

§§2-8
C. 39:4-98.3
To
39:4-98.9

P.L. 1997, CHAPTER 415, *approved January 19, 1998*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 731

1 AN ACT concerning the rate of speed on certain highways and
2 amending R.S.39:4-98¹ [, P.L.1951, c.264, P.L.1952, c.16 and
3 P.L.1991, c.252] and supplementing chapter 4 of Title 39 of the
4 Revised Statutes¹.

5

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

8

9 1. R.S.39:4-98 is amended to read as follows:

10 39:4-98. Rates of speed. Subject to the provisions of [sections]
11 R.S.39:4-96 and R.S.39:4-97 [of this Title] and except in those
12 instances where a lower speed is specified in this chapter, it shall be
13 prima facie lawful for the driver of a vehicle to drive it at a speed not
14 exceeding the following:

15 a. Twenty-five miles [an] per hour, when passing through a school
16 zone during recess, when the presence of children is clearly visible
17 from the roadway, or while children are going to or leaving school,
18 during opening or closing hours;

19 b. (1) Twenty-five miles [an] per hour in any business or
20 residential district;

21 (2) Thirty-five miles ¹[an] per¹ hour in any suburban business or

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:

¹ **Assembly amendments adopted in accordance with Governor's recommendations January 12, 1998.**

1 residential district;

2 c. Fifty miles ~~an~~ per hour in all other locations, except as
3 otherwise provided in ¹subsection d. of this section;

4 d. Sixty-five miles per hour on portions of the State highway
5 system including, but not limited to, interstate highways and highways
6 of similar design and access control] the "Sixty-Five MPH Speed Limit
7 Implementation Act," pursuant to section 2 of P.L. , c. (C.) (now
8 pending before the Legislature as this bill) ¹.

9 Whenever it shall be determined upon the basis of an engineering
10 and traffic investigation that any speed hereinbefore set forth is greater
11 or less than is reasonable or safe under the conditions found to exist
12 at any intersection or other place or upon any part of a highway, the
13 Commissioner of Transportation, with reference to State highways,
14 may by regulation and municipal or county authorities, with reference
15 to highways under their jurisdiction, may by ordinance, in the case of
16 municipal authorities, or by ordinance or resolution, in the case of
17 county authorities, subject to the approval of the Commissioner of
18 Transportation, except as otherwise provided in R.S.39:4-8, designate
19 a reasonable and safe speed limit thereat which, subject to the
20 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful
21 at all times or at such times as may be determined, when appropriate
22 signs giving notice thereof are erected at such intersection, or other
23 place or part of the highway. Appropriate signs giving notice of the
24 speed limits authorized under the provisions of paragraph (1) of
25 subsection b. and subsection c. of this section may be erected if the
26 commissioner or the municipal or county authorities, as the case may
27 be, so determine they are necessary. Appropriate signs giving notice
28 of the speed limits authorized under the provisions of subsection a. and
29 paragraph (2) of subsection b. of this section shall be erected by the
30 commissioner or the municipal or county authorities, as appropriate.

31 The driver of every vehicle shall, consistent with the requirements
32 of this section, drive at an appropriate reduced speed when
33 approaching and crossing an intersection or railway grade crossing,
34 when approaching and going around a curve, when approaching a hill
35 crest, when traveling upon any narrow or winding roadway, and when
36 special hazard exists with respect to pedestrians or other traffic or by
37 reason of weather or highway conditions.

38 The Commissioner of Transportation shall cause the erection and
39 maintenance of signs at such points of entrance to the State as are
40 deemed advisable, setting forth the lawful rates of speed, the wording
41 of which shall be within his discretion.

42 (cf: 1993, c.315, s.2)

43

44 ¹[2. Section 3 of P.L.1951 c.264 (C.27:23-27) is amended to read
45 as follows:

46 3. A person operating a vehicle on any such turnpike project shall

1 operate it at a careful and prudent speed, having due regard to the
2 rights and safety of others and to the traffic, surface and width of the
3 highway, and any other conditions then existing; and no person shall
4 operate a vehicle on any such turnpike project at such a speed as to
5 endanger life, limb or property; provided, however, that it shall be
6 prima facie lawful for a driver of a vehicle to operate it at a speed not
7 exceeding a speed limit which is designated by the Authority as a
8 reasonable and safe speed limit, when appropriate signs giving notice
9 of such speed limit are erected at the roadside or otherwise posted for
10 the information of operators of vehicles.

11 No person shall operate a vehicle on any such turnpike project at
12 such a slow speed as to impede or block the normal and reasonable
13 movement of traffic except when reduced speed is necessary for safe
14 operation thereof.

15 No person shall operate a vehicle on any such turnpike project in
16 violation of any speed limit designated by regulation adopted by the
17 Authority as hereinafter provided.

18 Notwithstanding any speed limit designated by the Authority to the
19 contrary, it shall be prima facie lawful for a driver to operate a vehicle
20 at a rate of speed not exceeding 65 miles per hour unless the Authority
21 determines, based upon an engineering and traffic investigation, that
22 this speed is greater or less than is reasonable or safe under the
23 conditions found to exist on portions of the turnpike project.

24 (cf: P.L.1951, c.264, s.3)]¹

25

26 ¹[3. Section 18 of P.L.1952, c.16, (C.27:12B-18) is amended to
27 read as follows:

28 18. (a) No vehicle shall be permitted to make use of any project
29 except upon the payment of such tolls as may from time to time be
30 prescribed by the Authority.

31 It is hereby declared to be unlawful for any person to refuse to pay,
32 or to evade or to attempt to evade the payment of such tolls.

33 (b) No vehicle shall be operated on any project carelessly or
34 recklessly, or in disregard of the rights or safety of others, or without
35 due caution or prudence, or in a manner so as to endanger
36 unreasonably or to be likely to endanger unreasonably persons or
37 property, or while the operator thereof is under the influence of
38 intoxicating liquors or any narcotic or habit-forming drug, nor shall
39 any vehicle be so constructed, equipped, lacking in equipment, loaded
40 or operated in such a condition of disrepair as to endanger
41 unreasonably or to be likely to endanger unreasonably persons or
42 property.

43 (c) A person operating a vehicle on any project shall operate it at
44 a careful and prudent speed, having due regard to the rights and safety
45 of others and to the traffic, surface and width of the highway, and any
46 other conditions then existing; and no person shall operate a vehicle on

1 any project at such a speed as to endanger life, limb or property;
2 provided, however, that it shall be prima facie lawful for a driver of a
3 vehicle to operate it at a speed not exceeding a speed limit which is
4 designated by the Authority as a reasonable and safe speed limit, when
5 appropriate signs giving notice of such speed limit are erected at the
6 roadside or otherwise posted for the information of operators of
7 vehicles. Notwithstanding any speed limit designated by the Authority
8 to the contrary, it shall be prima facie lawful for a driver to operate a
9 vehicle at a rate of speed not exceeding 65 miles per hour unless the
10 Authority determines, based upon an engineering and traffic
11 investigation, that this rate of speed is greater or less than is
12 reasonable or safe under the conditions found to exist on portions of
13 the project.

14 (d) No person shall operate a vehicle on any project at such a slow
15 speed as to impede or block the normal and reasonable movement of
16 traffic except when reduced speed is necessary for safe operation
17 thereof.

18 (e) No person shall operate a vehicle on any project in violation
19 of any speed limit designated by regulation adopted by the Authority
20 as hereinafter provided.

21 (f) All persons operating vehicles upon any project must at all
22 times comply with any lawful order, signal or direction by voice or
23 hand of any police officer engaged in the direction of traffic upon such
24 project. When traffic on a project is controlled by traffic lights, signs
25 or by mechanical or electrical signals, such lights, signs and signals
26 shall be obeyed unless a police officer directs otherwise.

27 (g) All persons operating vehicles upon any project, or seeking to
28 do so, must at all times comply with regulations, not inconsistent with
29 the other sections of this act, adopted by the Authority concerning
30 types, weights and sizes of vehicles permitted to use such project, and
31 with regulations adopted by the Authority for or prohibiting the
32 parking of vehicles, concerning the making of turns and the use of
33 particular traffic lanes, together with any and all other regulations
34 adopted by the Authority to control traffic and prohibit acts hazardous
35 in their nature or tending to impede or block the normal and
36 reasonable flow of traffic upon such project; provided, however, that
37 prior to the adoption of any regulation for the control of traffic on any
38 such project, including the designation of any speed limits, the
39 Authority shall investigate and consider the need for and desirability
40 of such regulation for the safety of persons and property, including the
41 Authority's property, and the contribution which any such regulation
42 would make toward the efficient and safe handling of traffic and use
43 of such project, and shall determine that such regulation is necessary
44 or desirable to accomplish such purposes or one or some of them, and
45 that upon or prior to the effective date of any such regulation and
46 during its continuance, notice thereof shall be given to the drivers of

1 vehicles by appropriate signs erected at the roadside or otherwise
2 posted. The Authority is hereby authorized and empowered to make,
3 adopt and promulgate regulations referred to in this section in
4 accordance with the provisions hereof. Regulations adopted by the
5 Authority pursuant to the provisions of this section shall insofar as
6 practicable, having due regard to the features of the project and the
7 characteristics of traffic thereon, be consistent with the provisions of
8 Title 39 of the Revised Statutes applicable to similar subjects. The
9 Authority shall have power to amend, supplement or repeal any
10 regulation adopted by it under the provisions of this section. No
11 regulation and no amendment or supplement thereto or repealer
12 thereof adopted by the Authority shall take effect until it is filed with
13 the Secretary of State, by the filing of a copy thereof certified by the
14 secretary of the Authority.

15 (h) The operator of any vehicle upon a project involved in an
16 accident resulting in injury or death to any person or damage to any
17 property shall immediately stop such vehicle at the scene of the
18 accident, render such assistance as may be needed, and give his name,
19 address, and operator's license and registration number to the person
20 injured and to any officer or witness of the injury and shall make a
21 report of such accident in accordance with law.

