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[Fourth Reprint]

SENATE, No. 520

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator ROBERT M. GORDON

District 38 (Bergen)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Co-Sponsored by:

**Senator Buono, Assemblywomen Cruz-Perez, Wagner, Rodriguez,
N.Munoz and Assemblyman Connors**

SYNOPSIS

Requires drivers to make all reasonable efforts to remove ice or snow from vehicle; creates fine.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 21, 2009.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning ice and snow on motor vehicles ⁴[and] ⁴
2 amending ⁴and supplementing⁴ P.L.1997, c.124 ⁴, and
3 supplementing P.L.1948, c.454 (C.27:23-1 et seq.) and P.L.1991,
4 c.252 (C.27:25A-1 et seq.)⁴.

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

8
9 1. Section 1 of P.L.1997, c.124 (C.39:4-77.1) is amended to
10 read as follows:

11 1. a. (1) Each driver of a motor vehicle operated on a street or
12 highway in this State shall have an affirmative duty to make all
13 reasonable efforts to remove accumulated ice or snow from
14 ³exposed surfaces of³ the motor vehicle prior to operation ³[; this] ,
15 which surfaces³ shall include ⁴, but not be limited to,⁴ the hood,
16 trunk ³, windshield, windows,³ and roof of the motor vehicle ⁴, the
17 cab of a truck, the top of a trailer or semitrailer being drawn by a
18 motor vehicle, and the top of an intermodal freight container being
19 carried by an intermodal chassis⁴. A person who violates the
20 provisions of this subsection may be stopped on a street or highway
21 by a law enforcement officer who believes the accumulated ice or
22 snow may pose a threat to persons or property and shall be subject
23 to a fine of not less than \$25 or more than \$75 for each offense
24 regardless of whether any snow or ice is dislodged from the motor
25 vehicle. No motor vehicle points or automobile insurance
26 eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-
27 14) shall be assessed for ⁴[this offense] a violation of this
28 paragraph. Every day upon which a violation occurs shall be
29 considered a separate violation, but no person shall be subject to
30 more than one fine for a violation of this paragraph in a period of 24
31 consecutive hours⁴.

32 (2) This subsection shall not apply to any driver of a motor
33 vehicle operated during a snow or ice storm that began and
34 continued for the duration of the motor vehicle's operation or to any
35 operator of a motor vehicle while it is parked.

36 ⁴(3) No fine shall be imposed pursuant to paragraph (1) of this
37 subsection on the driver of a commercial motor vehicle, as the term
38 is defined in R.S.39:1-1, that is traveling to a location where
39 equipment or technology that is used to remove snow and ice from
40 commercial motor vehicles is available, provided that the driver has
41 not already passed a location with snow and ice removal equipment

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 January 28, 2008.

²Senate floor amendments adopted March 3, 2008.

³Assembly ATR committee amendments adopted January 26, 2009.

⁴Assembly floor amendments adopted May 21, 2009.

1 or technology after snow or ice shall have accumulated on the
2 exposed surfaces of the commercial motor vehicle. In determining
3 whether the vehicle has already passed a location with equipment or
4 technology that is used to remove snow and ice from commercial
5 motor vehicles, a law enforcement officer shall have the authority
6 to inspect any documentation relating to the route traveled by the
7 driver of the commercial motor vehicle prior to being stopped,
8 including, but not limited to, a log book or map depicting the route
9 traveled by the vehicle.

10 (4) Notwithstanding the provisions of paragraph (1) of this
11 subsection:

12 (a) the person who is in physical possession of a motor vehicle
13 at the time snow or ice accumulates on the exposed surfaces of the
14 motor vehicle shall be responsible for removing the accumulated
15 snow or ice from the exposed surfaces of the motor vehicle and
16 shall be liable for a violation of the duty to remove accumulated
17 snow or ice prior to operation of the motor vehicle pursuant to
18 paragraph (1) of this subsection. If the driver of the motor vehicle
19 was not in physical possession of the motor vehicle at the time the
20 snow or ice accumulated, then such driver shall not be liable for a
21 violation of paragraph (1) of this subsection.

