

39:3-27

LEGISLATIVE HISTORY OF 39:3-27

(Exempts Red Cross from Motor Vehicle Registration Fees.)

Laws 1921, Chapter 208, sect. 2 - Assembly 483.

This provision first appears in this 1921 act. This section not amended during passage. This bill had the following 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 All inconsistent legislation is to be repealed by another bill.

974.90
T764
1921

The following excerpt is from the New Jersey Commission on Motor Vehicle and Traffic Act. Report, 1921, p. 13-15.

The essential changes in the Motor Vehicle Act which we recommend in addition to the fees are as follows:

* * * * *

The exemption from registration fee of Government, State, and municipality owned vehicles, and vehicles belonging to the American Red Cross or other humane society.

* * * * *

No hearings were located on this bill.

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39:3-18

N.J. LEGISLATIVE HISTORY

Feb 19, 1966

MEMORANDUM

FROM: Rebecca Schlan

TO: ~~Associate Div., Superior Court~~
~~10th Floor~~
~~1000 B. Boardwalk~~
~~Atlantic City, New Jersey~~

Legislative History of N.J.S.A. 39:3-18
Dealers' registration of automobiles

1921 - N. J. Commission on Motor Vehicle and Traffic Act recommended:

Confining the use of dealers' plates to demonstrating purposes, and in addition to such use limiting the personal use thereof to the dealer solely, and permitting such dealer to purchase plates to be used by him in the transportation of vehicles from the factory to his place of business

Report, p. 15

207
1921 - Ch. 453 (A163)
Statement:

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 All inconsistent legislation is to be repealed by another bill.

This bill was amended.

1926 - Ch. 172 - S. 251

Following excerpt shows deleted and substituted wording:

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

Statement:

This act permits the use of dealers' license plates by bona fide dealers only on motor vehicles owned by such dealers, and prohibits the lending of dealers' plates to any person for use on any motor vehicle not exclusively owned by said dealer.

This bill was not amended.

1934. Ch. 123 - A 251

Has long statement which gives reasons for extending use of temporary plates to automobile finance companies, automobile theft insurance companies, and automobile convoy companies.

This bill was not amended.

1951 - Ch. 4 - A 154

Following excerpt shows deleted and substituted wording:

Such plates shall only be placed on any vehicle or cycle owned by such dealer [if it is operated exclusively for his business]; and provided, such vehicle is not used for hire.

Statement:

The purpose of this bill is to increase the fee for general registration and to extend the use of such registration by automobile dealers.

R.S. 39: 3-69

January 16, 1975

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

Cy 2

~~DEPOSITORY COPY~~

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

Statement to A483

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

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

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

- L. of 1924 Chapter 211 § 3 - S145
 - Bill had statement which did not mention horns or signaling devices.
 - Bill did not amend § 3.
- L. of 1928 Chapter 110 § 1 - A78
 - Statement dealt with auto brakes only.
 - No amendment to section on signaling devices.
- L. of 1931 Chapter 171 § 3 - A171
 - Statement does not apply to § 3. Bill does not amend § 3.
- L. of 1933 Chapter 267 § 1 - A226
 - Statement urges adoption of law prescribing use of nonscatterable glass in auto manufacture. Bill does not amend § 1.
- L. of 1937, Chapter 185 § 1 - S120
 - February 8 - Introduced by Hendrickson.
 - March 22 - Passed in Senate, amended.
 - April 5 - Received in Assembly.
 - April 26 - Read second time.
 - May 24 - Amended.
 - May 27 - Passed in Assembly, amended.
 - May 28 - Assembly amended, passed in Senate.
 - June 7 - Approved.

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

L. of 1968 Chapter 97 § 1 - A513

No statement.

The 1968 amendment authorized theft alarm signals on "any vehicle"
instead of "any commercial vehicle."

JA/ks

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

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

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

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

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

1 10. This act shall take effect immediately.

1924 c.211

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following par-
 ticulars.

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

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

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

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

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

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

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

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

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

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

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

79 the operator thereof from having a sufficient view of the traffic following and at
80 the sides of such vehicle shall be equipped with a mirror or some device that will
81 show the driver the road to the rear and the road to the side.

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

1 2. This act shall take effect immediately.

1928 C110

STATEMENT.

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

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

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

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

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

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.

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. Carton*, 102 N. J. P. 318. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who *in fact* has been a previous offender, if the complaint against him does not recite a previous conviction.

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

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

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

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

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

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

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

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

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

1933, c. 267

5

STATEMENT

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

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

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

1933, c. 267

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

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

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

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

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

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

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

5120(1938)

STATEMENT

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

39:3-84.3

May 1, 1962

LEGISLATIVE HISTORY OF R. S. 39:3-84.3

(Violations of Weights and Measurements of Vehicles; first paragraph)

This provision was originally:

R. S. 39:3-85 (Tests); which had the following history:

~~§ 39:3-85~~ (sec. 21 - A-433. Introduced February 22, 1921 by Mr. Pattersall.
This bill had statement:

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

Report referred to is:

974.00
7764
1921

N. J. Commission ... Motor Vehicle and Traffic Act. 1921. See especially pages 9 and 15.

The section concerning weighing of trucks reads as follows:

(7) All motor vehicle inspectors shall be authorized to make such tests as in their judgment may be necessary for the purpose of determining the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor driven vehicles operated on the highways of this State, and shall have power to cause the said vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

This section was not amended during passage of bill. Nor was it changed by later acts (Laws 1923, Chapter 63; Laws 1930, Chapter 207; Laws 1931, Chapter 171).

Therefore, 39:3-85 remained unchanged from 1921 to 1950. We have located two attempts to amend the section: A-125 of 1946 and A-402 of 1948. (copies attached)

R. S. 39:3-85 was repealed by Laws 1950, Chapter 142, which created R.S. 39:3-84.3.

R. S. 39:3-84.3

Laws 1950, Chapter 142, sec. 44- A-13. Introduced March 9, 1950 by Mr. McHorter.

The first section of 39:3-84.3 in the bill as introduced, read as follows:

4. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful

is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

The bill had the following statement:

The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.

The bill also provides axle weight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.

The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.

Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

The bill was amended in the Assembly and in the Senate. The first paragraph was amended to read:

Any State Police officer or motor vehicle inspector having reason to believe ...

Hearing Held on Assembly 13 (1950):

974.90
R628
1950d

N. J. Legislature. Senate. Judiciary Committee.
Public hearing on A.13 (The Truck Bill) had March 29, 1950.
141 leaves.

See especially: Testimony of A. W. Heckman, representing Dairy Transport Association. He discusses this section at p. 37-38.

The Senate Committee amendments noted above (April 5) appear to result from Mr. Heckman's objections.

Testimony of Attorney General Parsons, on history of this legislation, at p. 41-43.

Laws 1951, 1st Spec. Sess., Chapter 356, p. 1472, sec. 1 - A-6. Introduced by Mr. Cavinato

The bill had no statement. It did not amend the first paragraph.

Laws 1955, Chapter 86, p. 258, sec. 1 - A-169. Introduced by Mr. Gant.

June 1 - Senate Committee amendment
June 21 - Chapter 86

The bill had no statement. The first paragraph was not amended.

Laws 1956, Chapter 165, p. 657, sec. 1 - S.36. Introduced by Senators Murray & Farley.

June 28 - Conditional veto. Passed as suggested by Governor.
December 3 - Chapter 165.

The bill had the following statement:

The purpose of this bill is to make the lessee, bailee or rentee of the vehicle responsible for violations in view of the fact that they have the actual use and control of the vehicle once they have hired same. As the law now stands when a violation takes place they are not responsible whereas they should be since they are the primary violators.

The first paragraph was not amended by this bill.

Laws 1957, Chapter 161, p. 575, sec. 1 - A-471. Introduced by Mr. Kraus.

June 3 - Committee Substitute
July 19 - Chapter 161

The bill had no statement. The first paragraph of the section was not amended.

RS/jmg

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STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3-85 of the Revised Statutes.

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

1 1. Section 39:3-85 of the Revised Statutes is amended to read as fol
2 lows:

3 39:3-85. Motor vehicle inspectors and all police officers may make such
4 tests as in their judgment are necessary to determine the gross weight, size
5 of tires, speed in miles per hour of all commercial motor vehicles and motor-
6 drawn vehicles operated on the highways of this State, and may cause the
7 vehicles to be weighed, and for that purpose may order the removal of the
8 vehicle from the highway to the nearest weighing scale.

1 2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this power.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and
amending section 39:3-85 of the Revised Statutes.

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

1 1. Section 39:3-85 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-85. Motor vehicle inspectors and all police officers may make such
4 tests as in their judgment are necessary to determine the gross weight, size
5 of tires, speed in miles per hour of all commercial motor vehicles and motor-
6 drawn vehicles operated on the highways of this State, and may cause the
7 vehicles to be weighed, and for that purpose may order the removal of the
8 vehicle from the highway to the nearest weighing scale.

1 2. This act shall take effect immediately.

ASSEMBLY No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. Cavinato

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors and all police officers may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this right.

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STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1948

By Mr. Pike

Referred to Committee on Highways

AN ACT concerning motor vehicles, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

County traffic police acting under the provisions of article one of chapter twenty-two of Title 40 of the Revised Statutes may cause any commercial motor vehicle or motor-drawn vehicle operated on any county bridge or its approaches to be weighed and for that purpose may order the removal of said vehicle from said bridge or its approaches to a weighing scale not more than one mile distant therefrom.

2. This act shall take effect immediately.

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ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation; and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the [commissioner]
5 director a fee based on the gross weight of the vehicle and load [, when
6 loaded to its carrying capacity. When the gross weight of the vehicle and
7 load exceeds the gross weight allowed by law for the particular size of tires
8 set forth in the application for registration, the gross weight of the vehicle
9 and load shall be determined according to law upon the size of tires given in
10 the application]. The plates to be used for commercial motor vehicles shall
11 display the word "commercial," and the numerals shall be prefixed by the
12 letter "X." Trailer plates shall have the letter "T." The fee shall be
13 paid in accordance with the following table:

14 When the gross weight of vehicle and [carrying capacity] load is:

15 [1,000 pounds or less \$10.00

16 1,001 to 2,000 pounds 12.00

17	2,001 to 3,000 pounds	15.00
18	3,001 to 4,000 pounds	20.00
19	4,001 to 5,000 pounds	24.00
20	5,001 to 6,000 pounds	27.00
21	6,001 to 7,000 pounds	30.00
22	7,001 to 8,000 pounds	33.00
23	8,001 to 9,000 pounds	36.00
24	9,001 to 10,000 pounds	39.00
25	10,001 to 11,000 pounds	43.00
26	11,001 to 12,000 pounds	47.00
27	12,001 to 13,000 pounds	51.00
28	13,001 to 14,000 pounds	55.00
29	14,001 to 15,000 pounds	59.00
30	15,001 to 16,000 pounds	68.00
31	16,001 to 17,000 pounds	72.00
32	17,001 to 18,000 pounds	76.00
33	18,001 to 19,000 pounds	80.00
34	19,001 to 20,000 pounds	84.00
35	20,001 to 21,000 pounds	93.00
36	21,001 to 22,000 pounds	97.00
37	22,001 to 23,000 pounds	101.00
38	23,001 to 24,000 pounds	105.00
39	24,001 to 25,000 pounds	109.00
40	25,001 to 26,000 pounds	118.00
41	26,001 to 27,000 pounds	122.00
42	27,001 to 28,000 pounds	126.00
43	28,001 to 29,000 pounds	130.00
44	29,001 to 30,000 pounds	134.00
45	30,001 to 31,000 pounds	145.00
46	31,001 to 32,000 pounds	151.00
47	32,001 to 33,000 pounds	157.00

33,001 to 34,000 pounds	163.00
34,001 to 35,000 pounds	169.00
35,001 to 36,000 pounds	180.00
36,001 to 37,000 pounds	186.00
37,001 to 38,000 pounds	192.00
38,001 to 39,000 pounds	198.00
39,001 to 40,000 pounds	204.00]
1,000 pounds or less	\$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00
8,001 to 10,000 lbs.	50.00
10,001 to 13,000 lbs.	60.00
13,001 to 16,000 lbs.	75.00
16,001 to 19,000 lbs.	90.00
19,001 to 22,000 lbs.	110.00
22,001 to 25,000 lbs.	130.00
25,001 to 28,000 lbs.	150.00
28,001 to 32,000 lbs.	180.00
32,001 to 36,000 lbs.	210.00
36,001 to 40,000 lbs.	240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in

77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 It shall be unlawful for any vehicle registered and using "construc-
85 tor" plates to exceed thirty miles per hour and to be operated at a greater
86 distance than thirty miles from the point established as a headquarters for
87 the particular construction operation.

88 It shall be unlawful for any vehicle having gross weight of load and
89 vehicle in excess of the gross weight provided on the registration certificate
90 to be operated on the highways of this State.

91 This section shall not be construed to supersede or repeal the provi-
92 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:
2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, [except vehicles in operation on June tenth,
5 one thousand nine hundred and thirty-five, which, by reason of the substitu-
6 tion of pneumatic tires for other types of tires, exceed the above limit,] or
7 the extreme over-all length of which exceeds thirty-five feet either for a two-
8 axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled ve-
9 hicle, or the height of which exceeds twelve and one-half feet, except that a
10 vehicle exceeding the above limitations may be operated when a special per-
11 mit so to operate is secured in advance from the [commissioner] director.

12 In the case of an omnibus the maximum over-all length dimension shall
13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
15 other such vehicle, nor any combination of vehicles, shall be operated on any
16 highway in the State, except a tractor and semitrailer combination not in
17 excess of a total over-all length of forty-five feet and a truck and trailer com-
18 bination not in excess of a total over-all length of fifty feet, and also except
19 a vehicle or a combination of vehicles transporting poles, pilings, structural
20 units or other articles incapable of dismemberment the total over-all length
21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
22 be inclusive of the load.

22 Subject to the provisions of section 39:3-82 and the axle weight limita-
23 tions of this section, [. N] no commercial motor vehicle, tractor, trailer or
24 semitrailer shall be operated on any highway in this State having a com-
25 bined weight of vehicle and load of more than (a) thirty thousand pounds
26 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
27 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the
28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one
31 axle of a vehicle shall not exceed twenty thousand pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches, but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed twenty-eight thousand
41 pounds.

42 [The limitations as to combined weights and lengths of vehicle and
43 load as applied to vehicles in operation on June tenth, one thousand nine
44 hundred and thirty-five, or manufactured or constructed prior to January
45 first, one thousand nine hundred and thirty-six, shall not be effective until
46 January first, one thousand nine hundred and forty-one.]

47 The axle weight limitations of this section shall apply to all vehicles not
48 registered in New Jersey previous to March first, one thousand nine hun-
49 dred and fifty; for those vehicles registered in New Jersey on or before
50 March first, one thousand nine hundred and fifty, these axle weight limi-
51 tations shall become effective on and after March thirty-first, one thousand
52 nine hundred and fifty-five. The combined weight of vehicle and load and
53 axle load limitations provided in this section shall not apply to vehicles
54 registered for use with "constructor" registration plates as provided in
55 section 39:3-20. Such vehicles shall be limited as to gross weight by the
56 allowable weight of vehicle and load as shown on the registration certificate.

57 Every commercial motor vehicle or motor-drawn vehicle used on the
58 public highways carrying loads extending beyond the outside dimensions of
59 the vehicle shall have displayed at the outside extremity of the load a red
60 flag by day, which shall not be less than eighteen inches square, and a red
61 light by night, and they shall be so hung as to present a full view to the
62 drivers of approaching vehicles. This red light shall be in addition to the
63 red light provided for in section 39:3-61 of this Title.

64 [A person violating this section shall be subject to a fine not exceed-
65 ing one hundred dollars (\$100.00). In default of the payment thereof im-
66 prisonment in the county jail for a period not exceeding ten days shall be
67 imposed.]

68 [Nothing contained in either section 39:3-20 or section 39:4-73 of this
69 Title shall be construed to supersede or repeal the provisions of this
70 section.]

1 3. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 4. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and
3 submit to a measurement or weighing of the same by means of either portable
4 or stationary scales and may require that such vehicle be driven to the nearest
5 public scales in the event such scales are within two miles.

6 Whenever an officer upon measuring or weighing a vehicle and load, as
7 above provided, determines that the size or weight is unlawful, such officer
8 shall require the driver to stop the vehicle in a suitable place and remain
9 standing until such portion of the load is removed as may be necessary to re-
10 duce the size or gross weight of such vehicle to such limit as permitted under
11 this act, or permitted by the certificate of registration for the vehicle, which-
12 ever may be lower. All material so unloaded shall be cared for by the owner
13 or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred fifty dollars (\$250.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent
27 offense, not less than seven hundred fifty dollars (\$750.00) nor more than one
28 thousand dollars (\$1,000.00); and the registration of the vehicle involved may
29 be revoked by the Director of the Division of Motor Vehicles.

1 5. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 fifty.

STATEMENT

The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.

The bill also provides axle weight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.

The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.

Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85, and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the director a fee
5 based on the gross weight of the vehicle and load. The plates to be used for
6 commercial motor vehicles shall display the word "commercial," and the
7 numerals shall be prefixed by the letter "X." Trailer plates shall have the
8 letter "T." The fee shall be paid in accordance with the following table:

9 When the gross weight of vehicle and load is:

10 55	1,000 pounds or less.....	\$10.00
11 56	1,001 to 2,000 lbs.	15.00
12 57	2,001 to 3,000 lbs.	20.00
13 58	3,001 to 4,000 lbs.	25.00
14 59	4,001 to 5,000 lbs.	30.00
15 60	5,001 to 6,000 lbs.	35.00
16 61	6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
 73 provisions of this section, the director shall issue registrations providing for
 74 the gross weight of vehicle and load of over forty thousand pounds but not
 75 exceeding seventy thousand pounds, upon application therefor and proof to
 76 the satisfaction of the director that the applicant is actually engaged in
 77 construction work or in the business of supplying material, transporting
 78 material, or using such registered vehicle for construction work. The licens-
 79 plate so issued shall be marked "constructor" and shall be placed upon the
 80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized here-
 82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
 83 per thousand pounds of gross weight of vehicle and load.

84 Vehicles registered and using "constructor" plates must comply
 85 the speed limitations in Title 39 of the Revised Statutes and in no event
 86 they exceed thirty miles per hour, and such vehicles may not be operated
 87 a greater distance than thirty miles from the point established as a
 88 quarters for the particular construction operation.

89 It shall be unlawful for any vehicle having gross weight of load
 90 vehicle in excess of the gross weight provided on the registration certifi-
 91 to be operated on the highways of this State.

92 Moneys realized from the increase of the fees for registrations

93 pursuant to the provisions of this act shall be paid into the State treasury
 94 and credited to the General State fund and available for general State
 95 purposes.

96 This section shall not be construed to supersede or repeal the provi-
 97 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
 3 shall be operated on any highway in this State the outside width of which is
 4 more than ninety-six inches, or the extreme over-all length of which exceeds
 5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
 6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve
 7 and one-half feet, except that a vehicle exceeding the above limitations may
 8 be operated when a special permit so to operate is secured in advance from
 9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall
 13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
 15 other such vehicle, nor any combination of vehicles, shall be operated on any
 16 highway in the State, except a tractor and semitrailer combination not in
 17 excess of a total over-all length of forty-five feet and a truck and trailer com-
 18 bination not in excess of a total over-all length of fifty feet, and also except
 19 a vehicle or a combination of vehicles transporting poles, pilings, structural
 20 units or other articles incapable of dismemberment the total over-all length
 21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
 22 be inclusive of the load.

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
 24 tions of this section, no commercial motor vehicle, tractor, trailer or
 25 semitrailer shall be operated on any highway in this State having a com-
 26 bined weight of vehicle and load of more than (a) thirty thousand pounds
 27 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one
31 axle of a vehicle shall not exceed twenty thousand pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches, but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed twenty-eight thousand
41 pounds.

42 Every commercial motor vehicle or motor-drawn vehicle used on the
43 public highways carrying loads extending beyond the outside dimensions of
44 the vehicle shall have displayed at the outside extremity of the load a red
45 flag by day, which shall not be less than eighteen inches square, and a red
46 light by night, and they shall be so hung as to present a full view to the
47 drivers of approaching vehicles. This red light shall be in addition to the
48 red light provided for in section 39:3-61 of this Title.

1 3. The axle weight limitations of section 39:3-84 of the Revised Statutes
2 shall apply to all vehicles not registered in New Jersey previous to March
3 first, one thousand nine hundred and fifty; for those vehicles registered in
4 New Jersey on or before March first, one thousand nine hundred and fifty,
5 these axle weight limitations shall become effective on and after March
6 thirty-first, one thousand nine hundred and fifty-five. The combined weight of
7 vehicle and load and axle load limitations provided in section 39:3-84 of the
8 Revised Statutes shall not apply to vehicles registered for use with "con-
9-structor" registration plates as provided in section 39:3-20 of the Revised
10 Statutes. Such vehicles shall be limited as to gross weight by the allowable
11 weight of vehicle and load as shown on the registration certificate.

1 4. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 5. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and
3 submit to a measurement or weighing of the same by means of either portable
4 or stationary scales and may require that such vehicle be driven to the nearest
5 public scales in the event such scales are within two miles.

6 Whenever an officer upon measuring or weighing a vehicle and load, as
7 above provided, determines that the size or weight is unlawful, such officer
8 shall require the driver to stop the vehicle in a suitable place and remain
9 standing until such portion of the load is removed as may be necessary to re-
10 duce the size or gross weight of such vehicle to such limit as permitted under
11 this act, or permitted by the certificate of registration for the vehicle, which-
12 ever may be lower. All material so unloaded shall be cared for by the owner
13 or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred fifty dollars (\$250.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent
27 offense, not less than seven hundred fifty dollars (\$750.00) nor more than one
28 thousand dollars (\$1,000.00); and the registration of the vehicle involved may
29 be revoked by the Director of the Division of Motor Vehicles.

1 6. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 7. If any section, subsection, clause or provision of this act shall be
2 adjudged unconstitutional or to be ineffective in whole or in part, to the
3 extent that it is not adjudged unconstitutional or is not ineffective it shall be
4 valid and effective and no other section, subsection, clause or provision of
5 this act shall on account thereof be deemed invalid or ineffective, and the
6 inapplicability or invalidity of any section, subsection, clause or provision of
7 this act in any one or more instances or under any one or more circum-
8 stances shall not be taken to affect or prejudice in any way its applicability
9 or validity in any other instance or under any other circumstance.

1 8. This act shall take effect May first, one thousand nine hundred and
2 fifty.

[OFFICIAL COPY REPRINT]

SENATE AMENDMENTS TO

ASSEMBLY, No. 13

(Second Official Copy Reprint)

STATE OF NEW JERSEY

ADOPTED MAY 10, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 4, section 3, line 3, after "fifty" and before ";" insert "which have not been registered therein prior to that date".

Amend page 4, section 3, line 4, after "New Jersey" insert "or contracted for purchase by New Jersey residents".

Amend page 5, section 5, line 1, after "Any" insert "State"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "\$250.00", insert "\$200.00".

Amend page 5, section 5, line 27, after "not less" insert "than five hundred dollars (\$500.00) nor more".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "thousand dollars (\$1,000.00)".

Amend page 6, section 6, line 1, after "contrivance" insert "referred to in section 39:3-84 of the Revised Statutes, in excess of the gross weight limits set forth therein".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3-20 of the Revised Statutes is amended to read as follows:

39:3-20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the director a fee based on the gross weight of the vehicle and load. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and load is:

1,000 pounds or less.....	\$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
73 provisions of this section, the director shall issue registrations providing for
74 the gross weight of vehicle and load of over forty thousand pounds but not
75 exceeding seventy thousand pounds, upon application therefor and proof to
76 the satisfaction of the director that the applicant is actually engaged in
77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 It shall be unlawful for any vehicle registered and using "construc-
85 tor" plates to exceed thirty miles per hour and to be operated at a greater
86 distance than thirty miles from the point established as a headquarters for
87 the particular construction operation.

88 It shall be unlawful for any vehicle having gross weight of load and
89 vehicle in excess of the gross weight provided on the registration certificate
90 to be operated on the highways of this State.

91 This section shall not be construed to supersede or repeal the provi-
92 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer

3 shall be operated on any highway in this State the outside width of which is

4 more than ninety-six inches, or the extreme over-all length of which exceeds

5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet

6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve

7 and one-half feet, except that a vehicle exceeding the above limitations may

8 be operated when a special permit so to operate is secured in advance from

9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall

13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any

15 other such vehicle, nor any combination of vehicles, shall be operated on any

16 highway in the State, except a tractor and semitrailer combination, not in

17 excess of a total over-all length of forty-five feet and a truck and trailer com-

18 bination not in excess of a total over-all length of fifty feet, and also except

19 a vehicle or a combination of vehicles transporting poles, pilings, structural

20 units or other articles incapable of dismemberment the total over-all length

21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall

21½ be inclusive of the load.

22 Subject to the provisions of section 39:3-82 and the axle weight limita-

23 tions of this section, no commercial motor vehicle, tractor, trailer or

24 semitrailer shall be operated on any highway in this State having a com-

25 bined weight of vehicle and load of more than (a) thirty thousand pounds

26 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in

27 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds

29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one

31 axle of a vehicle shall not exceed twenty thousand pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches; but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed twenty-eight thousand
41 pounds.

42-47 The axle weight limitations of this section shall apply to all vehicles not
48 registered in New Jersey previous to March first, one thousand nine hun-
49 dred and fifty; for those vehicles registered in New Jersey on or before
50 March first, one thousand nine hundred and fifty, these axle weight limi-
51 tations shall become effective on and after March thirty-first, one thousand
52 nine hundred and fifty-five. The combined weight of vehicle and load and
53 axle load limitations provided in this section shall not apply to vehicles
54 registered for use with "constructor" registration plates as provided in
55 section 39:3-20. Such vehicles shall be limited as to gross weight by the
56 allowable weight of vehicle and load as shown on the registration certificate.

57 Every commercial motor vehicle or motor-drawn vehicle used on the
58 public highways carrying loads extending beyond the outside dimensions of
59 the vehicle shall have displayed at the outside extremity of the load a red
60 flag by day, which shall not be less than eighteen inches square, and a red
61 light by night, and they shall be so hung as to present a full view to the
62 drivers of approaching vehicles. This red light shall be in addition to the
63 red light provided for in section 39:3-61 of this Title.

