NJSA: 39:4-97.3 (Exempts use of citizen's band and two-way radios by operators of commercial motor vehicles from prohibition on use of hand-held wireless telephone or electronic communication devices while driving)

BILL NO: S1429 (Substituted for A2542)

SPONSOR(S) Madden and others

DATE INTRODUCED: February 11, 2010

COMMITTEE: ASSEMBLY: Law and Public Safety

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: May 20, 2010

SENATE: March 11, 2010

DATE OF APPROVAL: July 2, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S1429

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may possibly be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2542

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)
VETO MESSAGE: No

GOVERNOR’S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:
To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH
Sponsored by:
Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)
Senator JOHN A. GIRGENTI
District 35 (Bergen and Passaic)
Assemblyman ALEX DECRUCE
District 26 (Morris and Passaic)
Assemblyman DAVID P. RIBLE
District 11 (Monmouth)

Co-Sponsored by:
Assemblywoman Pou, Assemblyman Johnson and Assemblywoman Quigley

SYNOPSIS
Exempts use of citizen’s band and two-way radios by operators of commercial motor vehicles from prohibition on use of hand-held wireless telephone or electronic communication devices while driving.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the use of certain communications devices by
operators of commercial motor vehicles and amending P.L.2003,
c. 310.

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

1. Section 1 of P.L.2003, c.310 (C.39:4-97.3) is amended to
read as follows:
1. a. The use of a wireless telephone or electronic
communication device by an operator of a moving motor vehicle on
a public road or highway shall be unlawful except when the
telephone is a hands-free wireless telephone or the electronic
communication device is used hands-free, provided that its
placement does not interfere with the operation of federally required
safety equipment and the operator exercises a high degree of
cautions in the operation of the motor vehicle. For the purposes of
this section, an "electronic communication device" shall not include
an amateur radio.

Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to
the use of a citizen’s band radio or two-way radio by an operator of
a moving commercial motor vehicle or authorized emergency
vehicle on a public road or highway.

b. The operator of a motor vehicle may use a hand-held
wireless telephone while driving with one hand on the steering
wheel only if:
(1) The operator has reason to fear for his life or safety, or
believes that a criminal act may be perpetrated against himself or
another person; or
(2) The operator is using the telephone to report to appropriate
authorities a fire, a traffic accident, a serious road hazard or medical
or hazardous materials emergency, or to report the operator of
another motor vehicle who is driving in a reckless, careless or
otherwise unsafe manner or who appears to be driving under the
influence of alcohol or drugs. A hand-held wireless telephone
user's telephone records or the testimony or written statements from
appropriate authorities receiving such calls shall be deemed
sufficient evidence of the existence of all lawful calls made under
this paragraph.

As used in this act[.]

“Citizen’s band radio” means a mobile communication device
designed to allow for the transmission and receipt of radio
communications on frequencies allocated for citizen’s band radio
service use.

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.
"[hands-free] Hands-free wireless telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.

“Two-way radio” means two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission.

"Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

c. (Deleted by amendment, P.L.2007, c.198).
d. A person who violates this section shall be fined $100.
e. No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense.
f. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop and undertake a program to notify and inform the public as to the provisions of this act.
g. Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.
(cf: P.L.2007, c.198, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill exempts the use of a citizen’s band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

The bill also clarifies that the citizen’s band radio and two-way radio exemption applies to the entire act prohibiting the use of
hand-held wireless telephones and electronic communication devices while operating a motor vehicle.
The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1429.

This bill exempts the use of a citizen’s band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

The bill also clarifies that the citizen’s band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.
STATEMENT TO
SENATE, No. 1429

STATE OF NEW JERSEY

DATED: MAY 6, 2010

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1429.

Senate Bill No. 1429 exempts the use of a citizen’s band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

Under the bill, a citizen’s band radio is defined as a “mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen’s band radio service use.” A two-way radio is defined as “two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission.”

The bill also clarifies that the citizen’s band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.

As reported by the committee, this bill is identical to Assembly Bill No. 2542, also reported by the committee on this same date.
ASSEMBLY, No. 2542

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MARCH 16, 2010

Sponsored by:
Assemblyman ALEX DECROCE
District 26 (Morris and Passaic)
Assemblyman DAVID P. RIBLE
District 11 (Monmouth)

Co-Sponsored by:
Assemblywoman Pou, Assemblyman Johnson and Assemblywoman Quigley

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placement does not interfere with the operation of federally required
safety equipment and the operator exercises a high degree of
cautions in the operation of the motor vehicle. For the purposes of
this section, an “electronic communication device” shall not include
an amateur radio.

Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to
the use of a citizen’s band radio or two-way radio by an operator of
a moving commercial motor vehicle or authorized emergency
vehicle on a public road or highway.

b. The operator of a motor vehicle may use a hand-held
wireless telephone while driving with one hand on the steering
wheel only if:

1) The operator has reason to fear for his life or safety, or
believes that a criminal act may be perpetrated against himself or
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2) The operator is using the telephone to report to appropriate
authorities a fire, a traffic accident, a serious road hazard or medical
or hazardous materials emergency, or to report the operator of
another motor vehicle who is driving in a reckless, careless or
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influence of alcohol or drugs. A hand-held wireless telephone
user’s telephone records or the testimony or written statements from
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sufficient evidence of the existence of all lawful calls made under
this paragraph.

As used in this act [•••]:
“Citizen’s band radio” means a mobile communication device
designed to allow for the transmission and receipt of radio
communications on frequencies allocated for citizen’s band radio
service use.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
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Matter underlined thus is new matter.
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g. Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.

(cf: P.L.2007, c.198, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill exempts the use of a citizen’s band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.
The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2542.

Assembly Bill No. 2542 exempts the use of a citizen’s band radio or a two-way radio by operators of moving commercial motor vehicles or authorized emergency vehicles on a public road or highway from the current law that makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving.

Under the bill, a citizen’s band radio is defined as a “mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen’s band radio service use.” A two-way radio is defined as “two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission.”

The bill also clarifies that the citizen’s band radio and two-way radio exemption applies to the entire act prohibiting the use of hand-held wireless telephones and electronic communication devices while operating a motor vehicle.

As reported by the committee, this bill is identical to Senate Bill No. 1429, also reported by the committee on this same date.