22 (b) in the case of any trailer or semitrailer being drawn by a
23 motor vehicle or of any vehicle or combination of vehicles carrying
24 an intermodal freight container, the person, including, but not
25 limited to a shipper or consignee, who is in physical possession of
26 the trailer, semitrailer, or container at the time snow or ice
27 accumulates on such trailer, semitrailer, or container shall be
28 responsible for removing the accumulated snow or ice from the
29 trailer, semitrailer, or container and shall be liable for a violation of
30 the duty to remove accumulated snow or ice prior to operation of a
31 motor vehicle pursuant to paragraph (1) of this subsection. If the
32 driver of the motor vehicle was not in physical possession of the
33 trailer, semitrailer, or container at the time the snow or ice
34 accumulated, then such driver shall not be liable for a violation of
35 paragraph (1) of this subsection.⁴

36 b. When snow or ice is dislodged from a moving vehicle and
37 strikes another vehicle or pedestrian causing injury or property
38 damage, the following penalties shall apply:

39 The operator of a non-commercial motor vehicle shall be subject
40 to a fine of not less than \$200 or more than \$1,000 for each offense.

41 The operator, owner, lessee, bailee or any one of the aforesaid of
42 a commercial motor vehicle shall be subject to a fine of not less
43 than \$500 or more than \$1,500 for each offense.

44 No motor vehicle points or automobile insurance eligibility
45 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall
46 be assessed for ⁴[this offense] a violation of this subsection⁴.

47 ³c. The Director of the Division of Highway Traffic Safety in

1 the Department of Law and Public Safety shall establish a public
2 awareness campaign that educates the public on the importance of
3 removing snow and ice from the exposed surfaces of motor vehicles
4 prior to the operation of such vehicles. This campaign shall educate
5 the public on the potential dangers associated with failing to remove
6 snow or ice from motor vehicles as well as on the penalties that may
7 be imposed as a result of failing to remove snow or ice from a
8 motor vehicle prior to operation.

9 ⁴[d. Moneys derived from the fines imposed pursuant to
10 subsections a. and b. of this section shall be set aside in a special
11 fund. From those moneys, amounts shall be appropriated by the
12 Legislature for the following purposes:

13 (1) To offset the costs associated with the public awareness
14 campaign established by the Director of the Division of Highway
15 Traffic Safety in the Department of Law and Public Safety pursuant
16 to subsection c. of this section; and

17 (2) For the purchase and installation of equipment and
18 technology which is used to remove snow and ice from motor
19 vehicles, including, but not limited to, large trucks, tractor trailers
20 and other commercial motor vehicles as the term is defined in
21 R.S.39:1-1. It shall be the responsibility of the Department of
22 Transportation, in consultation with the Division of Highway
23 Traffic Safety in the Department of Law and Public Safety, to
24 provide for the purchase and installation of such equipment and
25 technology. Such equipment and technology shall be placed at
26 locations around the State that are convenient and easily accessible
27 to large trucks, tractor trailers, and other commercial motor
28 vehicles, including, but not limited to, weigh stations, rest areas,
29 and inspection facilities]

30 d. The Director of the Division of Highway Traffic Safety in
31 the Department of Law and Public Safety, in conjunction with the
32 Division of State Police and other law enforcement agencies, shall
33 establish and maintain a data collection system to be used to
34 determine the number and seriousness of motor vehicle accidents
35 caused by snow or ice becoming dislodged from motor vehicles. In
36 its annual report to the Legislature pursuant to section 16 of
37 P.L.1987, c.284 (C.27:5F-33), the Division of Highway Traffic
38 Safety shall provide an analysis of the information gathered through
39 the data collection system and any recommendations, including any
40 proposed legislation, for reducing the number and seriousness of
41 accidents caused by snow or ice becoming dislodged from motor
42 vehicles.

43 e. All fines imposed and collected in the enforcement of this
44 section shall be forwarded by the person to whom they are paid to
45 the State Treasurer, who shall annually deposit those moneys in the
46 “Motor Vehicle Snow and Ice Removal Safety Fund” established
47 pursuant to section 2 of P.L. , c. (C.) (pending before the

1 Legislature as this bill)⁴ .³
2 (cf: P.L.1997, c.124, s.1)

3

4 ⁴2. (New section) a. There is established in the General Fund a
5 separate, nonlapsing, dedicated account to be known as the “Motor
6 Vehicle Snow and Ice Removal Safety Fund.” All fines imposed
7 and collected as a result of enforcement of section 1 of P.L.1997,
8 c.124 (C.39:4-77.1) shall be forwarded to the State Treasurer for
9 deposit in the Motor Vehicle Snow and Ice Removal Safety Fund
10 account. The fund shall be administered by the Division of
11 Highway Traffic Safety in the Department of Law and Public
12 Safety.

