

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"N.J. to enact hand-held-phone ban," 1-20-2004 Asbury Park Press, p.A1

"McGreevey to sign ban on talking and driving," 1-20-2004 Home News & Tribune, p.A3

"Impending ban on hand-held phones in cars..." 1-21-2004 Courier-News p.A1

"Governor Oks ban on cell phones," 1-21-2004 Home News & Tribune p.A1

"New road-safety laws spur debate over effectiveness," 1-21-2004 Philadelphia Inquirer, p.B3

"NJ to drivers: Watch what you drink and hang up that phone," 1-21-04 Star Ledger, p.16

"Laws target DWI, cell phones," 1-21-2004 Asbury Park Press, p.A3

P.L. 2003, CHAPTER 310, *approved January 20, 2004*
Senate Committee Substitute for
Senate, Nos. 338 and 1283

1 **AN ACT** concerning the use of wireless telephones in motor vehicles
2 and supplementing chapter 4 of Title 39 of the Revised Statutes.

3

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

6

7 1. a. The use of a wireless telephone by an operator of a moving
8 motor vehicle on a public road or highway shall be unlawful except
9 when the telephone is a hands-free wireless telephone, provided that
10 its placement does not interfere with the operation of federally
11 required safety equipment and the operator exercises a high degree of
12 caution in the operation of the motor vehicle.

13 b. The operator of a motor vehicle may use a hand-held wireless
14 telephone while driving with one hand on the steering wheel only if:

15 (1) The operator has reason to fear for his life or safety, or
16 believes that a criminal act may be perpetrated against himself or
17 another person; or

18 (2) The operator is using the telephone to report to appropriate
19 authorities a fire, a traffic accident, a serious road hazard or medical
20 or hazardous materials emergency, or to report the operator of another
21 motor vehicle who is driving in a reckless, careless or otherwise unsafe
22 manner or who appears to be driving under the influence of alcohol or
23 drugs. A hand-held wireless telephone user's telephone records or the
24 testimony or written statements from appropriate authorities receiving
25 such calls shall be deemed sufficient evidence of the existence of all
26 lawful calls made under this paragraph.

27 As used in this act, "hands-free wireless telephone" means a mobile
28 telephone that has an internal feature or function, or that is equipped
29 with an attachment or addition, whether or not permanently part of
30 such mobile telephone, by which a user engages in a conversation
31 without the use of either hand; provided, however, this definition shall
32 not preclude the use of either hand to activate, deactivate, or initiate
33 a function of the telephone.

34 "Use" of a wireless telephone shall include, but not be limited to,
35 talking or listening to another person on the telephone.

36 c. Enforcement of this act by State or local law enforcement
37 officers shall be accomplished only as a secondary action when the
38 operator of a motor vehicle has been detained for a violation of Title
39 39 of the Revised Statutes or another offense.

40 d. A person who violates this section shall be fined no less than
41 \$100 or more than \$250.

1 e. No motor vehicle points or automobile insurance eligibility
2 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be
3 assessed for this offense.

4 f. The Director of the Division of Motor Vehicles shall develop
5 and undertake a program to notify and inform the public as to the
6 provisions of this act.

7

8 2. The prohibitions set forth in this act shall not be applicable to
9 any of the following persons while in the actual performance of their
10 official duties: a law enforcement officer; a member of a paid, part-
11 paid, or volunteer fire department or company; or an operator of an
12 authorized emergency vehicle.

13

14 3. This act supercedes and preempts all ordinances of any county
15 or municipality with regard to the use of a wireless telephone by an
16 operator of a motor vehicle.

17

18 4. This act shall take effect on the first day of the sixth month
19 after enactment.

20

21

22

23

24 _____
Permits use of hands-free wireless phones in moving vehicles.

