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GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Bill signed by Christie ups fine for drivers who linger in left lane," The Star-Ledger, 8-8-13

"Making left the lane less traveled," The Record, 8-9-13

"State boosts fines for cars in left lanes," The Press, 8-9-13

LAW/RWH

P.L.2013, CHAPTER 86, *approved August 7, 2013*
Senate, No. 530 (*Second Reprint*)

1 AN ACT concerning penalties for certain traffic violations, creating
2 a fund for the acquisition of certain traffic signage, ¹[amending
3 R.S.39:4-88]¹ ²amending R.S.39:4-88² and supplementing Title
4 ¹[52] 39¹ of the Revised Statutes.

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

- 8
9 ¹[1. R.S.39:4-88 is amended to read as follows:
10 39:4-88. When a roadway has been divided into clearly marked
11 lanes for traffic, drivers of vehicles shall obey the following
12 regulations:
13 a. A vehicle shall normally be driven in the lane nearest the
14 right-hand edge or curb of the roadway when that lane is available
15 for travel, except when overtaking another vehicle or in preparation
16 for a left turn.
17 b. A vehicle shall be driven as nearly as practicable entirely
18 within a single lane and shall not be moved from that lane until the
19 driver has first ascertained that the movement can be made with
20 safety.
21 c. Upon a highway which is divided into 3 lanes, a vehicle
22 shall not be driven in the center lane except when overtaking or
23 passing another vehicle or in preparation for a left turn or unless the
24 center lane is at the time allocated for traffic moving in the
25 direction the vehicle is proceeding and is signposted to give notice
26 of that allocation.
27 d. The State Highway Commissioner may by regulation or
28 local authorities may by resolution or ordinance with respect to
29 highways under their jurisdiction designate right-hand lanes for
30 slow moving traffic and inside lanes for traffic moving at the speed
31 designated for the district as provided under this chapter, and when
32 the lanes are signposted or marked to give notice of the designation
33 a vehicle may be driven in any lane allocated to traffic moving in
34 the direction in which it is proceeding, but when traveling within
35 the inside lanes the vehicle shall be driven at approximately the
36 speed authorized in such lanes and speed shall not be decreased
37 unnecessarily so as to block, hinder or retard traffic.
38 e. When such roadway had been divided in such a manner that
39 there are 3 or more lanes for traffic in any one direction, no truck

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted December 13, 2012.

²Assembly floor amendments adopted June 20, 2013.

1 of 10,000 pounds registered gross weight or over shall be driven in
 2 the farthest left-hand lane, except when and to the extent necessary
 3 to prepare for a left turn, or when necessary to enter or leave such
 4 roadway by entrance or exit to or from the left lane or when
 5 reasonably necessary in response to emergency conditions.

6 f. The penalty for violation of this section shall be a fine of not
 7 less than \$100 or more than \$300. The State Treasurer shall
 8 annually deposit \$50 of each fine collected from the fines imposed
 9 pursuant to this section into the fund established pursuant to section
 10 2 of P.L. , c. (C.) (pending before the Legislature as this
 11 bill).
 12 (cf: P.L.1968, c.432, s.1)]¹

13
 14 ²1. R.S.39:4-88 is amended to read as follows:

15 When a roadway has been divided into clearly marked lanes for
 16 traffic, drivers of vehicles shall obey the following regulations:

17 a. A vehicle shall normally be driven in the lane nearest the
 18 right-hand edge or curb of the roadway when that lane is available
 19 for travel, except when overtaking another vehicle or in preparation
 20 for a left turn.

21 b. A vehicle shall be driven as nearly as practicable entirely
 22 within a single lane and shall not be moved from that lane until the
 23 driver has first ascertained that the movement can be made with
 24 safety.

25 c. Upon a highway which is divided into 3 lanes, a vehicle
 26 shall not be driven in the center lane except when overtaking or
 27 passing another vehicle or in preparation for a left turn or unless the
 28 center lane is at the time allocated for traffic moving in the
 29 direction the vehicle is proceeding and is signposted to give notice
 30 of that allocation.

