

39:4-128.1

LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library

NJSA: 39.4-128.1

(School buses)

LAWS OF: 1989

CHAPTER: 319

Bill No: A160

Sponsor(s): Rocco

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety & Corrections

Senate: Law, Public Safety & Defense

Amended during passage: Yes Assembly Committee Substitute  
Enacted (1R)

Date of Passage: Assembly: November 28, 1988

Senate: December 18, 1989

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KGB/SLJ

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 160 and 3499

STATE OF NEW JERSEY

LAW LIBRARY COPY  
DO NOT REMOVE

ADOPTED SEPTEMBER 22, 1988

Sponsored by Assemblymen ROCCO, KAMIN  
and STUHLTRAGER

1 AN ACT concerning the penalty for illegally passing a school bus  
and amending P.L.1942, c.192.

3

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

1. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to  
7 read as follows:

1. On highways having roadways not divided by safety islands  
9 or physical traffic separation installations, the driver of a vehicle  
approaching or overtaking a bus, which is being used solely for  
11 the transportation of children to or from school or a summer day  
camp or any school connected activity and which has stopped for  
13 the purpose of receiving or discharging any child, shall stop such  
vehicle not less than 25 feet from such school bus and keep such  
15 vehicle stationary until such child has entered said bus or has  
alighted and reached the side of such highway and until a flashing  
17 red light is no longer exhibited by the bus; provided, such bus is  
designated as a school bus by one sign on the front and one sign  
19 on the rear, with each letter on such signs at least 4 inches in  
height.

21 On highways having dual or multiple roadways separated by  
safety islands or physical traffic separation installations, the  
23 driver of a vehicle overtaking a school bus, which has stopped for  
the purpose of receiving or discharging any child, shall stop such  
25 vehicle not less than 25 feet from such school bus and keep such  
vehicle stationary until such child has entered said bus or has  
27 alighted and reached the side of the highway and until a flashing  
red light is no longer exhibited by the bus.

29 On highways having dual or multiple roadways separated by  
safety islands or physical traffic separation installations, the  
31 driver of a vehicle on another roadway approaching a school bus,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SLP committee amendments adopted January 26, 1989.

1 which has stopped for the purpose of receiving or discharging any  
2 child, shall reduce the speed of his vehicle to not more than 10  
3 miles per hour and shall not resume normal speed until the  
4 vehicle has passed the bus and has passed any child who may have  
5 alighted therefrom or be about to enter said bus.

6 Whenever a school bus is parked at the curb for the purpose of  
7 receiving children directly from a school or a summer day camp  
8 or any school connected activity or discharging children to enter  
9 a school or a summer day camp or any school connected activity,  
10 which is located on the same side of the street as that on which  
11 the bus is parked, drivers of vehicles shall be permitted to pass  
12 said bus without stopping, but at a speed not in excess of 10 miles  
13 per hour.

14 The driver of a bus which is being used solely for the  
15 transportation of children to or from school or a summer day  
16 camp or any school connected activity shall continue to exhibit a  
17 flashing red light and shall not start his bus until every child who  
18 may have alighted therefrom shall have reached a place of safety.

19 Any person who shall violate any provision of this act shall be  
20 <sup>1</sup>[fined] subject to (1) a fine of<sup>1</sup> not less than [\$10.00] <sup>1</sup>[\$50.00  
21 nor more than \$200.00] \$100.00, (2) imprisonment for not more  
22 than 15 days or community service for 15 days in such form and  
23 on such terms as the court shall deem appropriate, (3) or both<sup>1</sup>  
24 for the first offense, and <sup>1</sup>a fine of<sup>1</sup> not less than [\$25.00]  
25 <sup>1</sup>[\$100.00 nor more than \$500.00] \$250.00, imprisonment for not  
26 more than 15 days, or both<sup>1</sup> for each subsequent offense<sup>1</sup> [,  
27 which]. The penalties<sup>1</sup> shall be enforced and recovered pursuant  
28 to the provisions of chapter 5 of Title 39 of the Revised  
29 Statutes. There shall be a rebuttable presumption that the  
30 registered owner of the vehicle which was involved in the  
31 violation of this section was the person who committed the act.