SENATE, No. 338

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator MARTHA W. BARK

District 8 (Burlington)

Senator JOHN O. BENNETT

District 12 (Mercer and Monmouth)

Co-Sponsored by:

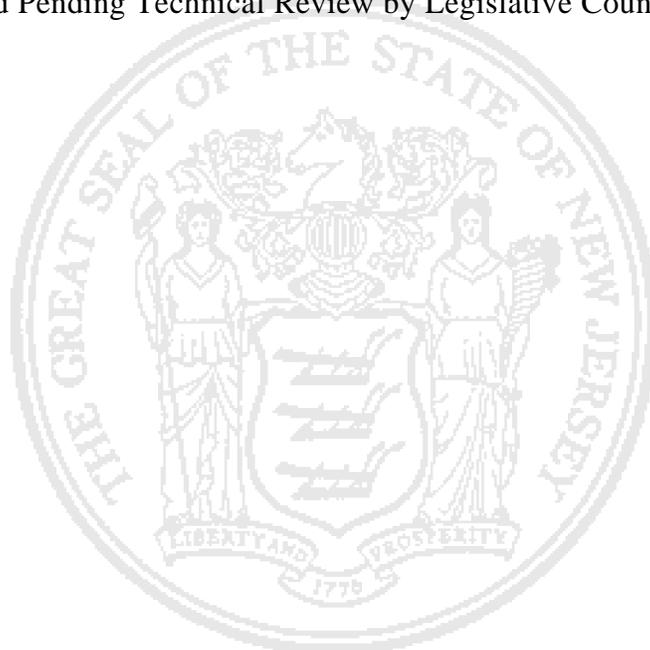
Senator Vitale

SYNOPSIS

Establishes penalty for using cell phone while driving.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S338 BARK, BENNETT

2

1 AN ACT concerning the use of telephones in motor vehicles,
2 supplementing Title 39 of the Revised Statutes and amending
3 R.S.39:4-131.

4

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

7

8 1. (New section) a. It shall be unlawful for any person to operate
9 a motor vehicle while using a cellular telephone. A person who
10 violates this provision shall be fined not less than \$100 or more than
11 \$250.

12 b. Enforcement of this act by State or local law enforcement
13 officers shall be accomplished only as a secondary action when the
14 operator of a motor vehicle has been detained for a violation of Title
15 39 of the Revised Statutes or another offense.

16

17 2. R.S.39:4-131 is amended to read as follows:

18 39:4-131. The division shall prepare and supply to police
19 departments and other suitable agencies, forms for accident reports
20 calling for sufficiently detailed information with reference to a motor
21 vehicle accident, including the cause, the conditions then existing, the
22 persons and vehicles involved, the compliance with P.L.1984, c.179
23 (C.39:3-76.2e et seq.) by the operators and passengers of the vehicles
24 involved in the accident, whether the operators were using a cellular
25 telephone, and such other information as the director may require.

26 Every law enforcement officer who investigates a vehicle accident
27 of which report must be made as required in this Title, or who
28 otherwise prepares a written report as a result of an accident or
29 thereafter by interviewing the participants or witnesses, shall forward
30 a written report of such accident to the division, on forms furnished by
31 it, within five days after his investigation of the accident.

32 Such written reports required to be forwarded by law enforcement
33 officers and the information contained therein shall not be privileged
34 or held confidential. Every citizen of this State shall have the right,
35 during regular business hours and under supervision, to inspect and
36 copy such reports and shall also have the right in person to purchase
37 copies of the reports at the same fee established by section 2 of
38 P.L.1963, c.73 (C.47:1A-2). If copies of reports are requested other
39 than in person, an additional fee of up to \$5.00 for the first three pages
40 and \$1.00 per page thereafter may be added to cover the
41 administrative costs of the report.

42 The provisions of any other law or regulation to the contrary
43 notwithstanding, reports obtained pursuant to this act shall not be

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

Matter underlined thus is new matter.

1 subject to confidentiality requirements except as provided by section
2 28 of P.L.1960, c.52 (C.2A:84A-28).
3 (cf: P.L.1987, c.26, s.1)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill establishes a penalty for persons who use a cellular
11 telephone while operating a motor vehicle. The penalty would be a
12 fine of not less than \$100 or more than \$250.

13 Research has shown that the use of telephone while driving leads to
14 driver inattention and increases the incidence of accidents. A study
15 published in the New England Journal of Medicine showed that this
16 practice quadrupled the chance of the driver having an accident, even
17 when the driver was using a hands-free telephone.

18 The bill also requires that motor vehicle accident reports note
19 whether the operator of vehicle involved in the accident was using a
20 cellular telephone at the time of the accident.