31 d. The State Highway Commissioner may by regulation or
 32 local authorities may by resolution or ordinance with respect to
 33 highways under their jurisdiction designate right-hand lanes for
 34 slow moving traffic and inside lanes for traffic moving at the speed
 35 designated for the district as provided under this chapter, and when
 36 the lanes are signposted or marked to give notice of the designation
 37 a vehicle may be driven in any lane allocated to traffic moving in
 38 the direction in which it is proceeding, but when traveling within
 39 the inside lanes the vehicle shall be driven at approximately the
 40 speed authorized in such lanes and speed shall not be decreased
 41 unnecessarily so as to block, hinder or retard traffic.

42 e. When such roadway had been divided in such a manner that
 43 there are **[3]** three or more lanes for traffic in any one direction, no
 44 truck of 10,000 pounds registered gross weight or over shall be
 45 driven in the farthest left-hand lane, except :

46 (1) when and to the extent necessary to prepare for a left turn [
 47 or] ; a truck may be driven in the farthest left lane for up to one

1 mile to prepare for a left hand turn as authorized under this
 2 paragraph;

3 (2) when necessary to enter or leave such roadway by entrance
 4 or exit to or from the left lane [or] ; a truck may be driven in the
 5 farthest left lane for up to one mile to prepare to enter or leave the
 6 roadway as authorized under this paragraph;

7 (3) when reasonably necessary in response to emergency
 8 conditions; for the purposes of this paragraph, “emergency
 9 conditions” shall include, but not be limited to: poor visibility,
 10 snow, accidents, or the presence of emergency vehicles.²

11 (cf: P.L.1968, c.432, s.1)

12

13 ²**[1.] 2.**² The penalty for a violation of failing to keep right
 14 under R.S.39:4-82 or failure to observe traffic lanes under R.S.
 15 39:4-88 shall be a fine of not less than \$100 or more than \$300. In
 16 addition to any fine that may be imposed, a surcharge of \$50 shall
 17 be imposed on each person found guilty of a violation of R.S.39:4-
 18 82 or R.S.39:4-88. The State Treasurer shall annually deposit the
 19 surcharge into the fund established pursuant to section 2 of P.L. ,
 20 c. (C.) (pending before the Legislature as this bill).¹

21

22 ¹**[2. (New section)** There is created within the New Jersey
 23 Department of Treasury, a separate, non-lapsing fund. Of the total
 24 collected for each violation of R.S.39:4-88, \$50 shall be deposited
 25 in the fund. Unless otherwise specifically provided by law, monies
 26 in the fund shall be utilized exclusively to acquire, install, and
 27 maintain highway signs that notify motorists entering New Jersey to
 28 comply with the provisions of R.S.39:4-88.]¹

29

30 ²**[12.] 3.**² There is created within the Department of the
 31 Treasury, a separate, non-lapsing fund that shall be administered by
 32 the Department of Transportation. The fund shall be the repository
 33 for the \$50 surcharge imposed for each violation of R.S.39:4-82 and
 34 R.S. 39:4-88. Unless otherwise specifically provided by law,
 35 monies in the fund shall be utilized exclusively to acquire, install,
 36 and maintain highway signs that notify motorists entering New
 37 Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-
 38 88.¹

39

40 ²**[3.] 4.**² This act shall take effect immediately.

41

42

43

44 Increases fine for failure to keep right or failure to observe traffic
 45 lanes; establishes fund to pay for certain signage.

SENATE, No. 530

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Increases fine for failure to keep right unless overtaking; establishes fund to pay for certain signage.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S530 NORCROSS

2

1 AN ACT concerning penalties for certain traffic violations, creating
2 a fund for the acquisition of certain traffic signage, amending
3 R.S.39:4-88 and supplementing Title 52 of the Revised Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.39:4-88 is amended to read as follows:

9 39:4-88. When a roadway has been divided into clearly marked
10 lanes for traffic, drivers of vehicles shall obey the following
11 regulations:

12 a. A vehicle shall normally be driven in the lane nearest the
13 right-hand edge or curb of the roadway when that lane is available
14 for travel, except when overtaking another vehicle or in preparation
15 for a left turn.

