

39:4-138

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-138 (Handicapped--Parking spaces--enforcement)

LAWS 1981 CHAPTER 20

Bill No. S634

Sponsor(s) Maressa

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 10, 1980

Senate April 28, 1980

Date of approval Feb. 6, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill clarifies the power of the police to enforce parking for handicapped drivers and persons by prohibiting parking in places designated for the handicapped.

6/2/81

SENATE, No. 634

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator MARESSA

AN ACT concerning parking in spaces designated for the vehicles of the physically handicapped and amending R. S. 39:4-138.

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

1 1. R. S. 39:4-138 is amended to read as follows:

2 39:4-138. Except when necessary to avoid conflict with other
3 traffic or in compliance with the directions of a traffic or police
4 officer or traffic sign or signal, no operator of a vehicle shall stand
5 or park the vehicle in any of the following places:

6 a. Within an intersection;

7 b. On a crosswalk;

8 c. Between a safety zone and the adjacent curb or within at least
9 20 feet of a point on the curb immediately opposite the end of a
10 safety zone;

11 d. In front of a public or private driveway;

12 e. Within 25 feet of the nearest crosswalk or side line of a street
13 or intersecting highway, except at alleys;

14 f. On a sidewalk;

15 g. In any appropriately marked "No Parking" space established
16 pursuant to the duly promulgated regulations of the [State High-
17 way] Commissioner of Transportation;

18 h. Within 50 feet of a "stop" sign;

19 i. Within 10 feet of a fire hydrant;

20 j. Within 50 feet of the nearest rail of a railroad crossing;

21 k. Within 20 feet of the driveway entrance to any fire station
22 and on the side of a street opposite the entrance to any fire station
23 within 75 feet of said entrance, when properly signposted;

24 l. Alongside or opposite any street excavation or obstruction
25 when stopping, standing, or parking would obstruct traffic, when
26 properly signposted;

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

27 m. On the roadway side of any vehicle stopped or parked at the
28 edge or curb of a street;

29 n. Upon any bridge or other elevated structure upon a highway,
30 or within a highway tunnel or underpass, or on the immediate
31 approaches thereto except where space for parking is provided[.];

32 o. *In any space appropriately marked for vehicles for the physi-*
33 *cally handicapped pursuant to law unless the vehicle is authorized*
34 *by law to be parked therein.*

35 No person shall move a vehicle not lawfully under his control
36 into any such prohibited area or away from a curb such distance
37 as is unlawful.

1 2. This act shall take effect immediately.

STATEMENT

This bill clarifies the power of the police to enforce parking for
handicapped drivers and persons by prohibiting parking in places
designated for the handicapped.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 634

STATE OF NEW JERSEY

DATED: APRIL 17, 1980

This bill would specifically prohibit the standing or parking of unauthorized vehicles in appropriately marked parking spaces designated by law for vehicles for the physically handicapped.

The Division of Motor Vehicles indicated that they were in favor of the bill.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 634

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 1980

This bill clarifies the power of the police to enforce parking for handicapped drivers and persons by prohibiting parking in places designated for the handicapped.

Assembly Judiciary, Law, Public Safety and Defense Committee amendment clarifies that a private property owner may get enforcement of this act as to spaces on his land. This might apply to shopping centers, theaters or malls who, via municipal ordinance, have spaces set aside for the handicapped.

The Division of Motor Vehicles indicated that it is in favor of the bill.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 634

STATE OF NEW JERSEY

ADOPTED JUNE 9, 1980

Amend page 2, section 1, line 33, omit "law", insert "P. L. 1977, c. 202 (C. 39:4-197.5)".

Amend page 2, section 1, line 34, after "therein.", insert "Any owner or possessor of private property may request and receive enforcement of this provision as to spaces on his property which are designated and marked according to law."