13 b. Moneys in the account shall be used exclusively for the
14 following purposes:

15 (1) To offset the costs associated with the public awareness
16 campaign established by the Director of the Division of Highway
17 Traffic Safety in the Department of Law and Public Safety pursuant
18 to subsection c. of section 1 of P.L.1997, c.124 (C.39:4-77.1);

19 (2) To offset the costs associated with the data collection system
20 established and maintained by the Division of Highway Traffic
21 Safety in the Department of Law and Public Safety pursuant to
22 subsection d. of section 1 of P.L.1997, c.124 (C.39:4-77.1); and

23 (3) To establish a grant program to provide incentives to
24 encourage private companies to purchase, install, and maintain
25 equipment and technology to be used to remove snow and ice from
26 commercial motor vehicles, as the term is defined in R.S.39:1-1.
27 Recipients of grants provided pursuant to this subsection shall place
28 snow and ice removal equipment and technology at locations
29 around the State that are convenient and easily accessible to
30 commercial motor vehicles, including, but not limited to, service
31 areas, weigh stations, inspection facilities, ports, terminals, and
32 other intermodal transportation facilities.⁴

33

34 ⁴3. (New section) Subject to the rights and security interests of
35 the holders from time to time of bonds or notes heretofore or
36 hereafter issued by the New Jersey Turnpike Authority, the
37 authority shall purchase, install, and maintain, or enter into
38 contracts or agreements providing for the purchase, installation, and
39 maintenance of, equipment and technology to be used to remove
40 snow and ice from commercial motor vehicles, as the term is
41 defined in R.S.39:1-1, at locations along the New Jersey Turnpike
42 and Garden State Parkway that are convenient and easily accessible
43 to such commercial motor vehicles, including, but not limited to,
44 service areas, weigh stations, and inspection facilities.⁴

45

46 ⁴4. (New section) Subject to the rights and security interests of
47 the holders from time to time of bonds or notes heretofore or

1 hereafter issued by the South Jersey Transportation Authority, the
2 authority shall purchase, install, and maintain, or enter into
3 contracts or agreements providing for the purchase, installation, and
4 maintenance of, equipment and technology to be used to remove
5 snow and ice from commercial motor vehicles, as the term is
6 defined in R.S.39:1-1, at locations along the Atlantic City
7 Expressway that are convenient and easily accessible to such
8 commercial motor vehicles, including, but not limited to, service
9 areas, weigh stations, and inspection facilities.⁴

10

11 ⁴[2.] 5.⁴ This act shall take effect ³[immediately ¹, but shall
12 be inoperative ²[with respect to commercial motor vehicles]² for
13 one year from the date of enactment¹] on the ⁴[90th] 365th⁴ day
14 following the date of enactment³. ⁴The Director of the Division of
15 Highway Traffic Safety in the Department of Law and Public Safety
16 may take anticipatory action in advance of the effective date as may
17 be necessary for the timely implementation of this act.⁴

SENATE, No. 520

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO
District 32 (Bergen and Hudson)

Co-Sponsored by:

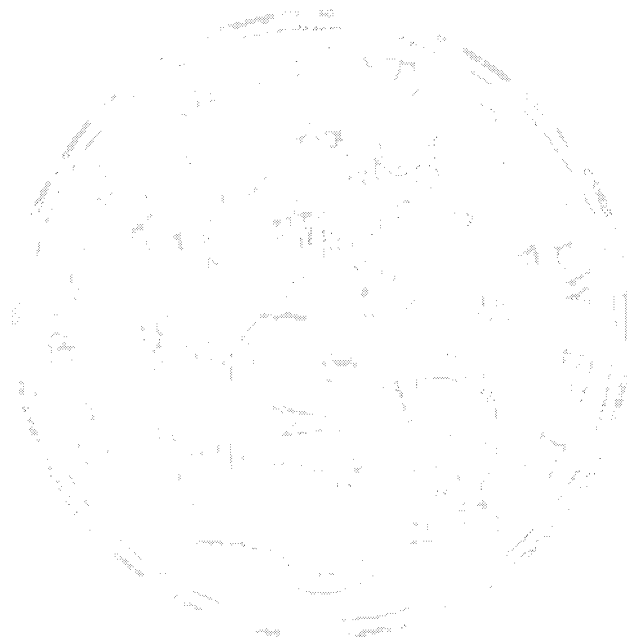
Senator Buono

SYNOPSIS

Requires drivers to make all reasonable efforts to remove ice or snow from vehicle; creates fine.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/29/2008)

