

# 39:5-3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2000 **CHAPTER:** 85

**NJSA:** 39:5-3 (Motor vehicle offenses— extends period to issue summons)

**BILL NO:** A622

**SPONSOR(S):** Murphy and DeCroce

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**

and Public Safety

**ASSEMBLY:** Law

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** March 16, 2000

**SENATE:** June 8, 2000

**DATE OF APPROVAL:** August 14, 2000

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Original version enacted)

**SPONSORS STATEMENT:** (Begins on page 4 of original bill) Yes

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

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

# ASSEMBLY, No. 622

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblywoman CAROL J. MURPHY**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Extends period for a judge to issue a summons for illegally passing a school bus and certain other motor vehicle and traffic violations.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A622 MURPHY, DECROCE

2

1 AN ACT concerning certain motor vehicle and traffic violations and  
2 amending R.S.39:5-3 and P.L.1941, c.192.

3

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

6

7 1. R.S.39:5-3 is amended to read as follows:

8 39:5-3. a. When a person has violated a provision of this subtitle,  
9 the judge may, within 30 days after the commission of the offense,  
10 issue process directed to a constable, police officer or the director for  
11 the appearance or arrest of the person so charged. In the case of a  
12 violation enumerated in subsection b. of this section, this period shall  
13 commence upon the filing of a complaint.

14 b. A complaint may be made to a judge for a violation of [section]  
15 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
16 [of this Title,] at any time within one year after the commission of the  
17 offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942,  
18 c.192 (C.39:4-128.1), at any time within 90 days after the commission  
19 of the offense.

20 c. All proceedings shall be brought before a judge having  
21 jurisdiction in the municipality in which it is alleged that the violation  
22 occurred, but when a violation occurs on a street through which the  
23 boundary line of two or more municipalities runs or crosses, then the  
24 proceeding may be brought before the judge having jurisdiction in any  
25 one of the municipalities divided by said boundary line, and in the  
26 event there shall be no judge or should no judge having such  
27 jurisdiction be available for the acceptance of bail and disposition of  
28 the case, or should the judges having such jurisdiction be disqualified  
29 because of personal interest in the proceedings, or for any other legal  
30 cause, said proceeding shall be brought before a judge having  
31 jurisdiction in the nearest municipality to the one in which it is alleged  
32 such a violation occurred.

33 (cf: P.L.1983, c.403, s.19)

34

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

37 1. On highways having roadways not divided by safety islands or  
38 physical traffic separation installations, the driver of a vehicle  
39 approaching or overtaking a bus, which is being used solely for the  
40 transportation of children to or from school or a summer day camp or  
41 any school connected activity and which has stopped for the purpose  
42 of receiving or discharging any child, shall stop such vehicle not less  
43 than 25 feet from such school bus and keep such vehicle stationary

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

**Matter underlined thus is new matter.**

1 until such child has entered said bus or has alighted and reached the  
2 side of such highway and until a flashing red light is no longer  
3 exhibited by the bus; provided, such bus is designated as a school bus  
4 by one sign on the front and one sign on the rear, with each letter on  
5 such signs at least four inches in height.

6 On highways having dual or multiple roadways separated by safety  
7 islands or physical traffic separation installations, the driver of a  
8 vehicle overtaking a school bus, which has stopped for the purpose of  
9 receiving or discharging any child, shall stop such vehicle not less than  
10 25 feet from such school bus and keep such vehicle stationary until  
11 such child has entered said bus or has alighted and reached the side of  
12 the highway and until a flashing red light is no longer exhibited by the  
13 bus.

14 On highways having dual or multiple roadways separated by safety  
15 islands or physical traffic separation installations, the driver of a  
16 vehicle on another roadway approaching a school bus, which has  
17 stopped for the purpose of receiving or discharging any child, shall  
18 reduce the speed of his vehicle to not more than 10 miles per hour and  
19 shall not resume normal speed until the vehicle has passed the bus and  
20 has passed any child who may have alighted therefrom or be about to  
21 enter said bus.