21 The penalties established by this bill would be applicable only when
22 a driver is stopped for another motor vehicle violation or other
23 offense.

SENATE, No. 1283

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 7, 2002

Sponsored by:

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

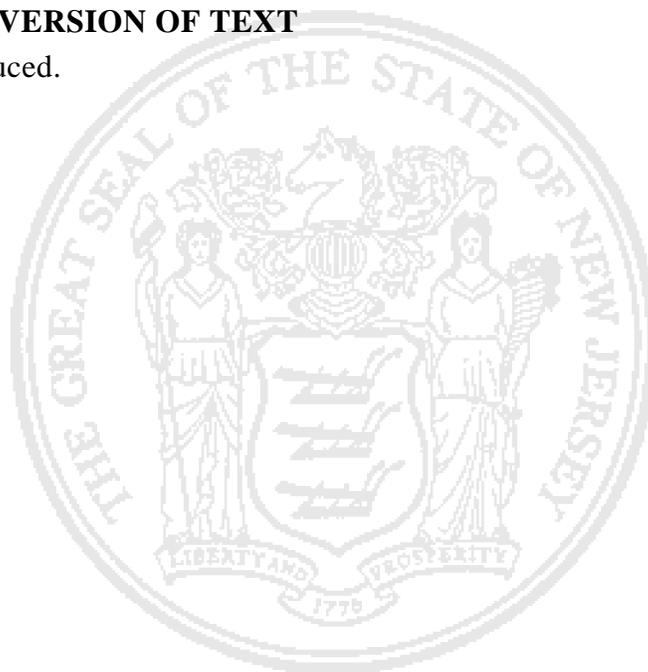
Senator McNamara

SYNOPSIS

Prohibits use of hand-held cellular telephones in moving motor vehicles as primary offense.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2002)

1 AN ACT concerning the use of cellular telephones in motor vehicles
2 and supplementing chapter 4 of Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. The use of a cellular telephone by an operator of a moving
8 motor vehicle on a public road or highway shall be unlawful except
9 when the telephone is equipped for "hands-free" operation, provided
10 that its placement does not interfere with the operation of federally
11 required safety equipment and the operator exercises a high degree of
12 caution in the operation of the motor vehicle.

13 b. There shall be a transition period of three months beginning on
14 the effective date of this act during which the operator of a motor
15 vehicle may use a hand-held cellular telephone while driving with one
16 hand on the steering wheel only if:

17 (1) The operator has reason to fear for his life or safety, or believes
18 that a criminal act may be perpetrated against himself or another
19 person; or

20 (2) The operator is using the telephone to report to appropriate
21 authorities a fire, a traffic accident where one or more injuries are
22 apparent, a serious road hazard or medical or hazardous materials
23 emergency, or to report the operator of another motor vehicle who is
24 driving in a reckless, careless or otherwise unsafe manner or who
25 appears to be driving under the influence of alcohol or drugs. A hand-
26 held cellular telephone user's telephone records or the testimony or
27 written statements from appropriate authorities receiving such calls
28 shall be deemed sufficient evidence of the existence of all lawful calls
29 made under this paragraph.

30 At the end of the three-month transition period, the operator of a
31 motor vehicle shall not use any hand-held cellular telephone in a
32 moving vehicle on a public road or highway.

33 "Use" of a cellular telephone shall include, but not be limited to:
34 dialing, answering, talking or listening to another person on the
35 telephone.

36
37 2. A person who violates this act shall be fined no less than \$100
38 or more than \$200 for the first offense and no less than \$250 or more
39 than \$1,000 for a second or subsequent offense.

40
41 3. This act shall take effect on the first day of the fourth month
42 after enactment.

STATEMENT

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Under this bill, the use of cellular telephones equipped for hands-free operation would be permissible in moving vehicles during and beyond a three-month transition period phasing out hand-held cell phones. Hands-free designs or attachments should reduce the distractions associated with dialing, holding, reaching for, or picking up a dropped handset.

The bill provides that placement of the phone shall not interfere with the operation of federally required equipment, such as air bags. Penalties range from \$100 to \$200 for a first offense. The fine would be \$250 to \$1,000 for subsequent offenses.