32 The Director of the Division of Motor Vehicles may also revoke  
33 the license to drive a motor vehicle of any person who shall have  
34 been guilty of such willful violation of any of the provisions of  
35 this act as shall, in the discretion of the director, justify such  
36 revocation, but the director shall, at all times, have power to  
37 validate such a license which has been revoked, or to grant a new  
38 license to any person whose license to drive a motor vehicle shall  
39 have been revoked pursuant to this act.

(cf: P.L.1983, c.27, s.1)

1        2. This act shall take effect immediately.

3

MOTOR VEHICLES

5

Motor Vehicle Offenses

7        Enhances penalty for illegally passing school bus.

LAW LIBRARY COPY  
DO NOT REMOVE

ASSEMBLY, No. 160  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman ROCCO

1 AN ACT to amend, "An Act concerning motor vehicles and  
2 traffic regulations, and supplementing chapter 4 of Title 39 of  
3 the Revised Statutes," approved May 13, 1942 (P.L. 1942, c.  
4 192).

5

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

8 1. Section 1 of P.L. 1942, c. 192 (C. 39:4-128.1) is amended  
9 to read as follows:

10 1. On highways having roadways not divided by safety islands  
11 or physical traffic separation installations, the driver of a  
12 vehicle approaching or overtaking a bus, which is being used  
13 solely for the transportation of children to or from school or a  
14 summer day camp or any school connected activity and which  
15 has stopped for the purpose of receiving or discharging any  
16 child, shall stop such vehicle not less than 25 feet from such  
17 school bus and keep such vehicle stationary until such child has  
18 entered said bus or has alighted and reached the side of such  
19 highway and until a flashing red light is no longer exhibited by  
20 the bus; provided, such bus is designated as a school bus by one  
21 sign on the front and one sign on the rear, with each letter on  
22 such signs at least four inches in height.

23 On highways having dual or multiple roadways separated by  
24 safety islands or physical traffic separation installations, the  
25 driver of a vehicle overtaking a school bus, which has stopped  
26 for the purpose of receiving or discharging any child, shall stop  
27 such vehicle not less than 25 feet from such school bus and keep  
28 such vehicle stationary until such child has entered said bus or  
29 has alighted and reached the side of the highway and until a  
flashing red light is no longer exhibited by the bus.

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

Matter underlined thus is new matter.

1       On highways having dual or multiple roadways separated by  
2 safety islands or physical traffic separation installations, the  
3 driver of a vehicle on another roadway approaching a school bus,  
4 which has stopped for the purpose of receiving or discharging  
5 any child, shall reduce the speed of his vehicle to not more than  
6 10 miles per hour and shall not resume normal speed until the  
7 vehicle has passed the bus and has passed any child who may  
8 have alighted therefrom or be about to enter said bus.

9       Whenever a school bus is parked at the curb for the purpose of  
10 receiving children directly from a school or a summer day camp  
11 or any school connected activity or discharging children to enter  
12 a school, or a summer day camp or any school connected  
13 activity, which is located on the same side of the street as that  
14 on which the bus is parked, drivers of vehicles shall be permitted  
15 to pass said bus without stopping, but at a speed not in excess of  
16 10 miles per hour.

17       The driver of a bus which is being used solely for the  
18 transportation of children to or from school or a summer day  
19 camp or any school connected activity shall continue to exhibit  
20 a flashing red light and shall not start his bus until every child  
21 who may have alighted therefrom shall have reached a place of  
22 safety.

23       [Any person who shall violate any provision of this act shall be  
24 fined not less than \$10.00 for the first offense, and not less than  
25 \$25.00 for each subsequent offense, which shall be enforced and  
26 recovered pursuant to the provisions of chapter 5 of Title 39 of  
27 the Revised Statutes.] There shall be a rebuttable presumption  
28 that the registered owner of the vehicle which was involved in  
29 the violation of this section was the person who committed the  
30 act.

