horsepower and said bicycle is capable of a  
26 maximum speed of no more than 25 miles per hour on a flat  
27 surface.

28 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
29 motor attached and all motor-operated vehicles of the bicycle or  
30 tricycle type, except motorized bicycles as defined in this  
31 section, whether the motive power be a part thereof or attached  
32 thereto and having a saddle or seat with driver sitting astride or  
33 upon it or a platform on which the driver stands.

34 "Motor-drawn vehicle" includes trailers, semitrailers, or any  
35 other type of vehicle drawn by a motor-driven vehicle.

36 "Motor vehicle" includes all vehicles propelled otherwise than  
37 by muscular power, excepting such vehicles as run only upon rails  
38 or tracks and motorized bicycles.

39 "Noncommercial truck" means every motor vehicle designed  
40 primarily for transportation of property, and which is not a  
41 "commercial vehicle."

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

47 "Omnibus" includes all motor vehicles used for the  
48 transportation of passengers for hire, except commuter vans and  
49 vehicles used in ridesharing arrangements and school buses, if the  
50 same are not otherwise used in the transportation of passengers  
51 for hire.

52 "Operator" means a person who is in actual physical control of  
53 a vehicle or street car.

54 "Outside lane" means the lane nearest the curb or outer edge

1 of the roadway.

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

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

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19 associations, and corporations.

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21 designed to support the load.

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23 designed to be drawn by another vehicle and attached to the  
24 towing vehicle by means of a reach, or pole, or by being boomed  
25 or otherwise secured to the towing vehicle, and ordinarily used  
26 for transporting long or irregularly shaped loads, such as poles,  
27 pipes, or structural members capable, generally, of sustaining  
28 themselves as beams between the supporting connections.

29 "Private road or driveway" means every road or driveway not  
30 open to the use of the public for purposes of vehicular travel.

31 "Railroad train" means a steam engine, electric or other  
32 motor, with or without cars coupled thereto, operated upon rails,  
33 except street cars.

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

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

44 "Right-of-way" means the privilege of the immediate use of  
45 the highway.

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

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

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

5 "School bus" means every motor vehicle operated by, or under  
6 contract with, a public or governmental agency, or religious or  
7 other charitable organization or corporation, or privately  
8 operated for compensation for the transportation of children to  
9 or from school for secular or religious education, which complies  
10 with the regulations of the Department of Education affecting  
11 school buses, including "School Vehicle Type I" and "School  
12 Vehicle Type II" as defined below:

13 "School Vehicle Type I" means any vehicle with a seating  
14 capacity of 17 or more, used to transport enrolled children, and  
15 adults only when serving as chaperones, to or from a school,  
16 school connected activity, day camp, summer day camp, nursery  
17 school, child care center, preschool center or other similar places  
18 of education. Such vehicle shall comply with the regulations of  
19 the Division of Motor Vehicles and either the Department of  
20 Education or the Department of Human Services, whichever is  
21 the appropriate supervising agency.

22 "School Vehicle Type II" means any vehicle with a seating  
23 capacity of 16 or less, used to transport enrolled children, and  
24 adults only when serving as chaperones, to or from a school,  
25 school connected activity, day camp, summer day camp, nursery  
26 school, child care center, preschool center or other similar places  
27 of education. Such vehicle shall comply with the regulations of  
28 the Division of Motor Vehicles and either the Department of  
29 Education or the Department of Human Services, whichever is  
30 the appropriate supervising agency.

31 "School zone" means that portion of a highway which is either  
32 contiguous to territory occupied by a school building or is where  
33 school crossings are established in the vicinity of a school, upon  
34 which are maintained appropriate "school signs" in accordance  
35 with specifications adopted by the director and in accordance  
36 with law.

37 "School crossing" means that portion of a highway where  
38 school children are required to cross the highway in the vicinity  
39 of a school.

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

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

53 "Shoulder" means that portion of the highway, exclusive of and  
54 bordering the roadway, designed for emergency use but not

1 ordinarily to be used for vehicular travel.

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

6 "Sign." See "Official traffic control devices."

7 "Slow-moving vehicle" means a vehicle run at a speed less than  
8 the maximum speed then and there permissible.

9 "Solid tire" means every tire of rubber or other resilient  
10 material which does not depend upon compressed air for the  
11 support of the load.

12 "Street" means the same as highway.

13 "Street car" means a car other than a railroad train, for  
14 transporting persons or property and operated upon rails  
15 principally within a municipality.

16 "Stop," when required, means complete cessation from  
17 movement.

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

23 "Suburban business or residential district" means that portion  
24 of highway and the territory contiguous thereto, where within any  
25 1,320 feet along that highway there is land in use for business or  
26 residential purposes and that land occupies more than 660 feet of  
27 frontage on one side or collectively more than 660 feet of  
28 frontage on both sides of that roadway.