22 (i) No person shall transport in or upon any project, any dynamite,
23 nitroglycerin, black powder, fireworks, blasting caps or other
24 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
25 turpentine, formaldehyde or other inflammable or combustible liquids,
26 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
27 magnesium, nitro-cellulose film, peroxides or other readily
28 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
29 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
30 carbolic acid, potassium cyanide, tear gas, lewisite or any other
31 poisonous substances, liquids or gases, or any compressed gas, or any
32 radioactive article, substance or material, at such time or place or in
33 such manner or condition as to endanger unreasonably or as to be
34 likely to endanger unreasonably persons or property.

35 (j) If the violation of any provision of this section or the violation
36 of any regulation adopted by the Authority under the provisions of this
37 section, would have been a violation of law or ordinance if committed
38 on any public road, street or highway in the municipality in which such
39 violation occurred, it shall be tried and punished in the same manner
40 as if it had been committed in such municipality.

41 (k) Notwithstanding the provisions of paragraph (j) of this section,
42 if the violation within the State of the provisions of paragraph (i) of
43 this section shall result in injury or death to a person or persons or
44 damage to property in excess of the value of five thousand dollars
45 (\$5,000.00), such violation shall constitute a high misdemeanor.

46 (l) Except as provided in paragraph (j) or (k) of this section, any

1 violation of any of the provisions of this section, including but not
2 limited to those regarding the payment of tolls, and any violation of
3 any regulation adopted by the Authority under the provisions of this
4 section shall be punishable by a fine not exceeding two hundred dollars
5 (\$200.00) or by imprisonment not exceeding thirty days or by both
6 such fine and imprisonment. Such a violation shall be tried in a
7 summary way and shall be within the jurisdiction of and may be
8 brought in the Superior Court or municipal court where the offense
9 was committed. The rules of the Supreme Court shall govern the
10 practice and procedure in such proceedings. Proceedings under this
11 section may be instituted on any day of the week, and the institution
12 of the proceedings on a Sunday or a holiday shall be no bar to the
13 successful prosecution thereof. Any process served on a Sunday or a
14 holiday shall be as valid as if served on any other day of the week.
15 When imposing any penalty under the provisions of this paragraph the
16 court having jurisdiction shall be guided by the appropriate provisions
17 of any statute fixing uniform penalties for violation of provisions of the
18 motor vehicle and traffic laws contained in Title 39 of the Revised
19 Statutes.

20 (m) In any prosecution for violating a regulation of the Authority
21 adopted pursuant to the provisions of this section copies of any such
22 regulation when authenticated under the seal of the Authority by its
23 secretary or assistant secretary shall be evidence in like manner and
24 equal effect as the original.

25 (n) No resolution or ordinance heretofore or hereafter adopted by
26 the governing body of any county or municipality for the control and
27 regulation of traffic shall be applicable to vehicles while upon any
28 project operated by the Authority.

29 (o) In addition to any punishment or penalty provided by other
30 paragraphs of this section, every registration certificate and every
31 license certificate to drive motor vehicles may be suspended or
32 revoked and any person may be prohibited from obtaining a driver's
33 license or a registration certificate and the reciprocity privileges of a
34 nonresident may be suspended or revoked by the Director of the
35 Division of Motor Vehicles for a violation of any of the provisions of
36 this section, after due notice in writing of such proposed suspension,
37 revocation or prohibition and the ground thereof, and otherwise in
38 accordance with the powers, practice and procedure established by
39 those provisions of Title 39 of the Revised Statutes applicable to such
40 suspension, revocation or prohibition.

41 (p) Except as otherwise provided by this section or by any
42 regulation of the Authority made in accordance with the provisions
43 hereof, the requirements of Title 39 of the Revised Statutes applicable
44 to persons using, driving or operating vehicles on the public highways
45 of this State and to vehicles so used, driven or operated shall be
46 applicable to persons using, driving or operating vehicles on any

1 project and to vehicles so used, driven or operated.
2 (cf: P.L.1991, c.91, s.303)]¹

3

4 ¹[4. Section 21 of P.L.1991, c.252, (C.27:25A-21) is amended to
5 read as follows:

6 21. a. Except as otherwise provided in subsection a. of section 19
7 of this act, no vehicle shall be permitted to make use of any
8 expressway project except upon the payment of the tolls as may from
9 time to time be prescribed by the authority. It shall be unlawful for
10 any person to refuse to pay, or to evade or to attempt to evade the
11 payment of the tolls.

12 b. No vehicle shall be operated on any project carelessly or
13 recklessly, or in disregard of the rights or safety of others, or without
14 due caution or prudence, or in a manner so as to endanger
15 unreasonably or to be likely to endanger unreasonably persons or
16 property, while the operator thereof is under the influence of
17 intoxicating liquors or any narcotic or habit-forming drug, nor shall
18 any vehicle be so constructed, equipped, lacking in equipment, loaded
19 or operated in such a condition of disrepair as to endanger
20 unreasonably or to be likely to endanger unreasonably persons or
21 property.

22 c. A person operating a vehicle on any project shall operate at a
23 careful and prudent speed, having due regard to the rights and safety
24 of others and to the traffic, surface and width of the highway, and any
25 other conditions then existing; and no person shall operate a vehicle on
26 any project at a speed as to endanger life, limb or property; except that
27 it shall be prima facie lawful for a driver of a vehicle to operate it at a
28 speed not exceeding a speed limit which is designated by the authority
29 as a reasonable and safe speed limit, when appropriate signs giving
30 notice of that speed limit are erected at the roadside or otherwise
31 posted for the information of operators of vehicles. Notwithstanding
32 any speed limit designated by the authority to the contrary, it shall be
33 prima facie lawful for a driver to operate at a rate of speed not
34 exceeding 65 miles per hour unless the authority determines, based
35 upon an engineering and traffic investigation, that this speed is greater
36 or less than is reasonable or safe under the conditions found to exist
37 on portions of the project.

38 d. No person shall operate a vehicle on any project at a slow speed
39 as to impede or block the normal and reasonable movement of traffic
40 except when reduced speed is necessary for safe operation thereof.

41 e. No person shall operate a vehicle on any project in violation of
42 any speed limit designated by regulation adopted by the authority.

43 f. All persons operating vehicles upon any project must at all times
44 comply with any lawful order, signal or direction by voice or hand of
45 any police officer engaged in the direction of traffic upon such project.
46 When traffic on a project is controlled by traffic lights, signs or by

1 mechanical or electrical signals, those lights, signs and signals shall be
2 obeyed unless a police officer directs otherwise.

3 g. All persons operating vehicles upon any project, or seeking to
4 do so, must at all times comply with regulations, not inconsistent with
5 the other sections of this act, adopted by the authority concerning
6 types, weights and sizes of vehicles permitted to use the project, and
7 with regulations adopted by the authority for or prohibiting the
8 parking of vehicles, concerning the making of turns and the use of
9 particular traffic lanes, together with any and all other regulations
10 adopted by the authority to control traffic and prohibit acts hazardous
11 in their nature or tending to impede or block the normal and
12 reasonable flow of traffic upon the project; except that prior to the
13 adoption of any regulation for the control of traffic on any project,
14 including the designation of any speed limits, the authority shall
15 investigate and consider the need for and desirability of the regulation
16 for the safety of persons and property, including the authority's
17 property, and the contribution which that regulation would make
18 toward the efficient and safe handling of traffic and use of the project,
19 and shall determine that the regulation is necessary or desirable to
20 accomplish the purposes or one or some of them, and that upon or
21 prior to the effective date of the regulation and during its continuance,
22 notice thereof shall be given to the drivers of vehicles by appropriate
23 signs erected at the roadside or otherwise posted. The authority may
24 adopt regulations referred to in this section in accordance with the
25 provisions hereof and in accordance with the provisions of the
26 "Administrative Procedure Act." Regulations adopted by the authority
27 pursuant to the provisions of this section shall insofar as practicable,
28 having due regard to the features of the project and the characteristics
29 of traffic thereon and except as to maximum or minimum speed limits,
30 be consistent with the provisions of Title 39 of the Revised Statutes
31 applicable to similar subjects. The authority shall have power to
32 amend, supplement or repeal any regulation adopted by it under the
33 provisions of this section. No regulation and no amendment or
34 supplement thereto or repealer thereof adopted by the authority shall
35 take effect until it is filed with the Office of Administrative Law, by
36 the filing of a copy thereof certified by the secretary of the authority.

37 h. The operator of any vehicle upon a project involved in an
38 incident resulting in injury or death to any person or damage to any
39 property shall immediately stop the vehicle at the scene of the incident,
40 render assistance as may be needed, and give his name, address, and
41 operator's license and motor vehicle registration number to the person
42 injured and to any officer or witness of the injury and shall make a
43 report of the incident in accordance with law.

44 i. No person shall transport in or upon any expressway project,
45 any dynamite, nitroglycerin, black powder, fireworks, blasting caps or
46 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,

1 turpentine, formaldehyde or other inflammable or combustible liquids,
2 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
3 magnesium, nitro-cellulose film, peroxides or other readily
4 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
5 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
6 carbolic acid, potassium cyanide, tear gas, lewisite or any other
7 poisonous substances, liquids or gases, or any compressed gas, or any
8 radioactive article, substance or material, at a time or place or in a
9 manner or condition as to endanger unreasonably or as to be likely to
10 endanger unreasonably persons or property.

11 j. If the violation of any provision of this section or the violation
12 of any regulation adopted by the authority under the provisions of this
13 section would have been a violation of law or ordinance if committed
14 on any public road, street or highway in the municipality in which the
15 violation occurred, it shall be tried and punished in the same manner
16 as if it had been committed in that municipality.