16 b. A vehicle shall be driven as nearly as practicable entirely
17 within a single lane and shall not be moved from that lane until the
18 driver has first ascertained that the movement can be made with
19 safety.

20 c. Upon a highway which is divided into 3 lanes, a vehicle
21 shall not be driven in the center lane except when overtaking or
22 passing another vehicle or in preparation for a left turn or unless the
23 center lane is at the time allocated for traffic moving in the
24 direction the vehicle is proceeding and is signposted to give notice
25 of that allocation.

26 d. The State Highway Commissioner may by regulation or
27 local authorities may by resolution or ordinance with respect to
28 highways under their jurisdiction designate right-hand lanes for
29 slow moving traffic and inside lanes for traffic moving at the speed
30 designated for the district as provided under this chapter, and when
31 the lanes are signposted or marked to give notice of the designation
32 a vehicle may be driven in any lane allocated to traffic moving in
33 the direction in which it is proceeding, but when traveling within
34 the inside lanes the vehicle shall be driven at approximately the
35 speed authorized in such lanes and speed shall not be decreased
36 unnecessarily so as to block, hinder or retard traffic.

37 e. When such roadway had been divided in such a manner that
38 there are 3 or more lanes for traffic in any one direction, no truck
39 of 10,000 pounds registered gross weight or over shall be driven in
40 the farthest left-hand lane, except when and to the extent necessary
41 to prepare for a left turn, or when necessary to enter or leave such
42 roadway by entrance or exit to or from the left lane or when
43 reasonably necessary in response to emergency conditions.

44 f. The penalty for violation of this section shall be a fine of not
45 less than \$100 or more than \$300. The State Treasurer shall

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.

S530 NORCROSS

1 annually deposit \$50 of each fine collected from the fines imposed
2 pursuant to this section into the fund established pursuant to section
3 2 of P.L. , c. (C.) (pending before the Legislature as this
4 bill).

5 (cf: P.L.1968, c.432, s.1)

6
7 2. (New section) There is created within the New Jersey
8 Department of Treasury, a separate, non-lapsing fund. Of the total
9 collected for each violation of R.S.39:4-88, \$50 shall be deposited
10 in the fund. Unless otherwise specifically provided by law, monies
11 in the fund shall be utilized exclusively to acquire, install, and
12 maintain highway signs that notify motorists entering New Jersey to
13 comply with the provisions of R.S.39:4-88.

14
15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would increase the fines imposed for failure by a
21 motorist to keep right unless overtaking another vehicle. The bill
22 would increase the fine from between \$50 and \$200 to between
23 \$100 and \$300. The bill further provides that \$50 of each fine shall
24 be placed into a fund that would pay for the acquisition, installation,
25 and maintenance of signs that remind motorists when entering New
26 Jersey to keep to the right of the roadway except when overtaking.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 530

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2012

The Senate Transportation Committee reports favorably Senate Bill No. 530.

As reported, this bill increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle. The bill increases the fine from between \$50 and \$200 to between \$100 and \$300. The bill further provides that \$50 of each fine shall be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 530

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 530.

As amended and reported by the committee, Senate Bill No. 530 increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes. The amended bill increases the fine for both offenses from between \$50 and \$200 to between \$100 and \$300. In addition, the bill requires that a person who commits either offense is subject to an additional \$50 surcharge.

The \$50 surcharge imposed for each offense is to be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking and to observe traffic lanes.

As reported by the committee, this bill is identical to Assembly Bill No. 2277, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) increase the penalty for failure by a motorist to observe traffic lanes from between \$50 and \$200 to between \$100 and \$300;
- (2) establish a \$50 surcharge imposed for both failure by a motorist to keep right, and failure by a motorist to observe traffic lanes; and
- (3) require that the \$50 surcharge be placed into fund to pay for signs that remind motorists when entering New Jersey to keep to the right of the roadway and to observe traffic lanes.