During the proposed three-month transition or phaseout period for lawful use of hand-held phones in moving motor vehicles, motorists would be able to use such telephones only if : (1) drivers have reason to fear for their lives or safety, or believe that a criminal act may be perpetrated against them or another person requiring the use of the phone while the car is moving; or (2) to report a fire, traffic accident where one or more injuries are apparent, a serious road hazard or medical or hazardous materials emergency, or to report a person who is driving in a reckless, careless or otherwise unsafe manner or who appears to be under the influence of alcohol or drugs. A record of the call or testimony or a statement from the appropriate authority that received the call would constitute an affirmative defense.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 338 and 1283**

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Transportation Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 338 and 1283.

As reported, this Senate committee substitute would authorize the use of wireless telephones equipped for hands-free operation in moving vehicles, provided the placement of those hands-free telephones does not interfere with the operation of federally required equipment on the vehicles, such as air bags.

The Senate committee substitute provides that drivers may use a hand-held telephone in a moving motor vehicle only if: (1) they have reason to fear for their lives or safety, or believe that a criminal act may be perpetrated against them or another person; or (2) to report a fire, traffic accident, serious road hazard or medical or hazardous materials emergency, or to report a person who is driving in a reckless, careless or otherwise unsafe manner or who appears to be under the influence of alcohol or drugs. A record of the call or testimony or a statement from the appropriate authority that received the call would constitute an affirmative defense.

Enforcement of the substitute's provisions by State or local law enforcement officers is to be accomplished only as a secondary action when the driver has been detained for a traffic violation or another offense. The penalties for violating a provision of the substitute may range from \$100 to \$250.

No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) would be assessed for a violation of the substitute's provisions.

The prohibitions set forth in this Senate committee substitute would not be applicable to any of the following persons while in the actual performance of their official duties: a law enforcement officer; a member of a paid, part-paid, or volunteer fire department or company; or an operator of an authorized emergency vehicle.

The Senate committee substitute also requires the Director of the Division of Motor Vehicles to develop and undertake a program to notify and inform the public of its provisions.

If enacted, the Senate committee substitute would supersede and preempt all ordinances of any county or municipality with regard to the use of a wireless telephone by an operator of a motor vehicle.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 338 and 1283

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 338 and 1283.

This committee substitute would authorize the use of wireless telephones equipped for hands-free operation in moving vehicles, provided the placement of those hands-free telephones do not interfere with the operation of federally required equipment on the vehicles, such as air bags.

The substitute provides that drivers may use a hand-held telephone in a moving motor vehicle only if: (1) they have reason to fear for their lives or safety, or believe that a criminal act may be perpetrated against them or another person requiring the use of the wireless telephone while the car is moving; or (2) to report a fire, traffic accident, serious road hazard or medical or hazardous materials emergency, or to report a person who is driving in a reckless, careless or otherwise unsafe manner or who appears to be under the influence of alcohol or drugs. A record of the call or testimony or a statement from the appropriate authority that received the call would constitute an affirmative defense.

Enforcement of the substitute's provisions by State or local law enforcement officers is to be accomplished only as a secondary action when the driver has been detained for a traffic violation or another offense. The penalties for violating a provision of the substitute may range from \$100 to \$250.

No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) would be assessed for a violation of the substitute's provisions.

The prohibitions set forth in this committee substitute would not be applicable to any of the following persons while in the actual performance of their official duties: a law enforcement officer; a member of a paid, part-paid, or volunteer fire department or company; or an operator of an authorized emergency vehicle.

The substitute also requires the Director of the Division of Motor Vehicles to develop and undertake a program to notify and inform the

public of its provisions.

If enacted, the substitute would supersede and preempt all ordinances of any county or municipality with regard to the use of a wireless telephone by an operator of a motor vehicle.

It is the committee's understanding that the substitute permits the use of head-set equipment in operating a wireless telephone pursuant to the provisions of the substitute.

