

39:1-1 et AL

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:1-1; 39:3-19.2 & 19.3

Laws of 1974 Chapter 162

Bill No. S 744

Sponsor(s) Bedell

Date Introduced February 4

Committee: Assembly Transportation & Communications

Senate Law, Public Safety & Defense

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

Date of passage: Assembly October 21

Senate May 16

Date of approval December 2

Following statements are attached if available:

Sponsor statement ~~Yes~~ No

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. 744

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1974

By Senator BEDELL

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning school buses, amending R. S. 39:1-1 and supplementing article 2, chapter 3 of Title 39.

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

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

2 39:1-1. As used in this subtitle, unless other meaning is clearly
3 apparent from the language or context, or unless inconsistent with
4 the manifest intention of the Legislature:

5 "Alley" means a public highway wherein the roadway does not
6 exceed 12 feet in width.

7 "Authorized emergency vehicles" means vehicles of the fire
8 department, police vehicles and such ambulances and other vehicles
9 as are approved by the Director of the Division of Motor Vehicles
10 in the Department of Law and Public Safety when operated in
11 response to an emergency call.

12 "Automobile" includes all motor vehicles except motorcycles.

13 "Berm" means that portion of the highway exclusive of roadway
14 and shoulder, bordering the shoulder but not to be used for ve-
15 hicular travel.

16 "Business district" means that portion of a highway and the
17 territory contiguous thereto, where within any 600 feet along such
18 highway there are buildings in use for business or industrial pur-
19 poses, including but not limited to hotels, banks, office buildings,
20 railroad stations, and public buildings which occupy at least 300
21 feet of frontage on one side or 300 feet collectively on both sides
22 of the roadway.

23 "Commercial motor vehicle" includes every type of motor-driven
24 vehicle used for commercial purposes on the highways, such as the

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

25 transportation of goods, wares and merchandise, excepting such
26 vehicles as are run only upon rails or tracks and vehicles of the
27 passenger car type used for touring purposes or the carrying of
28 farm products and milk, as the case may be.

29 "Commissioner" means the Director of the Division of Motor
30 Vehicles in the Department of Law and Public Safety of this State.

31 "Crosswalk" means that part of a highway at an intersection
32 included within the connections of the lateral lines of the sidewalks
33 on opposite sides of the highway measured from the curbs or, in the
34 absence of curbs, from the edges of the shoulder or, if none, from
35 the edges of the roadway; also, any portion of a highway at an
36 intersection or elsewhere distinctly indicated for pedestrian cross-
37 ing by lines or other marking on the surface.

38 "Dealer" includes every person actively engaged in the business
39 of buying, selling or exchanging motor vehicles or motorcycles and
40 who has an established place of business.

41 "Department" means the Division of Motor Vehicles in the
42 Department of Law and Public Safety of this State acting directly
43 or through its duly authorized officers or agents.

44 "Deputy commissioner" means deputy director of the Division
45 of Motor Vehicles in the Department of Law and Public Safety.

46 "Deputy director" means deputy director of the Division of
47 Motor Vehicles in the Department of Law and Public Safety.

48 "Director" means the Director of the Division of Motor Vehicles
49 in the Department of Law and Public Safety.

50 "Division" means the Division of Motor Vehicles in the Depart-
51 ment of Law and Public Safety acting directly or through its duly
52 authorized officers or agents.

53 "Driver" means the rider or driver of a horse, bicycle or motor-
54 cycle or the driver or operator of a motor vehicle, unless otherwise
55 specified.

56 "Explosives" means any chemical compound or mechanical
57 mixture that is commonly used or intended for the purpose of
58 producing an explosion and which contains any oxidizing and com-
59 bustive units or other ingredients in such proportions, quantities,
60 or packing that an ignition by fire, by friction, by concussion, by
61 percussion, or by detonator of any part of the compound or mixture
62 may cause such a sudden generation of highly heated gases that the
63 resultant gaseous pressures are capable of producing destructive
64 effects on contiguous objects or of destroying life or limb.

65 "Farm tractor" means every motor vehicle designed and used
66 primarily as a farm implement for drawing plows, mowing
67 machines, and other implements of husbandry.