STATEMENT TO
[First Reprint]
SENATE, No. 530

with Assembly Floor Amendments
(Proposed by Assemblyman WILSON)

ADOPTED: JUNE 20, 2013

Senate Bill No. 530(1R) increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes.

Under current law, when there are three or more lanes of traffic in one direction, trucks are not authorized to travel in the farthest left lane except when, and to the extent necessary, to prepare for a left turn and when necessary to enter or leave such roadway by entrance or exit to or from the left lane. Trucks also may be driven in the farthest left lane when reasonably necessary to respond to emergency conditions.

Under these Assembly amendments, trucks may be driven for up to one mile in the farthest left lane when preparing to turn left or when entering or leaving the road from the left lane. The amendments also specify that “emergency conditions” include poor visibility, snow, accidents, or the presence of emergency vehicles.

As amended, this bill is identical to Assembly Bill No. 2277(1R), as amended on this same date.

FISCAL NOTE
 [Second Reprint]
SENATE, No. 530
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JULY 5, 2013

SUMMARY

Synopsis: Increases fine for failure to keep right or failure to observe traffic lanes; establishes fund to pay for certain signage.

Type of Impact: General Fund expenditure, State and local revenue.

Agencies Affected: Judiciary, Department of Transportation, local governments.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$60,000	\$0	\$0
State and Local Revenue	\$202,272	\$202,272	\$202,272
DOT Highway Sign Fund Revenue	\$210,700	\$210,700	\$210,700
Total Revenue	\$412,972	\$412,972	\$412,972

- The Office of Legislative Services **concurs** with the Executive estimate.
- The Administrative Office of the Courts (AOC) states that the bill would generate an additional \$412,972 in revenue in each full year of implementation. The AOC notes that although it is not factored into the revenue estimates, the modified fine range and surcharge would only apply to defendants charged with an offense after the bill's effective date. As cases being sentenced during the 12 months following the bill's effective date would include defendants that would not be subject to the new fine range or the surcharge, the amount of the revenue created as a result of the bill would be significantly less during this time.
- The AOC states that implementation of the bill would require the Judiciary to reprogram Automated Traffic System / Automated Complaint System (ATS/ACS) to accommodate the

modified fine range and to create a payment code for the new \$50 surcharge. The AOC estimates that the modifications would take approximately three months to complete and generate a one-time cost of about \$60,000.

BILL DESCRIPTION

Senate Bill No. 530 (2R) of 2012 increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes. The bill increases the fine for both offenses from between \$50 and \$200 to between \$100 and \$300. In addition, the bill requires that a person who commits either offense is subject to an additional \$50 surcharge.

The \$50 surcharge imposed for each offense is to be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking and to observe traffic lanes.

Under the bill trucks may be driven for up to one mile in the farthest left lane when preparing to turn left or when entering or leaving the road from the left lane. The amendments also specify that “emergency conditions” include poor visibility, snow, accidents, or the presence of emergency vehicles.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Revenue:

The AOC states that data gathered from the Judiciary’s Municipal Court ATS/ACS indicate that from January 1, 2010 through December 31, 2012, an average of 2,271 defendants were found guilty each year of violating N.J.S. 39:4-82 (failure to keep right unless overtaking another vehicle) and an average of 1,943 defendants were found guilty each year of violating N.J.S. 39:4-88 (failure by a motorist to observe traffic lanes.) In total, an estimated 4,214 defendants are found guilty annually of one of the violations addressed by this bill.

The AOC notes that the bill would impact revenue in two ways - by modifying the existing range of fines for the offenses specified in the bill and by assessing a \$50 surcharge on each person guilty of the offenses specified in the bill.

Modified Fine Range –

According to the AOC, defendants found guilty of violating either N.J.S.A. 39:4-82 (failure by a motorist to keep right unless overtaking another vehicle) or N.J.S.A. 39:4-88 (failure by a motorist to observe traffic lanes) are currently subject to a fine from \$50 to \$200 per violation. The bill would amend this range to \$100 to \$300 per violation.