S520 SACCO

2

1 AN ACT concerning ice and snow on motor vehicles and amending
2 P.L.1997, c.124.

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

6
7 1. Section 1 of P.L.1997, c.124 (C.39:4-77.1) is amended to
8 read as follows:

9 1. a. (1) Each driver of a motor vehicle operated on a street or
10 highway in this State shall have an affirmative duty to make all
11 reasonable efforts to remove accumulated ice or snow from the
12 motor vehicle prior to operation; this shall include the hood, trunk
13 and roof of the motor vehicle. A person who violates the provisions
14 of this subsection may be stopped on a street or highway by a law
15 enforcement officer who believes the accumulated ice or snow may
16 pose a threat to persons or property and shall be subject to a fine of
17 not less than \$25 or more than \$75 for each offense regardless of
18 whether any snow or ice is dislodged from the motor vehicle. No
19 motor vehicle points or automobile insurance eligibility points
20 pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be
21 assessed for this offense.

22 (2) This subsection shall not apply to any driver of a motor
23 vehicle operated during a snow or ice storm that began and
24 continued for the duration of the motor vehicle's operation or to any
25 operator of a motor vehicle while it is parked.

26 b. When snow or ice is dislodged from a moving vehicle and
27 strikes another vehicle or pedestrian causing injury or property
28 damage, the following penalties shall apply:

29 The operator of a non-commercial motor vehicle shall be subject
30 to a fine of not less than \$200 or more than \$1,000 for each offense.

31 The operator, owner, lessee, bailee or any one of the aforesaid of
32 a commercial motor vehicle shall be subject to a fine of not less
33 than \$500 or more than \$1,500 for each offense.

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

37 (cf: P.L.1997, c.124, s.1)

38
39 2. This act shall take effect immediately.

40
41
42 *SPONSOR'S* STATEMENT

43
44 This bill makes failure to remove accumulated ice or snow from
45 a motor vehicle prior to operation, a motor vehicle offense. Under

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.

S520 SACCO

1 the provision of this bill, each driver of a motor vehicle, whether a
2 non-commercial or commercial vehicle, has an affirmative duty to
3 make all reasonable efforts to remove accumulated ice or snow
4 from the motor vehicle, including the hood, trunk and roof prior to
5 operation. Anyone who violates this provision may be stopped by a
6 law enforcement officer who believes the accumulated ice or snow
7 may pose a threat to persons or property. The driver would be
8 subject to a fine of not less than \$25 or more than \$75, regardless of
9 whether any snow or ice is dislodged from the motor vehicle. No
10 motor vehicle points or automobile insurance eligibility points
11 pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) would be
12 assessed for this offense.

13 The bill specifically provides that the duty to remove the
14 accumulated snow or ice does not apply to snow or ice that
15 accumulates on a vehicle during a storm that began and continued
16 for the duration of the motor vehicle's operation or to a parked
17 motor vehicle.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 520

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Senate Transportation Committee reports favorably Senate Bill No. 520 with committee amendments.

This amended bill makes failure to remove accumulated ice or snow from a motor vehicle prior to operation, a motor vehicle offense. Under the provision of this bill, each driver of a motor vehicle, whether a non-commercial or commercial vehicle, has an affirmative duty to make all reasonable efforts to remove accumulated ice or snow from the motor vehicle, including the hood, trunk and roof prior to operation. Anyone who violates this provision may be stopped by a law enforcement officer who believes the accumulated ice or snow may pose a threat to persons or property. The driver would be subject to a fine of not less than \$25 or more than \$75, regardless of whether any snow or ice is dislodged from the motor vehicle. 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 this offense.

The bill specifically provides that the duty to remove the accumulated snow or ice does not apply to snow or ice that accumulates on a vehicle during a storm that began and continued for the duration of the motor vehicle's operation or to a parked motor vehicle.

The provisions of this bill would be inoperative with respect to commercial motor vehicles for one year from the date of enactment.

The committee amended the bill to delay its implementation for one year for commercial motor vehicles.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 520

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Senate Bill No. 520 (2R).