17 k. Notwithstanding the provisions of subsection j. of this section,
18 if the violation of the provisions of subsection i. of this section shall
19 result in injury or death to a person or persons or damage to property
20 in excess of the value of \$5,000, that violation shall constitute a crime
21 of the third degree.

22 l. Except as provided in subsection j. or k. of this section, any
23 violation of any of the provisions of this section, including but not
24 limited to those regarding the payment of tolls, and any violation of
25 any regulation adopted by the authority under the provisions of this
26 section shall be punishable by a fine not exceeding \$500 or by
27 imprisonment not exceeding 30 days or by both. A violation shall be
28 tried in a summary way and shall be within the jurisdiction of and may
29 be brought in the Special Civil Part of the Law Division of the
30 Superior Court or any municipal court in the county where the offense
31 was committed. Proceedings under this section may be instituted on
32 any day of the week, and the institution of the proceedings on a
33 Sunday or a holiday shall be no bar to the successful prosecution
34 thereof. Any process served on a Sunday, or a holiday shall be as
35 valid as if served on any other day of the week. When imposing any
36 penalty under the provisions of this subsection the court having
37 jurisdiction shall be guided by the appropriate provisions of any statute
38 fixing uniform penalties for violation of provisions of the motor
39 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

40 m. In any prosecution for violating a regulation of the authority
41 adopted pursuant to the provisions of this section, copies of that
42 regulation when authenticated under the seal of the authority by its
43 secretary or assistant secretary shall be evidence in like manner and
44 equal effect as the original.

45 n. No resolution or ordinance adopted by the governing body of
46 any county or municipality for the control and regulation of traffic

1 shall be applicable to vehicles while upon any expressway project
2 operated by the authority.

3 o. In addition to any punishment or penalty provided by other
4 subsections of this section, every registration certificate and every
5 license certificate to drive motor vehicles may be suspended or
6 revoked and any person may be prohibited from obtaining a driver's
7 license or a registration certificate and the reciprocity privileges of a
8 nonresident may be suspended or revoked by the Director of the
9 Division of Motor Vehicles for a violation of any of the provisions of
10 this section, after due notice in writing of the proposed suspension,
11 revocation or prohibition and the ground thereof, all otherwise in
12 accordance with the powers, practice and procedure established by the
13 provisions of Title 39 of the Revised Statutes applicable to the
14 suspension, revocation or prohibition.

15 p. Except as otherwise provided by this section or by any
16 regulation of the authority adopted in accordance with the provisions
17 of this section, the requirements of Title 39 of the Revised Statutes
18 applicable to persons using, driving or operating vehicles on the public
19 highways of this State and to vehicles so used, driven or operated shall
20 be applicable to persons using, driving or operating vehicles on any
21 expressway project and to vehicles so used, driven or operated.

22 (cf: P.L.1991, c.252, s.21)]¹

23

24 ¹2. (New section) This act may be known and shall be cited as the
25 "Sixty-Five MPH Speed Limit Implementation Act."¹

26

27 ¹3. (New section) As used in this act:

28 "Authorities" means the New Jersey Highway Authority, the New
29 Jersey Turnpike Authority and the South Jersey Transportation
30 Authority.

31 "Commissioner" means the Commissioner of Transportation.

32 "Eligible public highways" means public highways as defined in
33 section 3 of P.L. 1984, c. 73 (C.27:1B-3) of which portions have been
34 determined by the commissioner to be appropriate for a 65 miles per
35 hour speed limit based on such criteria as determined by the
36 commissioner. Public highways under the jurisdiction of counties and
37 municipalities shall not be eligible public highways.¹

38

39 ¹4. (New section) a. Within four months following the effective
40 date of this act, the commissioner, in consultation with the Attorney
41 General and the authorities, shall establish by written order speed
42 limits of 65 miles per hour on approximately 400 miles of eligible
43 public highways. The commissioner, pursuant to section 6 of this act,
44 may increase or decrease the number of miles of eligible public
45 highways on which a 65 miles per hour speed limit has been
46 established.

1 b. An order to be issued pursuant to subsection a. of this section
2 shall cite the eligible public highways to which it is to be applicable
3 and contain a description in plain language of the order's contents, the
4 effective date of the order and any other information the commissioner
5 deems necessary.

6 c. The commissioner shall cause a general public notice of the
7 proposed order, including a summary of the provisions of the proposed
8 order, to be published in a newspaper or newspapers having general
9 circulation in the municipality or municipalities affected by the order.
10 The notice shall include a telephone number or address which a
11 member of the public may use to receive a copy of the complete text
12 of the proposed order and shall provide for a 30-day period from the
13 date of publication for public comment. The order shall be final on the
14 31st day after publication of the notice or on a later date if the
15 commissioner so determines. Nothing in this subsection shall be
16 construed as prohibiting the commissioner from extending the
17 comment period or from modifying or withdrawing the proposed order
18 as a result of the review of public comment.

19 d. A final order shall be effective and enforceable upon compliance
20 with the requirement for the posting of signs providing notice of the
21 speed limit, as provided under the applicable provisions of R.S.39:4-98
22 and R.S.39:4-198.

23 e. Any official traffic control device established pursuant to this
24 section shall conform to the "Manual on Uniform Traffic Control
25 Devices."

26 f. Any order issued pursuant to this section shall be binding and
27 enforceable under the provisions of Title 39 of the Revised Statutes
28 and all other applicable laws, in any court of competent jurisdiction,
29 until superseded by order of the commissioner pursuant to this act.¹
30

31 ¹5. (New section) a. The fine for a motor vehicle offense embodied
32 in the following sections of statutory law, when committed in an area
33 which has been designated as having a speed limit of 65 miles per
34 hour, shall be double the amount specified by law:

35 R.S.39:4-52;

36 R.S.39:4-57;

37 R.S. 39:4-80;

38 R.S. 39:4-81;

39 R.S. 39:4-84;

40 R.S. 39:4-85;

41 R.S. 39:4-86;

42 R.S. 39:4-88;

43 R.S. 39:4-89;

44 R.S. 39:4-90;

45 R.S. 39:4-96;

46 R.S. 39:4-97;

1 R.S. 39:4-98, when guilty of driving at a speed that is 10 miles per
2 hour or more over the established speed limit;
3 R.S. 39:4-126;
4 R.S. 39:4-127;
5 R.S. 39:4-129;
6 R.S. 39:4-144;
7 P.L. 1955, c.217 (C.39:5C-1);
8 Section 41 of P.L. 1951, c.23 (C.39:4-82.1);
9 Section 51 of P.L. 1951, c.23 (C.39:4-90.1);
10 Section 5 of P.L. 1951, c.264 (C.27:23-29);
11 Section 18 of P.L. 1952, c.16 (C.27:12B-18); and
12 Section 21 of P.L. 1991, c.252 (C.27:25A-21).

13 b. (1) Signs designed in compliance with the specifications of the
14 Department of Transportation or, if appropriate, the authority having
15 jurisdiction over the appropriate highway, shall be appropriately
16 placed, by order of the commissioner or the affected authority, as the
17 case may be, to notify drivers approaching areas designated as having
18 a speed limit of 65 miles per hour that the fines are doubled for motor
19 vehicle offenses in those areas.

20 (2) In addition, all traffic control signs and devices erected or
21 displayed by the State Department of Transportation or an authority
22 within an area designated as having a speed limit of 65 miles per hour
23 shall conform to the uniform system specified in the most current
24 "Manual on Uniform Traffic Control Devices for Streets and
25 Highways," prepared by the Federal Highway Administration in the
26 United States Department of Transportation.

27 c. It shall not be a defense to the imposition of the fines authorized
28 under the provisions of this act that a sign notifying drivers that fines
29 are doubled was not posted, improperly posted, wrongfully removed
30 or stolen, or that signs or devices were not placed in compliance with
31 the most current "Manual on Uniform Traffic Control Devices for
32 Streets and Highways."

33 d. The Director of Motor Vehicles in the Department of
34 Transportation shall include information concerning the penalties
35 imposed pursuant to this section in any subsequent revision of the New
36 Jersey Driver Manual and the New Jersey Motorist Guide.¹

37
38 ¹6. (New section) a. During the first 18 months following the
39 establishment of 65 miles per hour speed limits on eligible public
40 highways pursuant to section 4 of this act, the commissioner, in
41 consultation with the Attorney General and the authorities, shall
42 conduct a study to determine the overall impact of this act. The study
43 shall consider public safety, environmental and cost issues, including,
44 but not limited to speed, accident rates, fatalities, enforcement, air
45 quality and such other issues as the commissioner deems appropriate
46 to evaluate fully the effect of the 65 miles per hour speed limit on the

1 State.

2 b. A report of the study's findings and recommendations, including
3 a recommendation as to whether the number of miles of eligible public
4 highways should increase, decrease or remain the same, shall be
5 submitted to the Governor, President of the Senate and Speaker of the
6 General Assembly no later than 21 months after the establishment of
7 65 miles per hour speed limits on eligible public highways pursuant to
8 section 4 of this act.

9 c. The commissioner shall implement the recommendations
10 contained in the report 60 days following the report's submission to
11 the Governor and Legislature unless the recommendations, either all
12 or in part, are disapproved each by the Senate and the General
13 Assembly by passage of a concurrent resolution stating, in substance,
14 that the Legislature does not favor the recommendations. If the
15 recommendations are disapproved in part by concurrent resolution, the
16 commissioner shall implement those recommendations that are not
17 disapproved.¹

18

19 17. (New Section) a. Notwithstanding any other provision of law
20 to the contrary, the commissioner is authorized to set or change by
21 emergency order, for periods of up to 60 days, the speed limit on any
22 public highway based on emergent conditions, such as construction
23 work, dangerous conditions, extreme congestion or traffic problems,
24 imminent peril, or imminent risk to motorists or to the public safety.

