

39:4-60

LEGISLATIVE HISTORY CHECKLIST

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(Roadway--sale of tickets)

NJSA: 39:4-60

LAWS OF: 1997 CHAPTER: 82

BILL NO: S622

SPONSOR(S): Schluter and others

DATE INTRODUCED: February 5, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 24, 1997

SENATE: May 16, 1996

DATE OF APPROVAL: April 30, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]

SENATE, No. 622

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator SCHLUTER, Assemblymen Lance, Gibson, Gregg,  
Malone and Steele

1 AN ACT concerning the solicitation of motorists and amending  
2 R.S.39:4-60 and supplementing Title 40 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. R.S.39:4-60 is amended to read as follows:  
8 39:4-60. Except as provided herein, no [No] person shall stand in  
9 the roadway of a highway to stop, impede, hinder or delay the  
10 progress of a vehicle for the purpose of soliciting the purchase of  
11 goods, merchandise or tickets, or for the purpose of soliciting  
12 contributions for any cause, and the only question of law and fact in  
13 determining guilt under this section shall be whether goods,  
14 merchandise or tickets were tendered or offered for sale, or whether  
15 a contribution was solicited.

16 A municipal governing body by ordinance may authorize charitable  
17 organizations as defined in section 3 of P.L.1994, c. 16 (C.45:17A-20)  
18 to solicit contributions in the roadway of a highway, other than  
19 <sup>1</sup>[interstate] interstate<sup>1</sup> highways or toll roads maintained pursuant  
20 to P.L.1962, c.10 (C.27:12C-1 et seq.) or P.L.1991, c.252  
21 (C.27:25A-1 et seq.), P.L.1952, c.16 (C.27:12B-1 et seq.), or  
22 P.L.1948, c.454 (C.27:23-1 et seq.), subject to regulations  
23 promulgated pursuant to the "Administrative Procedure Act,"  
24 P.L.1968, c.410 (C.52:14B-1 et seq.), by the Department of  
25 Transportation in consultation with <sup>1</sup>[the Division of Motor Vehicles  
26 and]<sup>1</sup> the Division of Highway Traffic Safety.

27 A municipality shall not authorize charitable organizations to solicit  
28 on any county highway or intersection of a county highway without  
29 the approval of the board of chosen freeholders. A municipality shall  
30 not authorize charitable organizations to solicit on any State highway

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:

<sup>1</sup> Senate SLP committee amendments adopted May 9, 1996.

1 or intersection of a State highway without the approval of the  
2 Commissioner of Transportation. The board of chosen freeholders and  
3 the Commissioner of Transportation shall not unreasonably withhold  
4 approval.

5 In addition to the prohibition contained in the first paragraph of this  
6 section~~[:]~~, whenever in his judgment the public safety so requires, the  
7 ~~【Director of the Division of Motor Vehicles】~~ Commissioner of  
8 Transportation may, by regulation, designate any highway or sections  
9 of any highway as a location wherein the standing of any person or the  
10 parking of any vehicle for the purpose of soliciting the purchase of  
11 goods, merchandise or tickets, or for the purpose of soliciting  
12 contributions for any cause, is deemed hazardous or inimical to the  
13 proper flow of traffic, and shall be prohibited. Each highway or  
14 section thereof so designated shall be clearly marked by ~~【ppropriate】~~  
15 appropriate signs which shall be erected and maintained by the  
16 authority having the responsibility for the maintenance of such  
17 highway, upon receipt by such authority of written notice from the  
18 director of the adoption of such regulation. No person shall stand in,  
19 and no operator shall allow a vehicle to stand in, any section of a  
20 highway so designated and marked to stop, impede, hinder or delay the  
21 progress of a vehicle for the purpose of soliciting the purchase of  
22 goods, merchandise or tickets, or for the purpose of soliciting  
23 contributions for any cause, and the only question of law and fact in  
24 determining guilt under this section shall be whether goods,  
25 merchandise or tickets were tendered or offered for sale, or whether  
26 a contribution was solicited. Whenever in his judgment the public  
27 safety so requires the ~~【Director of the Division of Motor Vehicles】~~  
28 Commissioner of Transportation may, by regulation, amend or alter  
29 any designation made by him pursuant to the provisions of this  
30 paragraph. Nothing contained in this paragraph shall be construed to  
31 authorize or permit any person to stand in or to allow a vehicle to  
32 stand in any highway where the same is or shall be prohibited by any  
33 other provision of this Title or by any amendment thereof or  
34 supplement thereto, or by any ordinance, resolution, regulation or  
35 order duly adopted pursuant to authority thereunder.