As reported, this amended bill makes failure to remove accumulated ice or snow from a motor vehicle prior to operation a motor vehicle offense. Under this bill, as amended, each driver of a motor vehicle, whether a non-commercial or commercial vehicle, has an affirmative duty to make all reasonable efforts to remove accumulated ice or snow from exposed surfaces of the motor vehicle, including the hood, trunk, windshield, windows, and roof prior to operation. Anyone who violates this provision may be stopped by a law enforcement officer who believes the accumulated ice or snow may pose a threat to persons or property. The driver would be subject to a fine of not less than \$25 or more than \$75, regardless of whether any snow or ice is dislodged from the motor vehicle. 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 this offense.

The bill specifically provides that the duty to remove the accumulated snow or ice does not apply to snow or ice that accumulates on a vehicle during a storm that began and continued for the duration of the motor vehicle's operation or to a parked motor vehicle.

As amended, the bill directs the Director of the Division of Highway Traffic Safety to establish a public awareness campaign to educate the public on the importance of removing snow or ice from a motor vehicle prior to operation.

As amended, the bill requires that the moneys from the fines imposed for failing to remove snow or ice from a motor vehicle, as well as the moneys from any fines imposed under current law when snow or ice becomes dislodged and causes injury or property damage, be placed in special fund. Such funds shall be used to offset the costs

associated with the public awareness campaign established by the Director of the Division of Highway Traffic Safety pursuant to the provisions of this bill as amended. These funds shall also be used for the purchase and installation of equipment and technology to be used to remove snow or ice from large motor vehicles. The Department of Transportation shall be responsible for the purchase and installation of such equipment and technology. This equipment and technology shall be placed at locations around the State which are convenient and easily accessible by large motor vehicles, such as weigh stations, rest areas, and inspection facilities.

As amended, the provisions of this bill would become effective on the 90th day following the date of enactment.

As reported, Senate Bill No. 520 (2R) as amended is identical to Assembly Bill No. 1718 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to require a driver to clean ice or snow off the windshield and windows of a motor vehicle prior to operation, in addition to removing snow or ice from the hood, trunk, and roof.

The committee amended the bill to require the Director of the Division of Highway Traffic Safety to establish a public awareness campaign to educate the public on the importance of removing snow or ice from one's motor vehicle prior to operation.

The committee amended the bill to require the moneys from the fines imposed for failing to remove snow or ice from one's motor vehicles, as well as the moneys from any fines imposed under current law when snow or ice becomes dislodged and causes injury or property damage, to be placed in a special fund. Moneys in the fund shall be used to offset the costs associated with the public awareness campaign established under this bill and for the purchase and installation of equipment and technology used to remove snow and ice from large motor vehicles. The purchase and installation of such equipment and technology would be the responsibility of the Department of Transportation.

The committee also amended the bill to delay its effective date for 90 days following enactment.

STATEMENT TO

[First Reprint]

SENATE, No. 520

with Senate Floor Amendments
(Proposed By Senator SACCO)

ADOPTED: MARCH 3, 2008

These floor amendments broaden the scope of the bill's one-year delay in the imposition of its snow and ice removal requirements so that instead of applying only to drivers of commercial motor vehicles, the delay would apply to all motor vehicle drivers.

STATEMENT TO
[Third Reprint]
SENATE, No. 520

with Assembly Floor Amendments
(Proposed by Assemblyman WISNIEWSKI)

ADOPTED: MAY 21, 2009

These Assembly amendments clarify that, for the purposes of the snow and ice removal requirements that this bill would impose, the exposed surfaces of a motor vehicle shall include the cab of a truck, the top of a trailer or semitrailer being drawn by a motor vehicle, and the top of an intermodal freight container being carried by an intermodal chassis.

The amendments provide that every day upon which there occurs a violation of the duty to remove accumulated snow or ice from a motor vehicle shall be considered a separate offense, but that no person shall be subject to more than one fine for a violation in a 24-hour period.

The amendments prohibit the driver of a commercial motor vehicle from being subject to a fine for a violation of the duty to remove accumulated snow or ice from the exposed surfaces of the vehicle if the driver is traveling to a location with snow and ice removal equipment or technology, provided that the driver has not already passed such a location prior to being stopped.