68 “Flammable liquid” means any liquid having a flashpoint below
69 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

70 “Gross weight” means the combined weight of a vehicle and any
71 load thereon.

72 “Highway” means the entire width between the boundary lines
73 of every way publicly maintained when any part thereof is open to
74 the use of the public for purposes of vehicular travel.

75 “Horse” includes mules and all other domestic animals used as
76 draught animals or beasts of burden.

77 “Inside lane” means the lane nearest the center line of the
78 roadway.

79 “Intersection” means the area embraced within the prolongation
80 of the lateral curb lines or, if none, the lateral boundary lines of
81 two or more highways which join one another at an angle, whether
82 or not one such highway crosses another.

83 “Laned roadway” means a roadway which is divided into two
84 or more clearly marked lanes for vehicular traffic.

85 “Limited-access highway” means every highway, street, or road-
86 way in respect to which owners or occupants of abutting lands and
87 other persons have no legal right of access to or from the same
88 except at such points only and in such manner as may be determined
89 by the public authority having jurisdiction over such highway,
90 street, or roadway; and includes any highway designated as a
91 “freeway” or “parkway” by authority of law.

92 “Local authorities” means every county, municipal and other
93 local board or body having authority to adopt local police regula-
94 tions under the constitution and laws of this State, including every
95 county board of chosen freeholders with relation to county roads.

96 “Magistrate” means any municipal court, county district court,
97 criminal judicial district court, County Court and the Superior
98 Court, and any officer having the powers of a committing magis-
99 trate and the Director of the Division of Motor Vehicles in the
100 Department of Law and Public Safety.

101 “Manufacturer” means a person engaged in the business of
102 manufacturing or assembling motor vehicles, who will, under
103 normal business conditions during the year, manufacture or
104 assemble at least 10 new motor vehicles.

105 “Metal tire” means every tire the surface of which in contact
106 with the highway is wholly or partly of metal or other hard non-
107 resilient material.

108 “Motorcycle” includes motorcycles, motor bikes, bicyeles with
109 motor attached and all motor operated vehicles of the bicycle or

110 tricycle type, whether the motive power be a part thereof or
111 attached thereto, and having a saddle or seat with driver sitting
112 astride or upon it, or a platform on which the driver stands.

113 "Motor-drawn vehicle" includes trailers, semitrailers, or any
114 other type of vehicle drawn by a motor-driven vehicle.

115 "Motor vehicle" includes all vehicles propelled otherwise than
116 by muscular power, excepting such vehicles as run only upon rails
117 or tracks.

118 "Noncommercial truck" means every motor vehicle designed
119 primarily for transportation of property, and which is not a
120 "commercial vehicle."

121 "Official traffic control devices" means all signs, signals, mark-
122 ings, and devices not inconsistent with this subtitle placed or
123 erected by authority of a public body or official having jurisdiction,
124 for the purpose of regulating, warning, or guiding traffic.

125 "Omnibus" includes all motor vehicles used for the transporta-
126 tion of passengers for hire, except school buses if the same are not
127 otherwise used in the transportation of passengers for hire.

128 "Operator" means a person who is in actual physical control of
129 a vehicle or street car.

130 "Outside lane" means the lane nearest the curb or outer edge of
131 the roadway.

132 "Owner" means a person who holds the legal title of a vehicle,
133 or if a vehicle is the subject of an agreement for the conditional
134 sale or lease thereof with the right of purchase upon performance
135 of the conditions stated in the agreement and with an immediate
136 right of possession vested in the conditional vendee or lessee, or
137 if a mortgagor of a vehicle is entitled to possession, then the con-
138 ditional vendee, lessee or mortgagor shall be deemed the owner
139 for the purpose of this subtitle.

140 "Parking" means the standing or waiting on a street, road or
141 highway of a vehicle not actually engaged in receiving or discharg-
142 ing passengers or merchandise, unless in obedience to traffic regu-
143 lations or traffic signs or signals.

144 "Passenger automobile" means all automobiles used and de-
145 signed for the transportation of passengers, other than omnibuses
146 and school buses.