36 Any person who shall violate any of the provisions of this section  
37 shall pay, upon conviction, a penalty not to exceed \$100.

38 (cf: P.L.1951, c.23, s.35)

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40 2. (New section) Notwithstanding any provisions of law to the  
41 contrary, a municipality, a county or the State shall not be liable in any  
42 civil action for damages for property damage or personal injury  
43 resulting from a motor vehicle accident arising out of or in the course  
44 of roadway solicitations for the purpose of soliciting contributions,  
45 conducted by charitable organizations, as defined pursuant to section  
46 3 of P.L.1994, c.16 (C.45:17A-20), pursuant to R.S.39:4-60.

1       3. This act shall take effect on the first day of the fourth month  
2 after enactment.

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Permits roadway solicitations by certain charitable organizations.

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STATEMENT

This bill permits the sale of merchandise or tickets and the solicitation of contributions from motorists by members of volunteer fire companies or first aid, rescue or emergency squads. Municipal governing bodies would have the ability, by ordinance, to regulate such sales and solicitations.

The bill does not permit solicitations to be conducted on the New Jersey Turnpike, Garden State Parkway or Atlantic City Expressway. In addition, the bill grants immunity to municipalities from civil liability for personal injury or property damage resulting from a motor vehicle accident occurring in the course of or during such sales or solicitations.

The purpose of this bill is to encourage the fund-raising efforts of volunteer fire companies and volunteer first aid, rescue and emergency squads.



Permits roadway solicitations by certain charitable organizations.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 622**

**STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 622 (1R).

Senate Bill No. 622 (1R) amends R.S.39:4-60 to permit the solicitation of contributions from motorists by members of certain charities. The organizations covered by the bill are those identified as charitable organizations under the provisions of section 3 of P.L.1994, c.16 (C.45:17A-20) and include: (1) organizations which are determined to be tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 and (2) organizations established to any benevolent, philanthropic, humane, social welfare, public health or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety.

Under the provisions of the bill, the governing body of the municipality is afforded the authority to regulate such solicitations by charitable organizations in accordance with rules and regulations promulgated by the Department of Transportation in consultation with the Division of Highway Traffic Safety. In addition, the bill specifies that the approval of the county also is required if the solicitation is to take place on a county road and, if the road is a State road, the approval of the Commissioner of Transportation.

This permission to solicit does not extend to interstate highways and toll roads, however. Consequently, the bill does not permit charitable organizations to solicit on any interstate highway, the New Jersey Turnpike, the Garden State Parkway or the Atlantic City Expressway.

Violators are subject to fines of no more than \$100.

Finally, the bill supplements Title 40 of the Revised Statutes to grant municipalities immunity from civil liability for personal injury or property damage resulting from a motor vehicle accident arising out of, or in the course of, any such roadway solicitations by a charitable organization.

Senate Bill 622 (1R) is identical to Assembly Bill No.1895, as amended by the committee.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 622**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 9, 1996

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 622 with committee amendments.

This bill permits the sale of merchandise or tickets and the solicitation of contributions from motorists by members of volunteer fire companies or first aid, rescue or emergency squads. Municipal governing bodies would have the ability, by ordinance, to regulate such sales and solicitations.

The bill does not permit solicitations to be conducted on the New Jersey Turnpike, Garden State Parkway or Atlantic City Expressway. In addition, the bill grants immunity to municipalities from civil liability for personal injury or property damage resulting from a motor vehicle accident occurring in the course of or during such sales or solicitations.

The committee amendment is technical in nature. As introduced the bill required the Department of Transportation (DOT) to consult with the Division of Motor Vehicles (DMV) in promulgating regulations; however the DMV has been transferred from the Department of Law and Public Safety to the DOT, so language requiring consultation is not necessary.

It is the committee's understanding that the purpose of this bill is to encourage the fund-raising efforts of volunteer fire companies and volunteer first aid, rescue and emergency squads.