ASSEMBLY, No. 2355

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 16, 2002

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

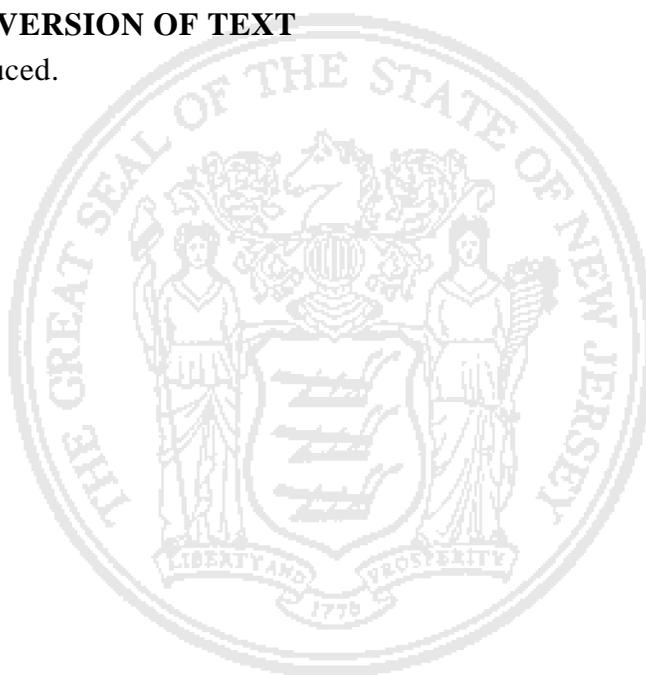
Assemblyman Munoz

SYNOPSIS

Prohibits use of hand-held cellular telephones in moving motor vehicles as primary offense.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/20/2002)

A2355 FISHER, BURZICHELLI

2

1 AN ACT concerning the use of cellular telephones in motor vehicles
2 and supplementing chapter 4 of Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. The use of a cellular telephone by an operator of a moving
8 motor vehicle on a public road or highway shall be unlawful except
9 when the telephone is equipped for "hands-free" operation, provided
10 that its placement does not interfere with the operation of federally
11 required safety equipment and the operator exercises a high degree of
12 caution in the operation of the motor vehicle.

13 b. There shall be a transition period of three months beginning on
14 the effective date of this act during which the operator of a motor
15 vehicle may use a hand-held cellular telephone while driving with one
16 hand on the steering wheel only if:

17 (1) The operator has reason to fear for his life or safety, or believes
18 that a criminal act may be perpetrated against himself or another
19 person; or

20 (2) The operator is using the telephone to report to appropriate
21 authorities a fire, a traffic accident where one or more injuries are
22 apparent, a serious road hazard or medical or hazardous materials
23 emergency, or to report the operator of another motor vehicle who is
24 driving in a reckless, careless or otherwise unsafe manner or who
25 appears to be driving under the influence of alcohol or drugs. A hand-
26 held cellular telephone user's telephone records or the testimony or
27 written statements from appropriate authorities receiving such calls
28 shall be deemed sufficient evidence of the existence of all lawful calls
29 made under this paragraph.

30 At the end of the three-month transition period, the operator of a
31 motor vehicle shall not use any hand-held cellular telephone in a
32 moving vehicle on a public road or highway.

33 "Use" of a cellular telephone shall include, but not be limited to:
34 dialing, answering, talking or listening to another person on the
35 telephone.

36
37 2. A person who violates this act shall be fined no less than \$100
38 or more than \$200 for the first offense and no less than \$250 or more
39 than \$1,000 for a second or subsequent offense.

40
41 3. This act shall take effect on the first day of the fourth month
42 after enactment.

1 STATEMENT

2

3 Under this bill, the use of cellular telephones equipped for hands-
4 free operation would be permissible in moving vehicles during and
5 beyond a three-month transition period phasing out hand-held cell
6 phones. Hands-free designs or attachments should reduce the
7 distractions associated with dialing, holding, reaching for, or picking
8 up a dropped handset.

9 The bill provides that placement of the phone shall not interfere
10 with the operation of federally required equipment, such as air bags.
11 Penalties range from \$100 to \$200 for a first offense. The fine would
12 be \$250 to \$1,000 for subsequent offenses.

13 During the proposed three-month transition or phaseout period for
14 lawful use of hand-held phones in moving motor vehicles, motorists
15 would be able to use such telephones only if : (1) drivers have reason
16 to fear for their lives or safety, or believe that a criminal act may be
17 perpetrated against them or another person requiring the use of the
18 phone while the car is moving; or (2) to report a fire, traffic accident
19 where one or more injuries are apparent, a serious road hazard or
20 medical or hazardous materials emergency, or to report a person who
21 is driving in a reckless, careless or otherwise unsafe manner or who
22 appears to be under the influence of alcohol or drugs. A record of the
23 call or testimony or a statement from the appropriate authority that
24 received the call would constitute an affirmative defense.