25 b. An emergency order issued pursuant to this section shall cite
26 the portions of public highway to which it is to be applicable, a
27 description in plain language of what the order requires, the effective
28 date of the order, and any other information the commissioner deems
29 necessary.

30 c. An emergency order issued pursuant to this section shall be final
31 upon the signature of the commissioner, or on a later date if the
32 commissioner so determines, and shall be effective and enforceable
33 upon compliance with the requirement for the posting of signs
34 providing notice of the speed limit, as provided under the applicable
35 provisions of R.S.39:4-98 and R.S.39:4-198.

36 d. An emergency order issued pursuant to this section may, upon
37 its expiration date, be renewed by the commissioner for additional 60
38 day periods, until the emergent condition necessitating the emergency
39 order is mitigated.

40 e. Any official traffic control device established pursuant to this
41 section shall conform to the "Manual on Uniform Traffic Control
42 Devices."¹

43

44 1[5.] 8.¹ This act shall take effect ¹[of the first day of the second
45 month following enactment] immediately¹.

46

1

2

3 Establishes 65 mph speed limit for portions of State highway system
4 and State toll roads.

LEGISLATIVE COPY
DO NOT REMOVE

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GREGG

1 AN ACT concerning the rate of speed on certain highways and
2 amending R.S.39:4-98.

3

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

6

7 1. R.S.39:4-98 is amended to read as follows:

8 39:4-98. Rates of speed. Subject to the provisions of [sections]
9 R.S.39:4-96 and R.S.39:4-97 [of this Title] and except in those
10 instances where a lower speed is specified in this chapter, it shall be
11 prima facie lawful for the driver of a vehicle to drive it at a speed not
12 exceeding the following:

13 a. Twenty-five miles [an] per hour, when passing through a school
14 zone during recess, when the presence of children is clearly visible
15 from the roadway, or while children are going to or leaving school,
16 during opening or closing hours;

17 b. Twenty-five miles [an] per hour in any business or residential
18 district;

19 c. Fifty miles [an] per hour in all other locations; except as
20 otherwise provided in subsection d. of this section;

21 d. Sixty-five miles per hour on those portions of the state highway
22 system where this rate of speed is permitted by federal law.

23 Whenever it shall be determined upon the basis of an engineering
24 and traffic investigation that any speed hereinbefore set forth is greater
25 or less than is reasonable or safe under the conditions found to exist
26 at any intersection or other place or upon any part of a highway, the
27 Commissioner of Transportation, with reference to State highways,
28 may by regulation and municipal or county authorities, with reference
29 to highways under their jurisdiction, may by ordinance, in the case of
30 municipal authorities, or by ordinance or resolution, in the case of
31 county authorities, subject to the approval of the Commissioner of
32 Transportation, except as otherwise provided in R.S.39:4-8, designate

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 a reasonable and safe speed limit thereat which, subject to the
2 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful
3 at all times or at such times as may be determined, when appropriate
4 signs giving notice thereof are erected at such intersection, or other
5 place or part of the highway.

6 The driver of every vehicle shall, consistent with the requirements
7 of this section, drive at an appropriate reduced speed when
8 approaching and crossing an intersection or railway grade crossing,
9 when approaching and going around a curve, when approaching a hill
10 crest, when traveling upon any narrow or winding roadway, and when
11 special hazard exists with respect to pedestrians or other traffic or by
12 reason of weather or highway conditions.

13 The Commissioner of Transportation shall cause the erection and
14 maintenance of signs at such points of entrance to the State as are
15 deemed advisable, setting forth the lawful rates of speed, the wording
16 of which shall be within his discretion.

17 (cf: P.L.1983, c.227, s.2)

18

19 2. This act shall take effect on the first day of the second month
20 following enactment.

21

22

23

STATEMENT

24

25 This bill establishes a 65 miles per hour (mph) speed limit on those
26 portions of the highway system in New Jersey where permitted by
27 federal law.

28 Under federal law, those portions of eligible interstate and
29 non-interstate highway systems that run through non-urbanized areas
30 may have 65 mph speed limits. Approximately 215 miles of New
31 Jerseys highways administered by the State Department of
32 Transportation would qualify for a 65 mph speed limit.

33

34

35

36

37 Establishes 65 mph speed limit for portions of state highway system.

[Passed Both Houses]

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 731

STATE OF NEW JERSEY

ADOPTED JUNE 9, 1997

Sponsored by Assemblymen GREGG, CARROLL, LeFevre,
Bateman, Bucco, DeSopo, Assemblywoman Myers,
Assemblymen Zecker, Cohen, Assemblywoman Crecco,
Assemblymen DeCroce, Rooney, Assemblywoman Weinberg,
Assemblymen Carroll, Arnone, Bodine, Assemblywoman
Farragher, Assemblyman Garrett, Assemblywomen Quigley,
Vandervalk, Senators LaRossa, Scott and Cardinale

1 AN ACT concerning the rate of speed on certain highways and
2 amending R.S.39:4-98¹ [, P.L.1951, c.264, P.L.1952, c.16 and
3 P.L.1991, c.252] and supplementing chapter 4 of Title 39 of the
4 Revised Statutes¹.

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

8
9 1. R.S.39:4-98 is amended to read as follows:

10 39:4-98. Rates of speed. Subject to the provisions of [sections]
11 R.S.39:4-96 and R.S.39:4-97 [of this Title] and except in those
12 instances where a lower speed is specified in this chapter, it shall be
13 prima facie lawful for the driver of a vehicle to drive it at a speed not
14 exceeding the following:

15 a. Twenty-five miles [an] per hour, when passing through a school
16 zone during recess, when the presence of children is clearly visible
17 from the roadway, or while children are going to or leaving school,
18 during opening or closing hours;

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:

¹ Assembly amendments adopted in accordance with Governor's recommendations January 12, 1998.

1 b. (1) Twenty-five miles **[an]** per hour in any business or
2 residential district;

3 (2) Thirty-five miles '**[an]** per' hour in any suburban business or
4 residential district;

5 c. Fifty miles **[an]** per hour in all other locations, except as
6 otherwise provided in '**[subsection d. of this section;**

7 d. Sixty-five miles per hour on portions of the State highway
8 system including, but not limited to, interstate highways and highways
9 of similar design and access control] the "Sixty-Five MPH Speed Limit
10 Implementation Act," pursuant to section 2 of P.L. , c. (C.)
11 (now pending before the Legislature as this bill) '

12 Whenever it shall be determined upon the basis of an engineering
13 and traffic investigation that any speed hereinbefore set forth is greater
14 or less than is reasonable or safe under the conditions found to exist at
15 any intersection or other place or upon any part of a highway, the
16 Commissioner of Transportation, with reference to State highways,
17 may by regulation and municipal or county authorities, with reference
18 to highways under their jurisdiction, may by ordinance, in the case of
19 municipal authorities, or by ordinance or resolution, in the case of
20 county authorities, subject to the approval of the Commissioner of
21 Transportation, except as otherwise provided in R.S.39:4-8, designate
22 a reasonable and safe speed limit thereat which, subject to the
23 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful
24 at all times or at such times as may be determined, when appropriate
25 signs giving notice thereof are erected at such intersection, or other
26 place or part of the highway. Appropriate signs giving notice of the
27 speed limits authorized under the provisions of paragraph (1) of
28 subsection b. and subsection c. of this section may be erected if the
29 commissioner or the municipal or county authorities, as the case may
30 be, so determine they are necessary. Appropriate signs giving notice
31 of the speed limits authorized under the provisions of subsection a. and
32 paragraph (2) of subsection b. of this section shall be erected by the
33 commissioner or the municipal or county authorities, as appropriate.

34 The driver of every vehicle shall, consistent with the requirements
35 of this section, drive at an appropriate reduced speed when
36 approaching and crossing an intersection or railway grade crossing,
37 when approaching and going around a curve, when approaching a hill
38 crest, when traveling upon any narrow or winding roadway, and when
39 special hazard exists with respect to pedestrians or other traffic or by
40 reason of weather or highway conditions.

41 The Commissioner of Transportation shall cause the erection and
42 maintenance of signs at such points of entrance to the State as are
43 deemed advisable, setting forth the lawful rates of speed, the wording
44 of which shall be within his discretion.

45 (cf: 1993, c.315, s.2)

1 ¹[2. Section 3 of P.L.1951 c.264 (C.27:23-27) is amended to read
2 as follows:

3 3. A person operating a vehicle on any such turnpike project shall
4 operate it at a careful and prudent speed, having due regard to the
5 rights and safety of others and to the traffic, surface and width of the
6 highway, and any other conditions then existing; and no person shall
7 operate a vehicle on any such turnpike project at such a speed as to
8 endanger life, limb or property; provided, however, that it shall be
9 prima facie lawful for a driver of a vehicle to operate it at a speed not
10 exceeding a speed limit which is designated by the Authority as a
11 reasonable and safe speed limit, when appropriate signs giving notice
12 of such speed limit are erected at the roadside or otherwise posted for
13 the information of operators of vehicles.

14 No person shall operate a vehicle on any such turnpike project at
15 such a slow speed as to impede or block the normal and reasonable
16 movement of traffic except when reduced speed is necessary for safe
17 operation thereof.

18 No person shall operate a vehicle on any such turnpike project in
19 violation of any speed limit designated by regulation adopted by the
20 Authority as hereinafter provided.

21 Notwithstanding any speed limit designated by the Authority to the
22 contrary, it shall be prima facie lawful for a driver to operate a vehicle
23 at a rate of speed not exceeding 65 miles per hour unless the Authority
24 determines, based upon an engineering and traffic investigation, that
25 this speed is greater or less than is reasonable or safe under the
26 conditions found to exist on portions of the turnpike project.