22 For purposes of this section, "highway" means the entire width  
23 between the boundary lines of every way whether publicly or privately  
24 maintained when any part thereof is open to the public for purposes of  
25 vehicular travel.

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

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

38 Any person who shall violate any provision of this act shall be  
39 subject to (1) a fine of not less than \$100.00, (2) imprisonment for not  
40 more than 15 days or community service for 15 days in such form and  
41 on such terms as the court shall deem appropriate, (3) or both for the  
42 first offense, and a fine not less than \$250.00, imprisonment for not  
43 more than 15 days, or both for each subsequent offense. The penalties  
44 shall be enforced and recovered pursuant to the provisions of chapter  
45 5 of Title 39 of the Revised Statutes. There shall be a rebuttable  
46 presumption that the registered owner of the vehicle which was

1 involved in the violation of this section was the person who committed  
2 the act. Any person who suppresses, by way of concealment or  
3 destruction, any evidence of a violation of this section or who  
4 suppresses the identity of the violator shall be subject to a fine of  
5 \$100.

6 The Director of the Division of Motor Vehicles may also revoke the  
7 license to drive a motor vehicle of any person who shall have been  
8 guilty of such willful violation of any of the provisions of this act as  
9 shall, in the discretion of the director, justify such revocation, but the  
10 director shall, at all times, have power to validate such a license which  
11 has been revoked, or to grant a new license to any person whose  
12 license to drive a motor vehicle shall have been revoked pursuant to  
13 this act.

14 (cf: P.L.1992, c.72, s.1)

15

16 3. This act shall take effect immediately.

17

18

19

#### STATEMENT

20

21 This bill extends the time to file a complaint against a motorist for  
22 a violation of P.L.1942, c.192 (C:39:4-128.1), the illegal passing of a  
23 school bus, from 30 days to 90 days. The time required to identify and  
24 charge the motorist that committed this offense at times exceeds the  
25 present 30 day limit. By lengthening this period to 90 days, this bill  
26 insures that guilty drivers will not escape punishment for this serious  
27 offense.

28 Currently, complaints can be filed either within 90 days or one year  
29 of the commission of certain motor vehicle and traffic violations.  
30 However, these violations may not be prosecuted because current law,  
31 as literally interpreted, requires the judge to issue a summons for the  
32 appearance or arrest of a person within 30 days of the commission of  
33 the offense. This bill allows a judge to issue a summons for persons  
34 charged with illegally passing a school bus and the other specified  
35 violations within 30 days after the filing of a complaint.

36 Section 1 of P.L.1942, c.192 (C.39:4-128.1) also provides that  
37 there is a rebuttable presumption that the registered owner of the  
38 vehicle which was involved in the violation of this section was the  
39 person who committed the act. Under this bill, any person who, by  
40 way of concealment or destruction, suppresses or destroys evidence  
41 of a violation or who suppresses the identity of the violator would be  
42 subject to a fine of \$100.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 622

# STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2000

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 622.

Assembly Bill No. 622 extends the time to file a complaint against a motorist for a violation of P.L.1942, c.192 (C:39:4-128.1), the illegal passing of a school bus, from 30 days to 90 days. It is the committee's understanding that the time required to identify and charge the motorist that committed this offense at times exceeds the present 30 day limit. By lengthening this period to 90 days, this bill insures that guilty drivers will not escape punishment for this serious offense.

Currently, complaints can be filed either within 90 days or one year of the commission of certain motor vehicle and traffic violations. However, these violations may not be prosecuted because current law, as literally interpreted, requires the judge to issue a summons for the appearance or arrest of a person within 30 days of the commission of the offense. This bill allows a judge to issue a summons for persons charged with illegally passing a school bus and the other specified violations within 30 days after the filing of a complaint.

Section 1 of P.L.1942, c.192 (C.39:4-128.1) also provides that there is 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. Under this bill, any person who, by way of concealment or destruction, suppresses or destroys evidence of a violation or who suppresses the identity of the violator would be subject to a fine of \$100.

