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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“School bus negligence law signed,” The Philadelphia Inquirer, May 6, 2007, p.B6.

RWH 4/24/08

P.L. 2007, CHAPTER 78, *approved May 4, 2007*
Senate, No. 1079 (*First Reprint*)

1 AN ACT concerning school crossing guards and traffic regulation,
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. **¹[a.]** A motor vehicle operator who fails to comply with a
8 school crossing guard's signal to stop during those time periods
9 when that guard is duly authorized to control or direct vehicular or
10 pedestrian traffic pursuant to section 4 of P.L.1979, c.82 (C.40A:9-
11 154.4) shall be fined not less than **¹[\$100 and shall forfeit his right**
12 **to operate a motor vehicle over the highways of this State for a**
13 **period of not more than three months] \$150¹ for a first offense. For**
14 **a subsequent offense, the operator shall be fined not less than**
15 **¹[\$250 and shall forfeit his right to operate a motor vehicle over the**
16 **highways of this State for a period of not more than six months]**
17 **\$300¹. ¹[The penalties shall be enforced and recovered pursuant to**
18 **the provisions of chapter 5 of Title 39 of the Revised Statutes.**

19 b. There shall be a rebuttable presumption that the registered
20 owner of the vehicle which was involved in the violation of this
21 section was the person who committed the act. Any person who
22 suppresses, by way of concealment or destruction, any evidence of a
23 violation of this section or who suppresses the identity of the
24 violator shall be subject to a fine of \$100.

25 c. A person convicted of a violation of this section may be
26 assessed penalty points pursuant to P.L.1982, c.43 (C.39:5-30.5 et
27 seq.)¹

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29 2. This act shall take effect on the first day of the third month
30 following enactment.

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33 _____
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35 Establishes penalty for failing to comply with school crossing
36 guard's signal to stop.

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:

¹Senate STR committee amendments adopted May 8, 2006.

SENATE, No. 1079

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 26, 2006

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Madden

SYNOPSIS

Establishes penalty for failing to comply with school crossing guard's signal to stop.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2006)

1 AN ACT concerning school crossing guards and traffic regulation,
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. A motor vehicle operator who fails to comply with a
8 school crossing guard's signal to stop during those time periods
9 when that guard is duly authorized to control or direct vehicular or
10 pedestrian traffic pursuant to section 4 of P.L.1979, c.82 (C.40A:9-
11 154.4) shall be fined not less than \$100 and shall forfeit his right to
12 operate a motor vehicle over the highways of this State for a period
13 of not more than three months for a first offense. For a subsequent
14 offense, the operator shall be fined not less than \$250 and shall
15 forfeit his right to operate a motor vehicle over the highways of this
16 State for a period of not more than six months. The penalties shall
17 be enforced and recovered pursuant to the provisions of chapter 5 of
18 Title 39 of the Revised Statutes.

19 b. There shall be a rebuttable presumption that the registered
20 owner of the vehicle which was involved in the violation of this
21 section was the person who committed the act. Any person who
22 suppresses, by way of concealment or destruction, any evidence of a
23 violation of this section or who suppresses the identity of the
24 violator shall be subject to a fine of \$100.

25 c. A person convicted of a violation of this section may be
26 assessed penalty points pursuant to P.L.1982, c.43 (C.39:5-30.5 et
27 seq.)

28

29 2. This act shall take effect on the first day of the third month
30 following enactment.

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STATEMENT

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35 The purpose of this bill is to further protect New Jersey's
36 children by establishing a distinct penalty for a motor vehicle
37 operator who fails to comply with a school crossing guard's signal
38 to stop.

39 School crossing guards are statutorily authorized to control or
40 direct vehicular or pedestrian traffic during those times in the
41 school day and during any special event or program when it is
42 deemed to be in the best interests of public safety.

43 Currently, there is no distinct penalty for violating the directions
44 of a school crossing guard.

45 Under this bill, a motor vehicle operator who fails to comply
46 with a school crossing guard's signal to stop would be subject to a
47 fine of not less than \$100 and a license suspension for a period of
48 not more than three months for a first offense. For any subsequent

S1079 SINGER, ALLEN

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1 offense, the operator would be subject to a fine of not less than
2 \$250 and a license suspension for a period of not more than six
3 months. The bill also specifies that a violator may be assessed
4 penalty points.

5 Like the statutes establishing the penalties for unlawfully passing
6 a school bus while children are being received or discharged, this
7 bill includes a rebuttable presumption clause. While a school
8 crossing guard can usually record a license plate number or give a
9 solid description of the vehicle that failed to stop, the identity of
10 the operator is sometimes difficult to establish. A rebuttable
11 presumption clause gives law enforcement leverage to compel
12 knowledgeable people to identify the offending vehicle operator.
13 The rebuttable presumption asserts that the owner of the vehicle is
14 deemed to have been the operator at the time of the offense. This
15 assignment of fault encourages vehicle owners to cooperate with
16 law enforcement in identifying the actual violator.

17 The bill also provides that any person who suppresses, conceals
18 or destroys any evidence relating to an operator's failure to stop or
19 who suppresses the identity of the driver committing the violation is
20 subject to a fine of \$100.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

[First Reprint]
SENATE, No. 1079

STATE OF NEW JERSEY

DATED: JANUARY 22, 2007

The Assembly Transportation and Public Works Committee reports favorably Senate Bill No. 1079 (1R).