1 3. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 4. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and

submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars (\$100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for the first offense, and for any subsequent offense, not less than seven hundred fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

5. Any person driving any vehicle, object or contrivance upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 fifty.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the director a fee
5 based on the gross weight of the vehicle and load. The plates to be used for
6 commercial motor vehicles shall display the word "commercial," and the
7 numerals shall be prefixed by the letter "X." Trailer plates shall have the
8 letter "T." The fee shall be paid in accordance with the following table:

9 When the gross weight of vehicle and load is:

10 1,000 pounds or less.....	\$10.00
11 1,001 to 2,000 lbs.	15.00
12 2,001 to 3,000 lbs.	20.00
13 3,001 to 4,000 lbs.	25.00
14 4,001 to 5,000 lbs.	30.00
15 5,001 to 6,000 lbs.	35.00
16 6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
73 provisions of this section, the director shall issue registrations providing for
74 the gross weight of vehicle and load of over forty thousand pounds but not
75 exceeding seventy thousand pounds, upon application therefor and proof to
76 the satisfaction of the director that the applicant is actually engaged in
77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 Vehicles registered and using "constructor" plates must comply with
85 the speed limitations in Title 39 of the Revised Statutes and in no event may
86 they exceed thirty miles per hour, and such vehicles may not be operated at
87 a greater distance than thirty miles from the point established as a head-
88 quarters for the particular construction operation.

89 It shall be unlawful for any vehicle having gross weight of load and
90 vehicle in excess of the gross weight provided on the registration certificate
91 to be operated on the highways of this State.

92 Moneys realized from the increase of the fees for registrations issued
93 pursuant to the provisions of this act shall be paid into the State treasury
94 and credited to the General State Fund and available for general State
95 purposes.

96 This section shall not be construed to supersede or repeal the provi-
97 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, or the extreme over-all length of which exceeds
5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
6 for a three-axle six-wheeled vehicle, or the height of which exceeds thirteen
7 and one-half feet, except that a vehicle exceeding the above limitations may
8 be operated when a special permit so to operate is secured in advance from
9 the director.

12 In the case of an omnibus the maximum over-all length dimension shall
13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
15 other such vehicle, nor any combination of vehicles, shall be operated on any
16 highway in the State, except a tractor and semitrailer combination not in
17 excess of a total over-all length of forty-five feet and a truck and trailer com-
18 bination not in excess of a total over-all length of fifty feet, and also except
19 a vehicle or a combination of vehicles transporting poles, pilings, structural
20 units or other articles incapable of dismemberment the total over-all length
21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
22 be inclusive of the load.

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
24 tions of this section, no commercial motor vehicle, tractor, trailer or
25 semitrailer shall be operated on any highway in this State having a com-
26 bined weight of vehicle and load of more than (a) thirty thousand pounds
27 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
28 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one
31 axle of a vehicle shall not exceed twenty-two thousand four hundred pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches, but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed thirty-two thousand
41 pounds.

42 Every commercial motor vehicle or motor-drawn vehicle used on the
43 public highways carrying loads extending beyond the outside dimensions of
44 the vehicle shall have displayed at the outside extremity of the load a red
45 flag by day, which shall not be less than eighteen inches square, and a red
46 light by night, and they shall be so hung as to present a full view to the
47 drivers of approaching vehicles. This red light shall be in addition to the
48 red light provided for in section 39:3-61 of this Title.

1 3. The axle weight limitations of section 39:3-84 of the Revised Statutes
2 shall apply to all vehicles registered in New Jersey subsequent to March
3 first, one thousand nine hundred and fifty, which have not been registered
4 therein prior to that date; for those vehicles registered in New Jersey or
5 contracted for purchase by New Jersey residents on or before March first,
6 one thousand nine hundred and fifty, these axle weight limitations shall
7 become effective on and after March thirty-first, one thousand nine hundred
8 and fifty-five. The combined weight of vehicle and load and axle load
9 limitations provided in section 39:3-84 of the Revised Statutes shall not
10 apply to vehicles registered for use with "constructor" registration plates

11 as provided in section 39:3-20 of the Revised Statutes. Such vehicles shall
12 be limited as to gross weight by the allowable weight of vehicle and load
13 as shown on the registration certificate.

1 4. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 5. Any State Police officer or motor vehicle inspector having reason to
2 believe that the size or weight of a vehicle and load is unlawful is authorized
3 to require the driver to stop and submit to a measurement or weighing of the
4 same by means of either portable or stationary scales and may require that
5 such vehicle be driven to the nearest public scales in the event such scales
6 are within two miles.

7 Whenever an officer or inspector upon measuring or weighing a vehicle
8 and load, as above provided, determines that the size or weight is unlawful,
9 such officer shall require the driver to stop the vehicle in a suitable place and
10 remain standing until such portion of the load is removed as may be neces-
11 sary to reduce the size or gross weight of such vehicle to such limit as per-
12 mitted under this act, or permitted by the certificate of registration for the
13 vehicle, whichever may be lower. All material so unloaded shall be cared for
13½ by the owner or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred dollars (\$200.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent

27 offense, not less than five hundred dollars (\$500.00) nor more than seven
28 hundred fifty dollars (\$750.00); and the registration of the vehicle involved
29 may be revoked by the Director of the Division of Motor Vehicles.

1 6. Any person driving any vehicle, object or contrivance referred to in
2 section 39:3-84 of the Revised Statutes, in excess of the gross weight limit
3 set forth therein upon any highway or highway structure, whether temporary
4 or permanent, shall be liable for all damage which said highway or highway
5 structure may sustain as a result of any such operation, driving or moving
5½ of such vehicle, object or contrivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein if
12 damage is caused to highways or bridges posted for less weight limits than
13 those set forth in this act.

14 Whenever the driver is not the owner of such vehicle, object or contriv-
15 ance, but is so operating, driving or moving the same with the express or im-
16 plied permission of said owner, then the owner and the driver shall be jointly
17 and severally liable for any damage.

1 7. If any section, subsection, clause or provision of this act shall be
2 adjudged unconstitutional or to be ineffective in whole or in part, to the
3 extent that it is not adjudged unconstitutional or is not ineffective it shall be
4 valid and effective and no other section, subsection, clause or provision of
5 this act shall on account thereof be deemed invalid or ineffective, and the
6 inapplicability or invalidity of any section, subsection, clause or provision of
7 this act in any one or more instances-or under any one or more circum-
8 stances shall not be taken to affect or prejudice in any way its applicability
9 or validity in any other instance or under any other circumstance.

1 8. This act shall take effect January first, one thousand nine hundred
2 and fifty-one.

STA

As Act to

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SENATE AMENDMENTS TO
ASSEMBLY, No. 13

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 5, section 5, line 1, after "Any" insert "State Police"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "\$250.00", insert "\$200.00".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "one thousand dollars (\$1,000.00)".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

Amend page 6, section 6, line 11, after "herein" and before the "." insert "if damage is caused to highways or bridges posted for less weight limits than those set forth in this act".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

December 14, 1964

R.S. 39:4-48

LEGISLATIVE HISTORY OF R.S. 39:4-48

COPY NO. 1

L. 1921, Chapter 208, § 14 - AL83

The bill was amended during passage, § 14 was not changed.

Statement.

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

97h.90 N.J. Commissioner on Motor Vehicle & Traffic Act.
T76h Report, 1921. p. 13-14.
1921

"The essential changes in the Motor Vehicle Act which we recommend in addition to the fees are as follows:

A provision against tampering or setting in motion a motor vehicle while the same is standing and without the permission of the owner;"

L. 1923, Chapter 136, § 1 - S111

This act does not affect subparagraph (1) of section 14.

L. 1924, Chapter 160, § 1

Does not affect subparagraph (1) of section 14.

L. 1924, Chapter 211, par. 6 - S145

Bill was amended during passage, but section 14 (1) was not changed.

The part of the statement applicable to section 14 (1) reads:

Statement

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.

L. 1926, Chapter 152, § 1, p. 254 - 279
Does not affect section 14 (1).

L. 1931, Chapter 171, § 9 - A171
Does not affect section 14 (1).

L. 1932, Chapter 89, § 1, p. 158
Does not affect section 14 (1).

L. 1936, Chapter 239, § 1, p. 739 - 3162

Statement

This amendment is for the purpose of giving Inspectors of Motor Vehicles powers to make arrests of persons charged with driving an automobile without the consent of the owner. The amendment removes this violation from the misdemeanor class and makes it a violation of the Motor Vehicle Law.

There were no other hearings or reports.

HP/PC

COPY

LEGISLATIVE HISTORY OF RS 39:4-50

(Operating under influence of liquor or drugs)

The section on intoxicating liquors was first introduced by

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

The bill had a short Statement

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

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

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

974.70
T764
1921

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

Statement

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

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

It was not amended during passage.

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

Statement

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

This bill was not amended during passage.

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

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

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

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

P. L. 1925, Ch. 152, para. 1, S-79, Simpson.

Statement

The Operation of Motor Vehicles by Intoxicated Drivers

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

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

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

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

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

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

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

The paragraph of the Statement which applies to this section is

No. 8. During 1930, Judge Truax of the Seneca 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*, 121 N. J. L. 15 and *State vs. Carton*, 102 N. J. P. 316. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who in fact has been a previous offender, if the complaint against him does not recite a previous conviction.

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

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

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

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

The bill had no statement, passed without amendment.

No further material was found on this section.

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

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

Laws 1906, Chapter 113, p. 186.

No statement. Motor vehicle Act:

Section 19. No intoxicated person shall drive a motor vehicle

Laws 1909, Chapter 127, p. 200

No statement. Supplement to Crimes Act of 1898:

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

Laws 1913, Chapter 67 - A-19 - Introduced January 20, 1913 by Mr. Merwin

No statement. Amends disorderly persons act of 1898.

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

Repealed, L. 1921, c. 134, p. 405

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

Laws 1921, Chapter 206, sec. 14 - A-483 - Introduced February 22, 1921 by Mr. Wattersall.

Statement:

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

Report:

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

(see page 14)

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

Statement:

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

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

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

Statement:

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

RS/jmk

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

COPY NO. 1

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

L. 1921, Chapter 208, § 14 (4) - A483

Phraseology of this law somewhat different from present statute.

Introduced February 22 by Mr. Tattersall.

Amended during passage (Sect. 14 (4) not altered).

Statement on bill:

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

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

L. 1923, Chapter 136 - S111

No relevance to particular phrase.

Concerned with driver under influence of intoxicating liquors or drugs.

Introduced January 22 by Mr. Pierson.

Not amended during passage.

Statement on bill:

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

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

L. 1924, Chapter 160, sect. 1 [14 (4)] - S25

Minor change to paragraph in question.

Introduced January 8 by Mr. Blackwell.

Not amended during passage.

Statement on bill: (copy of bill and statement enclosed).

- L. 1924, Chapter 211, § 6 - S145
No change to phrasing in question.
Introduced January 21 by Mr. Agans.
Amended during passage.
Statement on bill (copy of statement enclosed).
- L. 1926, Chapter 152 - S79
Introduced January 25 by Mr. Simpson.
Amended during passage.
Statement on bill (copy of bill and statement enclosed).
- L. 1928, Chapter 281- Special Session A1.
Introduced June 4 by Mr. Wise.
Not amended during passage.
No statement on bill.
- L. 1931, Chapter 171 - A171
Minor change to particular paragraph: penalty fines are enumerated
by words and figures.
Introduced February 2 by Mr. Grimm.
Amended during passage.
Statement on bill (copy of part of bill and statement enclosed).
- L. 1932, Chapter 36 - A350
Introduced February 8 by Mr. Wise.
Not amended during passage.
Statement on bill (Copy of bill and statement enclosed).
- L. 1932, Chapter 89 - A374
Phrasing is changed; additional stipulations in particular
paragraph added.
Introduced February 8 by Mr. Wise.
Amended during passage.
Statement on bill (copy of bill, amendments, and statement enclosed).
- L. 1940, Chapter 147 - A218
Introduced March 25 by Mr. Bertoni.
Not amended during passage.
Statement on bill (copy of bill and statement enclosed).

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

CK/PC L. 1967 - Chap 189 - A846
Intro. April 10 by Perkins
No statement
Not amended during passage.

No hearing or reports

L. 1924, C. 160

394-129

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 913.)

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

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

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1924.

By Mr. AGANS.

Referred to Committee on Judiciary.

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

10 (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.
39

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 heretofore 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 and 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 heretofore 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 "C" 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 its 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^o 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

37429

(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.

L1931, 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. 1972, 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
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.

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.

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. Carton*, 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

SENATE AMENDMENTS TO
ASSEMBLY, No. 160

STATE OF NEW JERSEY

Amend page one, line seven, by adding between the words "may" and "on", the following: "in the discretion of the court"

Amend line 11, after the word "roentgenologist" and before the comma, by adding the words "in the presence of a representative of all parties to the action"

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.

11278 (1-2-51)

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-585-30

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".

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

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

Statement to A483

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

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

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

- L. of 1924 Chapter 211 § 3 - S145
 Bill had statement which did not mention horns or signaling devices.
 Bill did not amend § 3.
- L. of 1928 Chapter 110 § 1 - A78
 Statement dealt with auto brakes only.
 No amendment to section on signaling devices.
- L. of 1931 Chapter 171 § 3 - A171
 Statement does not apply to § 3. Bill does not amend § 3.
- L. of 1933 Chapter 267 § 1 - A226
 Statement urges adoption of law prescribing use of nonscatterable glass in auto manufacture. Bill does not amend § 1.
- L. of 1937, Chapter 185 § 1 - S120
 February 8 - Introduced by Hendrickson.
 March 22 - Passed in Senate, amended.
 April 5 - Received in Assembly.
 April 26 - Read second time.
 May 24 - Amended.
 May 27 - Passed in Assembly, amended.
 May 28 - Assembly amended, passed in Senate.
 June 7 - Approved.

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 copy 2)

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

L. of 1968 Chapter 97 § 1 - A513

No statement.

The 1968 amendment authorized theft alarm signals on "any vehicle"
instead of "any commercial vehicle."

JA/ks

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

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

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

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

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

1 10. This act shall take effect immediately.

1924 c.211

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following par-
ticulars.

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

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

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

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

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

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

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

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

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

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

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

79 the operator thereof from having a sufficient view of the traffic following and at
80 the sides of such vehicle shall be equipped with a mirror or some device that will
81 show the driver the road to the rear and the road to the side.

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

1 2. This act shall take effect immediately.

1928 C110

STATEMENT.

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

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

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

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

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

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.

L 1931, c. 171

STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1933, c. 267

STATEMENT

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

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

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

[Handwritten signature]

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

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

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

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

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

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

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

S120(1937)

1937 c. 185

STATEMENT

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

39:3-84.3

May 1, 1962

LEGISLATIVE HISTORY OF R. S. 39:3-84.3

(Violations of Weights and Measurements of Vehicles; first paragraph)

This provision was originally:

R. S. 39:3-85 (Tests); which had the following history:

~~§ 39:3-85~~ (sec. 21 - A-433. Introduced February 22, 1921 by Mr. Pattersall.
This bill had statement:

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

Report referred to is:

974.00
7764
1921

N. J. Commission ... Motor Vehicle and Traffic Act. 1921. See especially pages 9 and 15.

The section concerning weighing of trucks reads as follows:

(7) All motor vehicle inspectors shall be authorized to make such tests as in their judgment may be necessary for the purpose of determining the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor driven vehicles operated on the highways of this State, and shall have power to cause the said vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

This section was not amended during passage of bill. Nor was it changed by later acts (Laws 1923, Chapter 63; Laws 1930, Chapter 207; Laws 1931, Chapter 171).

Therefore, 39:3-85 remained unchanged from 1921 to 1950. We have located two attempts to amend the section: A-125 of 1946 and A-402 of 1948. (copies attached)

R. S. 39:3-85 was repealed by Laws 1950, Chapter 142, which created R.S. 39:3-84.3.

R. S. 39:3-84.3

Laws 1950, Chapter 142, sec. 44- A-13. Introduced March 9, 1950 by Mr. McHorter.

The first section of 39:3-84.3 in the bill as introduced, read as follows:

4. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful

is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

The bill had the following statement:

The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.

The bill also provides axle weight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.

The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.

Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

The bill was amended in the Assembly and in the Senate. The first paragraph was amended to read:

Any State Police officer or motor vehicle inspector having reason to believe ...

Hearing Held on Assembly 13 (1950):

974.90
R628
1950d

N. J. Legislature. Senate. Judiciary Committee.
Public hearing on A.13 (The Truck Bill) had March 29, 1950.
141 leaves.

See especially: Testimony of A. W. Heckman, representing Dairy Transport Association. He discusses this section at p. 37-38.

The Senate Committee amendments noted above (April 5) appear to result from Mr. Heckman's objections.

Testimony of Attorney General Parsons, on history of this legislation, at p. 41-43.

Laws 1951, 1st Spec. Sess., Chapter 356, p. 1472, sec. 1 - A-6. Introduced by Mr. Cavinato

The bill had no statement. It did not amend the first paragraph.

Laws 1955, Chapter 86, p. 258, sec. 1 - A-169. Introduced by Mr. Gant.

June 1 - Senate Committee amendment
June 21 - Chapter 86

The bill had no statement. The first paragraph was not amended.

Laws 1956, Chapter 165, p. 657, sec. 1 - S.36. Introduced by Senators Murray & Farley.

June 28 - Conditional veto. Passed as suggested by Governor.
December 3 - Chapter 165.

The bill had the following statement:

The purpose of this bill is to make the lessee, bailee or rentee of the vehicle responsible for violations in view of the fact that they have the actual use and control of the vehicle once they have hired same. As the law now stands when a violation takes place they are not responsible whereas they should be since they are the primary violators.

The first paragraph was not amended by this bill.

Laws 1957, Chapter 161, p. 575, sec. 1 - A-471. Introduced by Mr. Kraus.

June 3 - Committee Substitute
July 19 - Chapter 161

The bill had no statement. The first paragraph of the section was not amended.

RS/jmg

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STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3-85 of the Revised Statutes.

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

1 1. Section 39:3-85 of the Revised Statutes is amended to read as fol
2 lows:

3 39:3-85. Motor vehicle inspectors and all police officers may make such
4 tests as in their judgment are necessary to determine the gross weight, size
5 of tires, speed in miles per hour of all commercial motor vehicles and motor-
6 drawn vehicles operated on the highways of this State, and may cause the
7 vehicles to be weighed, and for that purpose may order the removal of the
8 vehicle from the highway to the nearest weighing scale.

1 2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this power.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and
amending section 39:3-85 of the Revised Statutes.

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

1 1. Section 39:3-85 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-85. Motor vehicle inspectors and all police officers may make such
4 tests as in their judgment are necessary to determine the gross weight, size
5 of tires, speed in miles per hour of all commercial motor vehicles and motor-
6 drawn vehicles operated on the highways of this State, and may cause the
7 vehicles to be weighed, and for that purpose may order the removal of the
8 vehicle from the highway to the nearest weighing scale.

1 2. This act shall take effect immediately.

ASSEMBLY No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. Cavinato

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors and all police officers may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this right.

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STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1948

By Mr. Pike

Referred to Committee on Highways

AN ACT concerning motor vehicles, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

County traffic police acting under the provisions of article one of chapter twenty-two of Title 40 of the Revised Statutes may cause any commercial motor vehicle or motor-drawn vehicle operated on any county bridge or its approaches to be weighed and for that purpose may order the removal of said vehicle from said bridge or its approaches to a weighing scale not more than one mile distant therefrom.

2. This act shall take effect immediately.

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ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation; and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the [commissioner]
5 director a fee based on the gross weight of the vehicle and load [, when
6 loaded to its carrying capacity. When the gross weight of the vehicle and
7 load exceeds the gross weight allowed by law for the particular size of tires
8 set forth in the application for registration, the gross weight of the vehicle
9 and load shall be determined according to law upon the size of tires given in
10 the application]. The plates to be used for commercial motor vehicles shall
11 display the word "commercial," and the numerals shall be prefixed by the
12 letter "X." Trailer plates shall have the letter "T." The fee shall be
13 paid in accordance with the following table:

14 When the gross weight of vehicle and [carrying capacity] load is:

15 [1,000 pounds or less	\$10.00
16 1,001 to 2,000 pounds	12.00

17	2,001 to 3,000 pounds	15.00
18	3,001 to 4,000 pounds	20.00
19	4,001 to 5,000 pounds	24.00
20	5,001 to 6,000 pounds	27.00
21	6,001 to 7,000 pounds	30.00
22	7,001 to 8,000 pounds	33.00
23	8,001 to 9,000 pounds	36.00
24	9,001 to 10,000 pounds	39.00
25	10,001 to 11,000 pounds	43.00
26	11,001 to 12,000 pounds	47.00
27	12,001 to 13,000 pounds	51.00
28	13,001 to 14,000 pounds	55.00
29	14,001 to 15,000 pounds	59.00
30	15,001 to 16,000 pounds	68.00
31	16,001 to 17,000 pounds	72.00
32	17,001 to 18,000 pounds	76.00
33	18,001 to 19,000 pounds	80.00
34	19,001 to 20,000 pounds	84.00
35	20,001 to 21,000 pounds	93.00
36	21,001 to 22,000 pounds	97.00
37	22,001 to 23,000 pounds	101.00
38	23,001 to 24,000 pounds	105.00
39	24,001 to 25,000 pounds	109.00
40	25,001 to 26,000 pounds	118.00
41	26,001 to 27,000 pounds	122.00
42	27,001 to 28,000 pounds	126.00
43	28,001 to 29,000 pounds	130.00
44	29,001 to 30,000 pounds	134.00
45	30,001 to 31,000 pounds	145.00
46	31,001 to 32,000 pounds	151.00
47	32,001 to 33,000 pounds	157.00

33,001 to 34,000 pounds	163.00
34,001 to 35,000 pounds	169.00
35,001 to 36,000 pounds	180.00
36,001 to 37,000 pounds	186.00
37,001 to 38,000 pounds	192.00
38,001 to 39,000 pounds	198.00
39,001 to 40,000 pounds	204.00]
1,000 pounds or less	\$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00
8,001 to 10,000 lbs.	50.00
10,001 to 13,000 lbs.	60.00
13,001 to 16,000 lbs.	75.00
16,001 to 19,000 lbs.	90.00
19,001 to 22,000 lbs.	110.00
22,001 to 25,000 lbs.	130.00
25,001 to 28,000 lbs.	150.00
28,001 to 32,000 lbs.	180.00
32,001 to 36,000 lbs.	210.00
36,001 to 40,000 lbs.	240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in

77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 It shall be unlawful for any vehicle registered and using "construc-
85 tor" plates to exceed thirty miles per hour and to be operated at a greater
86 distance than thirty miles from the point established as a headquarters for
87 the particular construction operation.

88 It shall be unlawful for any vehicle having gross weight of load and
89 vehicle in excess of the gross weight provided on the registration certificate
90 to be operated on the highways of this State.

91 This section shall not be construed to supersede or repeal the provi-
92 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:
2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, [except vehicles in operation on June tenth,
5 one thousand nine hundred and thirty-five, which, by reason of the substitu-
6 tion of pneumatic tires for other types of tires, exceed the above limit,] or
7 the extreme over-all length of which exceeds thirty-five feet either for a two-
8 axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled ve-
9 hicle, or the height of which exceeds twelve and one-half feet, except that a
10 vehicle exceeding the above limitations may be operated when a special per-
11 mit so to operate is secured in advance from the [commissioner] director.

12 In the case of an omnibus the maximum over-all length dimension shall
13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
15 other such vehicle, nor any combination of vehicles, shall be operated on any
16 highway in the State, except a tractor and semitrailer combination not in
17 excess of a total over-all length of forty-five feet and a truck and trailer com-
18 bination not in excess of a total over-all length of fifty feet, and also except
19 a vehicle or a combination of vehicles transporting poles, pilings, structural
20 units or other articles incapable of dismemberment the total over-all length
21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
22 be inclusive of the load.

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
24 tions of this section, [. N] no commercial motor vehicle, tractor, trailer or
25 semitrailer shall be operated on any highway in this State having a com-
26 bined weight of vehicle and load of more than (a) thirty thousand pounds
27 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
28 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the
29 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
30 in the case of a truck and trailer combination.

31 The gross weight imposed on the highway by the wheels of any one
32 axle of a vehicle shall not exceed twenty thousand pounds.

33 For the purpose of this Title the gross weight imposed on the high-
34 way by the wheels of any one axle of a vehicle shall be deemed to mean the
35 total load transmitted to the road by all wheels whose centers are included
36 between two parallel transverse vertical planes less than forty inches apart,
37 extending across the full width of the vehicle.

38 The combined gross weight imposed on the highway by all wheels of
39 all axles whose centers are on or between two parallel transverse vertical
40 planes spaced forty inches, but less than ninety-six inches apart, extending
41 across the full width of the vehicle, shall not exceed twenty-eight thousand
42 pounds.

42 [The limitations as to combined weights and lengths of vehicle and
43 load as applied to vehicles in operation on June tenth, one thousand nine
44 hundred and thirty-five, or manufactured or constructed prior to January
45 first, one thousand nine hundred and thirty-six, shall not be effective until
46 January first, one thousand nine hundred and forty-one.]

47 The axle weight limitations of this section shall apply to all vehicles not
48 registered in New Jersey previous to March first, one thousand nine hun-
49 dred and fifty; for those vehicles registered in New Jersey on or before
50 March first, one thousand nine hundred and fifty, these axle weight limi-
51 tations shall become effective on and after March thirty-first, one thousand
52 nine hundred and fifty-five. The combined weight of vehicle and load and
53 axle load limitations provided in this section shall not apply to vehicles
54 registered for use with "constructor" registration plates as provided in
55 section 39:3-20. Such vehicles shall be limited as to gross weight by the
56 allowable weight of vehicle and load as shown on the registration certificate.

57 Every commercial motor vehicle or motor-drawn vehicle used on the
58 public highways carrying loads extending beyond the outside dimensions of
59 the vehicle shall have displayed at the outside extremity of the load a red
60 flag by day, which shall not be less than eighteen inches square, and a red
61 light by night, and they shall be so hung as to present a full view to the
62 drivers of approaching vehicles. This red light shall be in addition to the
63 red light provided for in section 39:3-61 of this Title.

64 [A person violating this section shall be subject to a fine not exceed-
65 ing one hundred dollars (\$100.00). In default of the payment thereof im-
66 prisonment in the county jail for a period not exceeding ten days shall be
67 imposed.]

68 [Nothing contained in either section 39:3-20 or section 39:4-73 of this
69 Title shall be construed to supersede or repeal the provisions of this
70 section.]

1 3. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 4. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and
3 submit to a measurement or weighing of the same by means of either portable
4 or stationary scales and may require that such vehicle be driven to the nearest
5 public scales in the event such scales are within two miles.