The AOC states that although many variables influence the actual amount of the fine imposed on a defendant, for the purpose of this analysis it is assumed that the average fine imposed under the new range (\$100 - \$300) would be proportionally comparable to the average fine imposed historically under the current range (\$50 - \$200.)

Data gathered from ATS/ACS reveal that the median fine imposed for a violation of N.J.S. 39:4-82 or N.J.S. 39:4-88 during calendar year 2012 was \$80, which is approximately 64 percent ($\$80/\125) of the fine range’s midrange of \$125 ($(\$50+\$200)/2$.) If the range were revised as

specified in the proposed legislation, the revised midrange would be \$200 $((\$100 + \$300)/2)$ and would result in an estimated median fine of \$128 $(\$200 \times 0.64.)$

The AOC notes that by modifying the fine range as specified in the bill, each guilty offense would result in an additional \$48 in fines $(\$128 - \$80.)$ Based on an estimated 4,214 defendants annually found guilty of the violations addressed by the bill, there would be an additional \$202,272 $(\$48 \text{ increase} \times 4,214 \text{ defendants})$ in fine revenue generated in each full year of implementation as a result of the modified fine range.

The AOC states that regarding the two offenses specified in the bill, fines collected for violations issued by the State Police would be deposited into the General Fund. Fines collected for violations which were issued by a municipal or county officer would be shared evenly by the county and the municipality. Since the Judiciary is unable to identify what percentage of the offenses would be attributable to the State Police versus a municipal or county organization, an estimate of how much additional revenue might be forwarded to the Treasury for deposit into the General Fund as a result of the modified fine range cannot be provided.

New \$50 Surcharge -

With regard to the new \$50 surcharge to be forwarded to the Department of Transportation, the AOC states that based on an estimated 4,214 defendants annually found guilty of the violations addressed by the bill, there would be \$210,700 $(\$50 \text{ increase} \times 4,214 \text{ defendants})$ in new revenue generated in each full year of implementation as a result of the surcharge.

Revenue Summary –

The AOC states that the bill would generate an additional \$412,972 in revenue in each full year of implementation $(\$202,272 \text{ from modified fine range and } \$210,700 \text{ from new surcharge.})$ The AOC notes that although it is not factored into the revenue estimates, the modified fine range and surcharge would only apply to defendants charged with an offense after the bill's effective date. As cases being sentenced during the 12 months following the bill's effective date would include defendants that would not be subject to the new fine range or the surcharge, the amount of the revenue created as a result of the bill would be significantly less during this time.

Expenditures:

The AOC states that implementation of the bill would require the Judiciary to reprogram ATS/ACS to accommodate the modified fine range and to create a payment code for the new \$50 surcharge. The AOC estimates that the modifications would take approximately three months to complete and generate a one-time cost of about \$60,000.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 2277

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 2, 2012

Sponsored by:

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblyman DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Increases fine for failure to keep right unless overtaking; establishes fund to pay for certain signage

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/9/2012)

1 AN ACT concerning penalties for certain traffic violations, creating
2 a fund for the acquisition of certain traffic signage, amending
3 R.S.39:4-88 and supplementing Title 52 of the Revised Statutes.

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

7
8 1. R.S.39:4-88 is amended to read as follows:

9 39:4-88. When a roadway has been divided into clearly marked
10 lanes for traffic, drivers of vehicles shall obey the following
11 regulations:

12 a. A vehicle shall normally be driven in the lane nearest the
13 right-hand edge or curb of the roadway when that lane is available
14 for travel, except when overtaking another vehicle or in preparation
15 for a left turn.

16 b. A vehicle shall be driven as nearly as practicable entirely
17 within a single lane and shall not be moved from that lane until the
18 driver has first ascertained that the movement can be made with
19 safety.

20 c. Upon a highway which is divided into 3 lanes, a vehicle
21 shall not be driven in the center lane except when overtaking or
22 passing another vehicle or in preparation for a left turn or unless the
23 center lane is at the time allocated for traffic moving in the
24 direction the vehicle is proceeding and is signposted to give notice
25 of that allocation.