31       The Director of the Division of Motor Vehicles may [also]  
32 revoke the license to drive a motor vehicle of any person who  
33 shall have been guilty of such willful violation of any of the  
34 provisions of this act as shall, in the discretion of the director,  
35 justify such revocation but the director shall, at all times, have  
36 power to validate such a license which has been revoked, or to  
37 grant a new license to any person whose license to drive a motor  
38 vehicle shall have been revoked, pursuant to this act.

39       2. This act shall take effect immediately.

1

## STATEMENT

3

Assembly Bill No. 1153 amends the law concerning the passing of school buses. The bill deletes the language which provides a specific penalty; consequently, the general penalty section of R.S. 39:4-203 would be applied for the unlawful passing of a school bus. This would increase the minimum penalty from the present \$10.00 to \$50.00 per violation. Specifically, an offender would be liable to a penalty of not less than \$50.00 or more than \$200.00 or imprisonment for up to 15 days, or both.

5

7

9

11

13

PUBLIC SAFETY  
Motor Vehicle Offenses

15

Increases minimum penalty for improper passing of school buses from \$10.00 to \$50.00.

17

ASSEMBLY, No. 3499  
STATE OF NEW JERSEY

INTRODUCED JUNE 29, 1988

By Assemblymen KAMIN, STUHLTRAGER,  
Hendrickson and Singer

2 AN ACT concerning the penalty for illegally passing a school bus  
and amending P.L. 1942, c. 192.

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

6 1. Section 1 of P.L. 1942, c. 192 (C. 39:4-128.1) is amended to  
read as follows:

8 1. On highways having roadways not divided by safety islands  
or physical traffic separation installations, the driver of a vehicle  
10 approaching or overtaking a bus, which is being used solely for  
the transportation of children to or from school or a summer day  
12 camp or any school connected activity and which has stopped for  
the purpose of receiving or discharging any child, shall stop such  
14 vehicle not less than 25 feet from such school bus and keep such  
vehicle stationary until such child has entered said bus or has  
16 alighted and reached the side of such highway and until a flashing  
red light is no longer exhibited by the bus; provided, such bus is  
18 designated as a school bus by one sign on the front and one sign  
on the rear, with each letter on such signs at least 4 inches in  
20 height.

On highways having dual or multiple roadways separated by  
22 safety islands or physical traffic separation installations, the  
driver of a vehicle overtaking a school bus, which has stopped for  
24 the purpose of receiving or discharging any child, shall stop such  
vehicle not less than 25 feet from such school bus and keep such  
26 vehicle stationary until such child has entered said bus or has  
alighted and reached the side of the highway and until a flashing  
28 red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by  
30 safety islands or physical traffic separation installations, the  
driver of a vehicle on another roadway approaching a school bus,

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

Matter underlined thus is new matter.

2 which has stopped for the purpose of receiving or discharging any  
child, shall reduce the speed of his vehicle to not more than 10  
4 miles per hour and shall not resume normal speed until the  
vehicle has passed the bus and has passed any child who may have  
alighted therefrom or be about to enter said bus.

6 Whenever a school bus is parked at the curb for the purpose of  
receiving children directly from a school or a summer day camp  
8 or any school connected activity or discharging children to enter  
a school or a summer day camp or any school connected activity,  
10 which is located on the same side of the street as that on which  
the bus is parked, drivers of vehicles shall be permitted to pass  
12 said bus without stopping, but at a speed not in excess of 10 miles  
per hour.

14 The driver of a bus which is being used solely for the  
transportation of children to or from school or a summer day  
16 camp or any school connected activity shall continue to exhibit a  
flashing red light and shall not start his bus until every child who  
18 may have alighted therefrom shall have reached a place of safety.

20 Except as provided herein, [A] any person who shall violate any  
provision of this act shall be fined not less than \$10.00 for the  
22 first offense, and not less than \$25.00 for each subsequent  
offense, which shall be enforced and recovered pursuant to the  
provisions of chapter 5 of Title 39 of the Revised Statutes.