6 Whenever an officer upon measuring or weighing a vehicle and load, as
7 above provided, determines that the size or weight is unlawful, such officer
8 shall require the driver to stop the vehicle in a suitable place and remain
9 standing until such portion of the load is removed as may be necessary to re-
10 duce the size or gross weight of such vehicle to such limit as permitted under
11 this act, or permitted by the certificate of registration for the vehicle, which-
12 ever may be lower. All material so unloaded shall be cared for by the owner
13 or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred fifty dollars (\$250.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent
27 offense, not less than seven hundred fifty dollars (\$750.00) nor more than one
28 thousand dollars (\$1,000.00); and the registration of the vehicle involved may
29 be revoked by the Director of the Division of Motor Vehicles.

1 5. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 fifty.

STATEMENT

The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.

The bill also provides axle weight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.

The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.

Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85, and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the director a fee
5 based on the gross weight of the vehicle and load. The plates to be used for
6 commercial motor vehicles shall display the word "commercial," and the
7 numerals shall be prefixed by the letter "X." Trailer plates shall have the
8 letter "T." The fee shall be paid in accordance with the following table:

9 When the gross weight of vehicle and load is:

10 55	1,000 pounds or less.....	\$10.00
56	1,001 to 2,000 lbs.	15.00
57	2,001 to 3,000 lbs.	20.00
58	3,001 to 4,000 lbs.	25.00
59	4,001 to 5,000 lbs.	30.00
60	5,001 to 6,000 lbs.	35.00
61	6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
 73 provisions of this section, the director shall issue registrations providing for
 74 the gross weight of vehicle and load of over forty thousand pounds but not
 75 exceeding seventy thousand pounds, upon application therefor and proof to
 76 the satisfaction of the director that the applicant is actually engaged in
 77 construction work or in the business of supplying material, transporting
 78 material, or using such registered vehicle for construction work. The license
 79 plate so issued shall be marked "constructor" and shall be placed upon the
 80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized hereby
 82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
 83 per thousand pounds of gross weight of vehicle and load.

84 Vehicles registered and using "constructor" plates must comply with
 85 the speed limitations in Title 39 of the Revised Statutes and in no event shall
 86 they exceed thirty miles per hour, and such vehicles may not be operated
 87 a greater distance than thirty miles from the point established as a
 88 quarters for the particular construction operation.

89 It shall be unlawful for any vehicle having gross weight of load
 90 vehicle in excess of the gross weight provided on the registration certificate
 91 to be operated on the highways of this State.

92 Moneys realized from the increase of the fees for registrations shall

93 pursuant to the provisions of this act shall be paid into the State treasury
 94 and credited to the General State fund and available for general State
 95 purposes.

96 This section shall not be construed to supersede or repeal the provi-
 97 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
 3 shall be operated on any highway in this State the outside width of which is
 4 more than ninety-six inches, or the extreme over-all length of which exceeds
 5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
 6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve
 7 and one-half feet, except that a vehicle exceeding the above limitations may
 8 be operated when a special permit so to operate is secured in advance from
 9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall
 13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
 15 other such vehicle, nor any combination of vehicles, shall be operated on any
 16 highway in the State, except a tractor and semitrailer combination not in
 17 excess of a total over-all length of forty-five feet and a truck and trailer com-
 18 bination not in excess of a total over-all length of fifty feet, and also except
 19 a vehicle or a combination of vehicles transporting poles, pilings, structural
 20 units or other articles incapable of dismemberment the total over-all length
 21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
 22 be inclusive of the load.

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
 24 tions of this section, no commercial motor vehicle, tractor, trailer or
 25 semitrailer shall be operated on any highway in this State having a com-
 26 bined weight of vehicle and load of more than (a) thirty thousand pounds
 27 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one
31 axle of a vehicle shall not exceed twenty thousand pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches, but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed twenty-eight thousand
41 pounds.

42 Every commercial motor vehicle or motor-drawn vehicle used on the
43 public highways carrying loads extending beyond the outside dimensions of
44 the vehicle shall have displayed at the outside extremity of the load a red
45 flag by day, which shall not be less than eighteen inches square, and a red
46 light by night, and they shall be so hung as to present a full view to the
47 drivers of approaching vehicles. This red light shall be in addition to the
48 red light provided for in section 39:3-61 of this Title.

1 3. The axle weight limitations of section 39:3-84 of the Revised Statutes
2 shall apply to all vehicles not registered in New Jersey previous to March
3 first, one thousand nine hundred and fifty; for those vehicles registered in
4 New Jersey on or before March first, one thousand nine hundred and fifty,
5 these axle weight limitations shall become effective on and after March
6 thirty-first, one thousand nine hundred and fifty-five. The combined weight of
7 vehicle and load and axle load limitations provided in section 39:3-84 of the
8 Revised Statutes shall not apply to vehicles registered for use with "con-
9 structor" registration plates as provided in section 39:3-20 of the Revised
10 Statutes. Such vehicles shall be limited as to gross weight by the allowable
11 weight of vehicle and load as shown on the registration certificate.

1 4. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 5. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and
3 submit to a measurement or weighing of the same by means of either portable
4 or stationary scales and may require that such vehicle be driven to the nearest
5 public scales in the event such scales are within two miles.

6 Whenever an officer upon measuring or weighing a vehicle and load, as
7 above provided, determines that the size or weight is unlawful, such officer
8 shall require the driver to stop the vehicle in a suitable place and remain
9 standing until such portion of the load is removed as may be necessary to re-
10 duce the size or gross weight of such vehicle to such limit as permitted under
11 this act, or permitted by the certificate of registration for the vehicle, which-
12 ever may be lower. All material so unloaded shall be cared for by the owner
13 or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred fifty dollars (\$250.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent
27 offense, not less than seven hundred fifty dollars (\$750.00) nor more than one
28 thousand dollars (\$1,000.00); and the registration of the vehicle involved may
29 be revoked by the Director of the Division of Motor Vehicles.

1 6. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 7. If any section, subsection, clause or provision of this act shall be
2 adjudged unconstitutional or to be ineffective in whole or in part, to the
3 extent that it is not adjudged unconstitutional or is not ineffective it shall be
4 valid and effective and no other section, subsection, clause or provision of
5 this act shall on account thereof be deemed invalid or ineffective, and the
6 inapplicability or invalidity of any section, subsection, clause or provision of
7 this act in any one or more instances or under any one or more circum-
8 stances shall not be taken to affect or prejudice in any way its applicability
9 or validity in any other instance or under any other circumstance.

1 8. This act shall take effect May first, one thousand nine hundred and
2 fifty.

[OFFICIAL COPY REPRINT]

SENATE AMENDMENTS TO

ASSEMBLY, No. 13

(Second Official Copy Reprint)

STATE OF NEW JERSEY

ADOPTED MAY 10, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 4, section 3, line 3, after "fifty" and before "," insert "which have not been registered therein prior to that date".

Amend page 4, section 3, line 4, after "New Jersey" insert "or contracted for purchase by New Jersey residents".

Amend page 5, section 5, line 1, after "Any" insert "State"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "\$250.00", insert "\$200.00".

Amend page 5, section 5, line 27, after "not less" insert "than five hundred dollars (\$500.00) nor more".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "thousand dollars (\$1,000.00)".

Amend page 6, section 6, line 1, after "contrivance" insert "referred to in section 39:3-84 of the Revised Statutes, in excess of the gross weight limits set forth therein".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3-20 of the Revised Statutes is amended to read as follows:

39:3-20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the director a fee based on the gross weight of the vehicle and load. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and load is:

1,000 pounds or less.....	\$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
73 provisions of this section, the director shall issue registrations providing for
74 the gross weight of vehicle and load of over forty thousand pounds but not
75 exceeding seventy thousand pounds, upon application therefor and proof to
76 the satisfaction of the director that the applicant is actually engaged in
77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 It shall be unlawful for any vehicle registered and using "construc-
85 tor" plates to exceed thirty miles per hour and to be operated at a greater
86 distance than thirty miles from the point established as a headquarters for
87 the particular construction operation.

88 It shall be unlawful for any vehicle having gross weight of load and
89 vehicle in excess of the gross weight provided on the registration certificate
90 to be operated on the highways of this State.

91 This section shall not be construed to supersede or repeal the provi-
92 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer

3 shall be operated on any highway in this State the outside width of which is

4 more than ninety-six inches, or the extreme over-all length of which exceeds

5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet

6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve

7 and one-half feet, except that a vehicle exceeding the above limitations may

8 be operated when a special permit so to operate is secured in advance from

9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall

13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any

15 other such vehicle, nor any combination of vehicles, shall be operated on any

16 highway in the State, except a tractor and semitrailer combination, not in

17 excess of a total over-all length of forty-five feet and a truck and trailer com-

18 bination not in excess of a total over-all length of fifty feet, and also except

19 a vehicle or a combination of vehicles transporting poles, pilings, structural

20 units or other articles incapable of dismemberment the total over-all length

21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall

21½ be inclusive of the load.

22 Subject to the provisions of section 39:3-82 and the axle weight limita-

23 tions of this section, no commercial motor vehicle, tractor, trailer or

24 semitrailer shall be operated on any highway in this State having a com-

25 bined weight of vehicle and load of more than (a) thirty thousand pounds

26 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in

27 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds

29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one

31 axle of a vehicle shall not exceed twenty thousand pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches; but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed twenty-eight thousand
41 pounds.

42-47 The axle weight limitations of this section shall apply to all vehicles not
48 registered in New Jersey previous to March first, one thousand nine hun-
49 dred and fifty; for those vehicles registered in New Jersey on or before
50 March first, one thousand nine hundred and fifty, these axle weight limi-
51 tations shall become effective on and after March thirty-first, one thousand
52 nine hundred and fifty-five. The combined weight of vehicle and load and
53 axle load limitations provided in this section shall not apply to vehicles
54 registered for use with "constructor" registration plates as provided in
55 section 39:3-20. Such vehicles shall be limited as to gross weight by the
56 allowable weight of vehicle and load as shown on the registration certificate.

57 Every commercial motor vehicle or motor-drawn vehicle used on the
58 public highways carrying loads extending beyond the outside dimensions of
59 the vehicle shall have displayed at the outside extremity of the load a red
60 flag by day, which shall not be less than eighteen inches square, and a red
61 light by night, and they shall be so hung as to present a full view to the
62 drivers of approaching vehicles. This red light shall be in addition to the
63 red light provided for in section 39:3-61 of this Title.

1 3. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 4. Any police officer having reason to believe that the size or weight of a
2 vehicle and load is unlawful is authorized to require the driver to stop and

submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars (\$100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for the first offense, and for any subsequent offense, not less than seven hundred fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

5. Any person driving any vehicle, object or contrivance upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein.

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 fifty.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes.

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

1 1. Section 39:3-20 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:3-20. An applicant for registration for automobile commercial
4 vehicles, trailers, semitrailers, and tractors shall pay to the director a fee
5 based on the gross weight of the vehicle and load. The plates to be used for
6 commercial motor vehicles shall display the word "commercial," and the
7 numerals shall be prefixed by the letter "X." Trailer plates shall have the
8 letter "T." The fee shall be paid in accordance with the following table:

9 When the gross weight of vehicle and load is:

10 1,000 pounds or less.....	\$10.00
11 1,001 to 2,000 lbs.	15.00
12 2,001 to 3,000 lbs.	20.00
13 3,001 to 4,000 lbs.	25.00
14 4,001 to 5,000 lbs.	30.00
15 5,001 to 6,000 lbs.	35.00
16 6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

72 In addition to the registrations authorized to be issued pursuant to the
73 provisions of this section, the director shall issue registrations providing for
74 the gross weight of vehicle and load of over forty thousand pounds but not
75 exceeding seventy thousand pounds, upon application therefor and proof to
76 the satisfaction of the director that the applicant is actually engaged in
77 construction work or in the business of supplying material, transporting
78 material, or using such registered vehicle for construction work. The license
79 plate so issued shall be marked "constructor" and shall be placed upon the
80 vehicle or vehicles registered under this section.

81 The applicant for "constructor" registration plates authorized herein
82 shall pay therefor on each vehicle at the rate of fifteen dollars (\$15.00)
83 per thousand pounds of gross weight of vehicle and load.

84 Vehicles registered and using "constructor" plates must comply with
85 the speed limitations in Title 39 of the Revised Statutes and in no event may
86 they exceed thirty miles per hour, and such vehicles may not be operated at
87 a greater distance than thirty miles from the point established as a head-
88 quarters for the particular construction operation.

89 It shall be unlawful for any vehicle having gross weight of load and
90 vehicle in excess of the gross weight provided on the registration certificate
91 to be operated on the highways of this State.

92 Moneys realized from the increase of the fees for registrations issued
93 pursuant to the provisions of this act shall be paid into the State treasury
94 and credited to the General State Fund and available for general State
95 purposes.

96 This section shall not be construed to supersede or repeal the provi-
97 sions of either sections 39:3-84 or 39:4-75 of this Title.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, or the extreme over-all length of which exceeds
5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
6 for a three-axle six-wheeled vehicle, or the height of which exceeds thirteen
7 and one-half feet, except that a vehicle exceeding the above limitations may
8 be operated when a special permit so to operate is secured in advance from
9 the director.

12 In the case of an omnibus the maximum over-all length dimension shall
13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any
15 other such vehicle, nor any combination of vehicles, shall be operated on any
16 highway in the State, except a tractor and semitrailer combination not in
17 excess of a total over-all length of forty-five feet and a truck and trailer com-
18 bination not in excess of a total over-all length of fifty feet, and also except
19 a vehicle or a combination of vehicles transporting poles, pilings, structural
20 units or other articles incapable of dismemberment the total over-all length
21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall
22 be inclusive of the load.

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
24 tions of this section, no commercial motor vehicle, tractor, trailer or
25 semitrailer shall be operated on any highway in this State having a com-
26 bined weight of vehicle and load of more than (a) thirty thousand pounds
27 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in
28 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds
29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one
31 axle of a vehicle shall not exceed twenty-two thousand four hundred pounds.

32 For the purpose of this Title the gross weight imposed on the high-
33 way by the wheels of any one axle of a vehicle shall be deemed to mean the
34 total load transmitted to the road by all wheels whose centers are included
35 between two parallel transverse vertical planes less than forty inches apart,
36 extending across the full width of the vehicle.

37 The combined gross weight imposed on the highway by all wheels of
38 all axles whose centers are on or between two parallel transverse vertical
39 planes spaced forty inches, but less than ninety-six inches apart, extending
40 across the full width of the vehicle, shall not exceed thirty-two thousand
41 pounds.

42 Every commercial motor vehicle or motor-drawn vehicle used on the
43 public highways carrying loads extending beyond the outside dimensions of
44 the vehicle shall have displayed at the outside extremity of the load a red
45 flag by day, which shall not be less than eighteen inches square, and a red
46 light by night, and they shall be so hung as to present a full view to the
47 drivers of approaching vehicles. This red light shall be in addition to the
48 red light provided for in section 39:3-61 of this Title.

1 3. The axle weight limitations of section 39:3-84 of the Revised Statutes
2 shall apply to all vehicles registered in New Jersey subsequent to March
3 first, one thousand nine hundred and fifty, which have not been registered
4 therein prior to that date; for those vehicles registered in New Jersey or
5 contracted for purchase by New Jersey residents on or before March first,
6 one thousand nine hundred and fifty, these axle weight limitations shall
7 become effective on and after March thirty-first, one thousand nine hundred
8 and fifty-five. The combined weight of vehicle and load and axle load
9 limitations provided in section 39:3-84 of the Revised Statutes shall not
10 apply to vehicles registered for use with "constructor" registration plates

11 as provided in section 39:3-20 of the Revised Statutes. Such vehicles shall
12 be limited as to gross weight by the allowable weight of vehicle and load
13 as shown on the registration certificate.

1 4. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are
2 hereby repealed.

1 5. Any State Police officer or motor vehicle inspector having reason to
2 believe that the size or weight of a vehicle and load is unlawful is authorized
3 to require the driver to stop and submit to a measurement or weighing of the
4 same by means of either portable or stationary scales and may require that
5 such vehicle be driven to the nearest public scales in the event such scales
6 are within two miles.

7 Whenever an officer or inspector upon measuring or weighing a vehicle
8 and load, as above provided, determines that the size or weight is unlawful,
9 such officer shall require the driver to stop the vehicle in a suitable place and
10 remain standing until such portion of the load is removed as may be neces-
11 sary to reduce the size or gross weight of such vehicle to such limit as per-
12 mitted under this act, or permitted by the certificate of registration for the
13 vehicle, whichever may be lower. All material so unloaded shall be cared for
13½ by the owner or operator of such vehicle at the risk of such owner or operator.

14 No arrest shall be made in cases where weight limitations provided in
15 this section are not exceeded by more than five per centum (5%).

16 Any driver of a vehicle who fails or refuses to stop and submit the vehicle
17 and load to a measurement or weighing, or who fails or refuses when directed
18 by an officer upon a measurement or weighing of the vehicle to stop the
19 vehicle and otherwise comply with the provisions of this section, shall be sub-
20 ject to a fine not exceeding one hundred dollars (\$100.00).

21 The owner of any commercial motor vehicle, tractor, trailer or semi-
22 trailer, whose vehicle shall be found on a highway in violation of this act or
23 which shall have a gross weight of vehicle and load in excess of the gross
24 weight provided on the certificate of registration for the vehicle shall be
25 fined not less than two hundred dollars (\$200.00) nor more than five
26 hundred dollars (\$500.00) for the first offense, and for any subsequent

27 offense, not less than five hundred dollars (\$500.00) nor more than seven
28 hundred fifty dollars (\$750.00); and the registration of the vehicle involved
29 may be revoked by the Director of the Division of Motor Vehicles.

1 6. Any person driving any vehicle, object or contrivance referred to in
2 section 39:3-84 of the Revised Statutes, in excess of the gross weight limit
3 set forth therein upon any highway or highway structure, whether temporary
4 or permanent, shall be liable for all damage which said highway or highway
5 structure may sustain as a result of any such operation, driving or moving
5½ of such vehicle, object or contrivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

8 The fact that the vehicle, object, or contrivance causing the damage was
9 being operated, driven or moved within the size and weight limitations author-
10 ized in this Title or permitted by a special permit as provided by law, shall
11 not be accepted as a defense to any action brought as provided herein if
12 damage is caused to highways or bridges posted for less weight limits than
13 those set forth in this act.

14 Whenever the driver is not the owner of such vehicle, object or contriv-
15 ance, but is so operating, driving or moving the same with the express or im-
16 plied permission of said owner, then the owner and the driver shall be jointly
17 and severally liable for any damage.

1 7. If any section, subsection, clause or provision of this act shall be
2 adjudged unconstitutional or to be ineffective in whole or in part, to the
3 extent that it is not adjudged unconstitutional or is not ineffective it shall be
4 valid and effective and no other section, subsection, clause or provision of
5 this act shall on account thereof be deemed invalid or ineffective, and the
6 inapplicability or invalidity of any section, subsection, clause or provision of
7 this act in any one or more instances-or under any one or more circum-
8 stances shall not be taken to affect or prejudice in any way its applicability
9 or validity in any other instance or under any other circumstance.

1 8. This act shall take effect January first, one thousand nine hundred
2 and fifty-one.

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As Act to

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SENATE AMENDMENTS TO
ASSEMBLY, No. 13

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 5, section 5, line 1, after "Any" insert "State Police"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "\$250.00", insert "\$200.00".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "one thousand dollars (\$1,000.00)".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

SENATE AMENDMENTS TO
ASSEMBLY, No. 13

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1950

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Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "\$250.00", insert "\$200.00".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "one thousand dollars (\$1,000.00)".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

Amend page 6, section 6, line 11, after "herein" and before the "." insert "if damage is caused to highways or bridges posted for less weight limits than those set forth in this act".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

CHAPTER 61 LAWS OF N. J. 1957

APPROVED 7-19-57

COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 471

STATE OF NEW JERSEY

ADOPTED MAY 27, 1957

AN ACT concerning motor vehicles and traffic regulation, and amending
“An act relating to motor vehicles and traffic regulation, and amending
sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and
39:4-73, and supplementing Title 39 of the Revised Statutes,” approved
May 25, 1950 (P. L. 1950, c. 142) and section 39:3-84 of the Revised Statutes.

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

1 1. Section 5 of the act of which this act is amendatory is amended to read
2 as follows:

3 5. Any State Police officer or motor vehicle inspector having reason to
4 believe that the size or weight of a vehicle and load is unlawful is authorized
5 to require the driver to stop and submit to a measurement or weighing of the
6 same by means of either portable or stationary scales and may require that
7 such vehicle be driven to the nearest public scales in the event such scales
8 are within 2 miles.

9 Whenever an officer or inspector upon measuring or weighing a vehicle
10 and load, as above provided, determines that the size or weight is unlawful,
11 such officer shall require the driver to stop the vehicle in a suitable place and
12 remain standing until such portion of the load is removed as may be neces-
13 sary to reduce the size or gross weight of such vehicle to such limit as per-
14 mitted under this act, or permitted by the certificate of registration for the
15 vehicle, whichever may be lower. All material so unloaded shall be cared for

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

16 by the owner or operator of such vehicle at the risk of such owner or
17 operator.

18 *No vehicle shall be deemed to be in violation of the overweight provi-*
19 *sions of this act when, upon examination by an officer or inspector, the*
20 *vehicle's dispatch papers show it is proceeding from its last preceding freight*
21 *pick-up point within the State of New Jersey by a reasonably expeditious*
22 *route to the nearest available scales or to the first available scales in the gen-*
23 *eral direction towards which the vehicle has been dispatched, or is returning*
24 *from such scales after weighing-in to the last preceding pick-up point.*

25 *When an officer or inspector determines that a vehicle is in violation of*
26 *the axle weight limitations of this act but is within the legal gross maxi-*
27 *mum weight, the driver shall be permitted before proceeding to redistribute*
28 *the weight of the vehicle's contents so that no axle is overweight, in which*
29 *event there is no violation.*

30 No arrest shall be made in cases where weight limitations provided in
31 this section are not exceeded by more than 5%.

31A *Any person who prepares, presents to an officer or has in his possession*
31B *false dispatch papers, that is to say, dispatch papers which do not correspond*
31C *to the cargo carried, shall be subject to a fine not exceeding \$100.00.*

32 Any driver of a vehicle who fails or refuses to stop and submit the
33 vehicle and load to a measurement or weighing, or who fails or refuses when
34 directed by an officer upon a measurement or weighing of the vehicle to stop
35 the vehicle and otherwise comply with the provisions of this section, shall
36 be subject to a fine not exceeding \$100.00.

37 The owner, lessee and bailee of any commercial motor vehicle, tractor,
38 trailer or semitrailer found on a highway in violation of this act shall be
39 fined not less than \$200.00 nor more than \$500.00 for the first offense, and
40 for any subsequent offense, not less than \$500.00 nor more than \$750.00; ex-
41 cept that any such owner, lessee and bailee of any such vehicle found on a
42 highway with a gross weight of vehicle and load in excess of that provided
43 for on the certificate of registration for the vehicle, or in excess of the axle
44 weight or gross weight limitations imposed by this act for vehicle and load,

45 shall be fined an amount equal to \$0.02 per pound for each pound of excess
46 weight if the excess weight does not exceed 10,000 pounds, and \$0.03 per
47 pound for each pound of excess weight if the excess weight exceeds 10,000
48 pounds, but in no event less than \$50.00.

49 The vehicle involved, but not its contents, may be detained until the
50 person charged with the violation submits to the jurisdiction of the court
51 and posts a bond sufficient in amount to insure payment of the maximum
52 fine which may be imposed in the event of a conviction, or, if there is a con-
53 viction, pays the fine which is imposed or posts a proper bond required for
54 an appeal from such conviction. If the owner is found to be responsible for
55 the violation then, in addition to the penalties herein contained, the regis-
56 tration of the motor vehicle involved may be revoked by the Director of the
57 Division of Motor Vehicles.

1 2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than 96 inches, or the extreme over-all length of which exceeds 35 feet
5 either for a 2-axle 4-wheeled vehicle or 35 feet for a 3-axle 6-wheeled vehicle,
6 or the height of which exceeds 13½ feet, except that a vehicle exceeding the
7 above limitations may be operated when a special permit so to operate is
8 secured in advance from the director.

9 In the case of an omnibus the maximum over-all length dimension shall
10 be such as the Board of Public Utility Commissioners prescribe.

11 No commercial motor vehicle drawing or having attached thereto any
12 other such vehicle, nor any combination of vehicles, shall be operated on any
13 highway in this State, except a tractor and semitrailer combination not in
14 excess of a total over-all length, inclusive of load, of [45] 50 feet and a truck
15 and trailer combination not in excess of a total over-all length, inclusive of
16 load, of 50 feet, and also except a vehicle or a combination of vehicles trans-
17 porting poles, pilings, structural units or other articles incapable of dismem-
18 berment the total over-all length of which, inclusive of load, shall not exceed
19 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor

20 to any combination of vehicles, operated by a public utility as defined in
21 R. S. 48:2-13 which vehicle or combination of vehicles is used by such public
22 utility in the construction, reconstruction, repair or maintenance of its prop-
23 erty or facilities.

24 Subject to the provisions of section 39:3-82 and the axle weight limita-
25 tions of this section, no commercial motor vehicle, tractor, trailer or semi-
26 trailer shall be operated on any highway in this State having a combined
27 weight of vehicle and load of more than (a) 30,000 pounds in the case
28 of a 2-axle 4-wheeled vehicle, (b) 40,000 pounds in the case of a 3-axle
29 6-wheeled vehicle, (c) 60,000 pounds in the case of a tractor and semitrailer
30 combination, and (d) 60,000 pounds in the case of a truck and trailer combi-
31 nation.

32 The gross weight imposed on the highway by the wheels of any 1 axle of
33 a vehicle shall not exceed 22,400 pounds.

34 For the purpose of this Title the gross weight imposed on the highway
35 by the wheels of any 1 axle of a vehicle shall be deemed to mean the total
36 load transmitted to the road by all wheels whose centers are included between
37 2 parallel transverse vertical planes less than 40 inches apart, extending
38 across the full width of the vehicle.

39 The combined gross weight imposed on the highway by all wheels of all
40 axles whose centers are on or between 2 parallel transverse vertical planes
41 spaced 40 inches, but less than 96 inches apart, extending across the full
42 width of the vehicle, shall not exceed 32,000 pounds.

43 Every commercial motor vehicle or motor-drawn vehicle used on the
44 public highways carrying loads extending beyond the outside dimensions of
45 the vehicle shall have displayed at the outside extremity of the load a red
46 flag by day, which shall not be less than 18 inches square, and a red light by
47 night, and they shall be so hung as to present a full view to the drivers of
48 approaching vehicles. This red light shall be in addition to the red light pro-
49 vided for in section 39:3-61 of this Title.

1 3. This act shall take effect immediately.

ASSEMBLY, No. 471

STATE OF NEW JERSEY

INTRODUCED APRIL 22, 1957

By Assemblyman KRAUS

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT to amend "An act relating to motor vehicles and traffic regulation, and amending sections 39:3-20 and 39:3-84, and repealing sections 39:3-83, 39:3-85 and 39:4-73, and supplementing Title 39 of the Revised Statutes," approved May 25, 1950 (P. L. 1950, c. 142).