This bill was pre-filed for introduction in the 2000 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 622

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblywoman CAROL J. MURPHY**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Heck and Assemblyman R.Smith**

**SYNOPSIS**

Extends period for a judge to issue a summons for illegally passing a school bus and certain other motor vehicle and traffic violations.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee with technical review.



**(Sponsorship Updated As Of: 3/17/2000)**

A622 MURPHY, DECROCE

2

1 AN ACT concerning certain motor vehicle and traffic violations and  
2 amending R.S.39:5-3 and P.L.1941, c.192.

3

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

6

7 1. R.S.39:5-3 is amended to read as follows:

8 39:5-3. a. When a person has violated a provision of this subtitle,  
9 the judge may, within 30 days after the commission of the offense,  
10 issue process directed to a constable, police officer or the director for  
11 the appearance or arrest of the person so charged. In the case of a  
12 violation enumerated in subsection b. of this section, this period shall  
13 commence upon the filing of a complaint.

14 b. A complaint may be made to a judge for a violation of [section]  
15 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
16 [of this Title,] at any time within one year after the commission of the  
17 offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942,  
18 c.192 (C.39:4-128.1), at any time within 90 days after the commission  
19 of the offense.

20 c. All proceedings shall be brought before a judge having  
21 jurisdiction in the municipality in which it is alleged that the violation  
22 occurred, but when a violation occurs on a street through which the  
23 boundary line of two or more municipalities runs or crosses, then the  
24 proceeding may be brought before the judge having jurisdiction in any  
25 one of the municipalities divided by said boundary line, and in the  
26 event there shall be no judge or should no judge having such  
27 jurisdiction be available for the acceptance of bail and disposition of  
28 the case, or should the judges having such jurisdiction be disqualified  
29 because of personal interest in the proceedings, or for any other legal  
30 cause, said proceeding shall be brought before a judge having  
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32 such a violation occurred.

33 (cf: P.L.1983, c.403, s.19)

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

37 1. On highways having roadways not divided by safety islands or  
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39 approaching or overtaking a bus, which is being used solely for the  
40 transportation of children to or from school or a summer day camp or  
41 any school connected activity and which has stopped for the purpose  
42 of receiving or discharging any child, shall stop such vehicle not less  
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2 side of such highway and until a flashing red light is no longer  
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18 reduce the speed of his vehicle to not more than 10 miles per hour and  
19 shall not resume normal speed until the vehicle has passed the bus and  
20 has passed any child who may have alighted therefrom or be about to  
21 enter said bus.

22 For purposes of this section, "highway" means the entire width  
23 between the boundary lines of every way whether publicly or privately  
24 maintained when any part thereof is open to the public for purposes of  
25 vehicular travel.

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

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

38 Any person who shall violate any provision of this act shall be  
39 subject to (1) a fine of not less than \$100.00, (2) imprisonment for not  
40 more than 15 days or community service for 15 days in such form and  
41 on such terms as the court shall deem appropriate, (3) or both for the  
42 first offense, and a fine not less than \$250.00, imprisonment for not  
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44 shall be enforced and recovered pursuant to the provisions of chapter  
45 5 of Title 39 of the Revised Statutes. There shall be a rebuttable  
46 presumption that the registered owner of the vehicle which was

A622 MURPHY, DECROCE

1 involved in the violation of this section was the person who committed  
2 the act. Any person who suppresses, by way of concealment or  
3 destruction, any evidence of a violation of this section or who  
4 suppresses the identity of the violator shall be subject to a fine of  
5 \$100.

6 The Director of the Division of Motor Vehicles may also revoke the  
7 license to drive a motor vehicle of any person who shall have been  
8 guilty of such willful violation of any of the provisions of this act as  
9 shall, in the discretion of the director, justify such revocation, but the  
10 director shall, at all times, have power to validate such a license which  
11 has been revoked, or to grant a new license to any person whose  
12 license to drive a motor vehicle shall have been revoked pursuant to  
13 this act.

14 (cf: P.L.1992, c.72, s.1)

15

16 3. This act shall take effect immediately.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 622

# STATE OF NEW JERSEY

DATED: MAY 25, 2000

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 622.