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

34 "Trackless trolley" means every motor vehicle which is  
35 propelled by electric power obtained from overhead trolley wires  
36 but not operated upon rails.

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

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

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

48 "Truck" means every motor vehicle designed, used, or  
49 maintained primarily for the transportation of property.

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

54 "Van pooling" means seven or more persons commuting on a

1 daily basis to and from work by means of a vehicle with a seating  
2 arrangement designed to carry seven to 15 adult passengers.

3 "Vehicle" means every device in, upon or by which a person or  
4 property is or may be transported upon a highway, excepting  
5 devices moved by human power or used exclusively upon  
6 stationary rails or tracks or motorized bicycles.<sup>1</sup>

7 (cf: P.L.1993, c.12, s.1)

8 2. R.S.39:4-98 is amended to read as follows:

9 39:4-98. Rates of speed. Subject to the provisions of sections  
10 39:4-96 and 39:4-97 of this Title and except in those instances  
11 where a lower speed is specified in this chapter, it shall be prima  
12 facie lawful for the driver of a vehicle to drive it at a speed not  
13 exceeding the following:

14 a. Twenty-five miles an hour, when passing through a school  
15 zone during recess, when the presence of children is clearly  
16 visible from the roadway, or while children are going to or  
17 leaving school, during opening or closing hours;

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

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

22 c. Fifty miles an hour in all other locations.

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

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

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

5 (cf: P.L.1983, c.227, s.2)

6       3. This act shall take effect immediately.

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10

11       Establishes 35 mile per hour speed limit for highways in certain  
12 low density business and residential districts.

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2 and maintenance of signs at such points of entrance to the State  
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*SPONSOR'S* STATEMENT

10

11 This bill authorizes a 35 mile an hour speed limit for highways  
12 in certain low density suburban business and residential districts.

13 Currently, the statutes authorize only two lawful speed limits:  
14 25 miles an hour in any business or residential district and 50  
15 miles an hour in all other locations.

16 In certain low density business and residential districts, the 25  
17 mile an hour speed limit is unreasonably low, while the 50 mile an  
18 hour speed limit is too high. This bill will give the Commissioner  
19 of Transportation, in the case of State highways, and municipal or  
20 county authorities, in the case of local roads, the flexibility to  
21 establish safe and reasonable speed limits for the roadways in  
22 such low density areas.

23 The bill also requires the posting of appropriate signs along  
24 those roadways which have been designated for a 35 mile an hour  
25 speed limit.

26

27

28

29

30 Establishes 35 mile per hour speed limit for highways in certain  
31 low density business and residential districts.



ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 574

STATE OF NEW JERSEY

DATED: NOVEMBER 22, 1993

The Assembly Transportation and Communications Committee favorably reports Senate Bill No. 574 (1R).

This bill authorizes a 35 mile an hour speed limit for highways in certain low density suburban business and residential districts.

Currently, the statutes authorize only two lawful speed limits: 25 miles an hour in any business or residential district and 50 miles an hour in all other locations.

In certain low density business and residential districts, the 25 mile an hour speed limit is unreasonably low, while the 50 mile an hour speed limit is too high. This bill will give the Commissioner of Transportation, in the case of State highways, and municipal or county authorities, in the case of local roads, the flexibility to establish safe and reasonable speed limits for the roadways in such low density areas.

Under the provisions of the bill, a suburban business or residential district is defined as that portion of highway and contiguous territory where, within any 1,320 feet along that highway, there is land in use for business or residential purposes which occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway.

The bill also requires the posting of appropriate signs along those roadways which have been designated for a 35 mile an hour speed limit.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 574**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 29, 1993

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 574 with committee amendments.

This bill authorizes a 35 mile an hour speed limit for highways in certain low density suburban business and residential districts.

Currently, the statutes authorize only two lawful speed limits: 25 miles an hour in any business or residential district and 50 miles an hour in all other locations.

In certain low density business and residential districts, the 25 mile an hour speed limit is unreasonably low, while the 50 mile an hour speed limit is too high. This bill will give the Commissioner of Transportation, in the case of State highways, and municipal or county authorities, in the case of local roads, the flexibility to establish safe and reasonable speed limits for the roadways in such low density areas.

Under the provisions of the bill, a suburban business or residential district is defined as that portion of highway and contiguous territory where, within any 1,320 feet along that highway, there is land in use for business or residential purposes which occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway.

The bill also requires the posting of appropriate signs along those roadways which have been designated for a 35 mile an hour speed limit.

The committee amendment is technical in nature; it conforms the bill to current law.