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

1 1. Section 5 of the act of which this act is amendatory is amended to read
2 as follows:

3 5. Any State Police officer or motor vehicle inspector having reason to
4 believe that the size or weight of a vehicle and load is unlawful is authorized
5 to require the driver to stop and submit to a measurement or weighing of the
6 same by means of either portable or stationary scales and may require that
7 such vehicle be driven to the nearest public scales in the event such scales
8 are within 2 miles.

9 Whenever an officer or inspector upon measuring or weighing a vehicle
10 and load, as above provided, determines that the size or weight is unlawful,
11 such officer shall require the driver to stop the vehicle in a suitable place and
12 remain standing until such portion of the load is removed as may be neces-
13 sary to reduce the size or gross weight of such vehicle to such limit as per-

14 mitted under this act, or permitted by the certificate of registration for the
15 vehicle, whichever may be lower. All material so unloaded shall be cared for
16 by the owner or operator of such vehicle at the risk of such owner or
17 operator.

18 *No vehicle shall be deemed to be in violation of the overweight provi-*
19 *sions of this act when, upon examination by an officer or inspector, the*
20 *vehicle's dispatch papers show it is proceeding from its last preceding freight*
21 *pick-up point by a reasonably expeditious route to the nearest available*
22 *scales or to the first available scales in the general direction towards which*
23 *the vehicle has been dispatched, or is returning from such scales after weigh-*
24 *ing-in to the last preceding pick-up point.*

25 *When an officer or inspector determines that a vehicle is in violation of*
26 *the axle weight limitations of this act but is within the legal gross maxi-*
27 *mum weight, the driver shall be permitted before proceeding to redistribute*
28 *the weight of the vehicle's contents so that no axle is overweight, in which*
29 *event there is no violation.*

30 No arrest shall be made in cases where weight limitations provided in
31 this section are not exceeded by more than 5%.

32 Any driver of a vehicle who fails or refuses to stop and submit the
33 vehicle and load to a measurement or weighing, or who fails or refuses when
34 directed by an officer upon a measurement or weighing of the vehicle to stop
35 the vehicle and otherwise comply with the provisions of this section, shall
36 be subject to a fine not exceeding \$100.00.

37 The owner, lessee and bailee of any commercial motor vehicle, tractor,
38 trailer or semitrailer found on a highway in violation of this act shall be
39 fined not less than \$200.00 nor more than \$500.00 for the first offense, and
40 for any subsequent offense, not less than \$500.00 nor more than \$750.00; ex-
41 cept that any such owner, lessee and bailee of any such vehicle found on a
42 highway with a gross weight of vehicle and load in excess of that provided
43 for on the certificate of registration for the vehicle, or in excess of the axle
44 weight or gross weight limitations imposed by this act for vehicle and load,

45 shall be fined an amount equal to \$0.02 per pound for each pound of excess
46 weight if the excess weight does not exceed 10,000 pounds, and \$0.03 per
47 pound for each pound of excess weight if the excess weight exceeds 10,000
48 pounds, but in no event less than \$50.00.

49 The vehicle involved, but not its contents, may be detained until the
50 person charged with the violation submits to the jurisdiction of the court
51 and posts a bond sufficient in amount to insure payment of the maximum
52 fine which may be imposed in the event of a conviction or, if there is a con-
53 viction, pays the fine which is imposed or posts a proper bond required for
54 an appeal from such conviction. If the owner is found to be responsible for
55 the violation then, in addition to the penalties herein contained, the regis-
56 tration of the motor vehicle involved may be revoked by the Director of the
57 Division of Motor Vehicles.

1 2. This act shall take effect immediately.

LEGISLATIVE HISTORY OF RS 39:4-50(Operating under influence of liquor or drugs)

The section on intoxicating liquors was first introduced by

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

The bill had a short Statement

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

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

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

974.70
T764
1921

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

Statement

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

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

It was not amended during passage.

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

Statement

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

This bill was not amended during passage.

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

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

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

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

P. L. 1925, Ch. 152, para. 1, S-79, Simpson.

Statement

The Operation of Motor Vehicles by Intoxicated Drivers

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

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

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

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

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

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

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

The paragraph of the Statement which applies to this section is

No. 8. During 1930, Judge Truax of the Seneca County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by *Weeks vs. State*, 101 N. J. L. 15 and *State vs. Carton*, 102 N. J. L. 316. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who in fact has been a previous offender, if the complaint against him does not recite a previous conviction.

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

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

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

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

The bill had no statement, passed without amendment.

No further material was found on this section.

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

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

Laws 1906, Chapter 113, p. 186.

No statement. Motor vehicle Act:

Section 19. No intoxicated person shall drive a motor vehicle

Laws 1909, Chapter 127, p. 200

No statement. Supplement to Crimes Act of 1898:

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

Laws 1913, Chapter 67 - A-19 - Introduced January 20, 1913 by Mr. Merwin

No statement. Amends disorderly persons act of 1898.

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

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

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

Laws 1921, Chapter 206, sec. 14 - A-183 - Introduced February 22, 1921 by Mr. Matternsall.

Statement:

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

Report:

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

(see page 14)

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

Statement:

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

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

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

Statement:

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

RS/jnk

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
Intro Apr 10 by Bertoni
No statement
Not amended during passage.

No hearings or reports.

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 I. 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.

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
Intro Apr 10 by Bertoni
No statement
Not amended during passage.

No hearings or reports.

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 particulars.

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

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

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

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

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

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

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

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

Section twenty-eight is amended to 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.

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

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".

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1921.

By Mr. TATTERSALL.

Referred to Committee on Judiciary.

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.

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

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

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

6 (2) The term "motor cycle" shall include all motor operated vehicles of the
7 bicycle or tricycle type, whether the motive power be a part thereof or attached
8 thereto, and having pedals and saddle with driver sitting astride, or a platform on
9 which said driver stands.

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

11 (4) The term "omnibus" as used in this act shall include all motor vehicles
12 used for the transportation of passengers for hire, except such vehicles as are used

13 to transport children to and from school outside of a city, provided such motor
14 vehicle is not otherwise used in the transportation of passengers for hire.

15 (5) "Commercial motor vehicle" as used in this act shall include every type
16 of motor-driven vehicle used for commercial purposes on the highways, such as
17 the transportation of goods, wares, or merchandise, excepting such vehicles as are
18 run only upon rails or tracks.

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

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

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

27 (9) The term "semi-trailer" as used in this act is a two-wheeled vehicle with-
28 out motor power, drawn by a motor-driven vehicle, and so designed and used in
29 connection with a self-propelled vehicle that a considerable part of its own weight
30 rests upon the towing vehicle.

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

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

37 (12) The word "magistrate" shall be deemed and understood to mean and
38 include all justices of the peace, judges of the city criminal courts, police justices,
39 recorders, mayors, and other officers having the power of a committing magistrate.

EXEMPTIONS.

1 2. Automobile fire engines and such self-propelling vehicles as are used neither
2 for the conveyancing of persons for hire, pleasure, or business, nor for the transpor-

3 tation of freight, such as steam road rollers, and traction engines, are excepted
 4 from the provisions of this act. No fee shall be charged for the registration of
 5 motor vehicles owned by the United States, the State of New Jersey, or by any
 6 city, borough, incorporated town, township, or county, duly authorized volunteer
 7 fire department, hospital, humane society, any anti-cruelty society in this State, or
 8 by the American Red Cross, providing such vehicles are not used for pleasure or
 9 hire, but all such vehicles shall be registered and shall display number plates as
 10 is provided for in this act.

ORGANIZATION AND DUTIES.

1 3. The Secretary of State shall forthwith organize in connection with the De-
 2 partment of State, the Department of Motor Vehicle Registration and Regulation.
 3 He shall provide suitable quarters for the same and shall furnish all necessary
 4 supplies and equipment for the proper enforcement of the provisions of this act.
 5 He shall approve all bills for disbursements of money under any of the provisions
 6 of this act, which shall be paid by the State Treasurer, upon the warrant of the
 7 Comptroller, out of any appropriation regularly made therefor.

COMMISSIONER OF MOTOR VEHICLES: INSPECTORS: ORGANIZATION OF FORCE: COMPEN- SATION: POWERS.

7 4. (1) The Assistant Secretary of State shall be ex-officio Commissioner of
 2 Motor Vehicles, and shall have personal charge and supervision of the enforce-
 3 ment of the provisions of this act, and shall execute all contracts entered into by
 4 the Department of Motor Vehicles. The Commissioner of Motor Vehicles shall
 5 appoint a chief inspector of motor vehicles, who shall have practical knowledge
 6 of the mechanical arrangement and capabilities of all kinds of motor vehicles, and
 7 be capable to pass upon the efficiency of motor vehicles and the competency of mo-
 8 tor vehicle drivers. The Commissioner of Motor Vehicles shall appoint as many
 9 inspectors as may be necessary in detecting violations of this act, in obtaining evi-
 10 dence of violations, and otherwise assisting in the enforcement of the act. The
 11 said inspectors shall be chosen with special reference to their fitness for the work,
 12 and shall be required to submit themselves to such an examination, as may be

13 required by the Board of Civil Service Commissioners, and shall be equipped at
14 his discretion with automobiles and other means of conveyance. The Commis-
15 sioner of Motor Vehicles may detail one of the inspectors to act as deputy chief
16 inspector. The Commissioner of Motor Vehicles shall organize the inspector
17 force with the chief inspector at its head, and shall adopt such rules and regula-
18 tions for the regulation of the inspector force as shall appear desirable, and shall
19 exercise the power of suspension, and when necessary, of discharge of inspectors
20 for failure to comply with the rules of the department, or for other cause. The
21 compensation of these inspectors shall be classified and fixed by the Board of
22 Civil Service Commissioners. The Commissioner of Motor Vehicles shall have
23 power to appoint any number of citizens, not exceeding two hundred, who shall
24 be interested in the proper enforcement of this act, and who shall be known as
25 special inspectors. They shall serve without pay and shall have all the power and
26 authority of the paid inspectors as stated in this act. The Commissioner of Mo-
27 tor Vehicles shall also have power to appoint, in addition to these, such employees,
28 officers or inspectors of other departments of the State government, upon the re-
29 quest of such departments, as special inspectors, such appointees to serve without
30 any additional compensation. The Commissioner of Motor Vehicles shall also fix
31 the compensation of clerical assistants and others employed under this act, subject
32 to classification and standardization of the Board of Civil Service Commissioners.
33 The compensation of the Commissioner of Motor Vehicles shall be fifteen hun-
34 dred dollars per annum, in addition to any compensation he may receive by rea-
35 son of any statute fixing the compensation of the Assistant Secretary of State;
36 and he shall have such powers and duties as are in this act given and imposed, and
37 shall collect such data with respect to the proper restrictions to be laid upon mo-
38 tor vehicles, and the use thereof upon the public roads, turnpikes, and thoroughfares,
39 as shall seem to be for the public good, and under the direction of the Secretary
40 of State shall report to each Legislature the operations of his office for the year
41 ending on the next preceding thirty-first day of December. It shall be his duty to
42 attend to the enforcement of the provisions of this act.

43 (2) The Commissioner of Motor Vehicles shall keep a record of all his offi-
44 cial acts, and shall preserve copies of all decisions, rules, and orders made by him,
45 and shall adopt an official seal. Copies of any act, rule, order, or decision made
46 by him, and of any paper or papers filed in his office may be authenticated under
47 said seal, at a cost not to exceed one dollar and fifty cents for each authentica-
48 tion, and when so authenticated, shall be evidence equally with and in like man-
49 ner as the originals, and said commissioner shall be empowered to communicate
50 with the police departments and peace officers in the State for the purpose of and
51 with the object of the proper enforcement of this act.

52 (3) Motor vehicle inspectors appointed as provided for in this section shall be
53 presented with a badge indicative of their office, and when wearing such badge on
54 the left breast of the outermost garment shall have power to stop any motor ve-
55 hicle and examine the same to see that it complies with the requirements of this
56 act, whether in the matter of equipment, identification, or otherwise; to require the
57 production of the license of the driver; to arrest, without warrant, for violations
58 of this act committed in their presence, and generally to act as special officers for the
59 enforcement of the provisions of this act and for the detection and arrest of those
60 who violate or infringe upon the provisions hereof. All inspectors and officers ap-
61 pointed under this act are hereby given authority to regulate all traffic on the pub-
62 lic streets and highways, and are hereby given explicit powers to enforce all laws
63 regulating traffic or governing the equipment of vehicles on the public streets and
64 highways of this State. Nothing in this act shall be construed to give such inspec-
65 tors or officers any authority over street railways or railroads operated as street
66 railways; *provided, however,* such authority and regulation shall not supersede, but
67 shall be in addition to the authority and regulation exercised and authorized by
68 local police departments in any municipality.

REGISTRATION AGENTS: FEES.

1 5. The Commissioner of Motor Vehicles shall be authorized and full power
2 and authority are hereby given to him, to designate any proper person to be the
3 agent of said Commissioner of Motor Vehicles for the registering of motor ve-

4 hicles and issuing registration certificates and licensing of drivers, subject to the
 5 requirements of this act and to such rules and regulations as shall be imposed by
 6 the commissioner; and any agent who may be so designated is hereby authorized
 7 and required to act according and until the said authority so to act is revoked
 8 by the said commissioner. The fee allowed such agent for registration certificate
 9 so issued by him and for every license so granted by him shall be fixed by the
 10 Commissioner of Motor Vehicles, the same to be deducted and remitted to such
 11 agent by said commissioner from the registration fee or the license fee paid to
 12 him; and the said commissioner may limit the fee so paid to a maximum.

SUSPENSION AND REVOCATION OF REGISTRATION AND LICENSE.

1 6. Every registration certificate and every license certificate to drive motor
 2 vehicles may be suspended or revoked by the Commissioner of Motor Vehicles for
 3 a violation of any of the provisions of this act, or on other reasonable grounds,
 4 after due notice in writing of such proposed suspension or revocation and the
 5 ground thereof, and if a driver of motor vehicles shall have had his license sus-
 6 pended or revoked, a new license granted to him shall be void and of no effect un-
 7 less it shall be granted by the Commissioner of Motor Vehicles in person; and if
 8 the registration or registration certificates shall have been suspended or revoked, a
 9 new registration made or a new registration certificate issued shall be void and of no
 10 effect unless the new registration shall be made and the new certificate issued un-
 11 der the personal direction of the Commissioner of Motor Vehicles.

EQUIPMENT.

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

9 lease one brake, which may be operated by hand or foot.

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

17 (3) Lighting devices. Every automobile shall carry, during the period from
18 thirty minutes after sunset to thirty minutes before sunrise, and whenever fog
19 renders it impossible to see a long distance at least two lighted lamps showing white
20 or yellow-tinted lights, visible at least two hundred and fifty feet in the direction
21 toward which said automobile is proceeding; and shall also exhibit a red light
22 visible from the rear; the rays of such rear lamp shall shine upon the number plate
23 carried on the rear of such vehicle in such a manner as to render the numerals
24 thereof visible for at least fifty feet in the direction from which the motor vehicle
25 is proceeding. No automobile shall be used upon the public highways of this State
26 which is equipped with a lamp, of more than twenty-four candle-power (unless a
27 greater candle-power shall be permitted under certificate issued by the commis-
28 sioner), which, when lighted, is capable of projecting direct rays at a greater height
29 than a parallel of three and one-half feet from the ground; *provided, however,*
30 that any lamp which has attached thereto any device which cannot be operated
31 from the driver's seat, and which when so attached, renders said lamp incapable,
32 when lighted, of projecting direct rays at a greater height than a parallel of three
33 and one-half feet from the road, shall be deemed to comply with this provision. *pro-*
34 *vided further, however,* that any automobile may be equipped with a lamp capable of
35 projecting direct rays at a greater height than a parallel of three and one-half feet
36 from the ground, if such lamp, when lighted, is not capable of producing a dazzling
37 light or glare; and *provided, further,* that the use of "spotlights" for driving purposes
38 is prohibited, and the use of such "spotlights" is hereby confined to reading of

39 intersecting highway signs and house numbers. In order that this section may be
40 operative without hardship to the owners and operators of motor vehicles, the Com-
41 missioner of Motor Vehicles is hereby especially authorized to pass upon any light-
42 ing device and upon the equipment of any car, and shall for this purpose examine
43 all lighting devices submitted to him; and if, in his judgment, such lighting devices,
44 when properly applied to a motor vehicle licensed under the authority of this act,
45 shall conform to the provisions of this act, he shall issue a certificate to the manu-
46 facturer, owner, or user of such device, as the case may be, that the same is in
47 compliance with this section. Every automobile shall show at least one white or
48 yellow-tinted light when standing, such white or yellow-tinted light to be on the
49 side of the automobile nearest to the center of the road, and shall display at least
50 one red light to the rear when standing.

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

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

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

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

POWER TO LICENSE DRIVERS: EXAMINATION OF APPLICANTS: REFUSAL TO LICENSE.

1 8. The Commissioner of Motor Vehicles shall be authorized, and full power
2 and authority are hereby given to him to license at his discretion, and upon pay-
3 ment of the lawful fee, any proper person of the age of seventeen years or over
4 to be a motor vehicle driver, said commissioner or his inspectors having first ex-
5 amined said person, and being satisfied of his or her ability as an operator, which
6 examination shall include a test of the knowledge on the part of said person of such
7 portions of the mechanism of motor vehicles as is necessary, in order to insure
8 the safe operation of a vehicle of the kind or kinds indicated by the applicant,
9 and of the laws and ordinary usages of the road, and the said applicant having
10 demonstrated his or her ability to operate a vehicle of the class designated; and
11 the said Commissioner of Motor Vehicles may, in his discretion, refuse to
12 grant a license to drive motor vehicles to any person who shall, in the estimation
13 of said commissioner, be an improper person to be granted such a license.

MOTOR VEHICLES MUST BE REGISTERED.

1 9. (1) Every resident of this State, and every non-resident whose automo-
2 bile or motor cycle shall be driven in this State, except as is hereinafter provided,
3 shall, before using such vehicle on the public highways, register the same, and no
4 motor vehicle or motor cycle shall be driven unless so registered. Every regis-
5 tration shall expire and the certificate thereof become void on the thirty-first day
6 of December of each year; and the Commissioner of Motor Vehicles shall issue
7 licenses for the following year on and after December first of each year, such
8 licenses so issued not to be used until the thirty-first day of December of the
9 year preceding the year for which such license is issued.

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

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

24 (3) The holder of any registration certificate issued by the Commissioner
25 of Motor Vehicles, when requested to do so by any motor vehicle inspector, police
26 officer, or magistrate, shall exhibit said certificate, to the end that the said motor
27 vehicle inspector, police officer, or magistrate, may thereby determine the correct-
28 ness of the said certificate as the same relates to the registration number plates
29 of the automobile or the motor 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
32 and his successors in office the true and lawful attorney upon whom all original
33 process 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
36 the same force and effect as if served on such owner within this State; the ser-
37 vice of such process shall be made by leaving a copy of the same in the office of
38 the Secretary of State, with a service fee of two dollars to be taxed on the plain-
39 tiff's costs of suit. Said Commissioner of Motor Vehicles shall forthwith notify
40 such owner of such service by letter directed to him at the post-office address stated
41 in his application.

DRIVERS' LICENSES: EXAMINATIONS: PERMITS.

1 10. (1) No person shall hereafter drive an automobile or motor cycle upon
2 any public highway in this State unless licensed to do so in accordance with the
3 provisions of this act. No person under the age of seventeen years shall be
4 licensed to drive automobiles or motor cycles, nor shall any person be licensed to
5 drive automobiles or motor cycles until said person shall have passed a satisfactory
6 examination as to his ability as an operator, which examination shall include a
7 test of the knowledge on the part of said person of such portions of the mechanism
8 of automobiles or motor cycles as is necessary in order to insure the safe opera-
9 tion of a vehicle of the kind or kinds indicated by the applicant. Drivers' license
10 certificates shall expire on the thirty-first of December of each year. Said licensee
11 shall be entitled to drive any registered automobile or motor cycle. The annual
12 license fee to be charged shall be three dollars for drivers of motor vehicles; and
13 one dollar for operators of motor cycles.

14 (2) It shall be lawful for the Commissioner of Motor Vehicles, at his dis-
15 cretion, to issue to any person over seventeen years of age a written permit, under
16 the hand and seal of said commissioner, allowing the said person, for the purpose
17 of fitting himself to become a motor vehicle driver, or a motor cycle operator, to
18 operate a motor vehicle or motor cycle for a specified period of not more than
19 three weeks, while in the company and under the supervision of a licensed motor
20 vehicle driver; and such permit, under the hand and seal of the Commissioner of Mo-
21 tor Vehicles, shall be sufficient license for the said person to operate a motor vehicle or
22 motor cycle in the State during the period specified, while in the company of and
23 under the control of a licensed motor vehicle driver of this State; *and provided,*
24 *further,* that the said person, as well as such licensed motor vehicle driver, shall be
25 held accountable for all violations of this act committed by the said person while
26 in the presence of such licensed motor vehicle driver. No such written permit
27 shall be issued unless the person applying therefor shall pay the sum of fifty cents
28 to any agent of the Motor Vehicle Department, such sum to be turned over by
29 the said agent to the Commissioner of Motor Vehicles, and by him remitted with

30 the other funds collected in his department to the State Treasurer, in accordance
31 with the provisions of this act; and no examination for a driver's license shall
32 be given unless the applicant therefor has first secured a learner's permit.

33 (3) Each license to drive an automobile shall have endorsed thereon in the
34 proper handwriting of the said licensee the name of said licensee. And the said
35 license must be in the possession of the driver or operator at all times when the
36 said driver or operator is in charge of a motor vehicle or motor cycle on the
37 highways of this State. And said licensee when thereupon requested by any mo-
38 tor vehicle inspector, police officer, or magistrate, while in the performance of
39 the duties of his office under this act, shall exhibit said license to said officer, and
40 write his name in the presence of said officer, to the end that he may thereby de-
41 termine the identity of said licensee.

42 (4) Any motor vehicle or motor cycle belonging to any person who is a non-
43 resident of this State, and who has registered such motor vehicle or motor cycle
44 in and has complied with all of the laws of the State, Territory, Federal District
45 of the United States, or of any Province of the Dominion of Canada, in which he
46 resides, with respect to the registration of motor vehicles and the display of regis-
47 tration numbers, and who shall conspicuously display such registration number
48 as required thereby, may be driven in this State during a period of not to exceed
49 fifteen days in each calendar year, or on two or more occasions not exceeding in
50 the aggregate the period of fifteen days in any such year, without complying with,
51 or being subject to the provisions of this act as the same applies to the registration
52 of motor vehicles and the licensing of the operators thereof; *provided*, that each
53-55 day or part of a day during which any such motor vehicle is within this State
56 shall be considered as one of said fifteen days; *and provided, further*, that the
57 provisions of this section shall be operative as to any such motor vehicle owned by
58 non-resident of this State only to the extent that under the laws of the State,
59 Territory, Federal District or Province of his residence, substantially similar exemp-
60 tions and privileges are granted to motor vehicles and motor cycles duly registered
61 under the laws of this State; *and provided, further*, that the Commissioner of

62 Motor Vehicles shall have power to suspend, for cause, the fifteen day touring
 63 privilege in so far as it may apply to any licensed motor vehicle licensed by any
 64 State, Federal District, Territory or of the Province of the Dominion of Canada
 65 to which such privilege is granted under the provisions of this act. The Commis-
 66 sioner of Motor Vehicles, in suspending such privilege, shall give seven days' no-
 67 tice of such action, citing in such notice the number of the motor vehicle or motor
 68 cycle in reference to which such privilege is suspended, and shall forward such
 69 notice to the department which issued the license against which such privilege is
 70 suspended. The Commissioner of Motor Vehicles, when suspending such privilege,
 71 shall give public notice of the same, and cause all police departments or other police
 72 authorities to be notified of such action. If such motor vehicle against which such
 73 privilege has been suspended shall be driven thereafter in the State of New Jersey,
 74 during the period in which its license is in force, the driver and owner thereof shall
 75 shall be subject to a fine not exceeding two hundred dollars.

76 (5) The fifteen day touring privilege as hereinbefore provided is also extended
 77 to the chauffeurs or drivers of all non-resident motor vehicles operating in this
 78 State under such touring privilege, provided that the said chauffeur or driver has
 79 complied with the law of his resident State with respect to the licensing of drivers
 80 or chauffeurs, but no such non-resident chauffeur or driver shall operate in this
 81 State, any motor vehicle or motor cycle which is registered in this State.

FEEES.

1 II. (1) Every manufacturer of automobiles residing and having his principal
 2 place of business within this State, instead of registering each automobile owned or
 3 controlled by him, may make application, as hereinbefore provided in this act for
 4 a registration number, and the written statement, in addition to the matters here-
 5 inbefore contained, shall state that he is a manufacturer; that he desires to use a
 6 single number on automobiles owned or controlled by him while being used for
 7 demonstration purposes or for shop purposes. The Commissioner of Motor Ve-
 8 hicles may thereupon, if satisfied of the facts stated in the application, issue a
 9 certificate as herein set forth assigning the same a number, which certificate shall

10 contain a statement that the same is issued to the applicant as a manufacturer.
11 One certificate shall cover and be valid for the use of not more than five automo-
12 biles of said manufacturer at one time while under his control. The Commis-
13 sioner of Motor Vehicles shall provide five sets of identification marks of the
14 general style and kind provided for motor vehicle registrations in this act, and
15 such identification marks shall not be used on any vehicle not actually owned by
16 said manufacturer or operated either by him or his duly authorized agent.

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

25 (2) Every dealer in automobiles or motor cycles doing business in this State, in-
26 stead of registering each automobile or motor cycle owned or controlled by him, may
27 make application as hereinbefore provided in this act, for a registration number, and
28 the written statement, in addition to the matters hereinbefore contained, shall state
29 that he is a dealer; that he desires to use a single number on automobiles or motor
30 cycles owned or controlled by him while being operated for purposes of his business
31 or for his personal use, but not for hire. The Commissioner of Motor Vehicles
32 may thereupon, if satisfied of the facts stated in said application, issue certificate
33 as herein set forth, assigning the same a number, which certificate shall contain
34 a statement that the same was issued to the applicant as a dealer. One certificate
35 shall cover and be valid for the use of not more than five automobiles or motor
36 cycles of said dealer at one time while under his control. The Commissioner of
37 Motor Vehicles shall provide five sets of identification marks of the general style
38 provided for motor vehicle registration in this act, and such identification marks
39 shall not be used on any vehicle not actually owned by said dealer or operated either

40 by him or his duly authorized agent. All such automobiles or motor cycles shall
41 be regarded as registered under such general number, and in addition to the regis-
42 tration number displayed on the front and rear of the car or motor cycle as here-
43 after provided, there shall be added the letter "D" of equal size and prominence.
44 The annual fee for such dealer's registration shall be five dollars for each car or
45 motor cycle so authorized to be operated under such registration number, and the
46 Commissioner of Motor Vehicles shall issue registration certificates in duplicate
47 equal to the number of cars or motor cycles not less than five sets for automobile
48 dealers nor less than three sets for motor cycle dealers authorized to be operated
49 under said registration number.