This bill extends the time to file a complaint against a motorist for a violation of P.L.1942, c.192 (C:39:4-128.1), the illegal passing of a school bus, from 30 days to 90 days. It is the committee's understanding that the time required to identify and charge the motorist that committed this offense at times exceeds the present 30 day limit. By lengthening this period to 90 days, this bill insures that guilty drivers will not escape punishment for this serious offense.

Currently, complaints can be filed either within 90 days or one year of the commission of certain motor vehicle and traffic violations. However, these violations may not be prosecuted because current law, as literally interpreted, requires the judge to issue a summons for the appearance or arrest of a person within 30 days of the commission of the offense. This bill allows a judge to issue a summons for persons charged with illegally passing a school bus and the other specified violations within 30 days after the filing of a complaint.

Section 1 of P.L.1942, c.192 (C.39:4-128.1) also provides that there is 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. Under the provisions of this bill, any person who, by way of concealment or destruction, suppresses or destroys evidence of a violation or who suppresses the identity of the violator would be subject to a fine of \$100.

P.L. 2000, CHAPTER 85, *approved August 14, 2000*  
Assembly, No. 622

1 **AN ACT** concerning certain motor vehicle and traffic violations and  
2 amending R.S.39:5-3 and P.L.1941, c.192.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. R.S.39:5-3 is amended to read as follows:

8 39:5-3. a. When a person has violated a provision of this subtitle,  
9 the judge may, within 30 days after the commission of the offense,  
10 issue process directed to a constable, police officer or the director for  
11 the appearance or arrest of the person so charged. In the case of a  
12 violation enumerated in subsection b. of this section, this period shall  
13 commence upon the filing of a complaint.

14 b. A complaint may be made to a judge for a violation of [section]  
15 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
16 [of this Title,] at any time within one year after the commission of the  
17 offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942,  
18 c.192 (C.39:4-128.1), at any time within 90 days after the commission  
19 of the offense.

20 c. All proceedings shall be brought before a judge having  
21 jurisdiction in the municipality in which it is alleged that the violation  
22 occurred, but when a violation occurs on a street through which the  
23 boundary line of two or more municipalities runs or crosses, then the  
24 proceeding may be brought before the judge having jurisdiction in any  
25 one of the municipalities divided by said boundary line, and in the  
26 event there shall be no judge or should no judge having such  
27 jurisdiction be available for the acceptance of bail and disposition of  
28 the case, or should the judges having such jurisdiction be disqualified  
29 because of personal interest in the proceedings, or for any other legal  
30 cause, said proceeding shall be brought before a judge having  
31 jurisdiction in the nearest municipality to the one in which it is alleged  
32 such a violation occurred.

33 (cf: P.L.1983, c.403, s.19)

34

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

37 1. On highways having roadways not divided by safety islands or  
38 physical traffic separation installations, the driver of a vehicle  
39 approaching or overtaking a bus, which is being used solely for the  
40 transportation of children to or from school or a summer day camp or  
41 any school connected activity and which has stopped for the purpose

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

**Matter underlined thus is new matter.**

1 of receiving or discharging any child, shall stop such vehicle not less  
2 than 25 feet from such school bus and keep such vehicle stationary  
3 until such child has entered said bus or has alighted and reached the  
4 side of such highway and until a flashing red light is no longer  
5 exhibited by the bus; provided, such bus is designated as a school bus  
6 by one sign on the front and one sign on the rear, with each letter on  
7 such signs at least four inches in height.

8 On highways having dual or multiple roadways separated by safety  
9 islands or physical traffic separation installations, the driver of a  
10 vehicle overtaking a school bus, which has stopped for the purpose of  
11 receiving or discharging any child, shall stop such vehicle not less than  
12 25 feet from such school bus and keep such vehicle stationary until  
13 such child has entered said bus or has alighted and reached the side of  
14 the highway and until a flashing red light is no longer exhibited by the  
15 bus.