147 "Pedestrian" means a person afoot.

148 "Person" includes natural persons, firms, copartnerships,
149 associations, and corporations.

150 "Pneumatic tire" means every tire in which compressed air is
151 designed to support the load.

152 "Pole trailer" means every vehicle without motive power
153 designed to be drawn by another vehicle and attached to the towing
154 vehicle by means of a reach, or pole, or by being boomed or other-
155 wise secured to the towing vehicle, and ordinarily used for trans-
156 porting long or irregularly shaped loads such as poles, pipes, or
157 structural members capable, generally of sustaining themselves as
158 beams between the supporting connections.

159 "Private road or driveway" means every road or driveway not
160 open to the use of the public for purposes of vehicular travel.

161 "Railroad train" means a steam engine, electric or other motor,
162 with or without cars coupled thereto, operated upon rails, except
163 street cars.

164 "Residence district" means that portion of a highway and the
165 territory contiguous thereto, not comprising a business district,
166 where within any 600 feet along such highway there are buildings
167 in use for business or residential purposes which occupy 300 feet
168 or more of frontage on at least one side of the highway.

169 "Right-of-way" means the privilege of the immediate use of the
170 highway.

171 "Road tractor" means every motor vehicle designed and used
172 for drawing other vehicles and not so constructed as to carry any
173 load thereon either independently or any part of the weight of a
174 vehicle or load so drawn.

175 "Roadway" means that portion of a highway improved,
176 designed, or ordinarily used for vehicular travel, exclusive of the
177 berm or shoulder. In the event a highway includes two or more
178 separate roadways the term "roadway" as used herein shall refer
179 to any such roadway separately, but not to all such roadways,
180 collectively.

181 "Safety zone" means the area or space officially set aside within
182 a highway for the exclusive use of pedestrians, which is so plainly
183 marked or indicated by proper signs as to be plainly visible at all
184 times while set apart as a safety zone.

185 "School bus" means every motor vehicle operated by, or under
186 contract with, a public or governmental agency, or religious or
187 other charitable organization or corporation, or privately operated
188 for compensation for the transportation of children to or from
189 school for secular or religious education which complies with the
190 regulations of the Department of Education affecting school buses
191 *including "School Vehicle Type I" and "School Vehicle Type II"*
192 *as defined below:*

193 "School Vehicle Type I" means any vehicle with a seating

194 *capacity of 17 or more, used to transport enrolled children, and*
 195 *adults only when serving as chaperones, to or from a school, school*
 196 *connected activity, day camp, summer day camp, nursery school,*
 197 *child care center, preschool center or other similar places of edu-*
 198 *cation. Such vehicle must comply with the regulations of the Di-*
 199 *vision of Motor Vehicles ***[and the Department of Education affect-***
 200 *ing school buses]* *and either the Department of Education or the*
 200A *Department of Institutions and Agencies whichever is the appro-*
 200B *priate supervising agency*.*

201 *“School Vehicle Type II” means any vehicle with a seating*
 202 *capacity of 16 or less, used to transport enrolled children, and*
 203 *adults only when serving as chaperones, to or from a school, school*
 204 *connected activity, day camp, summer day camp, nursery school,*
 205 *child care center, preschool center or other similar places of edu-*
 206 *cation. Such vehicle must comply with the regulations of the Di-*
 207 *vision of Motor Vehicles ***[and the Department of Education affect-***
 208 *ing school buses]* *and either the Department of Education or the*
 208A *Department of Institutions and Agencies whichever is the appro-*
 208B *priate supervising agency*.*

209 *“School zone” means that portion of a highway which is either*
 210 *contiguous to territory occupied by a school building or is where*
 211 *school crossings are established in the vicinity of a school, upon*
 212 *which are maintained appropriate “school signs” in accordance*
 213 *with specifications adopted by the director and in accordance with*
 214 *law.*

215 *“School crossing” means that portion of a highway where school*
 216 *children are required to cross the highway in the vicinity of a*
 217 *school.*

218 *“Semitrailer” means every vehicle with or without motive*
 219 *power, other than a pole trailer, designed for carrying persons or*
 220 *property and for being drawn by a motor vehicle and so constructed*
 221 *that some part of its weight and that of its load rests upon or is*
 222 *carried by another vehicle.*