The amendments provide that only the person who is in physical possession of the motor vehicle at the time snow or ice accumulates on the vehicle shall be liable for a violation of the duty to remove accumulated snow or ice from the motor vehicle. In the case of a trailer, semitrailer, or intermodal freight container, only the person who is in physical possession of such equipment shall be liable for a violation of the duty to remove accumulated snow or ice from the exposed surfaces of a motor vehicle. The driver shall not be liable if the motor vehicle, trailer, semitrailer, or container was not in his physical possession at the time the snow or ice accumulated.

The amendments require the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety (“the division”) to establish and maintain a data collection system to determine the number and seriousness of motor vehicle accidents caused by snow or ice becoming dislodged from motor vehicles, the findings of which shall be reported to the Legislature annually.

The amendments would establish a “Motor Vehicle Snow and Ice Removal Safety Fund” (“the fund”) to which the fines imposed under the bill for failing to remove snow or ice from a motor vehicle, as well as fines imposed under existing law when snow or ice becomes dislodged from a motor vehicle and causes injury or property damage, would be dedicated. The fund would be administered by the division.

The amendments provide that, in addition to offsetting the cost associated with a public awareness campaign established by the division, the fund will also be used to:

(1) offset the costs associated with the data collection system established and maintained by the division, as required by the bill as amended; and

(2) establish a grant program, administered by the division, to provide incentives to encourage private companies to purchase, install, and maintain snow and ice removal equipment and technology to be placed at locations around the State that are convenient and easily accessible to commercial motor vehicles.

The amendments delete provisions that the Department of Transportation, in consultation with the division, would be responsible for the purchase and installation of snow and ice removal equipment to be placed at locations around the State.

The amendments direct the New Jersey Turnpike Authority and the South Jersey Transportation Authority to purchase, install, and maintain equipment or technology to be used to remove snow and ice from commercial motor vehicles at locations along the roadways under the authorities' respective jurisdictions and which are convenient and easily accessible to commercial motor vehicles. Either authority may also enter into contracts or agreements providing for such purchase, installation, and maintenance.

The amendments delay the bill's effective date from 90 days to one year from the date of enactment. The director of the division may take anticipatory action in advance of the effective date as necessary for timely implementation.

ASSEMBLY, No. 1718

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Co-Sponsored by:

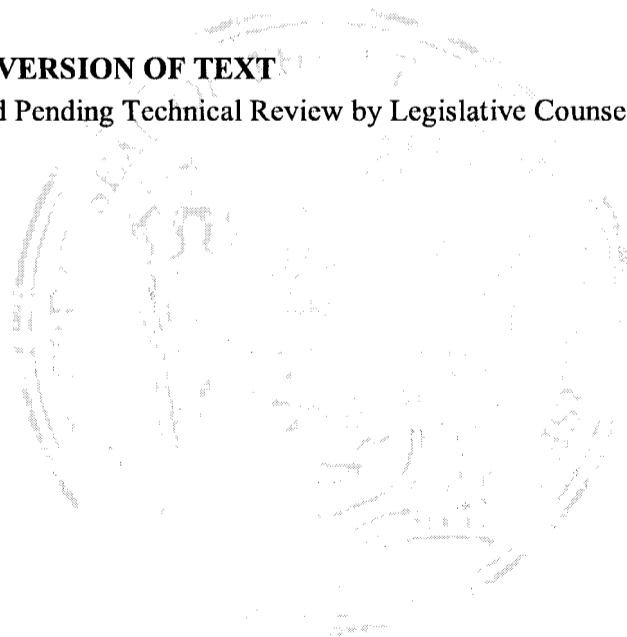
Assemblywomen Cruz-Perez and Wagner

SYNOPSIS

Requires drivers to make all reasonable efforts to remove ice or snow from vehicle; creates fine.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/27/2009)

1 AN ACT concerning ice and snow on motor vehicles and amending
2 P.L.1997, c.124.

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

6
7 1. Section 1 of P.L.1997, c.124 (C.39:4-77.1) is amended to read
8 as follows:

9 1. a. (1) Each driver of a motor vehicle operated on a street or
10 highway in this State shall have an affirmative duty to make all
11 reasonable efforts to remove accumulated ice or snow from the
12 motor vehicle prior to operation, this shall include the hood, trunk
13 and roof of the motor vehicle. A person who violates the provisions
14 of this subsection may be stopped on a street or highway by a law
15 enforcement officer who believes the accumulated ice or snow may
16 pose a threat to persons or property and shall be subject to a fine of
17 not less than \$25 or more than \$75 for each offense regardless of
18 whether any snow or ice is dislodged from the motor vehicle. No
19 motor vehicle points or automobile insurance eligibility points
20 pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be
21 assessed for this offense.