ASSEMBLY, No. 2798

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 23, 2002

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI
District 19 (Middlesex)

Co-Sponsored by:

Assemblyman Bodine

SYNOPSIS

Clarifies that distracted driver may be charged with reckless, careless or unsafe driving.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

A2798 WISNIEWSKI

2

1 AN ACT concerning motor vehicles and amending R.S.39:4-96,
2 R.S.39:4-97, and P.L.2000, c.75.

3

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

6

7 1. R.S.39:4-96 is amended to read as follow:

8 39:4-96. A person who drives a vehicle heedlessly, in willful or
9 wanton disregard of the rights or safety of others, in a manner so as to
10 endanger, or be likely to endanger, a person or property, shall be
11 guilty of reckless driving and be punished by imprisonment in the
12 county or municipal jail for a period of not more than 60 days, or by
13 a fine of not less than \$50.00 or more than \$200.00, or both.

14 On a second or subsequent conviction he shall be punished by
15 imprisonment for not more than three months, or by a fine of not less
16 than \$100 or more than \$500, or both.

17 When so warranted, a law enforcement officer may charge a person
18 with a violation of the provisions of this section if that person, while
19 operating a motor vehicle, engages in distracting behavior including,
20 but not limited to, the use of communications technology such as
21 wireless telephones, pagers, facsimile machines, locator devices,
22 AM/FM radios, compact disc players, audio cassette players, video
23 players, citizens band radios, and dispatch radios; engaging in personal
24 grooming; consuming food or beverages; reading; or tending to
25 unsecured pets.

26 (cf: P.L.1995, c.70, s.2)

27

28 2. R.S.39:4-97 is amended to read as follows:

29 39:4-97. A person who drives a vehicle carelessly, or without due
30 caution and circumspection, in a manner so as to endanger, or be likely
31 to endanger, a person or property, shall be guilty of careless driving.

32 When so warranted, a law enforcement officer may charge a person
33 with a violation of the provisions of this section if that person, while
34 operating a motor vehicle, engages in distracting behavior including,
35 but not limited to, the use of communications technology such as
36 wireless telephones, pagers, facsimile machines, locator devices,
37 AM/FM radios, compact disc players, audio cassette players, video
38 players, citizens band radios, and dispatch radios; engaging in personal
39 grooming; consuming food or beverages; reading; or tending to
40 unsecured pets.

41 (cf: P.L.1995, c.70, s.3)

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 3. Section 1 of P.L.2000, c.75 (C.39:4-97.2) is amended to read as
2 follows:

3 1. a. Notwithstanding any other provision of law to the contrary,
4 it shall be unlawful for any person to drive or operate a motor vehicle
5 in an unsafe manner likely to endanger a person or property.

6 b. A person convicted of a first offense under subsection a. shall be
7 subject to a fine of not less than \$50.00 or more than \$150.00 and
8 shall not be assessed any motor vehicle penalty points pursuant to
9 section 1 of P.L.1982, c.43 (C.39:5-30.5).

10 c. A person convicted of a second offense under subsection a. shall
11 be subject to a fine of not less than \$100.00 or more than \$250.00 and
12 shall not be assessed any motor vehicle penalty points pursuant to
13 section 1 of P.L.1982, c.43 (C.39:5-30.5).

14 d. A person convicted of a third or subsequent offense under
15 subsection a. shall be subject to a fine of not less than \$200.00 or more
16 than \$500.00 and shall be assessed motor vehicle penalty points
17 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

18 e. An offense committed under this section that occurs more than
19 five years after the prior offense shall not be considered a subsequent
20 offense for the purpose of assessing motor vehicle penalty points under
21 subsection d. of this section.

22 f. When so warranted, a law enforcement officer may charge a
23 person with a violation of the provisions of this section if that person,
24 while operating a motor vehicle, engages in distracting behavior
25 including, but not limited to, the use of communications technology
26 such as wireless telephones, pagers, facsimile machines, locator
27 devices, AM/FM radios, compact disc players, audio cassette players,
28 video players, citizens band radios, and dispatch radios; engaging in
29 personal grooming; consuming food or beverages; reading; or tending
30 to unsecured pets.