16 On highways having dual or multiple roadways separated by safety  
17 islands or physical traffic separation installations, the driver of a  
18 vehicle on another roadway approaching a school bus, which has  
19 stopped for the purpose of receiving or discharging any child, shall  
20 reduce the speed of his vehicle to not more than 10 miles per hour and  
21 shall not resume normal speed until the vehicle has passed the bus and  
22 has passed any child who may have alighted therefrom or be about to  
23 enter said bus.

24 For purposes of this section, "highway" means the entire width  
25 between the boundary lines of every way whether publicly or privately  
26 maintained when any part thereof is open to the public for purposes of  
27 vehicular travel.

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

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

40 Any person who shall violate any provision of this act shall be  
41 subject to (1) a fine of not less than \$100.00, (2) imprisonment for not  
42 more than 15 days or community service for 15 days in such form and  
43 on such terms as the court shall deem appropriate, (3) or both for the  
44 first offense, and a fine not less than \$250.00, imprisonment for not  
45 more than 15 days, or both for each subsequent offense. The penalties  
46 shall be enforced and recovered pursuant to the provisions of chapter

1 5 of Title 39 of the Revised Statutes. There shall be a rebuttable  
2 presumption that the registered owner of the vehicle which was  
3 involved in the violation of this section was the person who committed  
4 the act. Any person who suppresses, by way of concealment or  
5 destruction, any evidence of a violation of this section or who  
6 suppresses the identity of the violator shall be subject to a fine of  
7 \$100.

8 The Director of the Division of Motor Vehicles may also revoke the  
9 license to drive a motor vehicle of any person who shall have been  
10 guilty of such willful violation of any of the provisions of this act as  
11 shall, in the discretion of the director, justify such revocation, but the  
12 director shall, at all times, have power to validate such a license which  
13 has been revoked, or to grant a new license to any person whose  
14 license to drive a motor vehicle shall have been revoked pursuant to  
15 this act.

16 (cf: P.L.1992, c.72, s.1)

17

18 3. This act shall take effect immediately.

19

20

21

22

23 Extends period for a judge to issue a summons for illegally passing a  
24 school bus and certain other motor vehicle and traffic violations.

## CHAPTER 85

AN ACT concerning certain motor vehicle and traffic violations and amending R.S.39:5-3 and P.L.1941, c.192.

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

1. R.S.39:5-3 is amended to read as follows:

Appearance, arrest process; complaint; venue.

39:5-3. a. When a person has violated a provision of this subtitle, the judge may, within 30 days after the commission of the offense, issue process directed to a constable, police officer or the director for the appearance or arrest of the person so charged. In the case of a violation enumerated in subsection b. of this section, this period shall commence upon the filing of a complaint.

b. A complaint may be made to a judge for a violation of R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24 at any time within one year after the commission of the offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the commission of the offense.

c. All proceedings shall be brought before a judge having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a street through which the boundary line of two or more municipalities runs or crosses, then the proceeding may be brought before the judge having jurisdiction in any one of the municipalities divided by said boundary line, and in the event there shall be no judge or should no judge having such jurisdiction be available for the acceptance of bail and disposition of the case, or should the judges having such jurisdiction be disqualified because of personal interest in the proceedings, or for any other legal cause, said proceeding shall be brought before a judge having jurisdiction in the nearest municipality to the one in which it is alleged such a violation occurred.

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

C.39:4-128.1 School buses stopped for children; duty of motorists; duty of bus driver; violations; revocation of license.

1. On highways having roadways not divided by safety islands or physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus, which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity and which has stopped for the purpose of receiving or discharging any child, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has 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 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 four inches in height.

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

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the purpose of receiving or discharging any child, shall reduce the speed of his vehicle to not more than 10 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.

For purposes of this section, "highway" means the entire width between the boundary lines of every way whether publicly or privately maintained when any part thereof is open to the public for purposes of vehicular travel.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children

to enter a school, or a summer day camp or any school connected activity, 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 said bus without stopping, but at a speed not in excess of 10 miles per hour.

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

Any person who shall violate any provision of this act shall be subject to (1) a fine of not less than \$100.00, (2) imprisonment for not more than 15 days or community service for 15 days in such form and on such terms as the court shall deem appropriate, (3) or both for the first offense, and a fine not less than \$250.00, imprisonment for not more than 15 days, or both for each subsequent offense. The penalties shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes. 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. Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of \$100.