22 (2) This subsection shall not apply to any driver of a motor
23 vehicle operated during a snow or ice storm that began and
24 continued for the duration of the motor vehicle's operation or to any
25 operator of a motor vehicle while it is parked.

26 b. When snow or ice is dislodged from a moving vehicle and
27 strikes another vehicle or pedestrian causing injury or property
28 damage, the following penalties shall apply:

29 The operator of a non-commercial motor vehicle shall be subject
30 to a fine of not less than \$200 or more than \$1,000 for each offense.

31 The operator, owner, lessee, bailee or any one of the aforesaid of
32 a commercial motor vehicle shall be subject to a fine of not less
33 than \$500 or more than \$1,500 for each offense.

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

37 (cf. P.L.1997, c.124, s.1)

38

39 2. This act shall take effect immediately.

40

41

42 **SPONSOR'S STATEMENT**

43

44 This bill makes failure to remove accumulated ice or snow from
45 a motor vehicle prior to operation, a motor vehicle offense. Under

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 the provision of this bill, each driver of a motor vehicle, whether a
2 non-commercial or commercial vehicle, has an affirmative duty to
3 make all reasonable efforts to remove accumulated ice or snow
4 from the motor vehicle, including the hood, trunk and roof prior to
5 operation. Anyone who violates this provision may be stopped by a
6 law enforcement officer who believes the accumulated ice or snow
7 may pose a threat to persons or property. The driver would be
8 subject to a fine of not less than \$25 or more than \$75, regardless of
9 whether any snow or ice is dislodged from the motor vehicle. No
10 motor vehicle points or automobile insurance eligibility points
11 pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) would be
12 assessed for this offense.

13 The bill specifically provides that the duty to remove the
14 accumulated snow or ice does not apply to snow and ice that
15 accumulates on a vehicle during a storm that began and continued
16 for the duration of the motor vehicle's operation or to a parked
17 motor vehicle. The sponsor does not intend to require persons to
18 clear parked cars or trucks until they are moved and may cause a
19 hazard during operation. The sponsor does not wish to substitute
20 one dangerous practice for another by requiring drivers to pull over
21 during the course of a storm on the side of the road to clean the
22 vehicle if the driver does not find it necessary for visibility.

23 The sponsor's intent is to target drivers who fail to clean their
24 cars, vans or trucks before heading out following a storm. Road
25 conditions may be improved, the weather may be clear but some
26 drivers neglect to clean their vehicles and continue to create a
27 hazard on the roads. At the least, snow or ice falling from a vehicle
28 may impair visibility for other drivers or result in a shattered
29 windshield; at the worst, these avoidable conditions make take a
30 life.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1718

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 1718.

As reported, this amended bill makes failure to remove accumulated ice or snow from a motor vehicle prior to operation a motor vehicle offense. Under this bill, as amended, each driver of a motor vehicle, whether a non-commercial or commercial vehicle, has an affirmative duty to make all reasonable efforts to remove accumulated ice or snow from exposed surfaces of the motor vehicle, including the hood, trunk, windshield, windows, and roof prior to operation. Anyone who violates this provision may be stopped by a law enforcement officer who believes the accumulated ice or snow may pose a threat to persons or property. The driver would be subject to a fine of not less than \$25 or more than \$75, regardless of whether any snow or ice is dislodged from the motor vehicle. 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 this offense.

The bill specifically provides that the duty to remove the accumulated snow or ice does not apply to snow or ice that accumulates on a vehicle during a storm that began and continued for the duration of the motor vehicle's operation or to a parked motor vehicle.

As amended, the bill directs the Director of the Division of Highway Traffic Safety to establish a public awareness campaign to educate the public on the importance of removing snow or ice from a motor vehicle prior to operation.

As amended, the bill requires that the moneys from the fines imposed for failing to remove snow or ice from a motor vehicle, as well as the moneys from any fines imposed under current law when snow or ice becomes dislodged and causes injury or property damage, be placed in special fund. Such funds shall be used to offset the costs associated with the public awareness campaign established by the

Director of the Division of Highway Traffic Safety pursuant to the provisions of this bill as amended. These funds shall also be used for the purchase and installation of equipment and technology to be used to remove snow or ice from large motor vehicles. The Department of Transportation shall be responsible for the purchase and installation of such equipment and technology. This equipment and technology shall be placed at locations around the State which are convenient and easily accessible by large motor vehicles, such as weigh stations, rest areas, and inspection facilities.