26 d. The State Highway Commissioner may by regulation or
27 local authorities may by resolution or ordinance with respect to
28 highways under their jurisdiction designate right-hand lanes for
29 slow moving traffic and inside lanes for traffic moving at the speed
30 designated for the district as provided under this chapter, and when
31 the lanes are signposted or marked to give notice of the designation
32 a vehicle may be driven in any lane allocated to traffic moving in
33 the direction in which it is proceeding, but when traveling within
34 the inside lanes the vehicle shall be driven at approximately the
35 speed authorized in such lanes and speed shall not be decreased
36 unnecessarily so as to block, hinder or retard traffic.

37 e. When such roadway had been divided in such a manner that
38 there are 3 or more lanes for traffic in any one direction, no truck
39 of 10,000 pounds registered gross weight or over shall be driven in
40 the farthest left-hand lane, except when and to the extent necessary
41 to prepare for a left turn, or when necessary to enter or leave such
42 roadway by entrance or exit to or from the left lane or when
43 reasonably necessary in response to emergency conditions.

44 f. The penalty for violation of this section shall be a fine of not
45 less than \$100 or more than \$300. The State Treasurer shall

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.

1 annually deposit \$50 of each fine collected from the fines imposed
2 pursuant to this section into the fund established pursuant to section
3 2 of P.L. , c. (C.) (pending before the Legislature as this
4 bill).

5 (cf: P.L.1968, c.432, s.1)

6
7 2. (New section) There is created within the New Jersey
8 Department of Treasury, a separate, non-lapsing fund. Of the total
9 collected for each violation of R.S.39:4-88, \$50 shall be deposited
10 in the fund. Unless otherwise specifically provided by law, monies
11 in the fund shall be utilized exclusively to acquire, install, and
12 maintain highway signs that notify motorists entering New Jersey to
13 comply with the provisions of R.S.39:4-88.

14
15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would increase the fines imposed for failure by a
21 motorist to keep right unless overtaking another vehicle. The bill
22 would increase the fine from between \$50 and \$200 to between
23 \$100 and \$300. The bill further provides that \$50 of each fine shall
24 be placed into a fund that would pay for the acquisition, installation,
25 and maintenance of signs that remind motorists when entering New
26 Jersey to keep to the right of the roadway except when overtaking.

FISCAL NOTE
ASSEMBLY, No. 2277
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: MAY 10, 2012

SUMMARY

Synopsis: Increases fine for failure to keep right unless overtaking; establishes fund to pay for certain signage.

Type of Impact: Special fund revenue.

Agencies Affected: Department of Transportation, Judiciary

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$12,000	\$0	\$0
State Revenue	\$91,700	\$91,700	\$91,700

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle and provides that \$50 of each fine shall be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking.
- The Administrative Office of the Courts (AOC) states that it is anticipated that \$91,700 would be deposited into the newly created fund each full year of implementation. In addition, the Judiciary would incur programming costs in the amount of \$12,000 to make necessary system modifications to the Municipal Division's Automated Traffic System / Automated Complaint System, (ATS/ACS).

BILL DESCRIPTION

Assembly Bill No. 2277 of 2012 increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle. The bill increases the fine from between \$50 and \$200 to between \$100 and \$300. The bill further provides that \$50 of each fine shall be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that the Judiciary's Municipal Division Automated Traffic System / Automated Complaint System, (ATS/ACS) reflects that in calendar year 2011 there were 1,834 defendants found guilty of failing to keep right unless overtaking another vehicle pursuant to N.J.S.A.39:4-88.

The AOC further notes that as the legislation requires that \$50 of the total fine collected for each violation of R.S.39:4-88 be deposited into a newly created fund, it is anticipated that \$91,700 would be deposited into the fund each full year of implementation. It should be noted that the estimated amount collected and deposited into the fund assumes the entire amount of the assessments is collected from the defendants.

The AOC also states that it is anticipated that the Judiciary would incur programming costs in the amount of \$12,000 to make necessary system modifications to the Municipal Division's Automated Traffic System / Automated Complaint System, (ATS/ACS).