50 No person or persons shall use or permit the use of the plates issued under
51 a dealer's registration on any motor vehicle other than those owned by such dealer
52 and operated by such dealer or his employees or for any purpose other than the
53 personal use of the dealer, or demonstrating said vehicle to a prospective purchaser
54 or testing or removing same from storage place, shipping point or place of delivery
55 before or after sale.

56 Dealer's plates marked "In Transit" and corresponding in number to the nu-
57 merals displayed on the dealer's registration may be issued by the Commissioner
58 of Motor Vehicles on application from any dealer. Such plates shall be used solely
59 1/2 in the transportation of motor vehicles from the factory to the place of business
59 of the dealer within this State and for no other purpose whatsoever. The cost of
60 such dealers' plates shall be two dollars for each set.

61 (3) For each vehicle used as an omnibus for the transportation of passenger
62 for hire, the applicant shall pay an annual fee of fifteen dollars for vehicles having
63 a seating capacity for five passengers or less, for each such vehicle having a seat-
64 1/2 ing capacity for passengers of not less than six nor more than eight pas-
64 sengers, the annual fee shall be seventeen dollars and fifty cents; for each such ve-
65 hicle having a seating capacity for passengers of not less than nine nor more than
66 twelve passengers, the annual fee shall be twenty dollars; for each vehicle having
67 a seating capacity for passengers of not less than thirteen nor more than seven-
68 teen passengers, the annual fee shall be twenty-five dollars; for each such vehicle

69 having a seating capacity for passengers of not less than eighteen nor more than
70 twenty-two passengers, the annual fee shall be thirty dollars; for each such vehicle
71 having a seating capacity for passengers of not less than twenty-three nor more
72 than twenty-six passengers, the fee shall be thirty-five dollars; for each such ve-
73 hicle having a seating capacity for pass engers of not less than twenty-seven nor
74 more than thirty pasengers, the fee shall be forty dollars; for each such vehicle hav-
75 ing a seating capacity for passengers in excess of thirty passengers, the applicant
76 shall pay an annual fee of forty dollars, and an additional fee of two dollars for
77 each passenger (measured by seating capacity) in excess of thirty passengers.

78 The Commissioner of Motor Vehicles shall provide identification marks of the
79 general style and kind provided for motor vehicle registrations, assigning a num-
80 ber to each identification mark, and before each number the letter "O" shall be
81 placed.

82 Every such applicant for an omnibus registration shall make application, set-
83 ting forth the fact that he is in the business of transporting passengers for hire, and
84 the Commissioner of Motor Vehicle, if satisfied of the correctness of the state-
85 ments made in such application, may issue a registration certificate for omnibus
86 license.

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

89 (4) Commercial motor vehicles, trailers, semi-trailers, tractors. The applicant
90 applicant for registration for automobile commercial vehicles, trailers, semi-trailers,
91 and tractors shall pay to the Commissioner of Motor Vehicles a fee based upon the
92 gross weight of such vehicle and load, when loaded to its carrying capacity. When
93 the gross weight of the vehicle and load exceeds the gross weight allowed by law
94 for the particular size of tires set forth in the application for registration, then
95 such gross weight of vehicle and load shall be determined according to law upon the
96 sizes of tires given in said application. The plates to be used for the commercial
97 motor vehicles shall display the word "commercial," and the numerals shall be pre-
98 fixed by the letter "X"; the trailer plates shall have the letter "T."

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

100 If the gross weight of vehicle and carrying capacity is

101	1000 pounds or less	\$10.00
102	1001 to 2000 pounds	12.00
103	2001 to 3000 pounds	15.00
104	3001 to 4000 pounds	20.00
105	4001 to 5000 pounds	24.00
106	5001 to 6000 pounds	27.00
107	6001 to 7000 pounds	30.00
108	7001 to 8000 pounds	33.00
109	8001 to 9000 pounds	36.00
110	9001 to 10,000 pounds	38.00
111	10,000 to 11,000 pounds	40.00
112	11,000 to 12,000 pounds	42.00
113	12,001 to 13,000 pounds	44.00
114	13,001 to 14,000 pounds	46.00
115	14,001 to 15,000 pounds	48.00
116	15,001 to 16,000 pounds	50.00
117	16,001 to 17,000 pounds	52.00
118	17,001 to 18,000 pounds	54.00
119	18,001 to 19,000 pounds	56.00
120	19,001 to 20,000 pounds	58.00
121	20,001 to 21,000 pounds	60.00
122	21,001 to 22,000 pounds	62.00
123	22,001 to 23,000 pounds	64.00
124	23,001 to 24,000 pounds	66.00
125	24,001 to 25,000 pounds	68.00
126	25,001 to 26,000 pounds	70.00
127	26,001 to 27,000 pounds	72.00
128	27,001 to 28,000 pounds	74.00

129 28,001 to 29,000 pounds 76.00

130 29,001 to 30,000 pounds 78.00

131 Any foreign corporation, company or individual engaged in the transportation or
 132 express business, shall pay, in addition to the above fees, the sum of one hundred dol-
 133 lars for each commercial motor vehicle, tractor, trailer, or semi-trailer operated
 134 within this State by such foreign corporation, company, or individual, *provided*, that
 135 no automobile commercial vehicle, trailer, semi-trailer, or tractor shall be registered
 136 by the Commissioner of Motor Vehicles unless the same are equipped on all wheels
 137 with rubber tires; *and provided, further*, that any person who shall overload any
 138 commercial motor vehicle, tractor, trailer, or semi-trailer beyond the gross weight
 139 shown in the registration certificate for said vehicle, shall be fined not less than
 140 one hundred dollars nor more than two hundred and fifty dollars for the first
 141 offense, and for any subsequent offense, not less than two hundred and fifty dollars
 142 nor more than five hundred dollars.

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

150 (6) Motor cycles. The applicant for registration for a motor cycle shall
 151 pay to the Commissioner of Motor Vehicles for each registration a fee of two
 152 dollars.

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

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

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

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

TRANSFER OF REGISTRATION.

1 12. (1) Upon the transfer of ownership or the destruction of any motor ve-
 2 hicle, its registration shall expire; and in the event of the sale of the motor ve-
 3 hicle the original owner shall remove the registration plates therefrom, and shall
 4 within forty-eight hours, notify the Commissioner of Motor Vehicles of the name
 5 and address of the purchaser.

6 The original owner may, however, by proper sworn application upon a blank

7 to be furnished by the Motor Vehicle Department, register another motor vehicle
8 upon payment of a fee of one dollar when such motor vehicle is of equal or less
9 horse-power or classification than that originally registered, or upon the payment of
10 a fee of one dollar and the difference between the fee originally paid and that
11 due if the new motor vehicle be properly registerable in a higher class; and un-
12 less the original registration plates have been destroyed, such owner shall be as-
13 signed the registration number previously issued to him and shall receive a new
14 registration certificate. If the original registration plates have been destroyed,
15 then the owner thereof in making application for the transfer of the original reg-
16 istration shall pay in addition to the transfer fee of one dollar an additional fee of
17 two dollars for new plates.

19 (2) Lost or defaced license plates. In the event of the loss of one or both
20 registration plates or said plate or plates being so defaced that the numbers thereon
21 are illegible, it shall be the duty of the owner of the motor vehicle for which the
22 same were issued to apply to the Commissioner of Motor Vehicles or his represen-
23 tative for new plates within twenty-four hours of the discovery of the loss or de-
24 facement of such plate or plates. Such application shall be made upon blank fur-
25 nished by the department, on which shall be set forth the loss, defacement, or de-
26 struction of such plate or plates, and shall be accompanied by a fee of one dollar
27 for each plate so lost or defaced, if the same applies to a motor vehicle, and a fee
28 of fifty cents for each plate so lost or defaced if the same be for a motor cycle.
29 Thereupon the Department of Motor Vehicles shall cancel the original registration
30 and shall issue to the applicant new plates of another number than that of the plates
31 originally issued, and shall also issue a new registration certificate.

DISPLAY OF MARKERS: FICTITIOUS NUMBERS.

1 13. (1) The owner of each and every automobile which shall be driven upon
2 the public highways of this State shall display on the front and rear of such vehicle,
3 not less than fifteen inches or more than thirty-six inches from the ground in a
4 horizontal position, and in such a way as not to swing, an identification mark, to be

5 furnished by the Motor Vehicle Department. Said identification mark shall contain
6 the number of the registration certificate of said vehicle in characters not less than
7 four inches in height, with a stroke of not less than one-half an inch, and shall
8 be of such design as shall be prescribed by the Commissioner of Motor Vehicles.

9 The identification marks of vehicles shall be of metal, sufficiently enduring to
10 be plainly legible under all atmospheric conditions for at least one year. Motor
11 cycles shall also display two identification marks, one on the front and one on the rear
12 of each motor cycle. All identification marks shall be kept clear and distinct and
13 free from grease, dust, or other blurring matter, so as to be plainly visible at all
14 times during daylight and night.

15 The Commissioner of Motor Vehicles may, in his discretion, adopt any form
16 of illuminated marker for use on the rear of motor vehicles which in his judgment
17 will make the identification mark of such motor vehicle more easily legible at
18 night; *provided*, such device shall not be excessive in its cost or so cumbersome as
19 to be impractical in its application to motor vehicles.

20 (2) No person shall drive a motor vehicle, the owner of which vehicle shall
21 not have complied with the provisions of this act concerning the proper registra-
22 tion and identification of the same; nor shall any person drive a motor vehicle
23 which shall display on the front or back thereof a fictitious number, or a number
24 other than that designated for such motor vehicle in the New Jersey registration
25 certificate of such motor vehicle.

CERTAIN ACTS FORBIDDEN.

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

6 (2) No person shall interfere or tamper with a motor vehicle or put in motion
7 the engine of such vehicle while it is standing, without the permission of the
8 owner. Any person who shall violate this provision shall be fined not less than ten

9 nor more than fifty dollars for a first offense, and, for each subsequent offense,
10 shall be fined not less than fifty nor more than one hundred dollars or imprison-
11 ment of not more than thirty days or both.

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

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

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

38 (6) No person shall operate any commercial motor vehicle on any public high-
39 way or bridge when the combined weight of vehicle and load exceeds twenty-five

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

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

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

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

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

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

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

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

77 (14) Any person or persons making any mis-statement of facts in his or their
78 applications for registration of a motor vehicle or driver's license, or give a ficti-
79 tious address, shall be deemed guilty of a misdemeanor, and upon conviction,
80 thereof, shall be subject to a fine or not more than two hundred (\$200) or more
81 than five hundred (\$500), or imprisonment for one year, or both, at the discretion
82 of the court; and the Commissioner of Motor Vehicles shall, upon proper evidence
83 of such mis-statement, or fictitious address, revoke the registration of the motor
84-89 vehicle, or the drivers' license, as the case may be. It shall be the duty of the regis-
90 tered owner of every motor vehicle and of every licensed operator to notify the
91 Commissioner of Motor Vehicles of any change in his or her place of residence,
92 within one week after such change is made.

LAW OF ROAD: POWER OF LOCAL AUTHORITIES: SPEEDWAYS: PARKS: ORDINANCES.

1 15. (1) Drivers of motor vehicles, whether of burthen or pleasure, using any
2 of the turnpikes or public roads in this State, when met by another motor ve-
3 hicle, or by a carriage, sleigh, or sled, shall keep to the right, and when overtaken
4 by another motor vehicle, carriage, sleigh or sled, they shall likewise keep to the
5 right, so as and when overtaken by another motor vehicle, carriage, sleigh or sled,
6-7 either met or overtaken to pass uninterrupted.

8 (2) No owner or purchaser or driver of a motor vehicle who shall have
9 complied with the requirements and provisions of this act shall be required to ob-
10 tain any other license or permit to use or operate the same, nor shall such owner or
11 purchaser or driver be excluded or prohibited from or limited in the free use

12 thereof, nor limited as to speed upon any public street, avenue, road, turnpike,
 13 driveway, parkway or other public place, at any time, when the same is or may here-
 14 after be opened to the use of persons having or using other carriages nor be required
 15 to comply with other provisions or conditions as to the use of said motor vehicle,
 16 except as in this act provided; *provided, however,* that nothing in this section con-
 17 tained shall be construed to apply to or include any speedway created and main-
 18 tained in pursuance of an act of the Legislature of the State of New Jersey, en-
 19 titled "An act to provide for the construction and maintenance of speedways in
 20 the counties of this State," approved March nineteenth, one thousand nine hundred
 21 and two, nor to any parks or parkways created and maintained in accordance with
 22 an act of the Legislature of the State of New Jersey entitled "An act to establish
 23 public parks in the counties of this State and to provide for the acquirement, im-
 24 provement, and regulation of the same," approved March twentieth, one thousand
 25 nine hundred and one. No city, town, township, borough, or other municipality
 26 shall have power to make any ordinance, by-law, or resolution limiting or restrict-
 27 ing the use or speed of motor vehicles, and no ordinance, by-law, or resolution here-
 28 tofore or hereafter made by any city, town, township, borough or other municipal
 29 or local authority by whatever name known or designated in respect to or limiting
 30 the use or speed of motor vehicles shall have any force, effect, or validity.

GENERAL SPEED RATES: DAMAGES: EXEMPTION: SIGNALS.

1 16. The following rates of speed may be maintained, but shall not be exceeded,
 2 upon any public street, public road or turnpike, public park or parkway, or public
 3 driveway, or public highway, in this State by any one driving a motor vehicle:

4 (1) A speed of one mile in seven minutes upon the sharp curves of a street
 5 or highway or when turning a corner, and a speed of one mile in four minutes at
 6 the junction or intersection of a prominent cross-road where such a street road,
 7 or highway passes through the open country: the term "open country" meaning
 8 where houses are an average of more than one hundred feet apart.

9 A speed of one mile in six minutes where such street or highway passes
 10 through the built-up portion of a city, town, township, borough or village where
 11 the houses are an average less than one hundred feet apart.

12 A speed of one mile in four minutes within two hundred feet of any horse
13 or any beast of draught or burden upon the same street, highway; *provided, how-*
14 *ever*, that such speed does not exceed thirty miles per hour, shall be lawful in the
15 open country as may be necessary in order to pass a vehicle traveling in the same
16 direction, but the speed shall be diminished forthwith, if necessary, to comply with
17 the provisions of this act.

18 Elsewhere, and except as otherwise provided in subdivisions 1, 2, and 3 of this
19 section, a speed of thirty miles per hour; *provided, however*, that nothing in this
20 act contained shall permit any person to drive a motor vehicle recklessly, or at any
21 speed greater than is reasonable, having regard to the traffic and use of the high-
22 ways or so as to endanger the life or limb or to injure the property of any
23 person; and it is *further provided*, that nothing in this section contained shall
24 affect the right of any person injured either in his person or property, by the
25 negligent operation of a motor vehicle, to sue and recover damages as heretofore;
26 *and provided, further*, that the foregoing provisions concerning the speed of motor
27 vehicles shall not apply to any speedway built or intended for the exclusive use of
28 motor vehicles if the said speedway at no point crosses any public street, avenue,
29 road, turnpike, driveway or other public thoroughfare, or any railroad or railway
30 at grade, the said speedway having been constructed with the permission of the
31 commissioners of the board of freeholders, as the case may be, of the county or
32 counties in which said speedway shall be located; *and provided, further*, that
33 every person driving a motor vehicle shall, at the request or upon signal by putting
34 up the hand, or otherwise, from the person riding or driving a horse or horses in
35 the opposite direction, cause the motor vehicle to stop and remain stationery so
36 long as may be necessary to allow said horse or horses to pass.

37 (2) If a physician shall have his motor vehicle stopped for exceeding the
38 speed limit while he is in the act of responding to an emergency call, the registra-
39 tion number of the vehicle and the driver's license number may be inspected and
40 noted, and the physician shall then be allowed to proceed in the vehicle to his
41 destination, and subsequently such proceedings may be taken as would have been

42 proper had the person violating the provisions as to speed not been a physician.

43 (3) Motor vehicles belonging to the military establishment, while in use for
44 official purposes, in time of riot, insurrection or invasion, motor vehicle inspectors
45 appointed under this act, and all police officers are exempt from the provisions of
46 this act pertaining to speed while said inspectors and police officers are engaged in
47 the apprehension of violators of the provisions of this act.

PENALTY FOR FAILURE TO RETURN FINES.

1 17. Any person who, having collected any fine for any violation of this act,
2 shall fail within thirty days to return said fine, as provided by this act, to the Com-
3 missioner of Motor Vehicles, shall be subject to a penalty of not exceeding five
4 hundred dollars for the first offense and a penalty of one thousand dollars and
5 imprisonment not exceeding one year or both, at the discretion of the court, upon
6 any subsequent conviction.

HORSE-POWER RATING.

1 18. For registration purposes the horse-power of an automobile shall be com-
2 puted by the formula adopted by the Commissioner of Motor Vehicles on De-
3 cember first of each year, which rating shall govern in determining the class to
4 which such automobile belongs. The Commissioner of Motor Vehicles on De-
5 cember first of each year may compel all dealers, manufacturers, or other per-
6 sons holding automobiles to provide with each sale a certificate which will indicate
7 the various elements which are comprised in the formula adopted by the said com-
8 missioner under the provisions of this act; *provided*, the Commissioner of Motor
9 Vehicles shall adopt no formula which is not in general use by the standard trade
10 associations of the United States as a basis of catalogue rating.

RECORDS INDEXED: COPY IN EVIDENCE.

1 19. (1) It shall be the duty of the Commissioner of Motor Vehicles to cause
2 all applications for registration and drivers' licenses to be alphabetically indexed,
3 and any such original application or any copy thereof certified to be a true copy
4 under the hand of the said Commissioner of Motor Vehicles shall be received as
5 evidence in any court of this State to prove the facts contained therein. For each

6 certified copy so issued the Commissioner of Motor Vehicles shall collect a fee of
7 one dollar and fifty cents.

8 (2) The Commissioner of Motor Vehicles is hereby authorized to destroy ap-
9 plications for registration certificates or drivers' licenses that shall be on file in his
10 office for more than three years.

DRIVERS TO REPORT CERTAIN ACCIDENTS.

1 20. (1) Every operator of a motor vehicle which for any reason is involved
2 in an accident on any highway in this State in which any person is injured, other
3 than said operator or owner, or any property belonging to any one other than the
4 said operator or owner is damaged to the extent of ten dollars or more, shall
5 forthwith report same in writing to the Commissioner of Motor Vehicles.

6 (2) For any violation of this provision the said commissioner may revoke or
7 suspend the license of the operator.

REGULATIONS GOVERNING OPERATION OF COMMERCIAL MOTOR VEHICLES, TRAILERS, SEMI- TRAILERS AND TRACTORS.

1 21. (1) No commercial motor vehicle or tractor shall be used on the public
2 highways while drawing more than one motor-drawn vehicle, either trailer or semi-
3 trailer, *provided, however,* any municipality while operating municipally owned ve-
4 hicle or vehicles under contract over any highway maintained wholly by such mu-
5 nicipality may use more than one motor-drawn vehicle, but not exceeding three
6 motor-drawn vehicles in the aggregate while such municipality is engaged in the
7 collection of garbage, ashes, or street repairs.

8 (2) Trailers having more than two wheels, when operated upon the highways
9 of this State, shall be connected to the motor-propelled vehicle by at least one
10 chain, in addition to the hitch bar, of sufficient strength to hold the trailer on a
11 hill if the hitching bar becomes disconnected, or shall be provided with some
12-13 other adequate device to prevent its rolling backward.

14 (3) No commercial motor vehicle or tractor not equipped on all wheels with
15 pneumatic tires shall be used on the public highways, unless there is attached to
16 the chassis, in plain view, a metal plate giving the following information:

- 17 **Maker's name**
- 18 **Number**Motor number.....
- 19 **Weight of vehicle**Pounds
- 20 **Allowable load**Pounds
- 21 **Gross weight**Pounds
- 22 **Maximum speed**Miles per hour

23 (4) No commercial motor vehicle, trailer, semi-trailer, or tractor shall be op-
 24 erated on any highway in this State, the outside width of which is more than
 25 ninety-six inches or the extreme over-length of which exceeds twenty-eight feet, nor
 26 having a combined weight of vehicle and load of more than thirty thousand pounds,
 27 except that such a vehicle exceeding twenty-eight feet may be operated when a
 28 special permit so to operate is secured from the Commissioner of Motor Vehicles;
 29 nor shall the height of such vehicle exceed twelve and one-half feet; *provided,*
 30 *however,* that where more than one vehicle or trailer is operated, the length of such
 31 vehicles may exceed twenty-eight feet; but in no event shall all such vehicles or
 32 trailers so drawn or operated exceed eighty five feet in length over all. All of the
 33 aforesaid dimensions shall be inclusive of the load.

34 (5) Every commercial motor vehicle or motor-drawn vehicle used on the pub-
 35 lic highways carrying loads extending beyond the outside dimensions of such ve-
 36 hicle shall have displayed at the outside extremity of such load a red flag by
 37 day, which shall be not less than twelve inches square, and a red light by night,
 38 and they shall be so hung as to present a full view to the drivers of approaching
 39 vehicles. Such red light shall be in addition to the red light now provided for in
 40 section seven of this act.

41 (6) No commercial vehicle shall be driven over any bridge in this State upon
 42 which bridge is posted in a conspicuous place a sign stating the gross weight which
 43 said bridge will carry, if the gross weight of said vehicle and load is greater than
 44 the gross weight stated on said sign. In case this section is violated, the owner of
 45 the commercial vehicle used in violation of this section, shall, in addition to the
 46 penalty in this act prescribed, be responsible to the county or municipality main-

47 taining such bridge for any damage which may be done to such bridge by reason
48 of such violation.

49 (7) All motor vehicle inspectors shall be authorized to make such tests as in
50 their judgment may be necessary for the purpose of determining the gross weight,
51 size of tires, speed in miles per hour of all commercial motor vehicles and motor-
52 drawn vehicles operated on the highways of this State; and shall have power to
53 cause the said vehicles to be weighed, and for that purpose may order the re-
54 moval of the vehicle from the highway to the nearest weighing scale.

55 (8) The size of tires used on all commercial motor vehicles or motor-drawn
56 vehicles shall be determined on the maximum width of rubber, and the load shall
57 be so distributed that there shall not be more than eight hundred pounds per inch
58 in width of tire on any one wheel.

59 (9) The Commissioner of Motor Vehicles shall license farm tractors and
60 traction machines not equipped with rubber tires to travel upon the public high-
61 ways at a speed not to exceed four miles per hour, in cases where coverings of
62 wood or other substance are attached to the wheels in such manner as to present
63 a smooth surface to the highways and in accordance with such regulations as shall
64 be adopted by the Commissioner of Motor Vehicles. The fee for such license
65 shall be three dollars per annum whether such license shall be issued for the cal-
66 endar year or for only a portion of the calendar year. The Commissioner of
67 Motor Vehicles may, in his discretion, allow such traction engines or farm tractors
68 to draw agricultural machinery and implements while in transit from one farm to
69 another without additional license therefor.

70 (10) The maximum rate of speed for commercial vehicles, trailers, semi-trail-
71 ers, and tractors, including the weight of same and the load thereon, which commer-
72 cial motor vehicle, trailer, semi-trailer, or tractor shall weigh in excess of four tons
73 and not in excess of six tons, shall be sixteen miles an hour; when the weight
74 of the vehicle and the load thereon shall be in excess of six tons and not in ex-
75 cess of eight tons, the maximum speed shall be fourteen miles per hour; and for
76 all commercial motor vehicles, trailers, semi-trailers and tractors, where the weight

77 of vehicle and load thereon shall be in excess of eight tons and not in excess of fif-
 78 teen tons the maximum speed shall be ten miles per hour; *provided*, that nothing in
 79 this section contained shall be held to alter, amend or repeal any of the provisions of
 80 section sixteen of this act.

(11) GROSS WHEEL LOAD IN POUNDS FOR COMMERCIAL MOTOR VEHICLES,

TRAILERS AND TRACTORS EQUIPPED WITH TIRES OF A GIVEN

SIZE AND DIAMETER.

Size of Tire.	Single or Dual.	Diameter of Wheel and Load in Pounds.							
		30"	32"	33"	34"	36"	38"	40"	42"
2"	Single	1000	1067	1100	1133	1200	1267	1333	1400
2½"	Single	1250	1333	1375	1416	1500	1583	1667	1750
3"	Single	1500	1600	1650	1700	1800	1900	2000	2100
3½"	Single	1750	1867	1925	1983	2100	2217	2333	2450
4"	Single	2000	2133	2200	2267	2400	2533	2667	2800
5"	Single	2500	2667	2750	2833	3000	3167	3333	3500
6"	Single	3000	3200	3300	3400	3600	3800	4000	4200
7"	Single	3500	3733	3850	3967	4200	4433	4667	4900
8"	Single	4000	4267	4400	4533	4800	5067	5333	5600
10"	Single	5000	5333	5500	5667	6000	6333	6667	7000
12"	Single	6000	6400	6600	6800	7200	7600	8000	8400
14"	Single	7000	7467	7700	7933	8400	8867	9333	9800
2"	Dual	2000	2133	2200	2267	2400	2533	2667	2800
2½"	Dual	2500	2667	2750	2833	3000	3167	3333	3500
3"	Dual	3000	3200	3300	3400	3600	3800	4000	4200
3½"	Dual	3500	3733	3850	3967	4200	4433	4667	4900
4"	Dual	4000	4267	4400	4533	4800	5067	5333	5600
5"	Dual	5000	5333	5500	5667	6000	6333	6667	7000
6"	Dual	6000	6400	6600	6800	7200	7600	8000	8400
7"	Dual	7000	7467	7700	7933	8400	8867	9333	9800

COMMISSIONER TO PASS UPON CONSTRUCTION : SAFETY DEVICES.

1 22. The Commissioner of Motor Vehicles is given authority to pass upon the
2 construction as to width, height, tires, and equipment with safety devices, of any com-
3 mercial vehicle of any commercial motor vehicle, trailer, semi-trailer, or tractor,
4 with a view to its safety for use on the roads, and the Commissioner of Motor
5 Vehicles may withhold license from any such vehicle which is not equipped in ac-
6 cordance with the regulations duly adopted by him; *provided*, five days' notice is
7 given by letter or otherwise of such regulation, and may, in the event of failure of
8 compliance and after such license has been issued, revoke or suspend such license or
9 registration in the manner provided in the act to which this act is a supplement, on
10 the ground that such commercial motor vehicle, trailer, semi-trailer, or tractor has
11 not complied with the reasonable regulations of the motor vehicle department.