[ASSEMBLY REPRINT]

SENATE, No. 634

with Assembly committee amendment's adopted June 9, 1980

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4 officer or traffic sign or signal, no operator of a vehicle shall stand
5 or park the vehicle in any of the following places:

6 a. Within an intersection;

7 b. On a crosswalk;

8 c. Between a safety zone and the adjacent curb or within at least
9 20 feet of a point on the curb immediately opposite the end of a
10 safety zone;

11 d. In front of a public or private driveway;

12 e. Within 25 feet of the nearest crosswalk or side line of a street
13 or intersecting highway, except at alleys;

14 f. On a sidewalk;

15 g. In any appropriately marked "No Parking" space established
16 pursuant to the duly promulgated regulations of the [State High-
17 way] Commissioner of *Transportation*;

18 h. Within 50 feet of a "stop" sign;

19 i. Within 10 feet of a fire hydrant;

20 j. Within 50 feet of the nearest rail of a railroad crossing;

21 k. Within 20 feet of the driveway entrance to any fire station
22 and on the side of a street opposite the entrance to any fire station
23 within 75 feet of said entrance, when properly signposted;

24 l. Alongside or opposite any street excavation or obstruction
25 when stopping, standing, or parking would obstruct traffic, when
26 properly signposted;

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is not enacted and is intended to be omitted in the law.

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28 edge or curb of a street;

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30 or within a highway tunnel or underpass, or on the immediate
31 approaches thereto except where space for parking is provided[.];

32 o. *In any space appropriately marked for vehicles for the physi-*
33 *cally handicapped pursuant to ***[law]*** *P. L. 1977, c. 202 (C.*
34 *39:4-197.5)* unless the vehicle is authorized by law to be parked*
34A *therein. *Any owner or possessor of private property may request*
34B *and receive enforcement of this provision as to spaces on his*
34C *property which are designated and marked according to law.*

35 No person shall move a vehicle not lawfully under his control
36 into any such prohibited area or away from a curb such distance
37 as is unlawful.

1 2. This act shall take effect immediately.

CHAPTER 20 LAWS OF N. J. 1981
APPROVED 2-6-81

[OFFICIAL COPY REPRINT]
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13 or intersecting highway, except at alleys;

14 f. On a sidewalk;

15 g. In any appropriately marked "No Parking" space established
16 pursuant to the duly promulgated regulations of the **[State High-**
17 **way]** *Commissioner of Transportation;*

18 h. Within 50 feet of a "stop" sign;

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21 k. Within 20 feet of the driveway entrance to any fire station
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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 9, 1981

PATRICK SWEENEY

Governor Brendan Byrne signed the following bills:

S-516, sponsored by Senator John T. Gregorio (D-Union), which mandates that any paid firemen have a high school diploma or equivalency certificate. The legislation indicates the increasing use of sophisticated fire fighting equipment makes the higher educational requirement necessary.

S-634, sponsored by Senator Joseph Maressa (D-Camden), which tightens enforcement by making it a violation of state law to park an unauthorized vehicle in a parking space reserved for the use of the physically handicapped. This bill specifies a penalty of a \$50 fine and 15 days in jail. The bill also provides for enforcement of the law in private parking lots and shopping centers. Under present law, vehicles authorized to use handicapped parking spaces must bear handicapped license plates or display a special certificate.

S-646, sponsored by Senator Joseph Merlino (D-Mercer), which amends the law establishing the constituent membership of the State Law Enforcement Planning Agency to include two members to be appointed by the Senate President and the Speaker of the General Assembly, as well as the Chief Justice of the State Supreme Court, a Superior Court trial judge, the Administrative Director of the Courts and the chairman and two members of the Juvenile Justice and Delinquency Prevention Advisory Committee.

S-885, sponsored by Senator Brian T. Kennedy (R-Monmouth), which amends the Criminal Code to provide that a person is guilty of a robbery if force is used upon a victim. The bill insures that purse snatching may be prosecuted as a second degree crime under the robbery statute, rather than as a third degree crime under theft.

S-1007, sponsored by Senator Frank J. Dodd (D-Essex), which prohibits a board of education member in a local and regional school district from holding office as a mayor or as a member of the governing body of a municipality. In addition, members of county special services school districts and county vocational school districts are prohibited from serving as a member of the county governing body.