24 Any driver who fails to stop his vehicle and keep the vehicle  
stationary while a flashing red light is exhibited by a designated  
26 school bus pursuant to this section shall be guilty of reckless  
driving and be punished by imprisonment in the county or  
28 municipal jail for a period of not more than 60 days or by a fine  
of not less than \$50.00 or more than \$200.00, or both. On a  
30 second or subsequent conviction, he shall be punished by  
imprisonment for not more than three months, or by a fine of not  
32 less than \$100.00 or more than \$500.00 or both.

34 There shall be a rebuttable presumption that the registered  
owner of the vehicle which was involved in the violation of this  
section was the person who committed the act.

36 The Director of the Division of Motor Vehicles may also revoke  
the license to drive a motor vehicle of any person who shall have  
38 been guilty of such willful violation of any of the provisions of  
this act as shall, in the discretion of the director, justify such

A3499  
151

A3499

3

2 revocation, but the director shall, at all times, have power to  
3 validate such a license which has been revoked, or to grant a new  
4 license to any person whose license to drive a motor vehicle shall  
5 have been revoked pursuant to this act.

(cf: P.L. 1983, c. 27)

6 2. This act shall take effect immediately.

8

STATEMENT

10

11 This bill permits a charge of reckless driving to be brought  
12 against a registered owner of a motor vehicle who illegally passes  
13 a school bus while its red flashing light is exhibited.

14 A moving violation such as this, which involves the potential  
15 for bodily injury or death to school children, should carry with it  
16 a penalty far greater than the present penalty which may be as  
17 slight as a fine of \$10.00. A reckless driving penalty is  
18 appropriate since the New Jersey Superior Court has held that  
19 the essence of the offense of reckless driving is grossly improper  
20 operation of a vehicle which threatens others.

22

MOTOR VEHICLES

24

Motor Vehicle Offenses

26 Upgrades penalty for passing a school bus.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 160 and 3499

STATE OF NEW JERSEY

LAW LIBRARY COPY  
DO NOT REMOVE

DATED: SEPTEMBER 22, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 160 and Assembly Bill No. 3499.

The Assembly Committee Substitute amends section 1 of P.L.1942, c.192 (C.39:4-128.1) to increase the penalties for illegally passing a school bus while it is receiving or discharging children.

Under the provisions of the Assembly Committee Substitute, any person found guilty of illegally passing a school bus while it is receiving or discharging children will, for a first offense, be subject to a fine of not less than \$50.00 nor more than \$200.00. For a subsequent offense, a violator will be subject to a fine of not less than \$100.00 nor more than \$500.00.

Currently, a person found guilty of illegally passing a school bus while it is receiving or discharging children is subject to a fine of not less than \$10.00 for a first offense, and not less than \$25.00 for a subsequent offense.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, Nos. 160 and 3499**

with Senate committee amendments

**STATE OF NEW JERSEY**

**LAW LIBRARY COPY  
DO NOT REMOVE**

DATED: JANUARY 26, 1989

The Senate Law, Public Safety and Defense Committee reports favorably the Assembly Committee Substitute for Assembly Bill Nos. 160 and 3499 with amendments.

As amended, the Assembly Committee Substitute amends section 1 of P.L.1942, c.192 (C.39:4-128.1) to increase the penalties for illegally passing a school bus while it is receiving or discharging children.

Under the provisions of the substitute as amended, any person found guilty of illegally passing a school bus while it is receiving or discharging children will, for a first offense, be subject to (1) a fine of not less than \$100.00, (2) imprisonment for not less than 15 days or community service for 15 days, (3) or both. For a subsequent offense, a violator will be subject to a fine of not less than \$250.00, imprisonment for not less than 15 days, or both.

Currently, a person found guilty of illegally passing a school bus while it is receiving or discharging children is subject to a fine of not less than \$10.00 for a first offense, and not less than \$25.00 for a subsequent offense.

The committee amended the bill to conform the penalties to the penalties in the Senate Committee Substitute for Senate Bill Nos. 2296, 2763, and 776.

As released by the committee, the Assembly Committee Substitute for Assembly Bill Nos. 160 and 3499 is identical to the Senate Committee Substitute for Senate Bill Nos. 2296, 2763, and 776.