As reported, this bill provides that a motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those times when the guard is duly authorized to control or direct vehicular or pedestrian traffic shall be fined not less than \$150 for a first offense and not less than \$300 for a subsequent offense. Those times when the guard is authorized to control or direct traffic would include those times in the school day and during any special event or program when it is deemed to be in the best interests of public safety.

Since there is currently no distinct penalty for violating the directions of a school crossing guard, this bill would provide definite penalties.

As reported, Senate Bill No. 1079 (1R) is identical to Assembly Bill No. 2026 which was amended and released by the committee today.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1079

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 2006

The Senate Transportation Committee favorably reports Senate Bill No. 1079 with committee amendments.

This amended bill provides that a motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those times when the guard is duly authorized to control or direct vehicular or pedestrian traffic shall be fined not less than \$150 for a first offense and not less than \$300 for a subsequent offense. Those times when the guard is authorized to control or direct traffic would include those times in the school day and during any special event or program when it is deemed to be in the best interests of public safety.

Since there is currently no distinct penalty for violating the directions of a school crossing guard, this bill would provide definite penalties.

The committee amended the bill by increasing the fine for a first offense from \$100 to \$150 and for a subsequent offense from \$250 to \$300. The amendments delete the license suspension, rebuttable presumption and penalty points provisions of the bill. Also, a reference to enforcement provisions is deleted because enforcement provisions are already provided for elsewhere in the statutes.

ASSEMBLY, No. 2026

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:

Assemblyman RONALD S. DANCER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Establish penalty for failing to comply with school crossing guard's signal to stop.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/23/2007)

1 AN ACT concerning school crossing guards and traffic regulation,
2 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

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7 1. a. A motor vehicle operator who fails to comply with a
8 school crossing guard's signal to stop during those time periods
9 when that guard is duly authorized to control or direct vehicular or
10 pedestrian traffic pursuant to section 4 of P.L.1979, c.82 (C.40A:9-
11 154.4) shall be fined not less than \$100 and shall forfeit his right to
12 operate a motor vehicle over the highways of this State for a period
13 of not more than three months for a first offense. For a subsequent
14 offense, the operator shall be fined not less than \$250 and shall
15 forfeit his right to operate a motor vehicle over the highways of this
16 State for a period of not more than six months. The penalties shall
17 be enforced and recovered pursuant to the provisions of chapter 5 of
18 Title 39 of the Revised Statutes.

19 b. There shall be a rebuttable presumption that the registered
20 owner of the vehicle which was involved in the violation of this
21 section was the person who committed the act. Any person who
22 suppresses, by way of concealment or destruction, any evidence of a
23 violation of this section or who suppresses the identity of the
24 violator shall be subject to a fine of \$100.

25 c. A person convicted of a violation of this section may be
26 assessed penalty points pursuant to P.L.1982, c.43 (C.39:5-30.5 et
27 seq.)

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29 2. This act shall take effect on the first day of the third month
30 following enactment.

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33 STATEMENT

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36 children by establishing a distinct penalty for a motor vehicle
37 operator who fails to comply with a school crossing guard's signal
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44 of a school crossing guard.

45 Under this bill, a motor vehicle operator who fails to comply
46 with a school crossing guard's signal to stop would be subject to a
47 fine of not less than \$100 and a license suspension for a period of
48 not more than three months for a first offense. For any subsequent

1 offense, the operator would be subject to a fine of not less than
2 \$250 and a license suspension for a period of not more than six
3 months. The bill also specifies that a violator may be assessed
4 penalty points.

5 Like the statutes establishing the penalties for unlawfully passing
6 a school bus while children are being received or discharged, this
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8 crossing guard can usually record a license plate number or give a
9 solid description of the vehicle that failed to stop, the identity of the
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14 deemed to have been the operator at the time of the offense. This
15 assignment of fault encourages vehicle owners to cooperate with
16 law enforcement in identifying the actual violator.

17 The bill also provides that any person who suppresses, conceals
18 or destroys any evidence relating to an operator's failure to stop or
19 who suppresses the identity of the driver committing the violation is
20 subject to a fine of \$100.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2026

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2007

The Assembly Transportation and Public Works Committee reports favorably and with committee amendments Assembly Bill No. 2026.

As reported, this amended bill provides that a motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those times when the guard is duly authorized to control or direct vehicular or pedestrian traffic shall be fined not less than \$150 for a first offense and not less than \$300 for a subsequent offense. Those times when the guard is authorized to control or direct traffic would include those times in the school day and during any special event or program when it is deemed to be in the best interests of public safety.

Since there is currently no distinct penalty for violating the directions of a school crossing guard, this bill would provide definite penalties.

As reported, Assembly Bill No. 2026 as amended is identical to Senate Bill No. 1079 (1R) which was released by the committee today.

COMMITTEE AMENDMENTS

The committee amended the bill by increasing the fine for a first offense from \$100 to \$150 and for a subsequent offense from \$250 to \$300. The amendments delete the license suspension, rebuttable presumption and penalty points provisions of the bill. Also, a reference to enforcement provisions is deleted because enforcement provisions are already provided for elsewhere in the statutes.