

39:4-128.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-128.1 (School bus--illegally passing--presumption owner is driver)

LAWS OF: 1983 CHAPTER: 27

Bill No.: A865

Sponsor(s): Smith and others

Date Introduced: Feb. 22, 1982

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Transportation & Communications

Amended during passage Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: June 7, 1982

Senate: Nov. 29, 1982

Date of Approval: Jan. 25, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message /// No

Message on Signing: Yes //

Following were printed:

Reports: /// No

Hearings: /// No

Sponsors' statement:

This bill would create a rebuttable presumption that the owner of a car involved in violation of P.L. 1942, c.192, is the operator of the offending vehicle. P.L. 1942, c.192, pertains to traffic regulations concerning motor vehicles which approach or overtake a school bus and provides certain speed limits for passage under certain circumstances.

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ASSEMBLY, No. 865

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblymen SMITH, KAVANAUGH, WEIDEL and LITTELL

Referred to Committee on Judiciary, Law, Public Safety
and Defense

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

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

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

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

15 On highways having dual or multiple roadways separated by
16 safety islands or physical traffic separation installations, the driver
17 of a vehicle overtaking a school bus which has stopped for the
18 purpose of receiving or discharging any child shall stop such
19 vehicle not less than ***[10]*** *25* feet from such school bus and keep
20 such vehicle stationary until such child has entered said bus or has

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 20, 1982.

21 alighted and reached the side of the highway and until a flashing
22 red light is no longer exhibited by the bus.

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

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

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

44 Any person who shall violate any provision of this act shall be
45 fined not less than \$10.00 for the first offense, and not less than
46 \$25.00 for each subsequent offense, which shall be enforced and
47 recovered pursuant to the provisions of chapter 5 of Title 39 of
48 the Revised Statutes. *There shall be a rebuttable presumption*
49 *that the registered owner of the vehicle which was involved in the*
50 *violation of this section was the person who committed the act.*

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

1 2. This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 865

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1982

This bill would create a rebuttable presumption that the owner of a car involved in illegally approaching and overtaking a school bus, is the operator of the offending vehicle. In the law of evidence, this is a presumption which holds good until disproved or which, standing alone, will support a finding against contradictory evidence.

The proposed amendments would parallel Assembly No. 774, which was previously released by the committee, which increase from 10 feet to 25 feet the distance a vehicle must stop from a school bus which is receiving or discharging passengers. Assembly No. 774 is necessary because of the proliferation of smaller cars which, when only 10 feet behind a bus, are difficult for bus drivers to observe.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 865

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STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

This bill would create a rebuttable presumption that the owner of a vehicle involved in illegally approaching or overtaking a school bus is the person who committed the illegal act.

The bill was amended in the Assembly so that it would parallel Assembly Bill No. 774 which has now passed the Assembly. Assembly Bill No. 774 increased from 10 feet to 25 feet the distance a vehicle must stop from a school bus which is receiving or discharging passengers. It was felt that Assembly Bill No. 774 was necessary because of the proliferation of smaller cars which, when only 10 feet behind a bus, are difficult for bus drivers to observe.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

TUESDAY, JANUARY 25, 1983

Governor Thomas H. Kean yesterday signed legislation to establish a legal presumption that the owner of a vehicle shall be held liable for a violation of the law requiring that vehicles come to a full stop while a school bus is loading or unloading.

The bill, A-865, sponsored by Assemblyman Elliot Smith, R-Somerset, also requires that vehicles stop 25 feet away from a halted school bus, rather than the existing 10 foot requirement.

The legislation will make it simpler to issue a summons to violators since it will permit the bus driver or any other individual to obtain the license number of a vehicle which failed to stop.

The law establishes a rebuttable presumption, which will permit the owner of the vehicle to offer proof in court that he was not the driver at the time the violation occurred.

The Governor also signed the following bills:

A-563, sponsored by Senator William Gormley, R-Atlantic, to provide that all subpoenas issued by the Attorney General in anti-trust cases must summarize the subject of the investigation, the documents requested, inform the individual of the right to an attorney, and indicate a time and place for the taking of testimony, the submission of answers, and the production of documents.

A-1061, sponsored by Assemblyman David Schwartz, D-Middlesex, to require that health care facilities providing medical or surgical care provide for the use of the facility and the privileges of the facility to licensed podiatrists.

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A-557, sponsored by Assemblyman Anthony M. Villane, R-Monmouth, to establish more stringent standards of financial accountability and professional conduct for dental plan organizations and dental plan consultants.

A-1495, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, to permit members of volunteer fire companies and first aid, rescue and emergency squads to participate in drills without fear of lawsuits for accidental damage.

A-725, sponsored by Assemblyman Walter M. D. Kern, R-Bergen, to permit the use of alternative waste treatment systems by structures generating less than 2,000 gallons per day of water-carried sanitary sewage. The alternative systems are required by homeowners who are unable to use traditional septic systems because of the characteristics of their property.

AJR-44, sponsored by Senator Gormley, to memorialize the U. S. Congress to enact legislation authorizing New Jersey to register and regulate labor organizations which represent employees of the casino gaming industry.

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