27 (cf: P.L.1951, c.264, s.3)]¹

28
29 ¹[3. Section 18 of P.L.1952, c.16 (C.27:12B-18) is amended to
30 read as follows:

31 18. (a) No vehicle shall be permitted to make use of any project
32 except upon the payment of such tolls as may from time to time be
33 prescribed by the Authority.

34 It is hereby declared to be unlawful for any person to refuse to pay,
35 or to evade or to attempt to evade the payment of such tolls.

36 (b) No vehicle shall be operated on any project carelessly or
37 recklessly, or in disregard of the rights or safety of others, or without
38 due caution or prudence, or in a manner so as to endanger unreasonably
39 or to be likely to endanger unreasonably persons or property, or while
40 the operator thereof is under the influence of intoxicating liquors or
41 any narcotic or habit-forming drug, nor shall any vehicle be so
42 constructed, equipped, lacking in equipment, loaded or operated in
43 such a condition of disrepair as to endanger unreasonably or to be
44 likely to endanger unreasonably persons or property.

45 (c) A person operating a vehicle on any project shall operate it at
46 a careful and prudent speed, having due regard to the rights and safety

1 of others and to the traffic, surface and width of the highway, and any
2 other conditions then existing; and no person shall operate a vehicle on
3 any project at such a speed as to endanger life, limb or property;
4 provided, however, that it shall be prima facie lawful for a driver of a
5 vehicle to operate it at a speed not exceeding a speed limit which is
6 designated by the Authority as a reasonable and safe speed limit, when
7 appropriate signs giving notice of such speed limit are erected at the
8 roadside or otherwise posted for the information of operators of
9 vehicles. Notwithstanding any speed limit designated by the Authority
10 to the contrary, it shall be prima facie lawful for a driver to operate a
11 vehicle at a rate of speed not exceeding 65 miles per hour unless the
12 Authority determines, based upon an engineering and traffic
13 investigation, that this rate of speed is greater or less than is reasonable
14 or safe under the conditions found to exist on portions of the project.

15 (d) No person shall operate a vehicle on any project at such a slow
16 speed as to impede or block the normal and reasonable movement of
17 traffic except when reduced speed is necessary for safe operation
18 thereof.

19 (e) No person shall operate a vehicle on any project in violation of
20 any speed limit designated by regulation adopted by the Authority as
21 hereinafter provided.

22 (f) All persons operating vehicles upon any project must at all
23 times comply with any lawful order, signal or direction by voice or
24 hand of any police officer engaged in the direction of traffic upon such
25 project. When traffic on a project is controlled by traffic lights, signs
26 or by mechanical or electrical signals, such lights, signs and signals
27 shall be obeyed unless a police officer directs otherwise.

28 (g) All persons operating vehicles upon any project, or seeking to
29 do so, must at all times comply with regulations, not inconsistent with
30 the other sections of this act, adopted by the Authority concerning
31 types, weights and sizes of vehicles permitted to use such project, and
32 with regulations adopted by the Authority for or prohibiting the
33 parking of vehicles, concerning the making of turns and the use of
34 particular traffic lanes, together with any and all other regulations
35 adopted by the Authority to control traffic and prohibit acts hazardous
36 in their nature or tending to impede or block the normal and reasonable
37 flow of traffic upon such project; provided, however, that prior to the
38 adoption of any regulation for the control of traffic on any such project,
39 including the designation of any speed limits, the Authority shall
40 investigate and consider the need for and desirability of such regulation
41 for the safety of persons and property, including the Authority's
42 property, and the contribution which any such regulation would make
43 toward the efficient and safe handling of traffic and use of such project,
44 and shall determine that such regulation is necessary or desirable to
45 accomplish such purposes or one or some of them, and that upon or
46 prior to the effective date of any such regulation and during its

1 continuance, notice thereof shall be given to the drivers of vehicles by
2 appropriate signs erected at the roadside or otherwise posted. The
3 Authority is hereby authorized and empowered to make, adopt and
4 promulgate regulations referred to in this section in accordance with
5 the provisions hereof. Regulations adopted by the Authority pursuant
6 to the provisions of this section shall insofar as practicable, having due
7 regard to the features of the project and the characteristics of traffic
8 thereon, be consistent with the provisions of Title 39 of the Revised
9 Statutes applicable to similar subjects. The Authority shall have power
10 to amend, supplement or repeal any regulation adopted by it under the
11 provisions of this section. No regulation and no amendment or
12 supplement thereto or repealer thereof adopted by the Authority shall
13 take effect until it is filed with the Secretary of State, by the filing of
14 a copy thereof certified by the secretary of the Authority.

15 (h) The operator of any vehicle upon a project involved in an
16 accident resulting in injury or death to any person or damage to any
17 property shall immediately stop such vehicle at the scene of the
18 accident, render such assistance as may be needed, and give his name,
19 address, and operator's license and registration number to the person
20 injured and to any officer or witness of the injury and shall make a
21 report of such accident in accordance with law.

22 (i) No person shall transport in or upon any project, any dynamite,
23 nitroglycerin, black powder, fireworks, blasting caps or other
24 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
25 turpentine, formaldehyde or other inflammable or combustible liquids,
26 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
27 magnesium, nitro-cellulose film, peroxides or other readily
28 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
29 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
30 carbolic acid, potassium cyanide, tear gas, lewisite or any other
31 poisonous substances, liquids or gases, or any compressed gas, or any
32 radioactive article, substance or material, at such time or place or in
33 such manner or condition as to endanger unreasonably or as to be
34 likely to endanger unreasonably persons or property.

35 (j) If the violation of any provision of this section or the violation
36 of any regulation adopted by the Authority under the provisions of this
37 section, would have been a violation of law or ordinance if committed
38 on any public road, street or highway in the municipality in which such
39 violation occurred, it shall be tried and punished in the same manner
40 as if it had been committed in such municipality.

41 (k) Notwithstanding the provisions of paragraph (j) of this section,
42 if the violation within the State of the provisions of paragraph (i) of
43 this section shall result in injury or death to a person or persons or
44 damage to property in excess of the value of five thousand dollars
45 (\$5,000.00), such violation shall constitute a high misdemeanor.

46 (l) Except as provided in paragraph (j) or (k) of this section, any

1 violation of any of the provisions of this section, including but not
2 limited to those regarding the payment of tolls, and any violation of
3 any regulation adopted by the Authority under the provisions of this
4 section shall be punishable by a fine not exceeding two hundred dollars
5 (\$200.00) or by imprisonment not exceeding thirty days or by both
6 such fine and imprisonment. Such a violation shall be tried in a
7 summary way and shall be within the jurisdiction of and may be
8 brought in the Superior Court or municipal court where the offense was
9 committed. The rules of the Supreme Court shall govern the practice
10 and procedure in such proceedings. Proceedings under this section may
11 be instituted on any day of the week, and the institution of the
12 proceedings on a Sunday or a holiday shall be no bar to the successful
13 prosecution thereof. Any process served on a Sunday or a holiday shall
14 be as valid as if served on any other day of the week. When imposing
15 any penalty under the provisions of this paragraph the court having
16 jurisdiction shall be guided by the appropriate provisions of any statute
17 fixing uniform penalties for violation of provisions of the motor
18 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

19 (m) In any prosecution for violating a regulation of the Authority
20 adopted pursuant to the provisions of this section copies of any such
21 regulation when authenticated under the seal of the Authority by its
22 secretary or assistant secretary shall be evidence in like manner and
23 equal effect as the original.

24 (n) No resolution or ordinance heretofore or hereafter adopted by
25 the governing body of any county or municipality for the control and
26 regulation of traffic shall be applicable to vehicles while upon any
27 project operated by the Authority.

28 (o) In addition to any punishment or penalty provided by other
29 paragraphs of this section, every registration certificate and every
30 license certificate to drive motor vehicles may be suspended or revoked
31 and any person may be prohibited from obtaining a driver's license or
32 a registration certificate and the reciprocity privileges of a nonresident
33 may be suspended or revoked by the Director of the Division of Motor
34 Vehicles for a violation of any of the provisions of this section, after
35 due notice in writing of such proposed suspension, revocation or
36 prohibition and the ground thereof, and otherwise in accordance with
37 the powers, practice and procedure established by those provisions of
38 Title 39 of the Revised Statutes applicable to such suspension,
39 revocation or prohibition.

40 (p) Except as otherwise provided by this section or by any
41 regulation of the Authority made in accordance with the provisions
42 hereof, the requirements of Title 39 of the Revised Statutes applicable
43 to persons using, driving or operating vehicles on the public highways
44 of this State and to vehicles so used, driven or operated shall be
45 applicable to persons using, driving or operating vehicles on any

1 project and to vehicles so used, driven or operated.

2 (cf: P.L.1991, c.91, s.303)]¹

3

4 ¹[4. Section 21 of P.L.1991, c.252, (C.27:25A-21) is amended to
5 read as follows:

6 21. a. Except as otherwise provided in subsection a. of section 19
7 of this act, no vehicle shall be permitted to make use of any expressway
8 project except upon the payment of the tolls as may from time to time
9 be prescribed by the authority. It shall be unlawful for any person to
10 refuse to pay, or to evade or to attempt to evade the payment of the
11 tolls.

12 b. No vehicle shall be operated on any project carelessly or
13 recklessly, or in disregard of the rights or safety of others, or without
14 due caution or prudence, or in a manner so as to endanger unreasonably
15 or to be likely to endanger unreasonably persons or property, while the
16 operator thereof is under the influence of intoxicating liquors or any
17 narcotic or habit-forming drug, nor shall any vehicle be so constructed,
18 equipped, lacking in equipment, loaded or operated in such a condition
19 of disrepair as to endanger unreasonably or to be likely to endanger
20 unreasonably persons or property.