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2277

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2277.

As amended and reported by the committee, Assembly Bill No. 2277 increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes. The amended bill increases the fine for both offenses from between \$50 and \$200 to between \$100 and \$300. In addition, the bill requires that a person who commits either offense is subject to an additional \$50 surcharge.

The \$50 surcharge imposed for each offense is to be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking and to observe traffic lanes.

As reported by the committee, this bill is identical to Senate Bill No. 530, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) increase the penalty for failure by a motorist to observe traffic lanes from between \$50 and \$200 to between \$100 and \$300;
- (2) establish a \$50 surcharge imposed for both failure by a motorist to keep right, and failure by a motorist to observe traffic lanes; and
- (3) require that the \$50 surcharge be placed into fund to pay for signs that remind motorists when entering New Jersey to keep to the right of the roadway and to observe traffic lanes.

STATEMENT TO
[First Reprint]
ASSEMBLY No. 2277

with Assembly Amendments
(Proposed by Assemblyman WILSON)

ADOPTED: JUNE 20, 2013

Assembly Bill No. 2277(1R) increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes.

Under current law, when there are three or more lanes of traffic in one direction, trucks are not authorized to travel in the farthest left lane except when, and to the extent necessary, to prepare for a left turn and when necessary to enter or leave such roadway by entrance or exit to or from the left lane. Trucks also may be driven in the farthest left lane when reasonably necessary to respond to emergency conditions.

Under these Assembly amendments, trucks may be driven for up to one mile in the farthest left lane when preparing to turn left or when entering or leaving the road from the left lane. The amendments also specify that “emergency conditions” include poor visibility, snow, accidents, or the presence of emergency vehicles.

As amended, this bill is identical to Senate Bill No. 530(1R), as amended on this same date.

FISCAL NOTE
 [Second Reprint]
ASSEMBLY, No. 2277
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JUNE 27, 2013

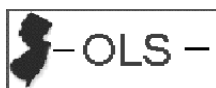
SUMMARY

- Synopsis:** Increases fine for failure to keep right or failure to observe traffic lanes; establishes fund to pay for certain signage.
- Type of Impact:** General Fund expenditure, State and local revenue.
- Agencies Affected:** Judiciary, Department of Transportation, local governments.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$60,000	\$0	\$0
State and Local Revenue	\$202,272	\$202,272	\$202,272
DOT Highway Sign Fund	\$210,700	\$210,700	\$210,700
Total Revenue	\$412,972	\$412,972	\$412,972

- The Office of Legislative Services **concurs** with the Executive estimate.
- The Administrative Office of the Courts (AOC) states that the bill would generate an additional \$412,972 in revenue in each full year of implementation. The AOC notes that although it is not factored into the revenue estimates, the modified fine range and surcharge would only apply to defendants charged with an offense after the bill’s effective date. As cases being sentenced during the 12 months following the bill’s effective date would include defendants that would not be subject to the new fine range or the surcharge, the amount of the revenue created as a result of the bill would be significantly less during this time.
- The AOC states that implementation of the bill would require the Judiciary to reprogram Automated Traffic System / Automated Complaint System (ATS/ACS) to accommodate the modified fine range and to create a payment code for the new \$50 surcharge. The AOC



estimates that the modifications would take approximately three months to complete and generate a one-time cost of about \$60,000.

BILL DESCRIPTION

Assembly Bill No. 2277 (2R) of 2012 increases the fines imposed for failure by a motorist to keep right unless overtaking another vehicle, and failure by a motorist to observe traffic lanes. The bill increases the fine for both offenses from between \$50 and \$200 to between \$100 and \$300. In addition, the bill requires that a person who commits either offense is subject to an additional \$50 surcharge.

The \$50 surcharge imposed for each offense is to be placed into a fund that would pay for the acquisition, installation, and maintenance of signs that remind motorists when entering New Jersey to keep to the right of the roadway except when overtaking and to observe traffic lanes.