31 (cf: P.L.2000, c.75, s.1)

32

33 4. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill clarifies that a person may be charged with reckless,
39 careless or unsafe driving if that person is engaging in distracting
40 behavior while operating a motor vehicle. The distracting behaviors
41 specified in the bill include, but are not limited to, the use of
42 communications technology such as wireless telephones, pagers,
43 facsimile machines, locator devices, AM/FM radios, compact disc
44 players, audio cassette players, video players, citizens band radios, and
45 dispatch radios; engaging in personal grooming; consuming food or
46 beverages; reading; or tending to unsecured pets.

1 A substantial number of drivers in our fast-paced, multi-tasking
2 society are utilizing communications technology and engaging in non-
3 technological distractions while operating motor vehicles. Various
4 studies have demonstrated that engaging in these activities while
5 driving contributes to motor vehicle accidents.

ASSEMBLY, No. 664

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

Co-Sponsored by:

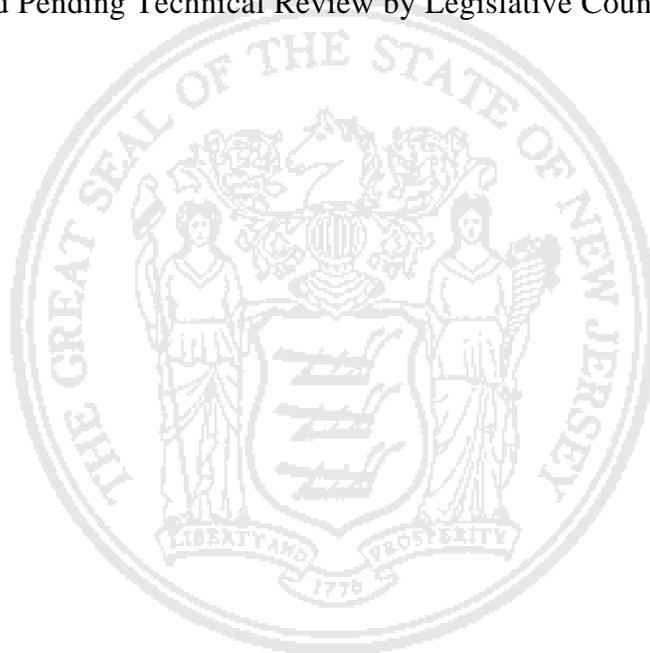
Assemblyman Rooney

SYNOPSIS

Prohibits use of car phone while driving.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the use of telephones in motor vehicles and
2 supplementing Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. A driver shall not operate a telephone in a motor vehicle that is
8 in motion. A person who violates the provisions of this act shall be
9 fined not less than \$100 and not more than \$250.

10

11 2. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill prohibits the driver of a motor vehicle from using a mobile
17 telephone while the motor vehicle is in motion. Violators would be
18 fined at least \$100, but not more than \$250.

19 Motorists who use telephones while driving are endangering
20 themselves, their passengers and other motorists. A Canadian study,
21 published in the New England Journal of Medicine, found that talking
22 on a car phone made a driver just as likely to have an accident as
23 driving while almost legally drunk. Researchers found that the chances
24 of having an accident were quadrupled, even when the driver was
25 using a hands-free telephone. The study suggested that it was driver
26 inattention rather than the physical act of dialing that caused accidents.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY Nos. 2355, 2798 and 664**

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Transportation Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2355, 2798 and 664.

This substitute bill clarifies that a person may be charged with reckless, careless or unsafe driving if that person is engaging in distracting behavior while operating a motor vehicle which results in reckless, careless or unsafe driving. The distracting behaviors specified in the bill include, but are not limited to, the use of communications technology such as wireless telephones, pagers, facsimile machines, locator devices, AM/FM radios, compact disc players, audio cassette players, video players, citizens band radios, and dispatch radios; engaging in personal grooming; consuming food or beverages; reading; or tending to unsecured pets.