21 c. A person operating a vehicle on any project shall operate at a
22 careful and prudent speed, having due regard to the rights and safety of
23 others and to the traffic, surface and width of the highway, and any
24 other conditions then existing; and no person shall operate a vehicle on
25 any project at a speed as to endanger life, limb or property; except that
26 it shall be prima facie lawful for a driver of a vehicle to operate it at a
27 speed not exceeding a speed limit which is designated by the authority
28 as a reasonable and safe speed limit, when appropriate signs giving
29 notice of that speed limit are erected at the roadside or otherwise
30 posted for the information of operators of vehicles. Notwithstanding
31 any speed limit designated by the authority to the contrary, it shall be
32 prima facie lawful for a driver to operate at a rate of speed not
33 exceeding 65 miles per hour unless the authority determines, based
34 upon an engineering and traffic investigation, that this speed is greater
35 or less than is reasonable or safe under the conditions found to exist on
36 portions of the project.

37 d. No person shall operate a vehicle on any project at a slow speed
38 as to impede or block the normal and reasonable movement of traffic
39 except when reduced speed is necessary for safe operation thereof.

40 e. No person shall operate a vehicle on any project in violation of
41 any speed limit designated by regulation adopted by the authority.

42 f. All persons operating vehicles upon any project must at all times
43 comply with any lawful order, signal or direction by voice or hand of
44 any police officer engaged in the direction of traffic upon such project.
45 When traffic on a project is controlled by traffic lights, signs or by
46 mechanical or electrical signals, those lights, signs and signals shall be

1 obeyed unless a police officer directs otherwise.

2 g. All persons operating vehicles upon any project, or seeking to
3 do so, must at all times comply with regulations, not inconsistent with
4 the other sections of this act, adopted by the authority concerning
5 types, weights and sizes of vehicles permitted to use the project, and
6 with regulations adopted by the authority for or prohibiting the
7 parking of vehicles, concerning the making of turns and the use of
8 particular traffic lanes, together with any and all other regulations
9 adopted by the authority to control traffic and prohibit acts hazardous
10 in their nature or tending to impede or block the normal and reasonable
11 flow of traffic upon the project; except that prior to the adoption of any
12 regulation for the control of traffic on any project, including the
13 designation of any speed limits, the authority shall investigate and
14 consider the need for and desirability of the regulation for the safety of
15 persons and property, including the authority's property, and the
16 contribution which that regulation would make toward the efficient and
17 safe handling of traffic and use of the project, and shall determine that
18 the regulation is necessary or desirable to accomplish the purposes or
19 one or some of them, and that upon or prior to the effective date of the
20 regulation and during its continuance, notice thereof shall be given to
21 the drivers of vehicles by appropriate signs erected at the roadside or
22 otherwise posted. The authority may adopt regulations referred to in
23 this section in accordance with the provisions hereof and in accordance
24 with the provisions of the "Administrative Procedure Act." Regulations
25 adopted by the authority pursuant to the provisions of this section shall
26 insofar as practicable, having due regard to the features of the project
27 and the characteristics of traffic thereon and except as to maximum or
28 minimum speed limits, be consistent with the provisions of Title 39 of
29 the Revised Statutes applicable to similar subjects. The authority shall
30 have power to amend, supplement or repeal any regulation adopted by
31 it under the provisions of this section. No regulation and no
32 amendment or supplement thereto or repealer thereof adopted by the
33 authority shall take effect until it is filed with the Office of
34 Administrative Law, by the filing of a copy thereof certified by the
35 secretary of the authority.

36 h. The operator of any vehicle upon a project involved in an
37 incident resulting in injury or death to any person or damage to any
38 property shall immediately stop the vehicle at the scene of the incident,
39 render assistance as may be needed, and give his name, address, and
40 operator's license and motor vehicle registration number to the person
41 injured and to any officer or witness of the injury and shall make a
42 report of the incident in accordance with law.

43 i. No person shall transport in or upon any expressway project, any
44 dynamite, nitroglycerin, black powder, fireworks, blasting caps or other
45 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
46 turpentine, formaldehyde or other inflammable or combustible liquids,

1 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
2 magnesium, nitro-cellulose film, peroxides or other readily
3 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
4 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
5 carbolic acid, potassium cyanide, tear gas, lewisite or any other
6 poisonous substances, liquids or gases, or any compressed gas, or any
7 radioactive article, substance or material, at a time or place or in a
8 manner or condition as to endanger unreasonably or as to be likely to
9 endanger unreasonably persons or property.

10 j. If the violation of any provision of this section or the violation
11 of any regulation adopted by the authority under the provisions of this
12 section would have been a violation of law or ordinance if committed
13 on any public road, street or highway in the municipality in which the
14 violation occurred, it shall be tried and punished in the same manner
15 as if it had been committed in that municipality.

16 k. Notwithstanding the provisions of subsection j. of this section,
17 if the violation of the provisions of subsection i. of this section shall
18 result in injury or death to a person or persons or damage to property
19 in excess of the value of \$5,000, that violation shall constitute a crime
20 of the third degree.

21 l. Except as provided in subsection j. or k. of this section, any
22 violation of any of the provisions of this section, including but not
23 limited to those regarding the payment of tolls, and any violation of
24 any regulation adopted by the authority under the provisions of this
25 section shall be punishable by a fine not exceeding \$500 or by
26 imprisonment not exceeding 30 days or by both. A violation shall be
27 tried in a summary way and shall be within the jurisdiction of and may
28 be brought in the Special Civil Part of the Law Division of the Superior
29 Court or any municipal court in the county where the offense was
30 committed. Proceedings under this section may be instituted on any
31 day of the week, and the institution of the proceedings on a Sunday or
32 a holiday shall be no bar to the successful prosecution thereof. Any
33 process served on a Sunday, or a holiday shall be as valid as if served
34 on any other day of the week. When imposing any penalty under the
35 provisions of this subsection the court having jurisdiction shall be
36 guided by the appropriate provisions of any statute fixing uniform
37 penalties for violation of provisions of the motor vehicle and traffic
38 laws contained in Title 39 of the Revised Statutes.

39 m. In any prosecution for violating a regulation of the authority
40 adopted pursuant to the provisions of this section, copies of that
41 regulation when authenticated under the seal of the authority by its
42 secretary or assistant secretary shall be evidence in like manner and
43 equal effect as the original.

44 n. No resolution or ordinance adopted by the governing body of
45 any county or municipality for the control and regulation of traffic shall
46 be applicable to vehicles while upon any expressway project operated

1 by the authority.

2 o. In addition to any punishment or penalty provided by other
3 subsections of this section, every registration certificate and every
4 license certificate to drive motor vehicles may be suspended or revoked
5 and any person may be prohibited from obtaining a driver's license or
6 a registration certificate and the reciprocity privileges of a nonresident
7 may be suspended or revoked by the Director of the Division of Motor
8 Vehicles for a violation of any of the provisions of this section, after
9 due notice in writing of the proposed suspension, revocation or
10 prohibition and the ground thereof, all otherwise in accordance with
11 the powers, practice and procedure established by the provisions of
12 Title 39 of the Revised Statutes applicable to the suspension,
13 revocation or prohibition.

14 p. Except as otherwise provided by this section or by any
15 regulation of the authority adopted in accordance with the provisions
16 of this section, the requirements of Title 39 of the Revised Statutes
17 applicable to persons using, driving or operating vehicles on the public
18 highways of this State and to vehicles so used, driven or operated shall
19 be applicable to persons using, driving or operating vehicles on any
20 expressway project and to vehicles so used, driven or operated.
21 (cf: P.L.1991, c.252, s.21)]¹

22
23 '2. (New section) This act may be known and shall be cited as the
24 "Sixty-Five MPH Speed Limit Implementation Act."¹

25
26 '3. (New section) As used in this act:

27 "Authorities" means the New Jersey Highway Authority, the New
28 Jersey Turnpike Authority and the South Jersey Transportation
29 Authority.

30 "Commissioner" means the Commissioner of Transportation.

31 "Eligible public highways" means public highways as defined in
32 section 3 of P.L. 1984, c. 73 (C.27:1B-3) of which portions have been
33 determined by the commissioner to be appropriate for a 65 miles per
34 hour speed limit based on such criteria as determined by the
35 commissioner. Public highways under the jurisdiction of counties and
36 municipalities shall not be eligible public highways.¹

37
38 '4. (New section) a. Within four months following the effective
39 date of this act, the commissioner, in consultation with the Attorney
40 General and the authorities, shall establish by written order speed
41 limits of 65 miles per hour on approximately 400 miles of eligible
42 public highways. The commissioner, pursuant to section 6 of this act,
43 may increase or decrease the number of miles of eligible public
44 highways on which a 65 miles per hour speed limit has been
45 established.

46 b. An order to be issued pursuant to subsection a. of this section

1 shall cite the eligible public highways to which it is to be applicable
2 and contain a description in plain language of the order's contents, the
3 effective date of the order and any other information the commissioner
4 deems necessary.

5 c. The commissioner shall cause a general public notice of the
6 proposed order, including a summary of the provisions of the proposed
7 order, to be published in a newspaper or newspapers having general
8 circulation in the municipality or municipalities affected by the order.
9 The notice shall include a telephone number or address which a
10 member of the public may use to receive a copy of the complete text of
11 the proposed order and shall provide for a 30-day period from the date
12 of publication for public comment. The order shall be final on the 31st
13 day after publication of the notice or on a later date if the
14 commissioner so determines. Nothing in this subsection shall be
15 construed as prohibiting the commissioner from extending the
16 comment period or from modifying or withdrawing the proposed order
17 as a result of the review of public comment.

18 d. A final order shall be effective and enforceable upon compliance
19 with the requirement for the posting of signs providing notice of the
20 speed limit, as provided under the applicable provisions of R.S.39:4-98
21 and R.S.39:4-198.

22 e. Any official traffic control device established pursuant to this
23 section shall conform to the "Manual on Uniform Traffic Control
24 Devices."