GARAGE REPAIR SHOP RECORD.

1 23. The proprietor of every public garage and motor vehicle repair shop shall
2 cause a record to be kept, after a manner to be prescribed by the Commissioner of
3 Motor Vehicles, of the names of any and all persons owning or having charge of
4 any motor vehicle stored, left for repair, or any other purpose at any such public
5 garage or motor vehicle repair shop, together with the make, manufacturer's num-
6 ber, name of the State of registration and the registration number of such motor
7 vehicle. Such record shall be kept in ink or indelible pencil and shall be open to
8 the inspection of police, officers, or other authorities, a motor vehicle inspector and
9 the Commissioner of Motor Vehicles. Such records shall be retained and be avail-
10 able for a period of one year after entry. The said garage or motor vehicle repair
11 shop proprietor shall immediately notify the local police authorities and the Com-
12 missioner of Motor Vehicles of any such motor vehicle whereon the manufacturer's
13 number or mark has apparently been altered, obliterated, or removed.

14 Any one violating the provisions of this section shall upon conviction thereof
15 be subject to a fine of not less than one hundred dollars nor more than five hun-
16 dred dollars or imprisonment not exceeding one year, or both, at the discretion of
17 the court.

JUDICIAL POWERS OF THE COMMISSIONER.

1 24. The Commissioner of Motor Vehicles is hereby vested with all the powers
2 of a justice of the peace, recorder, or police judge as are conferred in this act on
3 like officers; and in considering violations of this act the said Commissioner of
4 Motor Vehicles may hold court in any city, town, township or other municipality in
5 the State, upon five days' notice given to the defendants summoned to appear be-
6 fore him. He shall also have power to summon witnesses to appear before him
7 at his office, or at such other place as may be designated by the said commissioner,
8 to give testimony in any hearing which the said commissioner may hold looking
9 toward a revocation of any license issued by or under the authority of the said
10 commissioner. Such summons shall be served at least five days before the return
11 date. Service may be made by registered mail or by personal service. Whenever
12 it shall appear that any person has failed to obey such summons, he shall be sub-
13 ject to a penalty not exceeding one hundred dollars, to be recovered with costs in
14 an action of debt, to be prosecuted by the Attorney-General of the State in addi-
15 tion to which the vehicle registration or driver's license, or both, as the case may
16 be, shall forthwith be revoked. The fees for witnesses required to attend before
17 the commissioner shall be one dollar for each day's attendance and three cents for
18 every mile of travel by the nearest generally traveled route in going to and from the
19 place where the attendance of the witness is required; such fees to be paid when
20 the witness is excused from further attendance, and the disbursements made from
21 payment of such fees to be audited and paid in the same manner provided for ex-
22 penses of the Department of Motor Vehicles.

PROCEEDINGS.

1 25. (1) Jurisdiction of offenses; summary hearings; process.—A complaint
2 having been made in writing and duly verified, that any person has violated any of
3 the provisions of this act, any magistrate of the county, or recorder or police magis-
4 trate of any municipality, in which the offense is committed may, within thirty days
5 after 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 this State, for the appearance or arrest of the person so
8 charged; and the magistrate shall state what section or provision of this act has
9 been violated by the defendant, and the time, place and nature of said violation,
10 and upon the return of said summons or warrant the said magistrate shall proceed,
11 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 costs of prosecution for such offense.

14 (2) 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, the inspector
17 of motor vehicles, or the Commissioner of Motor Vehicles of this State, requiring
18 such corporation to be and appear before said magistrate on a day therein named,
19 to answer to said complaint, which said summons shall be served on the president,
20 vice-president, secretary, superintendent or manager of such corporation, or the agent
21 upon whom other process against it may be served, at least five days before the
22 time of appearance mentioned therein, and thereafter all proceedings shall be the
23 same as against individuals, except where a different procedure is provided by this
24 act.

1 26. Adjournment of trial; bail. Any hearing to be held pursuant to this act
2 shall, on the request of the defendant, be adjourned for a period not exceeding
3 thirty days from the return day named in any summons, or from the return day
4 named in any summons, or from the return of any warrant, or from the date of any
5 arrest without warrant; as the case may be; but in such case it shall be the duty of
6 the magistrate to detain the defendant in safe custody, unless he shall make a cash
7 deposit or enter into a bond to the State of New Jersey, with at least one sufficient
8 surety (unless said defendant shall himself qualify and justify, in real estate security
9 situate in this State, in twice the amount fixed by said magistrate for the bond with
10 a surety) to or in an amount not exceeding five hundred dollars, conditioned for
11 his appearance on the day to which the hearing may be adjourned, and thence from
12 day to day, until the case is disposed of; and such bond, if forfeited, may be prose-

13 cuted by the Commissioner of Motor Vehicles in any court of competent jurisdic-
14 tion; and such cash deposit, if forfeited, shall be paid to said Commissioner of
15 Motor Vehicles by said magistrate with whom the same shall have been deposited,
16 to be by said commissioner disposed of as are other moneys coming to his hands
17 under the provisions of section thirty-seven of this act; *provided, however,* that in
18 lieu of said bond or cash deposit the person under arrest may leave with the
19 magistrate the motor vehicle owned or driven by the said person.

1 27. Right of appeal; stay of execution, bond. The defendant in any proceed-
2 ing instituted under this act may appeal from the judgment or sentence of the magis-
3 trate to the Court of Common Pleas of the county in which such proceedings shall
4 have taken place; *provided,* the said defendant shall, within ten days after the date
5 of said judgment, deliver to the magistrate a bond to the State of New Jersey with
6 at least one sufficient surety, or make a cash deposit with him of such amount as
7 the magistrate shall direct not exceeding the amount of five hundred dollars (un-
8 less said defendant can himself qualify and justify in real estate security in this
9 State in twice said amount), conditioned to stand to and abide by such further order
10 or judgment as may thereafter be made against the said party; *and provided,*
11 *further,* that if the said magistrate shall have imposed a sentence of imprisonment,
12 the 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 the
14 provisions of this act, shall be a stay of and upon the enforcement of a sentence of
15 imprisonment, whether the execution of such sentence shall have been entered upon
16 or not, as well as of such other judgment as may be pronounced; *and provided,*
17 *further,* that in lieu of the appeal bond, in this section specified, and of the cash de-
18 posit therein provided for, the defendant may leave with the magistrate the motor
19 vehicle owned or operated by the said defendant; *and provided, further,* that if said
20 defendant shall, after the rendition of said judgment or sentence, announce to said
21 magistrate his intention to appeal therefrom and either give the bond, make the de-
22 posit or leave the motor vehicle as herein provided, he shall have ten days from the
23 date of the rendition of said judgment or sentence within which to complete his ap-

24 peal, during which said ten days the execution of whatever sentence or judgment
25 shall have been rendered, whether of imprisonment or fine, shall be stayed, and in
26 case said defendant shall fail to complete his appeal within said ten days, the like
27 proceedings may be had as would by the provisions of this act follow an appeal
28 taken and a judgment of affirmance thereupon.

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

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

1 30. Pleadings; when bond for costs may be demanded. All proceedings for
2 the violation of the provisions of this act shall be entitled and shall run in the name
3 of the State of New Jersey, with the Commissioner of Motor Vehicles, or a motor
4 vehicle inspector, or a police officer, or a constable, or such other person as shall
5 by 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.

1 31. (1) Arrest without warrant; detention of person; hearing. Any constable
2 or police officer, or motor vehicle inspector, or the Commissioner of Motor Vehi-
3 cles is hereby authorized to arrest, without warrant, any person violating in the pres-

4 ence of such constable, or police officer, or motor vehicle inspector, or the Com-
5 missioner of Motor Vehicles any of the provisions of this act, and to bring the
6 defendant before any magistrate of the county where such offense is committed. The
7 person so offending shall be detained in the office of the magistrate until the officer
8 making such arrest shall make oath or affirmation, which he shall do forthwith, de-
9 claring that the person under arrest has violated one or more of the provisions of
10 this act, and specifying the provision or provisions violated, whereupon said magis-
11 trate shall issue a warrant returnable forthwith, and the said magistrate shall pro-
12 ceed summarily to hear or postpone the case as provided in sections twenty-six and
13 twenty-seven of this act. And any such constable or police officer, or motor vehicle
14 inspector, or the Commissioner of Motor Vehicles, upon satisfying himself that such
15 offender is a resident of this State, may instead of arresting such offender as here-
16 inabove provided, serve upon him a summons in the name of any police court, re-
17 corder's court or other court of competent jurisdiction in the county, city, town,
18 township, village, borough or other municipality wherein such officer shall be au-
19 thorized to discharge his duties, directing such offender to appear and answer such
20 charge or charges as may then and there be referred against him; and for this
21 purpose the county, city, town, township, village and borough clerks respectively
22 shall provide the said officer or officers with a form of summons, which when filled
23 out, executed and issued by the said officer or officers, in such cases as herein pro-
24 vided, shall be good and effectual according to the purpose and intent thereof.

25 (2) Any person arrested for a violation of any of the provisions of this act
26 shall, upon demand of the magistrate hearing the complaint against said person, pro-
27 duce his license for inspection, and if said person shall fail to produce his license or
28 to give a satisfactory excuse for its non-production, he shall, in addition to any other
29 penalties imposed by said magistrate, be subject to a fine of not more than twenty-
30 five dollars.

1 32. Validity of warrant; cash deposit or recognizance. A summons or warrant
2 issued by any magistrate in accordance with the provisions of this act shall be valid
3 throughout the State, and any officer who has power to serve the said summons, or

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

1 33. Fees. The fees provided in the following schedule and no other charges
 2 whatsoever shall be allowed the magistrate and officer in proceedings under this act,
 3 and where no fee is provided for any necessary service to be performed, the same
 4 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	
7 arrest without warrant based on complaint,	10 cents.
8 Copies,	5 cents each.
9 Subpœna,	10 cents.
10 Administering oath to each witness,	10 cents.
11 Each adjournment,	15 cents.
12 Entry of judgment,	20 cents.
13 Recognizance or bond, drawing entry and approval of,	25 cents.

14 Execution, 25 cents.
 15 Making return to certiorari, 50 cents.
 16 Granting appeal and necessary papers, 50 cents.
 17 Hearing contested case, 50 cents.
 18 Hearing non-contested case, 25 cents.

CONSTABLE.

19 Service of summons or warrant (except in cases of arrest on view where
 20 no costs for service), 30 cents.
 21 Service of subpoena (except where subpoena to party present at time of
 22 arrest, where no costs), 30 cents.
 23 Service of execution, 75 cents.
 24 For every mile of travel in serving any summons or warrant, after the
 25 first mile, computed by counting the number of miles in and out, by the
 26 most direct route from the place where such process is returnable, ... 3 cents.

27 Witnesses. For each witness, not exceeding three to each party, twenty-five
 28 cents, and which shall be paid by the defendant if the defendant be found guilty
 29 of the charge laid against him; but if, on appeal, said judgment be reversed, said
 30 costs shall be repaid to said defendant as hereinbefore provided. If the defendant
 31 be 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 or a police officer shall have been
 34 the prosecutor.

PENALTIES.

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

8 days; *provided, further*, that the penalties above prescribed shall not apply to the
9 display of a fictitious number.

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

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

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

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

REVOCATION OF LICENSE; APPEAL; REINSTATEMENT; REVIEW.

1 35. It shall be lawful for a magistrate before whom any hearing under this act
2 shall be had, to revoke the license of any person to drive a motor vehicle when such
3 person shall have been guilty of such wilful violation of the provisions of this act
4 as shall in the discretion of the said magistrate justify such revocation, but an appeal
5 of the matter to the Court of Common Pleas shall act as a stay upon the said re-
6 vocation, and the Court of Common Pleas upon the appeal of the said matter shall
7 have the power to void the said revocation; and the Commissioner of Motor Ve-

8 hicles shall at all times have the power to validate a license that has been revoked,
9 or to grant a new license to any person whose license to drive motor vehicles shall
10 have been revoked.

11 It shall be lawful for the justice of the Supreme Court holding the circuit in
12 each of the counties of this State, upon application made to him by a verified peti-
13 tion for that purpose by any person against whom a judgment or sentence for the
14 violation of any of the provisions of this act shall have been rendered, who may
15 desire to have the legality of his conviction reviewed or the reasonableness of the
16 sentence or penalty imposed, to order the said complaint, process, proceedings, evi-
17 dence and record of conviction to be forthwith brought before him, that the legality
18 of such proceedings and sentence or judgment, or the reasonableness of the sentence
19 or penalty may be summarily reviewed and determined; and if such proceedings and
20 sentence or judgment shall thereupon be found to be illegal, or the sentence or
21 penalty be unreasonable, forthwith to set aside the same and to order the remission
22 or reduction of any fine and costs that may have been imposed or the discharge of
23 any offender from custody.

DISPOSITION OF MONEYS: RECEIVED FROM FINES: PENALTIES.

1 36. Moneys received in accordance with the provisions of this act, whether from
2 fines, penalties, registration fees, license fees, or otherwise, shall be accounted for
3 and forwarded to the Commissioner of Motor Vehicles, and by him paid over to the
4 Treasurer of the State of New Jersey, to be used by the State Highway Commission
5 as a fund for the repair of such improved roads through the State as said State
6 Highway Commission shall designate, regard being had to the repair of the most im-
7 portant improved roads, and the distribution of the benefits of this act throughout
8 the several counties of this State; *provided, however,* that there shall first be de-
9 ducted from the moneys as aforesaid received, the amount appropriated by the
10 Legislature in any annual or supplemental bill for the maintenance of said Depart-
11 ment of Motor Vehicles, which said sum so deducted shall become a part of the
12 general State fund.

MACHINE HELD AS BAIL: REDEMPTION.

1 37. When any motor vehicle shall have been deposited under this act in lieu of
2 bond, the said motor vehicle shall be held the property of the State of New Jersey
3 subject to the same conditions as would govern the bond under like circumstances,
4 and may be redeemed by the person depositing the same upon delivery of the re-
5 quisite bond or upon paying such fine and submitting to such penalty as may be im-
6 posed; and unless the motor vehicle so deposited in lieu of bond shall be redeemed
7 within ten days next following the date of the final determination of the matter, it
8 shall be lawful for the Commissioner of Motor Vehicles to sell the same at public
9 auction and apply the net proceeds of said sale (the expense of the matter having
10 been deducted) as set forth in section thirty-seven hereof.

JUSTICES' JURISDICTION LIMITED.

1 38. Nothing in this act shall be construed to give jurisdiction to justices of the
2 peace in any city having a police justice or recorder's court.

1 39. Every justice of the peace, police magistrate, recorder or police judge shall
2 make a report to the Commissioner of Motor Vehicles of all cases heard before him
3 for violation of the Motor Vehicle Act or for any other violation in which a mo-
4 tor vehicle was used in any way in writing within three days after the disposition
5 of such case before him as a magistrate upon blanks provided by the said Commis-
6 sioner of Motor Vehicles for this purpose, and such report shall state the nature of
7 the violation, the disposition of the case by the said magistrate, and any recommen-
8 dations which the said magistrate may deem of value to the said commissioner in de-
9 termining whether action be taken against the license of the driver or owner of such
10 motor vehicle.

EFFECT OF PARTIAL INVALIDITY OF ACT.

1 40. In case for any reason any section or any provision of this act shall be
2 questioned in any court, and shall be held to be unconstitutional or invalid, the

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.

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.

[SECOND OFFICIAL COPY REPRINT.]

ASSEMBLY, No. 483

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1921.

By Mr. TATTERSALL.

Referred to Committee on Judiciary.

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.

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

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

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

6 (2) The term "motor cycle" shall include all motor operated vehicles of the
7 bicycle or tricycle type, whether the motive power be a part thereof or attached
8 thereto, and having pedals and saddle with driver sitting astride, or a platform on
9 which said driver stands.

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

11 (4) The term "omnibus" as used in this act shall include all motor vehicles
12 used for the transportation of passengers for hire, except such vehicles as are used

13 to transport children to and from school outside of a city, provided such motor
14 vehicle is not otherwise used in the transportation of passengers for hire.

15 (5) "Commercial motor vehicle" as used in this act shall include every type
16 of motor-driven vehicle used for commercial purposes on the highways, such as
17 the transportation of goods, wares, or merchandise, excepting such vehicles as are
18 run only upon rails or tracks.

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

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

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

27 (9) The term "semi-trailer" as used in this act is a two-wheeled vehicle with-
28 out motor power, drawn by a motor-driven vehicle, and so designed and used in
29 connection with a self-propelled vehicle that a considerable part of its own weight
30 rests upon the towing vehicle.

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

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

37½ (12) The word "magistrate" shall be deemed and understood to mean and
38 include all justices of the peace, judges of the city criminal courts, police justices,
39 recorders, mayors, and other officers having the power of a committing magistrate.

EXEMPTIONS.

1 2. Automobile fire engines and such self-propelling vehicles as are used neither
2 for the conveyancing of persons for hire, pleasure, or business, nor for the transpor-

3 tation of freight, such as steam road rollers, and traction engines, are excepted
 4 from the provisions of this act. No fee shall be charged for the registration of
 5 motor vehicles owned by the United States, the State of New Jersey, or by any
 6 city, borough, incorporated town, township, or county, duly authorized volunteer
 7 fire department, hospital, humane society, any anti-cruelty society in this State, or
 8 by the American Red Cross, providing such vehicles are not used for pleasure or
 9 hire, but all such vehicles shall be registered and shall display number plates as
 10 is provided for in this act.

ORGANIZATION AND DUTIES.

1 3. The Secretary of State shall forthwith organize in connection with the De-
 2 partment of State, the Department of Motor Vehicle Registration and Regulation.
 3 He shall provide suitable quarters for the same and shall furnish all necessary
 4 supplies and equipment for the proper enforcement of the provisions of this act.
 5 He shall approve all bills for disbursements of money under any of the provisions
 6 of this act, which shall be paid by the State Treasurer, upon the warrant of the
 7 Comptroller, out of any appropriation regularly made therefor.

COMMISSIONER OF MOTOR VEHICLES: INSPECTORS: ORGANIZATION OF FORCE: COMPEN-

SATION: POWERS.

7 4. (1) The Assistant Secretary of State shall be ex-officio Commissioner of
 2 Motor Vehicles, and shall have personal charge and supervision of the enforce-
 3 ment of the provisions of this act, and shall execute all contracts entered into by
 4 the Department of Motor Vehicles. The Commissioner of Motor Vehicles shall
 5 appoint a chief inspector of motor vehicles, who shall have practical knowledge
 6 of the mechanical arrangement and capabilities of all kinds of motor vehicles, and
 7 be capable to pass upon the efficiency of motor vehicles and the competency of mo-
 8 tor vehicle drivers. The Commissioner of Motor Vehicles shall appoint as many
 9 inspectors as may be necessary in detecting violations of this act, in obtaining evi-
 10 dence of violations, and otherwise assisting in the enforcement of the act. The
 11 said inspectors shall be chosen with special reference to their fitness for the work,
 12 and shall be required to submit themselves to such an examination, as may be

13 required by the Board of Civil Service Commissioners, and shall be equipped at
14 his discretion with automobiles and other means of conveyance. The Commis-
15 sioner of Motor Vehicles may detail one of the inspectors to act as deputy chief
16 inspector. The Commissioner of Motor Vehicles shall organize the inspector
17 force with the chief inspector at its head, and shall adopt such rules and regula-
18 tions for the regulation of the inspector force as shall appear desirable, and shall
19 exercise the power of suspension, and when necessary, of discharge of inspectors
20 for failure to comply with the rules of the department, or for other cause. The
21 compensation of these inspectors shall be classified and fixed by the Board of
22 Civil Service Commissioners. The Commissioner of Motor Vehicles shall have
23 power to appoint any number of citizens, not exceeding two hundred, who shall
24 be interested in the proper enforcement of this act, and who shall be known as
25 special inspectors. They shall serve without pay and shall have all the power and
26 authority of the paid inspectors as stated in this act. The Commissioner of Mo-
27 tor Vehicles shall also have power to appoint, in addition to these, such employees,
28 officers or inspectors of other departments of the State government, upon the re-
29 quest of such departments, as special inspectors, including county engineers when
30 certified by the boards of chosen freeholders, such appointees to serve without
31 any additional compensation. The Commissioner of Motor Vehicles shall also fix
32 the compensation of clerical assistants and others employed under this act, subject
33 to classification and standardization of the Board of Civil Service Commissioners.
34 The compensation of the Commissioner of Motor Vehicles shall be fifteen hun-
35 dred dollars per annum, in addition to any compensation he may receive by rea-
36 son of any statute fixing the compensation of the Assistant Secretary of State;
37 and he shall have such powers and duties as are in this act given and imposed, and
38 shall collect such data with respect to the proper restrictions to be laid upon mo-
39 tor vehicles, and the use thereof upon the public roads, turnpikes, and thoroughfares,
40 as shall seem to be for the public good, and under the direction of the Secretary
41 of State shall report to each Legislature the operations of his office for the year
42 ending on the next preceding thirty-first day of December. It shall be his duty to
attend to the enforcement of the provisions of this act.

43 (2) The Commissioner of Motor Vehicles shall keep a record of all his offi-
44 cial acts, and shall preserve copies of all decisions, rules, and orders made by him,
45 and shall adopt an official seal. Copies of any act, rule, order, or decision made
46 by him, and of any paper or papers filed in his office may be authenticated under
47 said seal, at a cost not to exceed one dollar and fifty cents for each authentica-
48 tion, and when so authenticated, shall be evidence equally with and in like man-
49 ner as the originals, and said commissioner shall be empowered to communicate
50 with the police departments and peace officers in the State for the purpose of and
51 with the object of the proper enforcement of this act.

52 (3) Motor vehicle inspectors appointed as provided for in this section shall be
53 presented with a badge indicative of their office, and when wearing such badge on
54 the left breast of the outermost garment shall have power to stop any motor ve-
55 hicle and examine the same to see that it complies with the requirements of this
56 act, whether in the matter of equipment, identification, or otherwise; to require the
57 production of the license of the driver; to arrest, without warrant, for violations
58 of this act committed in their presence, and generally to act as special officers for the
59 enforcement of the provisions of this act and for the detection and arrest of those
60 who violate or infringe upon the provisions hereof. All inspectors and officers ap-
61 pointed under this act are hereby given authority to regulate all traffic on the pub-
62 lic streets and highways, and are hereby given explicit powers to enforce all laws
63 regulating traffic or governing the equipment of vehicles on the public streets and
64 highways of this State. Nothing in this act shall be construed to give such inspec-
65 tors or officers any authority over street railways or railroads operated as street
66 railways; *provided, however*, such authority and regulation shall not supersede, but
67 shall be in addition to the authority and regulation exercised and authorized by
68 local police departments in any municipality.

REGISTRATION AGENTS: FEES.

1 5. The Commissioner of Motor Vehicles shall be authorized and full power
2 and authority are hereby given to him, to designate any proper person to be the
3 agent of said Commissioner of Motor Vehicles for the registering of motor ve-

4 hicles and issuing registration certificates and licensing of drivers, subject to the
 5 requirements of this act and to such rules and regulations as shall be imposed by
 6 the commissioner; and any agent who may be so designated is hereby authorized
 7 and required to act according and until the said authority so to act is revoked
 8 by the said commissioner. The fee allowed such agent for registration certificate
 9 so issued by him and for every license so granted by him shall be fixed by the
 10 Commissioner of Motor Vehicles, the same to be deducted and remitted to such
 11 agent by said commissioner from the registration fee or the license fee paid to
 12 him; and the said commissioner may limit the fee so paid to a maximum.

SUSPENSION AND REVOCATION OF REGISTRATION AND LICENSE.

1 6. Every registration certificate and every license certificate to drive motor
 2 vehicles may be suspended or revoked by the Commissioner of Motor Vehicles for
 3 a violation of any of the provisions of this act, or on other reasonable grounds,
 4 after due notice in writing of such proposed suspension or revocation and the
 5 ground thereof, and if a driver of motor vehicles shall have had his license sus-
 6 pended or revoked, a new license granted to him shall be void and of no effect un-
 7 less it shall be granted by the Commissioner of Motor Vehicles in person; and if
 8 the registration or registration certificates shall have been suspended or revoked, a
 9 new registration made or a new registration certificate issued shall be void and of no
 10 effect unless the new registration shall be made and the new certificate issued un-
 11 der the personal direction of the Commissioner of Motor Vehicles.

EQUIPMENT.

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

9 least one brake, which may be operated by hand or foot.

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

17 (3) Lighting devices. Every automobile shall carry, during the period from
18 thirty minutes after sunset to thirty minutes before sunrise, and whenever fog
19 renders it impossible to see a long distance at least two lighted lamps showing white
20 or yellow-tinted lights, visible at least two hundred and fifty feet in the direction
21 toward which said automobile is proceeding; and shall also exhibit a red light
22 visible from the rear; the rays of such rear lamp shall shine upon the number plate
23 carried on the rear of such vehicle in such a manner as to render the numerals
24 thereof visible for at least fifty feet in the direction from which the motor vehicle
25 is proceeding. No automobile shall be used upon the public highways of this State
26 which is equipped with a lamp, of more than twenty-four candle power (unless a
27 greater candle-power shall be permitted under certificate issued by the commis-
28 sioner), which, when lighted, is capable of projecting direct rays at a greater height
29 than a parallel of three and one-half feet from the ground; *provided, however,*
30 that any lamp which has attached thereto any device which cannot be operated
31 from the driver's seat, and which when so attached, renders said lamp incapable,
32 when lighted, of projecting direct rays at a greater height than a parallel of three
33 and one-half feet from the road, shall be deemed to comply with this provision; *pro-*
34 *vided further, however,* that any automobile may be equipped with a lamp capable of
35 projecting direct rays at a greater height than a parallel of three and one-half feet
36 from the ground, if such lamp, when lighted, is not capable of producing a dazzling
37 light or glare; *and provided, further,* that the use of "spotlights" for driving purposes
38 is prohibited, and that the use of such "spotlights" is hereby confined to reading of

39 intersecting highway signs and house numbers. In order that this section may be
40 operative without hardship to the owners and operators of motor vehicles, the Com-
41 missioner of Motor Vehicles is hereby especially authorized to pass upon any light-
42 ing device and upon the equipment of any car, and shall for this purpose examine
43 all lighting devices submitted to him; and if, in his judgment, such lighting devices,
44 when properly applied to a motor vehicle licensed under the authority of this act,
45 shall conform to the provisions of this act, he shall issue a certificate to the manu-
46 facturer, owner, or user of such device, as the case may be, that the same is in
47 compliance with this section. Every automobile shall show at least one white or
48 yellow-tinted light when standing, such white or yellow-tinted light to be on the
49 side of the automobile nearest to the center of the road, and shall display at least
50 one red light to the rear when standing.