As amended, the provisions of this bill would become effective on the 90th day following the date of enactment.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported, Assembly Bill No. 1718 as amended is identical to Senate Bill No. 520 (3R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to require a driver to clean ice or snow off the windshield and windows of a motor vehicle prior to operation, in addition to removing snow or ice from the hood, trunk, and roof.

The committee amended the bill to require the Director of the Division of Highway Traffic Safety to establish a public awareness campaign to educate the public on the importance of removing snow or ice from one's motor vehicle prior to operation.

The committee amended the bill to require the moneys from the fines imposed for failing to remove snow or ice from one's motor vehicles, as well as the moneys from any fines imposed under current law when snow or ice becomes dislodged and causes injury or property damage, to be placed in a special fund. Moneys in the fund shall be used to offset the costs associated with the public awareness campaign established under this bill and for the purchase and installation of equipment and technology used to remove snow and ice from large motor vehicles. The purchase and installation of such equipment and technology would be the responsibility of the Department of Transportation.

The committee also amended the bill to delay its effective date for 90 days following enactment.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1718

with Assembly Floor Amendments
(Proposed by Assemblyman WISNIEWSKI)

ADOPTED: MAY 21, 2009

These Assembly amendments clarify that, for the purposes of the snow and ice removal requirements that this bill would impose, the exposed surfaces of a motor vehicle shall include the cab of a truck, the top of a trailer or semitrailer being drawn by a motor vehicle, and the top of an intermodal freight container being carried by an intermodal chassis.

The amendments provide that every day upon which there occurs a violation of the duty to remove accumulated snow or ice from a motor vehicle shall be considered a separate offense, but that no person shall be subject to more than one fine for a violation in a 24-hour period.

The amendments prohibit the driver of a commercial motor vehicle from being subject to a fine for a violation of the duty to remove accumulated snow or ice from the exposed surfaces of the vehicle if the driver is traveling to a location with snow and ice removal equipment or technology, provided that the driver has not already passed such a location prior to being stopped.

The amendments provide that only the person who is in physical possession of the motor vehicle at the time snow or ice accumulates on the vehicle shall be liable for a violation of the duty to remove accumulated snow or ice from the motor vehicle. In the case of a trailer, semitrailer, or intermodal freight container, only the person who is in physical possession of such equipment shall be liable for a violation of the duty to remove accumulated snow or ice from the exposed surfaces of a motor vehicle. The driver shall not be liable if the motor vehicle, trailer, semitrailer, or container was not in his physical possession at the time the snow or ice accumulated.

The amendments require the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety ("the division") to establish and maintain a data collection system to determine the number and seriousness of motor vehicle accidents caused by snow or ice becoming dislodged from motor vehicles, the findings of which shall be reported to the Legislature annually.

The amendments would establish a "Motor Vehicle Snow and Ice Removal Safety Fund" ("the fund") to which the fines imposed under the bill for failing to remove snow or ice from a motor vehicle, as well as fines imposed under existing law when snow or ice becomes dislodged from a motor vehicle and causes injury or property damage, would be dedicated. The fund would be administered by the division.

The amendments provide that, in addition to offsetting the cost associated with a public awareness campaign established by the division, the fund will also be used to:

(1) offset the costs associated with the data collection system established and maintained by the division, as required by the bill as amended; and

(2) establish a grant program, administered by the division, to provide incentives to encourage private companies to purchase, install, and maintain snow and ice removal equipment and technology to be placed at locations around the State that are convenient and easily accessible to commercial motor vehicles.

The amendments delete provisions that the Department of Transportation, in consultation with the division, would be responsible for the purchase and installation of snow and ice removal equipment to be placed at locations around the State.

The amendments direct the New Jersey Turnpike Authority and the South Jersey Transportation Authority to purchase, install, and maintain equipment or technology to be used to remove snow and ice from commercial motor vehicles at locations along the roadways under the authorities' respective jurisdictions and which are convenient and easily accessible to commercial motor vehicles. Either authority may also enter into contracts or agreements providing for such purchase, installation, and maintenance.

The amendments delay the bill's effective date from 90 days to one year from the date of enactment. The director of the division may take anticipatory action in advance of the effective date as necessary for timely implementation.