25 f. Any order issued pursuant to this section shall be binding and
26 enforceable under the provisions of Title 39 of the Revised Statutes
27 and all other applicable laws, in any court of competent jurisdiction,
28 until superseded by order of the commissioner pursuant to this act.¹
29

30 ¹5. (New section) a. The fine for a motor vehicle offense embodied
31 in the following sections of statutory law, when committed in an area
32 which has been designated as having a speed limit of 65 miles per
33 hour, shall be double the amount specified by law:

34 R.S.39:4-52;

35 R.S.39:4-57;

36 R.S. 39:4-80;

37 R.S. 39:4-81;

38 R.S. 39:4-84;

39 R.S. 39:4-85;

40 R.S. 39:4-86;

41 R.S. 39:4-88;

42 R.S. 39:4-89;

43 R.S. 39:4-90;

44 R.S. 39:4-96;

45 R.S. 39:4-97;

46 R.S. 39:4-98, when guilty of driving at a speed that is 10 miles per hour

1 or more over the established speed limit;
2 R.S. 39:4-126;
3 R.S. 39:4-127;
4 R.S. 39:4-129;
5 R.S. 39:4-144;
6 P.L. 1955, c.217 (C.39:5C-1);
7 Section 41 of P.L. 1951, c.23 (C.39:4-82.1);
8 Section 51 of P.L. 1951, c.23 (C.39:4-90.1);
9 Section 5 of P.L. 1951, c.264 (C.27:23-29);
10 Section 18 of P.L. 1952, c.16 (C.27:12B-18); and
11 Section 21 of P.L. 1991, c.252 (C.27:25A-21).

12 b. (1) Signs designed in compliance with the specifications of the
13 Department of Transportation or, if appropriate, the authority having
14 jurisdiction over the appropriate highway, shall be appropriately
15 placed, by order of the commissioner or the affected authority, as the
16 case may be, to notify drivers approaching areas designated as having
17 a speed limit of 65 miles per hour that the fines are doubled for motor
18 vehicle offenses in those areas.

19 (2) In addition, all traffic control signs and devices erected or
20 displayed by the State Department of Transportation or an authority
21 within an area designated as having a speed limit of 65 miles per hour
22 shall conform to the uniform system specified in the most current
23 "Manual on Uniform Traffic Control Devices for Streets and Highways,
24 " prepared by the Federal Highway Administration in the United States
25 Department of Transportation.

26 c. It shall not be a defense to the imposition of the fines authorized
27 under the provisions of this act that a sign notifying drivers that fines
28 are doubled was not posted, improperly posted, wrongfully removed or
29 stolen, or that signs or devices were not placed in compliance with the
30 most current "Manual on Uniform Traffic Control Devices for Streets
31 and Highways."

32 d. The Director of Motor Vehicles in the Department of
33 Transportation shall include information concerning the penalties
34 imposed pursuant to this section in any subsequent revision of the New
35 Jersey Driver Manual and the New Jersey Motorist Guide.¹

36
37 ¹6. (New section) a. During the first 18 months following the
38 establishment of 65 miles per hour speed limits on eligible public
39 highways pursuant to section 4 of this act, the commissioner, in
40 consultation with the Attorney General and the authorities, shall
41 conduct a study to determine the overall impact of this act. The study
42 shall consider public safety, environmental and cost issues, including,
43 but not limited to speed, accident rates, fatalities, enforcement, air
44 quality and such other issues as the commissioner deems appropriate
45 to evaluate fully the effect of the 65 miles per hour speed limit on the
46 State.

1 b. A report of the study's findings and recommendations, including
2 a recommendation as to whether the number of miles of eligible public
3 highways should increase, decrease or remain the same, shall be
4 submitted to the Governor, President of the Senate and Speaker of the
5 General Assembly no later than 21 months after the establishment of
6 65 miles per hour speed limits on eligible public highways pursuant to
7 section 4 of this act.

8 c. The commissioner shall implement the recommendations
9 contained in the report 60 days following the report's submission to the
10 Governor and Legislature unless the recommendations, either all or in
11 part, are disapproved each by the Senate and the General Assembly by
12 passage of a concurrent resolution stating, in substance, that the
13 Legislature does not favor the recommendations. If the
14 recommendations are disapproved in part by concurrent resolution, the
15 commissioner shall implement those recommendations that are not
16 disapproved.¹

17
18 '7. (New Section) a. Notwithstanding any other provision of law
19 to the contrary, the commissioner is authorized to set or change by
20 emergency order, for periods of up to 60 days, the speed limit on any
21 public highway based on emergent conditions, such as construction
22 work, dangerous conditions, extreme congestion or traffic problems,
23 imminent peril, or imminent risk to motorists or to the public safety.

24 b. An emergency order issued pursuant to this section shall cite the
25 portions of public highway to which it is to be applicable, a description
26 in plain language of what the order requires, the effective date of the
27 order, and any other information the commissioner deems necessary.

28 c. An emergency order issued pursuant to this section shall be final
29 upon the signature of the commissioner, or on a later date if the
30 commissioner so determines, and shall be effective and enforceable
31 upon compliance with the requirement for the posting of signs
32 providing notice of the speed limit, as provided under the applicable
33 provisions of R.S.39:4-98 and R.S.39:4-198.

34 d. An emergency order issued pursuant to this section may, upon
35 its expiration date, be renewed by the commissioner for additional 60
36 day periods, until the emergent condition necessitating the emergency
37 order is mitigated.

38 e. Any official traffic control device established pursuant to this
39 section shall conform to the "Manual on Uniform Traffic Control
40 Devices."¹

41
42 '[5.] 8.'¹ This act shall take effect ¹[of the first day of the second
43 month following enactment] immediately¹.

- 1 _____
- 2
- 3 Establishes 65 mph speed limit for portions of State highway system
- 4 and State toll roads.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 731

STATE OF NEW JERSEY

DATED: JUNE 9, 1997

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 731.

The committee substitute amends R.S.39:4-98; P.L.1951, c.264; P.L.1952, c.16 and P.L.1991, c.252 to authorize a 65 miles per hour (mph) speed limit on portions of the State's highway system and toll road system.

It is the Committee's understanding that under the provisions of the substitute approximately 456 miles of the controlled access highways administered by the State Department of Transportation and approximately 353 miles of the State's toll roads (the New Jersey Turnpike, the Garden State Parkway and the Atlantic City Expressway) would qualify for a 65 mph speed limit.

ASSEMBLY COMMITTEE SUBSTITUTE
ASSEMBLY BILL NO. 731

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill No. 731 with my recommendations for reconsideration.

A. Summary of Bill

This bill provides that the speed limit on portions of controlled access State highways and toll roads shall be increased to 65 miles per hour. The bill further states that notwithstanding any speed limit designed by the applicable authority to the contrary, it shall be prima facie lawful for a driver to operate a vehicle at a rate of speed not exceeding 65 miles per hour unless the applicable authority determines, based upon an engineering and traffic investigation, that this speed is greater or less than is reasonable or safe.

B. Recommended Action

In 1995, Congress signed the National Highway System Designation Act, effectively repealing the national 55 mile per hour speed limit. Since 1995, forty-seven states have increased their maximum speed limits. Thus far, Connecticut, Hawaii and New Jersey have not raised their speed limits.

The sponsors of the bill propose that New Jersey join the ranks of the other states in this nation by a wholesale increase in the State's speed limit to 65 miles per hour. I agree with the sponsors that it may be time for an increase in the State's speed limit. I believe, however, that any increase should be

implemented on a gradual basis so that we can determine the implications of raising the speed limit in New Jersey.

Studies and data collected from the forty-seven states which have raised their speed limits are inconclusive. Some states have found an increase in fatalities; others have not. I note that New Jersey is a unique state. It is both one of the smallest states in the nation and one of the most densely populated. As a corridor state, high volumes of traffic pass through the State daily. Consequently, I believe that a 65 mile per hour speed limit should be instituted on a limited basis to allow the State to comprehend the ramifications of a speed limit increase.

In brief, I propose that an eighteen -month study period be established to study the effects of increasing the speed limit. During that time, the increased speed limit will be implemented on approximately 400 miles of State highways and toll roads. Within three months after the expiration of the eighteen-month study period, the Commissioner of Transportation, in consultation with the Attorney General, shall submit a report on the effects of the speed limit increase. The report shall consider public safety, environmental, and cost issues including but not limited to speed, accident rates, fatalities, enforcement, air quality and such other issues as the Commissioner deems appropriate to evaluate fully the effects of the 65 miles per hour speed limit on the State.

The Commissioner shall implement the recommendations contained in the report unless the Legislature, acting by passage of a concurrent resolution within 60 days of the

submission of the report, disapproves the recommendations in whole or in part.

Finally, I propose that traffic fines be doubled for aggressive driving offenses (e.g., tailgating, improper lane changing) and for speeding 10 miles per hour above the speed limit in 65 miles per hour zones.

Therefore, I herewith return Assembly Committee Substitute for Assembly Bill No. 731 and recommend that it be amended as follows:

- Page 1, Title, Lines 2-3: After "R.S. 39:4-98," delete rest of title and insert "and supplementing R.S. 39:4-1 et seq.."
- Page 1, Section 1, Line 20: Delete "an" and insert "per"
- Page 1, Section 1, Line 23: Delete "subsection d. of this section;" and insert "the Sixty-Five MPH Speed Limit Implementation Act, added by P.L. , c. (now pending before the Legislature as this bill)."
- Page 1, Section 1, Lines 24-26: Delete in entirety
- Page 2, Section 2, Line 36 -
Page 3, Section 2, Line 16: Delete in entirety
- Page 3, Section 3, Line 18 -
Page 6, Section 3, Line 36: Delete in entirety
- Page 6, Section 4, Line 38 -
Page 10, Section 4, Line 9: Delete in entirety
- Page 10, Line 10: Insert new section as follows:
"21. Chapter 4 of R.S. 39 supplemented to read follows:

SIXTY-FIVE MPH SPEED LIMIT IMPLEMENTATION ACT

1. As used in this act:

"Authorities" means the "New Jersey Highway Authority," the "New Jersey Turnpike Authority," and the "South Jersey Transportation Authority."