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

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

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

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

POWER TO LICENSE DRIVERS: EXAMINATION OF APPLICANTS: REFUSAL TO LICENSE.

1 8. The Commissioner of Motor Vehicles shall be authorized, and full power
 2 and authority are hereby given to him to license at his discretion, and upon pay-
 3 ment of the lawful fee, any proper person of the age of seventeen years or over
 4 to be a motor vehicle driver, said commissioner or his inspectors having first ex-
 5 amined said person, and being satisfied of his or her ability as an operator, which
 6 examination shall include a test of the knowledge on the part of said person of such
 7 portions of the mechanism of motor vehicles as is necessary, in order to insure
 8 the safe operation of a vehicle of the kind or kinds indicated by the applicant,
 9 and of the laws and ordinary usages of the road, and the said applicant having
 10 demonstrated his or her ability to operate a vehicle of the class designated; and
 11 the said Commissioner of Motor Vehicles may, in his discretion, refuse to
 12 grant a license to drive motor vehicles to any person who shall, in the estimation
 13 of said commissioner, be an improper person to be granted such a license.

MOTOR VEHICLES MUST BE REGISTERED.

1 9. (1) Every resident of this State, and every non-resident whose automo-
 2 bile or motor cycle shall be driven in this State, except as is hereinafter provided,
 3 shall, before using such vehicle on the public highways, register the same, and no
 4 motor vehicle or motor cycle shall be driven unless so registered. Every regis-
 5 tration shall expire and the certificate thereof become void on the thirty-first day
 6 of December of each year; and the Commissioner of Motor Vehicles shall issue
 7 licenses for the following year on and after December first of each year, such
 8 licenses so issued not to be used until the thirty-first day of December of the
 9 year preceding the year for which such license is issued.

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

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

24 (3) The holder of any registration certificate issued by the Commissioner
25 of Motor Vehicles, when requested to do so by any motor vehicle inspector, police
26 officer, or magistrate, shall exhibit said certificate, to the end that the said motor
27 vehicle inspector, police officer, or magistrate, may thereby determine the correct-
28 ness of the said certificate as the same relates to the registration number plates
29 of the automobile or the motor 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
32 and his successors in office the true and lawful attorney upon whom all original
33 process 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
36 the same force and effect as if served on such owner within this State; the ser-
37 vice of such process shall be made by leaving a copy of the same in the office of
38 the Secretary of State, with a service fee of two dollars to be taxed on the plain-
39 tiff's costs of suit. Said Commissioner of Motor Vehicles shall forthwith notify
40 such owner of such service by letter directed to him at the post-office address stated
11 in his application.

DRIVERS' LICENSES: EXAMINATIONS: PERMITS.

1 10. (r) No person shall hereafter drive an automobile or motor cycle upon
2 any public highway in this State unless licensed to do so in accordance with the
3 provisions of this act. No person under the age of seventeen years shall be
4 licensed to drive automobiles or motor cycles, nor shall any person be licensed to
5 drive automobiles or motor cycles until said person shall have passed a satisfactory
6 examination as to his ability as an operator, which examination shall include a
7 test of the knowledge on the part of said person of such portions of the mechanism
8 of automobiles or motor cycles as is necessary in order to insure the safe opera-
9 tion of a vehicle of the kind or kinds indicated by the applicant. Drivers' license
10 certificates shall expire on the thirty-first of December of each year. Said licensee
11 shall be entitled to drive any registered automobile or motor cycle. The annual
12 license fee to be charged shall be three dollars for drivers of motor vehicles; and
13 one dollar for operators of motor cycles.

14 (2) It shall be lawful for the Commissioner of Motor Vehicles, at his dis-
15 cretion, to issue to any person over seventeen years of age a written permit, under
16 the hand and seal of said commissioner, allowing the said person, for the purpose
17 of fitting himself to become a motor vehicle driver, or a motor cycle operator, to
18 operate a motor vehicle or motor cycle for a specified period of not more than
19 three weeks, while in the company and under the supervision of a licensed motor
20 vehicle driver; and such permit, under the hand and seal of the Commissioner of Mo-
21 tor Vehicles, shall be sufficient license for the said person to operate a motor vehicle or
22 motor cycle in the State during the period specified, while in the company of and
23 under the control of a licensed motor vehicle driver of this State; and provided,
24 further, that the said person, as well as such licensed motor vehicle driver, shall be
25 held accountable for all violations of this act committed by the said person while
26 in the presence of such licensed motor vehicle driver. No such written permit
27 shall be issued unless the person applying therefor shall pay the sum of fifty cents
28 to any agent of the Motor Vehicle Department, such sum to be turned over by
29 the said agent to the Commissioner of Motor Vehicles, and by him remitted with

30 the other funds collected in his department to the State Treasurer, in accordance
31 with the provisions of this act; and no examination for a driver's license shall
32 be given unless the applicant therefor has first secured a learner's permit.

33 (3) Each license to drive an automobile shall have endorsed thereon in the
35 license must be in the possession of to the name of said licensee. And the said
34 proper handwriting of the said licensee driver or operator at all times when the
36 said driver or operator is in charge of a motor vehicle or motor cycle on the
37 highways of this State. And said licensee when thereupon requested by any mo-
38 tor vehicle inspector, police officer, or magistrate, while in the performance of
39 the duties of his office under this act, shall exhibit said license to said officer, and
40 write his name in the presence of said officer, to the end that he may thereby de-
41 termine the identity of said licensee.

42 (4) Any motor vehicle or motor cycle belonging to any person who is a non-
43 resident of this State, and who has registered such motor vehicle or motor cycle
44 in and has complied with all of the laws of the State, Territory, Federal District
45 of the United States, or of any Province of the Dominion of Canada, in which he
46 resides, with respect to the registration of motor vehicles and the display of regis-
47 tration numbers, and who shall conspicuously display such registration number
48 as required thereby, may be driven in this State during a period of not to exceed
49 fifteen days in each calendar year, or on two or more occasions not exceeding in
50 the aggregate the period of fifteen days in any such year, without complying with,
51 or being subject to the provisions of this act as the same applies to the registration
52 of motor vehicles and the licensing of the operators thereof; *provided*, that each
53-55 day or part of a day during which any such motor vehicle is within this State
56 shall be considered as one of said fifteen days; *and provided, further*, that the
57 provisions of this section shall be operative as to any such motor vehicle owned by
58 non-resident of this State only to the extent that under the laws of the State,
59 Territory, Federal District or Province of his residence, substantially similar exemp-
60 tions and privileges are granted to motor vehicles and motor cycles duly registered
61 under the laws of this State; *and provided, further*, that the Commissioner of

62 Motor Vehicles shall have power to suspend, for cause, the fifteen day touring
 63 privilege in so far as it may apply to any licensed motor vehicle licensed by any
 64 State, Federal District, Territory or of the Province of the Dominion of Canada
 65 to which such privilege is granted under the provisions of this act. The Commis-
 66 sioner of Motor Vehicles, in suspending such privilege, shall give seven days' no-
 67 tice of such action, citing in such notice the number of the motor vehicle or motor
 68 cycle in reference to which such privilege is suspended, and shall forward such
 69 notice to the department which issued the license against which such privilege is
 70 suspended. The Commissioner of Motor Vehicles, when suspending such privilege,
 71 shall give public notice of the same, and cause all police departments or other police
 72 authorities to be notified of such action. If such motor vehicle against which such
 73 privilege has been suspended shall be driven thereafter in the State of New Jersey,
 74 during the period in which its license is in force, the driver and owner thereof shall
 75 shall be subject to a fine not exceeding two hundred dollars.

76 (5) The fifteen day touring privilege as hereinbefore provided is also extended
 77 to the chauffeurs or drivers of all non-resident motor vehicles operating in this
 78 State under such touring privilege, provided that the said chauffeur or driver has
 79 complied with the law of his resident State with respect to the licensing of drivers
 80 or chauffeurs, but no such non-resident chauffeur or driver shall operate in this
 81 State, any motor vehicle or motor cycle which is registered in this State.

FEEES.

1 11. (1) Every manufacturer of automobiles residing and having his principal
 2 place of business within this State, instead of registering each automobile owned or
 3 controlled by him, may make application, as hereinbefore provided in this act for
 4 a registration number, and the written statement, in addition to the matters here-
 5 inbefore contained, shall state that he is a manufacturer; that he desires to use a
 6 single number on automobiles owned or controlled by him while being used for
 7 demonstration purposes or for shop purposes. The Commissioner of Motor Ve-
 8 hicles may thereupon, if satisfied of the facts stated in the application, issue a
 9 certificate as herein set forth assigning the same a number, which certificate shall

10 contain a statement that the same is issued to the applicant as a manufacturer.
11 One certificate shall cover and be valid for the use of not more than five automo-
12 biles of said manufacturer at one time while under his control. The Commis-
13 sioner of Motor Vehicles shall provide five sets of identification marks of the
14 general style and kind provided for motor vehicle registrations in this act, and
15 such identification marks shall not be used on any vehicle not actually owned by
16 said manufacturer or operated either by him or his duly authorized agent.

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

25 (2) Every dealer in automobiles or motor cycles doing business in this State, in-
26 stead of registering each automobile or motor cycle owned or controlled by him, may
27 make application as hereinbefore provided in this act, for a registration number, and
28 the written statement, in addition to the matters hereinbefore contained, shall state
29 that he is a dealer; that he desires to use a single number on automobiles or motor
30 cycles owned or controlled by him while being operated for purposes of his business
31 or for his personal use, but not for hire. The Commissioner of Motor Vehicles
32 may thereupon, if satisfied of the facts stated in said application, issue certificate
33 as herein set forth, assigning the same a number, which certificate shall contain
34 a statement that the same was issued to the applicant as a dealer. One certificate
35 shall cover and be valid for the use of not more than five automobiles or motor
36 cycles of said dealer at one time while under his control. The Commissioner of
37 Motor Vehicles shall provide five sets of identification marks of the general style
38 provided for motor vehicle registration in this act, and such identification marks
39 shall not be used on any vehicle not actually owned by said dealer or operated either

40 by him or his duly authorized agent. All such automobiles or motor cycles shall
41 be regarded as registered under such general number, and in addition to the regis-
42 tration number displayed on the front and rear of the car or motor cycle as here-
43 after provided, there shall be added the letter "D" of equal size and prominence.
44 The annual fee for such dealer's registration shall be five dollars for each car or
45 motor cycle so authorized to be operated under such registration number, and the
46 Commissioner of Motor Vehicles shall issue registration certificates in duplicate
47 equal to the number of cars or motor cycles not less than five sets for automobile
48 dealers nor less than three sets for motor cycle dealers authorized to be operated
49 under said registration number.

50 No person or persons shall use or permit the use of the plates issued under
51 a dealer's registration on any motor vehicle other than those owned by such dealer
52 and operated by such dealer or his employees or for any purpose other than the
53 personal use of the dealer, or demonstrating said vehicle to a prospective purchaser
54 or testing or removing same from storage place, shipping point or place of delivery
55 before or after sale.

56 Dealer's plates marked "In Transit" and corresponding in number to the nu-
57 merals displayed on the dealer's registration may be issued by the Commissioner
58 of Motor Vehicles on application from any dealer. Such plates shall be used solely
59 ½ in the transportation of motor vehicles from the factory to the place of business
59 of the dealer within this State and for no other purpose whatsoever. The cost of
60 such dealers' plates shall be two dollars for each set.

61 (3) For each vehicle used as an omnibus for the transportation of passenger
62 for hire, the applicant shall pay an annual fee of fifteen dollars for vehicles having
63 a seating capacity for five passengers or less, for each such vehicle having a seat-
64 ing capacity for passengers of not less than six nor more than eight pas-
65 sengers, the annual fee shall be seventeen dollars and fifty cents; for each such ve-
66 hicle having a seating capacity for passengers of not less than nine nor more than
67 twelve passengers, the annual fee shall be twenty dollars; for each vehicle having
68 a seating capacity for passengers of not less than thirteen nor more than seven-
teen passengers, the annual fee shall be twenty-five dollars; for each such vehicle

69 having a seating capacity for passengers of not less than eighteen nor more than
70 twenty-two passengers, the annual fee shall be thirty dollars; for each such vehicle
71 having a seating capacity for passengers of not less than twenty-three nor more
72 than twenty-six passengers, the fee shall be thirty-five dollars; for each such ve-
73 hicle having a seating capacity for passengers of not less than twenty-seven nor
74 more than thirty pasengers, the fee shall be forty dollars; for each such vehicle hav-
75 ing a seating capacity for passengers in excess of thirty passengers, the applicant
76 shall pay an annual fee of forty dollars, and an additional fee of two dollars for
77 each passenger (measured by seating capacity) in excess of thirty passengers.

78 The Commissioner of Motor Vehicles shall provide identification marks of the
79 general style and kind provided for motor vehicle registrations, assigning a num-
80 ber to each identification mark, and before each number the letter "O" shall be
81 placed.

82 Every such applicant for an omnibus registration shall make application, set-
83 ting forth the fact that he is in the business of transporting passengers for hire, and
84 the Commissioner of Motor Vehicle, if satisfied of the correctness of the state-
85 ments made in such application, may issue a registration certificate for omnibus
86 license.

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

89 (4) Commercial motor vehicles, trailers, semi-trailers, tractors. The applicant
90 for registration for automobile commercial vehicles, trailers, semi-trailers,
91 and tractors shall pay to the Commissioner of Motor Vehicles a fee based upon the
92 gross weight of such vehicle and load, when loaded to its carrying capacity. When
93 the gross weight of the vehicle and load exceeds the gross weight allowed by law
94 for the particular size of tires set forth in the application for registration, then
95 such gross weight of vehicle and load shall be determined according to law upon the
96 sizes of tires given in said application. The plates to be used for the commercial
97 motor vehicles shall display the word "commercial," and the numerals shall be pre-
98 fixed by the letter "X"; the trailer plates shall have the letter "T."

99	The fee shall be in accordance with the following table:	
100	If the gross weight of vehicle and carrying capacity is	
101	1000 pounds or less	\$10.00
102	1001 to 2000 pounds	12.00
103	2001 to 3000 pounds	15.00
104	3001 to 4000 pounds	20.00
105	4001 to 5000 pounds	24.00
106	5001 to 6000 pounds	27.00
107	6001 to 7000 pounds	30.00
108	7001 to 8000 pounds	33.00
109	8001 to 9000 pounds	36.00
110	9001 to 10,000 pounds	39.00
111	10,000 to 11,000 pounds	42.00
112	11,000 to 12,000 pounds	45.00
113	12,001 to 13,000 pounds	48.00
114	13,001 to 14,000 pounds	51.00
115	14,001 to 15,000 pounds	54.00
116	15,001 to 16,000 pounds	57.00
117	16,001 to 17,000 pounds	60.00
118	17,001 to 18,000 pounds	63.00
119	18,001 to 19,000 pounds	66.00
120	19,001 to 20,000 pounds	69.00
121	20,001 to 21,000 pounds	72.00
122	21,001 to 22,000 pounds	75.00
123	22,001 to 23,000 pounds	78.00
124	23,001 to 24,000 pounds	81.00
125	24,001 to 25,000 pounds	84.00
126	25,001 to 26,000 pounds	87.00
127	26,001 to 27,000 pounds	90.00

128	27,001 to 28,000 pounds	93.00
129	28,001 to 29,000 pounds	96.00
130	29,001 to 30,000 pounds	99.00

131 *Provided*, that no automobile commercial vehicle, trailer, semi-trailer, or trac-
 132 tor shall be registered by the Commissioner of Motor Vehicles unless the same are
 133 equipped on all wheels with rubber tires; *and provided, further*, that any person
 134 who shall overload any commercial motor vehicle, tractor, trailer, or semi-trailer
 135 beyond the gross weight shown in the registration certificate for said vehicle, shall
 136 be fined not less than one hundred dollars nor more than two hundred and fifty dol-
 137 lars for the first offense, and for any subsequent offense, not less than two hundred
 138 and fifty dollars nor more than five hundred dollars.

139-143 (5) Passenger vehicles. The applicant for registration for motor vehicles
 144 shall pay to the Commissioner of Motor Vehicles for each registration a fee of
 145 forty cents per horse-power for the rated horse-power of such motor vehicle or
 146 the major fraction thereof for the rated horse-power of such motor vehicle up
 147 to and including vehicles of a twenty-nine horse-power rating; and all passenger
 148 motor vehicles having a rating of thirty horse-power or more shall pay a fee of
 149 fifty cents per horse-power or the major fraction thereof.

150 (6) Motor cycles. The applicant for registration for a motor cycle shall
 151 pay to the Commissioner of Motor Vehicles for each registration a fee of two
 152 dollars.

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

158 (8) Refusal of registration. The Commissioner of Motor Vehicles may re-
 159 fuse registration in the case of any automobile, commercial motor vehicle, trailer,
 160 semi-trailer, tractor, or omnibus, that shall not comply with the requirements of

161 this act or that shall seem to him unsuitable for use on the roads and highways
162 of this State.

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

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

TRANSFER OF REGISTRATION.

1 12. (1) Upon the transfer of ownership or the destruction of any motor ve-
2 hicle, its registration shall expire; and in the event of the sale of the motor ve-
3 hicle the original owner shall remove the registration plates therefrom, and shall
4 within forty-eight hours, notify the Commissioner of Motor Vehicles of the name
5 and address of the purchaser.

6 The original owner may, however, by proper sworn application upon a blank
7 to be furnished by the Motor Vehicle Department, register another motor vehicle

8 upon payment of a fee of one dollar when such motor vehicle is of equal or less
9 horse-power or classification than that originally registered, or upon the payment of
10 a fee of one dollar and the difference between the fee originally paid and that
11 due if the new motor vehicle be properly registerable in a higher class; and un-
12 less the original registration plates have been destroyed, such owner shall be as-
13 signed the registration number previously issued to him and shall receive a new
14 registration certificate. If the original registration plates have been destroyed,
15 then the owner thereof in making application for the transfer of the original reg-
16 istration shall pay in addition to the transfer fee of one dollar an additional fee of
17 two dollars for new plates.

19 (2) Lost or defaced license plates. In the event of the loss of one or both
20 registration plates or said plate or plates being so defaced that the numbers thereon
21 are illegible, it shall be the duty of the owner of the motor vehicle for which the
22 same were issued to apply to the Commissioner of Motor Vehicles or his represen-
23 tative for new plates within twenty-four hours of the discovery of the loss or de-
24 facement of such plate or plates. Such application shall be made upon blank fur-
25 nished by the department, on which shall be set forth the loss, defacement, or de-
26 struction of such plate or plates, and shall be accompanied by a fee of one dollar
27 for each plate so lost or defaced, if the same applies to a motor vehicle, and a fee
28 of fifty cents for each plate so lost or defaced if the same be for a motor cycle.
29 Thereupon the Department of Motor Vehicles shall cancel the original registra-
30 tion and shall issue to the applicant new plates of another number than that of the plates
31 originally issued, and shall also issue a new registration certificate.

DISPLAY OF MARKERS: FICTITIOUS NUMBERS.

1 13. (1) The owner of each and every automobile which shall be driven upon
2 the public highways of this State shall display on the front and rear of such vehicle,
3 not less than fifteen inches or more than thirty-six inches from the ground in a
4 horizontal position, and in such a way as not to swing, an identification mark, to be

5 furnished by the Motor Vehicle Department. Said identification mark shall contain
6 the number of the registration certificate of said vehicle in characters not less than
7 four inches in height, with a stroke of not less than one-half an inch, and shall
8 be of such design as shall be prescribed by the Commissioner of Motor Vehicles.

9 The identification marks of vehicles shall be of metal, sufficiently enduring to
10 be plainly legible under all atmospheric conditions for at least one year. Motor
11 cycles shall also display two identification marks, one on the front and one on the rear
12 of each motor cycle. All identification marks shall be kept clear and distinct and
13 free from grease, dust, or other blurring matter, so as to be plainly visible at all
14 times during daylight and night.

15 The Commissioner of Motor Vehicles may, in his discretion, adopt any form
16 of illuminated marker for use on the rear of motor vehicles which in his judgment
17 will make the identification mark of such motor vehicle more easily legible at
18 night; *provided*, such device shall not be excessive in its cost or so cumbersome as
19 to be impractical in its application to motor vehicles.

20 (2) No person shall drive a motor vehicle, the owner of which vehicle shall
21 not have complied with the provisions of this act concerning the proper registra-
22 tion and identification of the same; nor shall any person drive a motor vehicle
23 which shall display on the front or back thereof a fictitious number, or a number
24 other than that designated for such motor vehicle in the New Jersey registration
25 certificate of such motor vehicle.

CERTAIN ACTS FORBIDDEN.

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

6 (2) No person shall interfere or tamper with a motor vehicle or put in motion
7 the engine of such vehicle while it is standing, without the permission of the
8 owner. Any person who shall violate this provision shall be fined not less than ten

9 nor more than fifty dollars for a first offense, and, for each subsequent offense,
10 shall be fined not less than fifty nor more than one hundred dollars or imprison-
11 ment of not more than thirty days or both.

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

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

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

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

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

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

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

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

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

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

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

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

77 (14) Any person or persons making any mis-statement of facts in his or their
 78 applications for registration of a motor vehicle or driver's license, or give a ficti-
 79 tious address, shall be deemed guilty of a misdemeanor, and upon conviction,
 80 thereof, shall be subject to a fine of not less than two hundred (\$200) or more
 81 than five hundred (\$500), or imprisonment for one year, or both, at the discretion
 82 of the court; and the Commissioner of Motor Vehicles shall, upon proper evidence
 83 of such mis-statement, or fictitious address, revoke the registration of the motor
 84-89 vehicle, or the drivers' license, as the case may be. It shall be the duty of the regis-
 90 tered owner of every motor vehicle and of every licensed operator to notify the
 91 Commissioner of Motor Vehicles of any change in his or her place of residence,
 92 within one week after such change is made.

LAW OF ROAD: POWER OF LOCAL AUTHORITIES: SPEEDWAYS: PARKS: ORDINANCES.

1 15. (1) Drivers of motor vehicles, whether of burthen or pleasure, using any
 2 of the turnpikes or public roads in this State, when met by another motor ve-
 3 hicle, or by a carriage, sleigh, or sled, shall keep to the right, and when overtaken
 4 by another motor vehicle, carriage, sleigh or sled, they shall likewise keep to the
 5 right, so as and when overtaken by another motor vehicle, carriage, sleigh or sled,
 6-7 either met or overtaken to pass uninterrupted.

8 (2) No owner or purchaser or driver of a motor vehicle who shall have
 9 complied with the requirements and provisions of this act shall be required to ob-
 10 tain any other license or permit to use or operate the same, nor shall such owner or
 11 purchaser or driver be excluded or prohibited from or limited in the free use

12 thereof, nor limited as to speed upon any public street, avenue, road, turnpike,
 13 driveway, parkway or other public place, at any time, when the same is or may here-
 14 after be opened to the use of persons having or using other carriages nor be required
 15 to comply with other provisions or conditions as to the use of said motor vehicle,
 16 except as in this act provided: *provided, however,* that nothing in this section con-
 17 tained shall be construed to apply to or include any speedway created and main-
 18 tained in pursuance of an act of the Legislature of the State of New Jersey, en-
 19 titled "An act to provide for the construction and maintenance of speedways in
 20 the counties of this State," approved March nineteenth, one thousand nine hundred
 21 and two, nor to any parks or parkways created and maintained in accordance with
 22 an act of the Legislature of the State of New Jersey entitled "An act to establish
 23 public parks in the counties of this State and to provide for the acquisition, im-
 24 provement, and regulation of the same," approved March twentieth, one thousand
 25 nine hundred and one. No city, town, township, borough, or other municipality
 26 shall have power to make any ordinance, by-law, or resolution limiting or restrict-
 27 ing the use or speed of motor vehicles, and no ordinance, by law, or resolution here-
 28 tofore or hereafter made by any city, town, township, borough or other municipal
 29 or local authority by whatever name known or designated in respect to or limiting
 30 the use or speed of motor vehicles shall have any force, effect, or validity.

GENERAL SPEED RATES; DAMAGES; EXEMPTIONS; SIGNALS.

1 16. The following rates of speed may be maintained, but shall not be exceeded,
 2 upon any public street, public road or turnpike, public park or parkway, or public
 3 driveway, or public highway, in this State by any one driving a motor vehicle:

4 (1) A speed of one mile in seven minutes upon the sharp curves of a street
 5 or highway or when turning a corner, and a speed of one mile in four minutes at
 6 the junction or intersection of a prominent cross-road where such a street, road,
 7 or highway passes through the open country; the term "open country" meaning
 8 where houses are an average of more than one hundred feet apart.

9 A speed of one mile in six minutes where such street or highway passes
 10 through the built-up portion of a city, town, township, borough or village where
 11 the houses are an average less than one hundred feet apart.

12 A speed of one mile in four minutes within two hundred feet of any horse
13 or any beast of draught or burden upon the same street, highway; *provided, how-*
14 *ever,* that such speed does not exceed thirty miles per hour, shall be lawful in the
15 open country as may be necessary in order to pass a vehicle traveling in the same
16 direction, but the speed shall be diminished forthwith, if necessary, to comply with
17 the provisions of this act.

18 Elsewhere, and except as otherwise provided in subdivisions 1, 2, and 3 of this
19 section, a speed of thirty miles per hour; *provided, however,* that nothing in this
20 act contained shall permit any person to drive a motor vehicle recklessly, or at any
21 speed greater than is reasonable, having regard to the traffic and use of the high-
22 ways or so as to endanger the life or limb or to injure the property of any
23 person; and it is *further provided,* that nothing in this section contained shall
24 affect the right of any person injured either in his person or property, by the
25 negligent operation of a motor vehicle, to sue and recover damages as heretofore;
26 *and provided, further,* that the foregoing provisions concerning the speed of motor
27 vehicles shall not apply to any speedway built or intended for the exclusive use of
28 motor vehicles if the said speedway at no point crosses any public street, avenue,
29 road, turnpike, driveway or other public thoroughfare, or any railroad or railway
30 at grade, the said speedway having been constructed with the permission of the
31 commissioners of the board of freeholders, as the case may be, of the county or
32 counties in which said speedway shall be located; *and provided, further,* that
33 every person driving a motor vehicle shall, at the request or upon signal by putting
34 up the hand, or otherwise, from the person riding or driving a horse or horses in
35 the opposite direction, cause the motor vehicle to stop and remain stationery so
36 long as may be necessary to allow said horse or horses to pass.