223 *“Shoulder” means that portion of the highway, exclusive of*
 224 *and bordering the roadway, designed for emergency use but not*
 225 *ordinarily to be used for vehicular travel.*

226 *“Sidewalk” means that portion of a highway intended for the*
 227 *use of pedestrians, between the curb line or the lateral line of a*
 228 *shoulder, or if none, the lateral line of the roadway, and the ad-*
 229 *jacent right of way line.*

230 *“Sign.” See “Official traffic control devices.”*

231 *“Slow moving vehicle” means a vehicle run at a speed less than*
 232 *the maximum speed then and there permissible.*

233 "Solid tire" means every tire of rubber or other resilient ma-
234 terial which does not depend upon compressed air for support
235 of the load.

236 "Street" means the same as highway.

237 "Street car" means a car other than a railroad train for trans-
238 porting persons or property and operated upon rails principally
239 within a municipality.

240 "Stop," when required, means complete cessation from move-
241 ment.

242 "Stopping or standing," when prohibited, means any cessation
243 of movement of a vehicle, whether occupied or not, except when
244 necessary to avoid conflict with other traffic or in compliance with
245 the directions of a police officer or traffic control sign or signal.

246 "Through highway" means every highway or portion thereof at
247 the entrances to which vehicular traffic from intersecting highways
248 is required by law to stop before entering or crossing the same and
249 when stop signs are erected as provided in this chapter.

250 "Trackless trolley" means every motor vehicle which is pro-
251 pelled by electric power obtained from overhead trolley wires but
252 not operated upon rails.

253 "Traffic" means pedestrians, ridden or herded animals, vehicles,
254 street cars, and other conveyances either singly, or together, while
255 using any highway for purposes of travel.

256 "Traffic control signal" means a device whether manually,
257 electrically, mechanically, or otherwise controlled by which traffic
258 is alternately directed to stop and to proceed.

259 "Trailer" means every vehicle with or without motive power,
260 other than a pole trailer, designed for carrying persons or property
261 and for being drawn by a motor vehicle and so constructed that no
262 part of its weight rests upon the towing vehicle.

263 "Truck" means every motor vehicle designed, used, or main-
264 tained primarily for the transportation of property.

265 "Truck tractor" means every motor vehicle designed and used
266 primarily for drawing other vehicles and not constructed as to
267 carry a load other than a part of the weight of the vehicle and
268 load so drawn.

269 "Vehicle" means every device in, upon or by which a person or
270 property is or may be transported upon a highway, excepting
271 devices moved by human power or used exclusively upon stationary
272 rails or tracks.

1 2. The Director of Motor Vehicles shall have the authority to
2 issue upon application therefore a license plate for school vehicles

3 marked "School Vehicle Type I" or "School Vehicle Type II"
4 as the application may indicate is warranted in accordance with
5 the definition of these vehicles contained in R. S. 39:1-1 **for the*
6 *annual registration period beginning July 1 effective through June*
7 *30*.*

8 **No fee shall be charged the United States government, the State*
9 *of New Jersey, a local school district, a regional school district, or*
10 *a county vocational or technical school upon application for a Type*
11 *I or Type II school vehicle license plate.*

12 *All other applicants for license plates herein authorized of the*
13 *"School Vehicle Type I" kind shall pay an annual registration fee*
14 *of \$40.00. All other applicants for license plates herein authorized*
15 *of the "School Vehicle Type II" shall pay an annual registration*
16 *fee of \$25.00.**

17 **[Applicants for license plates herein authorized of the "School*
18 *Vehicle Type I" kind shall pay an annual registration fee of \$40.00.*
19 *Applicants for license plates herein authorized of the "School*
20 *Vehicle Type II" shall pay an annual registration fee of \$25.00.]**

1 **3. The provisions of this act shall not apply to buses used in*
2 *common carrier line service and school transportation service*
3 *whose owner meets the qualifications prescribed in R. S. 39:3-19.**

1 **[3.]* *4.* This act shall take effect immediately.*