"Commissioner" means the Commissioner of Transportation.

"Eligible public highways" means public highways as defined in section 3 of P.L.1984, c.73 (C.27:1B-3) of which portions have been determined by the commissioner to be appropriate for a 65 miles per hour speed limit based on such criteria as determined by the commissioner. Public highways under the jurisdiction of counties and municipalities shall not be eligible public highways.

2. a. Within four months following the effective date of this act, the commissioner, in consultation with the Attorney General and the authorities, shall establish by written order speed limits of 65 miles per hour on approximately 400 miles of eligible public highways. The commissioner, pursuant to section 4 of this act, may increase or decrease the number of miles of eligible public highways on which a 65 miles per hour speed limit has been established.

b. An order to be issued pursuant to subsection a. of this section shall cite the eligible public highways to which it is to be applicable and contain a description in plain language of the order's contents, the effective date of the order, and any other information the commissioner deems necessary.

c. The commissioner shall cause a general public notice of the proposed order, including a summary of the provisions of the proposed order, to be published in a newspaper

or newspapers having general circulation in the municipality or municipalities affected by the order. The notice shall include a telephone number or address which a member of the public may use to receive a copy of the complete text of the proposed order and shall provide for a 30-day period from the date of publication for public comment. The order shall be final on the 31st day after publication of the notice or on a later date if the commissioner so determines. Nothing in this subsection shall be construed as prohibiting the commissioner from extending the comment period or from modifying or withdrawing the proposed order as a result of the review of public comment.

d. A final order shall be effective and enforceable upon compliance with the requirement for the posting of signs providing notice of the speed limit, as provided under the applicable provisions of R.S.39:4-98 and R.S.39:4-198.

e. Any official traffic control device established pursuant to this section shall conform to the "Manual on Uniform Traffic Control Devices."

f. Any order issued pursuant to this section shall be binding and enforceable under the provisions of Title 39 of the Revised Statutes and all other applicable laws, in any court of competent jurisdiction, until superseded by order of the commissioner pursuant to this act.

3. a. The fine for a motor vehicle offense embodied in the following sections of statutory

law, when committed in an area which has been designated as having a speed limit of 65 miles per hour, shall be double the amount specified by law:

R.S.39:4-52;
R.S.39:4-57;
R.S.39:4-80;
R.S.39:4-81;
R.S.39:4-84;
R.S.39:4-85;
R.S.39:4-86;
R.S.39:4-88;
R.S.39:4-89;
R.S.39:4-90;
R.S.39:4-96;
R.S.39:4-97;
R.S.39:4-98, when guilty of driving at a speed that is 10 miles per hour or more over the established speed limit;
R.S.39:4-126;
R.S.39:4-127;
R.S.39:4-129;
R.S.39:4-144;
P.L.1955, c.217 (C.39:5C-1);
Section 41 of P.L.1951, c.23 (C.39:4-82.1);
Section 51 of P.L.1951, c.23 (C.39:4-90.1);
Section 5 of P.L.1951, c.23 (C.27:23-29);
Section 18 of P.L.1952, c.23 (C.27:12B-18); and
Section 21 of P.L.1991, c.23 (C.27:25A-21).

b. (1) Signs designed in compliance with the specifications of the Department of Transportation or, if appropriate, the authority having jurisdiction over the appropriate highway, shall be appropriately placed, by order of the commissioner or the affected authority, as the case may be, to notify drivers approaching areas designated as having a speed limit of 65 miles per hour that the fines are doubled for motor vehicle offenses in those areas.

2) In addition, all traffic control signs and devices erected or

displayed by the State Department of Transportation or an authority within an area designated as having a speed limit of 65 miles per hour shall conform to the uniform system specified in the most current "Manual on Uniform Traffic Control Devices for Streets and Highways," prepared by the Federal Highway Administration in the United States Department of Transportation.

c. It shall not be a defense to the imposition of the fines authorized under the provisions of this act that a sign notifying drivers that fines are doubled was not posted, improperly posted, wrongfully removed or stolen, or that signs or devices were not placed in compliance with the most current "Manual on Uniform Traffic Control Devices for Streets and Highways."

d. The Director of Motor Vehicles in the Department of Transportation shall include information concerning the penalties imposed pursuant to this section in any subsequent revision of the New Jersey Driver Manual and the New Jersey Motorist Guide.

4. The fine for a motor vehicle offense, shall be double the amount specified by law when traveling 20 miles per hour or more over the designated speed limit as set forth in R.S. 39:4-93, except as provided in subsection b of section 1 of P.L. 1993, c.332 (C.39:4-203.5) and subsection a of section 3 of P.L. 1993, c.332 (C.39:4-203.5) (now pending before the Legislature as this bill).

5. a. During the first 18 months following the establishment of 65 miles per hour speed limits on eligible public highways pursuant to section 2 of this act, the commissioner, in consultation with the Attorney General and the authorities, shall conduct a study to determine the overall impact of this act. The study shall consider public safety and environmental, and cost issues, including but not limited to speed, accident rates, fatalities, enforcement, air quality, and such other issues as the commissioner deems appropriate to evaluate fully the effect of the 65 miles per hour speed limit on the State.

b. A report of the study's findings and recommendations, including a recommendation as to whether the number of miles of eligible public highways should increase, decrease or remain the same, shall be submitted to the Governor, President of the Senate, and Speaker of the General Assembly no later than 21 months after the establishment of 65 miles per hour speed limits on eligible public highways pursuant to section 2 of this act.

c. The commissioner shall implement the recommendations contained in the report 60 days following the report's submission to the Governor and Legislature unless the recommendations, either all or in part, are disapproved each by the Senate and the General Assembly by passage of a concurrent resolution stating, in substance, that the Legislature does not favor the

recommendations. If the recommendations are disapproved in part by concurrent resolution, the commissioner shall implement those recommendations that are not disapproved.

6. a. Notwithstanding any other provision of law, the commissioner is authorized to set or change by emergency order, for periods of up to 60 days, the speed limit on any public highway based on emergent conditions, such as construction work, dangerous conditions, extreme congestion or traffic problems, imminent peril, or imminent risk to motorists or to the public safety of New Jersey citizens.

b. An emergency order issued pursuant to this section shall cite the portions of public highway to which it is to be applicable, a description in plain language of what the order requires, the effective date of the order, and any other information the commissioner deems necessary.

c. An emergency order issued pursuant to this section shall be final upon the signature of the commissioner, or on a later date if the commissioner so determines, and shall be effective and enforceable upon compliance with the requirement for the posting of signs providing notice of the speed limit, as provided under the applicable provisions of R.S.39:4-93 and R.S.39:4-198.

d. An emergency order issued pursuant to this section may, upon its expiration date, be renewed by the

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

10

commissioner for
additional 60 day
periods, until the
emergent condition
necessitating the
emergency order is
mitigated.

e. Any official traffic
control device
established pursuant to
this section shall
conform to the "Manual on
Uniform Traffic Control
Devices."

Page 10, Section 5, Line 11:

Delete "5." and insert
"3."; after "effect"
delete "of the first day
of the second month
following enactment" and
insert "immediately"

Respectfully,

/s/ Christine Todd Whitman

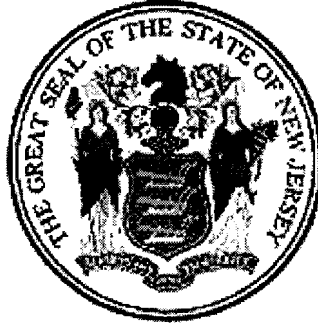
GOVERNOR

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor



OFFICE OF THE GOVERNOR

NEWS RELEASE

PO BOX 004

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TRENTON, NJ 08625

RELEASE: January 19, 1998



GOVERNOR ENACTS 65 MPH SPEED LIMIT, SIGNS ADDITIONAL BILLS

Gov. Christie Whitman today signed legislation increasing the speed limit to 65 miles per hour on approximately 400 miles of eligible state highways for an 18-month study period. The Department of Transportation will submit a report making recommendations for improvement in the law within three months of the end of the study period. The recommendations would take effect unless disapproved by the Legislature within 60 days.

The bill signed by the Governor also doubles the monetary fine for aggressive driving offenses and speeding 10 miles per hour over the speed limit in a 65 miles per hour zone and speeding 20 miles per hour over the speed limit in any other speed zone.

The bill, **A-731**, was sponsored by Assembly Members Guy Gregg (R-Sussex/ Hunterdon/Morris) and Michael Carroll (R-Morris) and former Senator Dick LaRossa (R-Mercer).

The Governor also signed the following legislation:

S-391, sponsored by Senators Wynona M. Lipman (D-Essex/Union), Joseph L. Bubba (R-Essex/Passaic) and John O. Bennett (R-Monmouth) and Assembly Members Diane Allen (R-Burlington/Camden), Marion Crecco (R-Essex/Passaic), Carmine DeSopo (R-Burlington/Camden) and Gary W. Stuhltrager (R-Salem/Cumberland/Gloucester), creates the "Address Confidentiality Program" to assist victims of domestic violence who are attempting to relocate in order to escape from their abusers. Under the program, a participant will use an address designated by the Secretary of State as his or her mailing address. The Secretary will forward the mail to the participant's actual address. Any state or local agency is to use the address designated by the Secretary for the participant, unless the agency can demonstrate that it has a valid reason for needing to know the real address of the participant and does not disclose it to any other person or agency. The Secretary can disclose the address to law enforcement officers.