

October 17, 1971

R.S. 2A:53A-16

LEGISLATIVE HISTORY OF R.S. 2A:53A-16
(Liability of parents for child's damage to transportation
public utility - limit, \$1000)

copy 2

Similar bills introduced (1965-1970)

1969 - A742 (McDonough & others).
Died in Committee.
No statement.

L. 1970, Chapter 246 - A105
Prefiled for introduction by McDonough.
April 20 - Passed in Assembly.
May 7 - Passed in Senate.
September 14 - Returned by Governor with recommended
amendment (copy encl.).
September 17 - Re-enacted in Assembly, as amended.
September 21 - Re-enacted in Senate.
October 28 - Approved, Chapter 246.
No statement.

Bill listed as approved in:

State Federation District Boards of Education.
Legislative bulletin. Vol. 17, no. 4 4/25/69.

JH/PC

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ASSEMBLY, No. 105

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman McDONOUGH

AN ACT in relation to the liability of a parent or guardian of an
infant who injures property of certain public utilities.

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

1 1. The parents or guardian of any infant who shall injure any
2 property of a railroad, street railway, traction railway or autobus
3 public utility shall be liable for damages in the amount of the injury
4 to a limit of \$1,000.00, to be collected by the public utility in any
5 court of competent jurisdiction, together with costs of suit.

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 105

—•—
STATE OF NEW JERSEY
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ADOPTED SEPTEMBER 14, 1970

Amend page 1, section 1, line 1, after “parents”, delete “or guardian”.

Amend page 1, section 1, line 1, after “shall”, insert “maliciously or willfully”.

Amend page 1, section 1, after line 5, insert the following new section:

“2. This act shall not apply to parents whose parental custody and control of such infant has been removed by court order, decree, judgment, military service, or marriage of such infant.”

Amend page 1, section 2, line 1, delete “2.”, and insert “3.”.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 14, 1970

ASSEMBLY BILL NO. 105

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 105, with my recommendations for reconsideration.

Assembly Bill No. 105 provides that the parents or guardian of any infant who shall injure any property of a railroad, street railway, traction railway or autobus public utility shall be liable for damages in the amount of the injury to a limit of \$1,000.00, to be collected by the public utility in any court of competent jurisdiction, together with costs of suit. The sponsor of this bill has indicated that its purpose is to combat the serious problem of vandalism which besets the various public transportation utilities.

I agree with the intention of the sponsor, however, I feel the bill goes too far in certain respects. As drafted, it would subject parents or guardians to liability for any damage to those public utilities caused by an infant, whether intentionally or unintentionally. I would limit liability to damage caused intentionally.

Further, the liability would attach even though the infant were no longer under the custody or control of the parents or guardian. I would exclude those situations where there was no custody or control. Since this bill provides for vicarious liability without fault, I would place the responsibility therefor on parents who may be more to blame for a child's conduct than guardians. While parental indifference and failure to supervise the activities of children is one of the major causes of juvenile delinquency and resultant vandalism, I do not feel that it is fair to place the same responsibility upon guardians who can only attempt to take the place of natural parents.

Accordingly, I herewith return Assembly Bill No. 105 for reconsideration and recommend that it be amended as follows:

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Assembly Bill No. 105

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On Page 1, section 1, line 1: After "parents" delete "or guardian".

On Page 1, section 1, line 1: After "shall" insert "maliciously or willfully".

On Page 1, section 1, after line 5: Insert the following new section:

"2. This act shall not apply to parents whose parental custody and control of such infant has been removed by court order, decree, judgment, military service, or marriage of such infant."

On Page 1, section 2, line 1: Delete "2." and insert "3."

Respectfully,

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Secretary to the Governor