Under the bill trucks may be driven for up to one mile in the farthest left lane when preparing to turn left or when entering or leaving the road from the left lane. The amendments also specify that “emergency conditions” include poor visibility, snow, accidents, or the presence of emergency vehicles.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Revenue:

The AOC states that data gathered from the Judiciary’s Municipal Court ATS/ACS indicate that from January 1, 2010 through December 31, 2012, an average of 2,271 defendants were found guilty each year of violating N.J.S. 39:4-82 (failure to keep right unless overtaking another vehicle) and an average of 1,943 defendants were found guilty each year of violating N.J.S. 39:4-88 (failure by a motorist to observe traffic lanes.) In total, an estimated 4,214 defendants are found guilty annually of one of the violations addressed by this bill.

The AOC notes that the bill would impact revenue in two ways - by modifying the existing range of fines for the offenses specified in the bill and by assessing a \$50 surcharge on each person guilty of the offenses specified in the bill.

Modified Fine Range –

According to the AOC, defendants found guilty of violating either N.J.S.A. 39:4-82 (failure by a motorist to keep right unless overtaking another vehicle) or N.J.S.A. 39:4-88 (failure by a motorist to observe traffic lanes) are currently subject to a fine from \$50 to \$200 per violation. The bill would amend this range to \$100 to \$300 per violation.

The AOC states that although many variables influence the actual amount of the fine imposed on a defendant, for the purpose of this analysis it is assumed that the average fine imposed under the new range (\$100 - \$300) would be proportionally comparable to the average fine imposed historically under the current range (\$50 - \$200.)

Data gathered from ATS/ACS reveal that the median fine imposed for a violation of N.J.S. 39:4-82 or N.J.S. 39:4-88 during calendar year 2012 was \$80, which is approximately 64 percent ($\$80/\125) of the fine range’s midrange of \$125 ($(\$50+\$200)/2$.) If the range were revised as

specified in the proposed legislation, the revised midrange would be \$200 $((\$100 + \$300)/2)$ and would result in an estimated median fine of \$128 $(\$200 \times 0.64.)$

The AOC notes that by modifying the fine range as specified in the bill, each guilty offense would result in an additional \$48 in fines $(\$128 - \$80.)$ Based on an estimated 4,214 defendants annually found guilty of the violations addressed by the bill, there would be an additional \$202,272 $(\$48 \text{ increase} \times 4,214 \text{ defendants})$ in fine revenue generated in each full year of implementation as a result of the modified fine range.

The AOC states that regarding the two offenses specified in the bill, fines collected for violations issued by the State Police would be deposited into the General Fund. Fines collected for violations which were issued by a municipal or county officer would be shared evenly by the county and the municipality. Since the Judiciary is unable to identify what percentage of the offenses would be attributable to the State Police versus a municipal or county organization, an estimate of how much additional revenue might be forwarded to Treasury for deposit into the General Fund as a result of the modified fine range cannot be provided.

New \$50 Surcharge -

With regard to the new \$50 surcharge to be forwarded to the Department of Transportation, the AOC states that based on an estimated 4,214 defendants annually found guilty of the violations addressed by the bill, there would be \$210,700 $(\$50 \text{ increase} \times 4,214 \text{ defendants})$ in new revenue generated in each full year of implementation as a result of the surcharge.

Revenue Summary –

The AOC states that the bill would generate an additional \$412,972 in revenue in each full year of implementation $(\$202,272 \text{ from modified fine range and } \$210,700 \text{ from new surcharge.})$ The AOC notes that although it is not factored into the revenue estimates, the modified fine range and surcharge would only apply to defendants charged with an offense after the bill's effective date. As cases being sentenced during the 12 months following the bill's effective date would include defendants that would not be subject to the new fine range or the surcharge, the amount of the revenue created as a result of the bill would be significantly less during this time.

Expenditures:

The AOC states that implementation of the bill would require the Judiciary to reprogram ATS/ACS to accommodate the modified fine range and to create a payment code for the new \$50 surcharge. The AOC estimates that the modifications would take approximately three months to complete and generate a one-time cost of about \$60,000.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).