If a person charged with unsafe driving (but not reckless or careless driving) can establish to the court any of the following emergency circumstances, the judge may dismiss the charge:

(1) the person was distracted from safe operation of the vehicle because the person had reason to fear for the person's life or safety, or believed that a criminal act might be perpetrated against the person or another person, and was using a wireless telephone or other communication device to communicate that fear or belief. or

(2) the person was using a wireless telephone or other communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who was driving in a reckless, careless or otherwise unsafe manner or who appeared to be driving under the influence of alcohol or drugs, or

(3) the person is a law enforcement officer, a member of a paid, part-paid, or volunteer fire department or company; or an operator of an authorized emergency vehicle and was using a wireless telephone or other communication device in the performance of official duties.

Telephone records or the testimony or written statements from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of such calls.

This bill does not relieve a law enforcement officer, a member of a paid, part-paid, or volunteer fire department or company; or an operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of the driver's disregard for the safety of others.

Nothing in this substitute bill shall be construed as affecting the recently passed restrictions on the use of a wireless telephone by a school bus driver or the prohibition on the use of interactive wireless communication devices by drivers operating under a special learner's permit or an examination permit.

Finally, this bill supersedes and preempts all ordinances of any county or municipality with regard to the use of a wireless telephone by an operator of a motor vehicle.

A substantial number of drivers in our fast-paced, multi-tasking society are utilizing communications technology and engaging in non-technological distractions while operating motor vehicles. Various studies have demonstrated that engaging in these activities while driving contributes to motor vehicle accidents.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY Nos. 2355, 2798 and 664

with Assembly Floor Amendments
(Proposed By Assemblyman FISHER)

ADOPTED: DECEMBER 15, 2003

These Assembly amendments remove from the bill the sections concerning the reckless, careless and unsafe operation of a motor vehicle and replace them with sections that would authorize the use of a hands-free wireless telephone by an operator of a moving motor vehicle.

These Assembly amendments make this bill identical to the Senate Committee Substitute for S-338 and S-1283.

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Press Releases

PO BOX 004
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Contact: Micah Rasmussen
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RELEASE: January 20, 2004

[Previous Screen](#)

Governor Signs Law Banning Hand-Held Cell Phones While Driving

Building A Better New Jersey: Making Roads Safer

(RIDGEFIELD)—Governor James E. McGreevey signed legislation today that bans the use of hand-held cell phones while operating a moving vehicle. The new law will continue the Governor’s efforts to “Build a Better New Jersey” by making New Jersey highways safer.

“Cell phones have become inescapable,” said McGreevey. “They are part of our daily lives. This ban will not threaten that. Like any other instrument that could be dangerous, cell phones must be used responsibly. Requiring drivers to keep both hands on the wheel will save lives”

The bill allows the use of wireless telephones equipped for hands-free operation in moving vehicles, provided the placement of those hands-free telephones does not interfere with the operation of federally required equipment on the vehicles, such as air bags.

Drivers may use a hand-held telephone in a moving motor vehicle only if:

- (1) They have reason to fear for their lives or safety, or believe that a criminal act may be perpetrated against them or another person requiring the use of the wireless telephone while the car is moving; or
- (2) To report a fire, traffic accident, serious road hazard or medical or hazardous materials emergency, or to report a person who is driving in a reckless, careless or otherwise unsafe manner or who appears to be under the influence of alcohol or drugs.

“Enactment of this law will end the confusion many motorists face while driving through our state, never knowing which towns prohibit the use of hand-held cell phones while driving,” said Assemblyman Douglas H. Fisher (D-Cumberland). “We now have a uniform law that will require drivers to minimize distractions while driving, making our roads safer.”

Enforcement of the law by State or local law enforcement officers is to be accomplished only as a secondary action when the driver has been pulled over for a traffic violation or

another offense. The penalties for violating the provision may range from \$100 to \$250. No motor vehicle points or automobile insurance eligibility points would be assessed for a violation of this law.

Last year, a Quinnipiac University poll showed New Jersey's voters 85 percent of New Jersey's voters overwhelmingly favor a hand-held cell phone ban. Even those who used cell phones said drivers should keep their hands on the wheel.

Earlier today, the Governor signed "Florence's Law" which lowers the blood alcohol content from 0.10 to 0.08 percent and "Michael's Law" which requires a person who commits a third or subsequent DWI offense to serve a 180-day prison term in a county jail or workhouse.



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