

39:4-94.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-94.2 (Roads--lawfully closed--MV violation to drive on such roads)

LAWS 1981 CHAPTER 229

Bill No. S1118

Sponsor(s) Graves

Date Introduced March 13, 1980

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 June 22, 1981

Senate Jan. 22, 1981

Date of approval July 27, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ Also attached: Senate amendments, adopted 11-24-80 (with statement)

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~~

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SENATE, No. 1118

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Senator GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning highway safety and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1 1. Whenever by order of the Commissioner of the Department of
2 Transportation, a State highway, or by resolution of a county
3 governing body, a county public road, or by appropriate action of
4 the governing body of a municipality, a municipal street or road
5 is declared closed to traffic for any lawful purpose, and a notice
6 of the closing has been posted at the beginning and ending points
7 of the closed section of the highway, road, or street, and a barricade
8 erected at those points, any person who without the permission of
9 the commissioner or governing body of the county, or municipality,
10 as the case may be:

11 a. Mutilates or removes the notice, or damages, destroys or
12 removes any warning sign or signal, or removes the barricade
13 placed or posted by the commissioner or county or municipal
14 governing body, at any point along the highway, road or street in
15 connection with or relating to the closed portion thereof; or

16 b. ***[Drives]*** ****[*Purposely drives*]**** ***Drives*** a vehicle
17 over or upon the closed section of the highway, road or street
18 ***which he knows or should have reason to know has been closed to*
19 *traffic*** ; or

20 c. Violates any rule or regulation for the use of the highway,
21 road or street duly made by the commissioner or county or municipi-
22 pal governing body, as authorized by law, he shall be subject to a
23 fine of not more than \$100.00 ***[or imprisonment for 10 days in jail,**
24 **or both]***.

1 2. This act shall take effect immediately.

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

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7 of the closed section of the highway, road, or street, and a barricade
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9 the commissioner or governing body of the county, or municipality,
10 as the case may be:

11 a. Mutilates or removes the notice, or damages, destroys or
12 removes any warning sign or signal, or removes the barricade
13 placed or posted by the commissioner or county or municipal
14 governing body, at any point along the highway, road or street in
15 connection with or relating to the closed portion thereof; or

16 b. Drives a vehicle over or upon the closed section of the highway,
17 road or street; or

18 c. Violates any rule or regulation for the use of the highway,
19 road or street duly made by the commissioner or county or munic-
20 ipal governing body, as authorized by law, he shall be subject to a
21 fine of not more than \$100.00 or imprisonment for 10 days in jail,
22 or both.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to include within Title 39, a specific
offense prohibiting the operation of a motor vehicle on a roadway

which has been closed by the governmental authority having jurisdiction over that roadway. This offense, which would be punishable by a fine of up to \$100.00 and by up to 10 days' imprisonment, or both, would also cover the removal or mutilation of any warning sign indicating the closing of a roadway. This bill is based on a recommendation of the New Jersey Police Traffic Officers' Association.

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SENATE AMENDMENTS TO
SENATE, No. 1118

STATE OF NEW JERSEY

ADOPTED NOVEMBER 24, 1980

Amend page 1, section 1, line 16, omit "Drives", insert "Purposely drives".

Amend page 1, section 1, lines 21-22, after "\$100.00", omit remainder of line 21 and "or both" on line 22.

STATEMENT

This amendment provides that a person must *purposely* drive a vehicle over or upon a closed section of a highway, road or street in order to be in violation of this act. The amendment also eliminates any jail sentence which may be imposed for a violation of the act.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1118

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 27, 1981

This bill, as amended, would supplement Title 39 by prohibiting the operation of a motor vehicle on a roadway which has been closed by the governmental authority having jurisdiction over that roadway.

The committee amended the bill to clearly indicate that any person who knowingly or with reason to know that the road was closed is subject to a fine not to exceed \$100.00. In addition, a jail term would no longer be permitted.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 1118

STATE OF NEW JERSEY

DATED: OCTOBER 9, 1980

This bill would supplement Title 39 by prohibiting the operation of a motor vehicle on a roadway which has been closed by the governmental authority having jurisdiction over that roadway. This offense, which would be punishable by a fine of up to \$100.00 and by up to 10 days' imprisonment, or both, would also cover the removal or mutilation of any warning sign indicating the closing of a roadway or violation of duly promulgated rules or regulations regarding such roadway. The bill is based on a recommendation of the New Jersey Police Traffic Officers' Association. The New Jersey Department of Transportation indicated their support of the measure.