37 (2) If a physician shall have his motor vehicle stopped for exceeding the
38 speed limit while he is in the act of responding to an emergency call, the registra-
39 tion number of the vehicle and the driver's license number may be inspected and
40 noted, and the physician shall then be allowed to proceed in the vehicle to his
41 destination, and subsequently such proceedings may be taken as would have been

42 proper had the person violating the provisions as to speed not been a physician.

43 (3) Motor vehicles belonging to the military establishment, while in use for
44 official purposes, in time of riot, insurrection or invasion, motor vehicle inspectors
45 appointed under this act, and all police officers are exempt from the provisions of
46 this act pertaining to speed while said inspectors and police officers are engaged in
47 the apprehension of violators of the provisions of this act.

PENALTY FOR FAILURE TO RETURN FINES.

1 17. Any person who, having collected any fine for any violation of this act,
2 shall fail within thirty days to return said fine, as provided by this act, to the Com-
3 missioner of Motor Vehicles, shall be subject to a penalty of not exceeding five
4 hundred dollars for the first offense and a penalty of one thousand dollars and
5 imprisonment not exceeding one year or both, at the discretion of the court, upon
6 any subsequent conviction.

HORSE-POWER RATING.

1 18. For registration purposes, the horse power of an automobile shall be com-
2 puted by the formula adopted by the Commissioner of Motor Vehicles on De-
3 cember first of each year, which rating shall govern in determining the class to
4 which such automobile belongs. The Commissioner of Motor Vehicles on De-
5 cember first of each year may compel all dealer-manufacturers or other per-
6 sons holding automobiles to provide with each sale a certificate which will indicate
7 the various elements which are comprised in the formula adopted by the said com-
8 missioner under the provisions of this act; *provided*, the Commissioner of Motor
9 Vehicles shall adopt no formula which is not in general use by the standard trade
10 associations of the United States as a basis of catalogue rating.

RECORDS INDEXED: COPY IN EVIDENCE.

1 19. (1) It shall be the duty of the Commissioner of Motor Vehicles to cause
2 all applications for registration and drivers' licenses to be alphabetically indexed,
3 and any such original application or any copy thereof certified to be a true copy
4 under the hand of the said Commissioner of Motor Vehicles shall be received as
5 evidence in any court of this State to prove the facts contained therein. For each

6 certified copy so issued the Commissioner of Motor Vehicles shall collect a fee of
7 one dollar and fifty cents.

8 (2) The Commissioner of Motor Vehicles is hereby authorized to destroy ap-
9 plications for registration certificates or drivers' licenses that shall be on file in his
10 office for more than three years.

DRIVERS TO REPORT CERTAIN ACCIDENTS.

1 20. (1) Every operator of a motor vehicle which for any reason is involved
2 in an accident on any highway in this State in which any person is injured, other
3 than said operator or owner, or any property belonging to any one other than the
4 said operator or owner is damaged to the extent of twenty-five dollars or more, shall
5 forthwith report same in writing to the Commissioner of Motor Vehicles.

6 (2) For any violation of this provision the said commissioner may revoke or
7 suspend the license of the operator.

REGULATIONS GOVERNING OPERATION OF COMMERCIAL MOTOR VEHICLES, TRAILERS, SEMI- TRAILERS AND TRACTORS.

1 21. (1) No commercial motor vehicle or tractor shall be used on the public
2 highways while drawing more than one motor-drawn vehicle, either trailer or semi-
3 trailer, *provided, however,* any municipality while operating municipally owned ve-
4 hicle or vehicles under contract over any highway maintained wholly by such mu-
5 nicipality may use more than one motor-drawn vehicle, but not exceeding three
6 motor-drawn vehicles in the aggregate while such municipality is engaged in the
7 collection of garbage, ashes, or street repairs.

8 (2) Trailers having more than two wheels, when operated upon the highways
9 of this State, shall be connected to the motor-propelled vehicle by at least one
10 chain, in addition to the hitch bar, of sufficient strength to hold the trailer on a
11 hill, if the hitching bar becomes disconnected, or shall be provided with some
12-13 other adequate device to prevent its rolling backward.

14 (3) No commercial motor vehicle or tractor not equipped on all wheels with
15 pneumatic tires shall be used on the public highways, unless there is attached to
16 the chassis, in plain view, a metal plate giving the following information:

17 **Maker's name**

18 **Number****Motor number**

19 **Weight of vehicle** **Pounds**

20 **Allowable load** **Pounds**

21 **Gross weight** **Pounds**

22 **Maximum speed** **Miles per hour**

23 (4) No commercial motor vehicle, trailer, semi-trailer, or tractor shall be op-
 24 erated on any highway in this State, the outside width of which is more than
 25 ninety-six inches or the extreme over-length of which exceeds twenty-eight feet, nor
 26 having a combined weight of vehicle and load of more than thirty thousand pounds,
 27 except that such a vehicle exceeding twenty-eight feet may be operated when a
 28 special permit so to operate is secured from the Commissioner of Motor Vehicles;
 29 nor shall the height of such vehicle exceed twelve and one-half feet; *provided*,
 30 *however*, that where more than one vehicle or trailer is operated, the length of such
 31 vehicles may exceed twenty-eight feet; but in no event shall all such vehicles or
 32 trailers so drawn or operated exceed eighty five feet in length in all. All of the
 33 aforesaid dimensions shall be inclusive of the load.

34 (5) Every commercial motor vehicle or motor drawn vehicle used on the pub-
 35 lic highways carrying loads extending beyond the outside dimensions of such ve-
 36 hicle shall have displayed at the outside extremity of such load a red flag by
 37 day, which shall be not less than twelve inches square, and a red light by night,
 38 and they shall be so hung as to present a full view to the drivers of approaching
 39 vehicles. Such red light shall be in addition to the red light now provided for in
 40 section seven of this act.

41 (6) No commercial vehicle shall be driven over any bridge in this State upon
 42 which bridge is posted in a conspicuous place a sign stating the gross weight which
 43 said bridge will carry, if the gross weight of said vehicle and load is greater than
 44 the gross weight stated on said sign. In case this section is violated, the owner of
 45 the commercial vehicle used in violation of this section, shall, in addition to the
 46 penalty in this act prescribed, be responsible to the county or municipality main-
 47 taining such bridge for any damage which may be done to such bridge by reason
 48 of such violation.

49 (7) All motor vehicle inspectors shall be authorized to make such tests as in
50 their judgment may be necessary for the purpose of determining the gross weight,
51 size of tires, speed in miles per hour of all commercial motor vehicles and motor-
52 drawn vehicles operated on the highways of this State; and shall have power to
53 cause the said vehicles to be weighed, and for that purpose may order the re-
54 moval of the vehicle from the highway to the nearest weighing scale.

55 (8) The size of tires used on all commercial motor vehicles or motor-drawn
56 vehicles shall be determined on the maximum width of rubber, and the load shall
57 be so distributed that there shall not be more than eight hundred pounds per inch
58 in width of tire on any one wheel.

59 (9) The Commissioner of Motor Vehicles shall license farm tractors and
60 traction machines not equipped with rubber tires to travel upon the public high-
61 ways at a speed not to exceed four miles per hour, in cases where coverings of
62 wood or other substance are attached to the wheels in such manner as to present
63 a smooth surface to the highways and in accordance with such regulations as shall
64 be adopted by the Commissioner of Motor Vehicles. The fee for such license
65 shall be three dollars per annum whether such license shall be issued for the cal-
66 endar year or for only a portion of the calendar year. The Commissioner of
67 Motor Vehicles may, in his discretion, allow such traction engines or farm tractors
68 to draw agricultural machinery and implements while in transit from one farm to
69 another without additional license therefor.

70 (10) The maximum rate of speed for commercial vehicles, trailers, semi-trail-
71 ers, and tractors, including the weight of same and the load thereon, which commer-
72 cial motor vehicle, trailer, semi-trailer, or tractor shall weigh in excess of four tons
73 and not in excess of six tons, shall be sixteen miles an hour; when the weight
74 of the vehicle and the load thereon shall be in excess of six tons and not in ex-
75 cess of eight tons, the maximum speed shall be fourteen miles per hour; and for
76 all commercial motor vehicles, trailers, semi-trailers and tractors, where the weight
77 of vehicle and load thereon shall be in excess of eight tons and not in excess of fif-
78 teen tons the maximum speed shall be ten miles per hour; *provided*, that nothing in

79 this section contained shall be held to alter, amend or repeal any of the provisions of
80 section sixteen of this act.

(11) GROSS WHEEL LOAD IN POUNDS FOR COMMERCIAL MOTOR VEHICLES,
TRAILERS AND TRACTORS EQUIPPED WITH TIRES OF A GIVEN
SIZE AND DIAMETER.

Size of Tire.	Single or Dual.	Diameter of Wheel and Load in Pounds.							
		30"	32"	33"	34"	36"	38"	40"	42"
2"	Single	1000	1067	1100	1133	1200	1267	1333	1400
2½"	Single	1250	1333	1375	1416	1500	1583	1667	1750
3"	Single	1500	1600	1650	1700	1800	1900	2000	2100
3½"	Single	1750	1867	1925	1983	2100	2217	2333	2450
4"	Single	2000	2133	2200	2267	2400	2533	2667	2800
5"	Single	2500	2667	2750	2833	3000	3167	3333	3500
6"	Single	3000	3200	3300	3400	3600	3800	4000	4200
7"	Single	3500	3733	3850	3967	4200	4433	4667	4900
8"	Single	4000	4267	4400	4533	4800	5067	5333	5600
10"	Single	5000	5333	5500	5667	6000	6333	6667	7000
12"	Single	6000	6400	6600	6800	7200	7600	8000	8400
14"	Single	7000	7467	7700	7933	8400	8867	9333	9800
2"	Dual	2000	2133	2200	2267	2400	2533	2667	2800
2½"	Dual	2500	2667	2750	2833	3000	3167	3333	3500
3"	Dual	3000	3200	3300	3400	3600	3800	4000	4200
3½"	Dual	3500	3733	3850	3967	4200	4433	4667	4900
4"	Dual	4000	4267	4400	4533	4800	5067	5333	5600
5"	Dual	5000	5333	5500	5667	6000	6333	6667	7000
6"	Dual	6000	6400	6600	6800	7200	7600	8000	8400
7"	Dual	7000	7467	7700	7933	8400	8867	9333	9800

COMMISSIONER TO PASS UPON CONSTRUCTION SAFETY DEVICES

22. The Commissioner of Motor Vehicles is given authority to pass upon the
2 construction as to width, height, tires, and equipment with safety devices, of any com-

3 mercial vehicle of any commercial motor vehicle, trailer, semi-trailer, or tractor,
4 with a view to its safety for use on the roads, and the Commissioner of Motor
5 Vehicles may withhold license from any such vehicle which is not equipped in ac-
6 cordance with the regulations duly adopted by him; *provided*, five days' notice is
7 given by letter or otherwise of such regulation, and may, in the event of failure of
8 compliance and after such license has been issued, revoke or suspend such license or
9 registration in the manner provided in the act to which this act is a supplement, on
10 the ground that such commercial motor vehicle, trailer, semi-trailer, or tractor has
11 not complied with the reasonable regulations of the motor vehicle department.

DEPARTMENT TO IMPOUND MOTOR VEHICLES AND SELL SAME COMING INTO ITS POSSES-
SION BY SEIZURE OR OTHERWISE.

1 23 (1) The Commissioner of Motor Vehicles shall have power to authorize
2 the seizure of any motor vehicle operated over the highways of this State when in
3 his judgment he has reason to believe that such motor vehicle has been stolen or is
4 otherwise being operated under suspicious circumstances and to retain the same in
5 the name of the Department of Motor Vehicles of the State of New Jersey until such
6 time as the identity of ownership is established, whereupon he shall order the re-
7 lease of such motor vehicle to the owner thereof.

8 (2) Whenever any stolen motor vehicle shall come into the possession of the
9 Commissioner of Motor Vehicles of this State by seizure or otherwise, said Com-
10 missioner of Motor Vehicles shall, after the expiration of ninety days from the date
11 such motor vehicle came into his possession, sell such motor vehicle at public sale,
12 upon notice of such sale being first published for the space of two weeks in one or
13 more newspapers published and circulating in this State, and also by posting such no-
14 tice in five public places in this State, said newspapers and places of posting to be
15 designated by said Commissioner of Motor Vehicles.

16 (3) Upon the sale of such motor vehicles all claims for interest in such vehicle
17 shall be forever barred and the proceeds realized therefrom shall become the sole
18 property of the State, to be used as other moneys received under the provisions of
19 this act.

JUDICIAL POWERS OF THE COMMISSIONER.

1 24. The Commissioner of Motor Vehicles is hereby vested with all the powers
2 of a justice of the peace, recorder, or police judge as are conferred in this act on
3 like officers; and in considering violations of this act the said Commissioner of
4 Motor Vehicles may hold court in any city, town, township or other municipality in
5 the State, upon five days' notice given to the defendants summoned to appear be-
6 fore him. He shall also have power to summon witnesses to appear before him
7 at his office, or at such other place as may be designated by the said commissioner,
8 to give testimony in any hearing which the said commissioner may hold looking
9 toward a revocation of any license issued by or under the authority of the said
10 commissioner. Such summons shall be served at least five days before the return
11 date. Service may be made by registered mail or by personal service. Whenever
12 it shall appear that any person has failed to obey such summons, he shall be sub-
13 ject to a penalty not exceeding one hundred dollars, to be recovered with costs in
14 an action of debt, to be prosecuted by the Attorney-General of the State in addi-
15 tion to which the vehicle registration or driver's license, or both, as the case may
16 be, shall forthwith be revoked. The fees for witnesses required to attend before
17 the commissioner shall be one dollar for each day's attendance and three cents for
18 every mile of travel by the nearest generally traveled route in going to and from the
19 place where the attendance of the witness is required, such fees to be paid when
20 the witness is excused from further attendance, and the disbursements made from
21 payment of such fees to be audited and paid in the same manner provided for ex-
22 penses of the Department of Motor Vehicles.

PROCEEDINGS.

1 25. (1) Jurisdiction of offenses; summary hearings; process.—A complaint
2 having been made in writing and duly verified, that any person has violated any of
3 the provisions of this act, any magistrate of the county, or recorder or police magis-
4 trate of any municipality, in which the offense is committed may, within thirty days
5 after 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 this State, for the appearance or arrest of the person so
8 charged; and the magistrate shall state what section or provision of this act has
9 been violated by the defendant, and the time, place and nature of said violation,
10 and upon the return of said summons or warrant the said magistrate shall proceed,
11 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 costs of prosecution for such offense.

14 (2) 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, the inspector
17 of motor vehicles, or the Commissioner of Motor Vehicles of this State, requiring
18 such corporation to be and appear before said magistrate on a day therein named,
19 to answer to said complaint, which said summons shall be served on the president,
20 vice-president, secretary, superintendent or manager of such corporation, or the agent
21 upon whom other process against it may be served, at least five days before the
22 time of appearance mentioned therein, and thereafter all proceedings shall be the
23 same as against individuals, except where a different procedure is provided by this
24 act.

1 20. Adjournment of trial, bail. Any hearing to be held pursuant to this act
2 shall, on the request of the defendant, be adjourned for a period not exceeding
3 thirty days from the return day named in any summons, or from the return day
4 named in any summons, or from the return of any warrant, or from the date of any
5 arrest without warrant; as the case may be; but in such case it shall be the duty of
6 the magistrate to detain the defendant in safe custody, unless he shall make a cash
7 deposit or enter into a bond to the State of New Jersey, with at least one sufficient
8 surety (unless said defendant shall himself qualify and justify, in real estate security
9 situate in this State, in twice the amount fixed by said magistrate for the bond with
10 a surety) to or in an amount not exceeding five hundred dollars, conditioned for
11 his appearance on the day to which the hearing may be adjourned, and thence from
12 day to day, until the case is disposed of; and such bond, if forfeited, may be prose-

13 cited by the Commissioner of Motor Vehicles in any court of competent jurisdic-
14 tion; and such cash deposit, if forfeited, shall be paid to said Commissioner of
15 Motor Vehicles by said magistrate with whom the same shall have been deposited,
16 to be by said commissioner disposed of as are other moneys coming to his hands
17 under the provisions of section thirty-seven of this act: *provided, however*, that in
18 lieu of said bond or cash deposit the person under arrest may leave with the
19 magistrate the motor vehicle owned or driven by the said person

1 27. Right of appeal; stay of execution, bond. The defendant in any proceed-
2 ing instituted under this act may appeal from the judgment or sentence of the magis-
3 trate to the Court of Common Pleas of the county in which such proceedings shall
4 have taken place; *provided*, the said defendant shall, within ten days after the date
5 of said judgment, deliver to the magistrate a bond to the State of New Jersey with
6 at least one sufficient surety, or make a cash deposit with him of such amount as
7 the magistrate shall direct not exceeding the amount of five hundred dollars (un-
8 less said defendant can himself qualify and justify in real estate security in this
9 State in twice said amount), conditioned to stand to and abide by such further order
10 or judgment as may thereafter be made against the said party; *and provided*,
11 *further*, that if the said magistrate shall have imposed a sentence of imprisonment,
12 the 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 the
14 provisions of this act, shall be a stay of and upon the enforcement of a sentence of
15 imprisonment, whether the execution of such sentence shall have been entered upon
16 or not, as well as of such other judgment as may be pronounced; *and provided*,
17 *further*, that in lieu of the appeal bond, in this section specified, and of the cash de-
18 posit therein provided for, the defendant may leave with the magistrate the motor
19 vehicle owned or operated by the said defendant; *and provided, further*, that if said
20 defendant shall, after the rendition of said judgment or sentence, announce to said
21 magistrate his intention to appeal therefrom and either give the bond, make the de-
22 posit or leave the motor vehicle as herein provided, he shall have ten days from the
23 date of the rendition of said judgment or sentence within which to complete his ap-

24 peal, during which said ten days the execution of whatever sentence or judgment
25 shall have been rendered, whether of imprisonment or fine, shall be stayed, and in
26 case said defendant shall fail to complete his appeal within said ten days, the like
27 proceedings may be had as would by the provisions of this act follow an appeal
28 taken and a judgment of affirmance thereupon.

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

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

1 30. Pleadings: when bond for costs may be demanded. All proceedings for
2 the violation of the provisions of this act shall be entitled and shall run in the name
3 of the State of New Jersey, with the Commissioner of Motor Vehicles, or a motor
4 vehicle inspector, or a police officer, or a constable, or such other person as shall
5 by 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.

1 31. (1) Arrest without warrant; detention of person; hearing. Any constable
2 or police officer, or motor vehicle inspector, or the Commissioner of Motor Vehi-
3 cles is hereby authorized to arrest, without warrant, any person violating in the pres-

4 ence of such constable, or police officer, or motor vehicle inspector, or the Com-
 5 missioner of Motor Vehicles any of the provisions of this act, and to bring the
 6 defendant before any magistrate of the county where such offense is committed. The
 7 person so offending shall be detained in the office of the magistrate until the officer
 8 making such arrest shall make oath or affirmation, which he shall do forthwith, de-
 9 claring that the person under arrest has violated one or more of the provisions of
 10 this act, and specifying the provision or provisions violated, whereupon said magis-
 11 trate shall issue a warrant returnable forthwith, and the said magistrate shall pro-
 12 ceed summarily to hear or postpone the case as provided in sections twenty-six and
 13 twenty-seven of this act. And any such constable or police officer, or motor vehicle
 14 inspector, or the Commissioner of Motor Vehicles, upon satisfying himself that such
 15 offender is a resident of this State, may instead of arresting such offender as here-
 16 inabove provided, serve upon him a summons in the name of the police court, res-
 17 torder's court or other court of competent jurisdiction of the county, city, town,
 18 township, village, borough or other municipality where such officer shall be au-
 19 thorized to discharge his duties, directing such offender to appear and answer such
 20 charge or charges as may then and there be returned against him, and for this
 21 purpose the county, city, town, township, village and borough clerks respectively
 22 shall provide the said officer or officers with a form of summons, which when filled
 23 out, executed and issued by the said officer or officers, in such case as herein pro-
 24 vided, shall be good and effectual according to the purpose and intent thereof.

25 (2) Any person arrested for a violation of any of the provisions of this act
 26 shall, upon demand of the magistrate hearing the complaint against said person, pro-
 27 duce his license for inspection and if said person shall fail to produce his license or
 28 to give a satisfactory excuse for its non-production, he shall, in addition to any other
 29 penalties imposed by said magistrate, be subject to a fine of not more than twenty-
 30 five dollars.

1 32. Validity of warrant; cash deposit or recognizance. A summons or warrant
 2 issued by any magistrate in accordance with the provisions of this act shall be valid
 3 throughout the State, and any officer who has power to serve the said summons, or

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

1 33. Fees. The fees provided in the following schedule and no other charges
 2 whatsoever shall be allowed the magistrate and officer in proceedings under this act,
 3 and where no fee is provided for any necessary service to be performed, the same
 4 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	
7 arrest without warrant based on complaint,	10 cents.
8 Copies,	5 cents each.
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 or bond, drawing entry and approval of,	25 cents.

- 14 Execution, 25 cents.
- 15 Making return to certiorari, 50 cents.
- 16 Granting appeal and necessary papers, 50 cents.
- 17 Hearing contested case, 50 cents.
- 18 Hearing non-contested case, 25 cents.

CONSTABLE.

- 19 Service of summons or warrant (except in cases of arrest on view where
- 20 no costs for service), 30 cents.
- 21 Service of subpoena (except where subpoena to party present at time of
- 22 arrest, where no costs), 30 cents.
- 23 Service of execution, 75 cents.
- 24 For every mile of travel in serving any summons or warrant, after the
- 25 first mile, computed by counting the number of miles in and out, by the
- 26 most direct route from the place where such process is returnable, 5 cents.
- 27 Witnesses. For each witness, not exceeding three to each party, twenty five
- 28 cents, and which shall be paid by the defendant if the defendant be found guilty
- 29 of the charge laid against him; but if, on appeal, said judgment be reversed, said
- 30 costs shall be repaid to said defendant as heretofore provided. If the defendant
- 31 be 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 or a police officer shall have been
- 34 the prosecutor.

PENALTIES.

1 34. Any person who shall be convicted of violating the provisions of section thir-

2 teen of this act shall be subject to a fine not exceeding one hundred dollars; in default

3 of the payment of such fine there shall be imposed an imprisonment in the county

4 jail for a period not exceeding ten days; *provided*, that any offender who shall be

5 convicted of a second offense of the same violation may be fined in double the amount

6 herein prescribed for the first offense, and may, in default of the payment thereof,

7 be punished by imprisonment in the county jail for a period not exceeding twenty

8 days; *provided, further, that the penalties above prescribed shall not apply to the*
9 display of a fictitious number.

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

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

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

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

REVOCATION OF LICENSE: APPEAL: REINSTATEMENT: REVIEW.

1 35. It shall be lawful for a magistrate before whom any hearing under this act
2 shall be had, to revoke the license of any person to drive a motor vehicle when such
3 person shall have been guilty of such wilful violation of the provisions of this act
4 as shall in the discretion of the said magistrate justify such revocation, but an appeal
5 of the matter to the Court of Common Pleas shall act as a stay upon the said re-
6 vocation, and the Court of Common Pleas upon the appeal of the said matter shall
7 have the power to void the said revocation; and the Commissioner of Motor Ve-

8 hicles shall at all times have the power to validate a license that has been revoked,
9 or to grant a new license to any person whose license to drive motor vehicles shall
10 have been revoked.

11 It shall be lawful for the justice of the Supreme Court holding the circuit in
12 each of the counties of this State, upon application made to him by a verified peti-
13 tion for that purpose by any person against whom a judgment or sentence for the
14 violation of any of the provisions of this act shall have been rendered, who may
15 desire to have the legality of his conviction reviewed or the reasonableness of the
16 sentence or penalty imposed, to order the said complaint, process, proceedings, evi-
17 dence and record of conviction to be forthwith brought before him, that the legality
18 of such proceedings and sentence or judgment, or the reasonableness of the sentence
19 or penalty may be summarily reviewed and determined, and if such proceedings and
20 sentence of judgment shall thereupon be found to be illegal, or the sentence or
21 penalty be unreasonable, forthwith to set aside the same and to order the return
22 or reduction of any fine and costs that may have been imposed, or the discharge of
23 any offender from custody.

DISPOSITION OF MONEYS RECEIVED FROM FINES AND FEES

1 36. Moneys received in accordance with the provisions of this act which pertain to
2 fines, penalties, registration fees, license fees, or otherwise, shall be accounted for
3 and forwarded to the Commissioner of Motor Vehicles, and by him paid over to the
4 Treasurer of the State of New Jersey, to be used by the State Highway Commission
5 as a fund for the repair of such improved roads through the State, and the State
6 Highway Commission shall designate, regard being had to the repair of the most im-
7 portant improved roads, and the distribution of the benefits of this act throughout
8 the several counties of this State; *provided, however,* that there shall first be de-
9 ducted from the moneys as aforesaid received, the amount appropriated by the
10 Legislature in any annual or supplemental bill for the maintenance of said Depart-
11 ment of Motor Vehicles, which said sum so deducted shall become a part of the
12 general State fund.

MACHINE HELD AS BAIL: REDEMPTION.

1 37. When any motor vehicle shall have been deposited under this act in lieu of
2 bond, the said motor vehicle shall be held the property of the State of New Jersey
3 subject to the same conditions as would govern the bond under like circumstances,
4 and may be redeemed by the person depositing the same upon delivery of the re-
5 quisite bond or upon paying such fine and submitting to such penalty as may be im-
6 posed; and unless the motor vehicle so deposited in lieu of bond shall be redeemed
7 within ten days next following the date of the final determination of the matter, it
8 shall be lawful for the Commissioner of Motor Vehicles to sell the same at public
9 auction and apply the net proceeds of said sale (the expense of the matter having
10 been deducted) as set forth in section thirty-seven hereof.

JUSTICES' JURISDICTION LIMITED.

1 38. Nothing in this act shall be construed to give jurisdiction to justices of the
2 peace in any city having a police justice or recorder's court.

1 39. Every justice of the peace, police magistrate, recorder or police judge shall
2 make a report to the Commissioner of Motor Vehicles of all cases heard before him
3 for violation of the Motor Vehicle Act or for any other violation in which a mo-
4 tor vehicle was used in any way in writing within three days after the disposition
5 of such case before him as a magistrate upon blanks provided by the said Commis-
6 sioner of Motor Vehicles for this purpose, and such report shall state the nature of
7 the violation, the disposition of the case by the said magistrate, and any recommen-
8 dations which the said magistrate may deem of value to the said commissioner in de-
9 termining whether action be taken against the license of the driver or owner of such
10 motor vehicle.

EFFECT OF PARTIAL INVALIDITY OF ACT.

1 40. In case for any reason any section or any provision of this act shall be
2 questioned in any court, and shall be held to be unconstitutional or invalid, the
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.