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

3. This act shall take effect immediately.

Approved August 14, 2000.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: August 14, 2000

Governor Whitman today signed the following pieces of legislation:

**A-1436**, sponsored by Assemblyman Richard A. Merkt (Morris) and Senator Robert J. Martin (R-Essex/Morris/Passaic), will allow permanently and totally disabled voters the option to receive absentee ballots for each election during a calendar year by filling out one application at the beginning of the year.

Current law requires disabled voters to apply for an absentee ballot in every election during the calendar year.

**A-2270**, sponsored by Assemblywoman Charlotte Vandervalk (R-Bergen) and Senator Jack Sinagra (R-Middlesex), clarifies enforcement authority of local health officers regarding the sale or distribution of tobacco products to minors. The bill states that a local health officer may issue a summons to a person who violates this prohibition. The municipality would retain penalties collected as a result of this enforcement.

**S-717**, sponsored by Senators C. Louis Bassano (Essex/Union) and Diane B. Allen (R-Burlington/Camden) and Assemblymembers Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Joseph R. Malone, III. (R-Burlington/Monmouth/Ocean), renames the Governor's Council on the Prevention of Mental Retardation as the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities.

The bill also provides that an advocate for the mentally retarded and developmentally disabled shall be included among the Council's public members, and that the Council's 12-member Executive Committee shall include the Commissioner of Community Affairs as an ex-officio member and the Secretary of State as a non-voting, ex-officio member.

**S-220**, sponsored by Senators Wayne R. Bryant (D-Camden/Gloucester), William L. Gormley (R-Atlantic) and Assemblymembers David C. Russo (R-Bergen/Passaic) and Joan M. Quigley (D-Bergen/Hudson), provides that upon the resolution of a lawsuit, civil judgement, arbitration or workers' compensation case where a party is entitled to receive a settlement, judgement or award - a lien will be placed upon the net proceeds payable to the prevailing party if the party is found to owe child support. The fee shall have priority over all other levies and citations (unless a court orders otherwise) and except for levies to recover unpaid income taxes to the State.

The bill arose out of the concern that child support obligations may remain unsatisfied, while an obligor is in receipt of an influx of money from a lawsuit settlement, civil judgement, or other adjudicated means.

**A-436**, sponsored by Assembly Members Joel M. Weingarten (R-Essex/Union), Joseph Suliga (D-Union), Christopher "Kip" Bateman (R-Morris/ Somerset) and Guy R. Gregg (R-Sussex/Hunterdon/Morris) and Senators Anthony R. Bucco (R-Morris) and Walter J. Kavanaugh (R-Morris/ Somerset), requires insurers to provide certain notice concerning flood insurance.

This bill requires insurance companies that issue homeowners' insurance policies to provide existing and prospective policyholders with notice that a standard insurance policy does not cover property damaged by a flood. The Commissioner of Banking and Insurance may impose monetary penalties up to \$2,500 for the first violation and up to \$5,000 for any subsequent violation against any insurer that violates the bill's provisions.

**A-622**, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Alex DeCroce (R-Essex/Morris/Passaic), extends the period for a judge to issue a summons for illegally passing a school bus. Current law requires that a complaint for illegally passing 30 days of the offense. The new legislation would extend the time period to 90 days, thereby allowing more time for investigation to ensure that violators can be prosecuted. The bill also provides that any person who suppresses the identity of a driver who committed this offense would be subject to a fine of \$100.

Governor Whitman also today signed the following joint resolution:

**SJR-13**, sponsored by Senators John A. Lynch (D-Middlesex), Jack Sinagra (R-Middlesex) and Assemblyman Melvin Cottrell (R-Burlington/Monmouth/Ocean), designates December 12th of each year as "Foster Children's Day." The joint resolution is designed to recognize the unique needs and experiences of foster children and provide an opportunity for State and local government, private organizations and the general public to engage in charitable efforts to acknowledge that foster children are important and loved.