

39:4-64

LEGISLATIVE HISTORY CHECKLIST  
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(Littering--increase fines)

NJSA: 39:4-64

LAWS OF: 1992 CHAPTER: 171

BILL NO: A733

SPONSOR(S) Kenny and Impreveduto

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Solid Waste

SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: March 16, 1992

SENATE: October 5, 1992

DATE OF APPROVAL: December 4, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Florio approves bigger fines..." 12-5-92 Star Ledger.

KBG:pp

[THIRD REPRINT]  
ASSEMBLY, No. 733

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen KENNY and IMPREVEDUTO

1 AN ACT concerning highway litter and amending R.S.39:4-64.

2

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

5 1. R.S.39:4-64 is amended to read as follows:

6 39:4-64. a. No person shall <sup>3</sup>[<sup>2</sup>knowingly<sup>2</sup>]<sup>3</sup> throw or drop any  
7 bundle, object, article or debris of any nature from a vehicle  
8 whether in motion or not when such vehicle is on a highway. The  
9 words "object, article or debris of any nature" as used in this  
10 section shall be deemed to include a <sup>1</sup>[lighted]<sup>1</sup> cigarette, cigar,  
11 match, or <sup>1</sup>[live]<sup>1</sup> ashes, or any substance or thing in and of itself  
12 likely to cause <sup>1</sup>or fuel<sup>1</sup> a fire, but such inclusion shall not be  
13 deemed to in [anywise] any way limit the generality of [said] the  
14 words "object, article or debris of any nature." Any person who  
15 violates this section shall be subject to a fine of not less than  
16 [\$100.00 nor] \$200 or more than [\$500.00] <sup>2</sup>[\$800] \$1,000<sup>2</sup> for  
17 each offense.

18 b. There shall be a rebuttable presumption that the registered  
19 owner of the vehicle, if present in the vehicle, or, in his absence,  
20 the driver of the vehicle, is presumed to be responsible for any  
21 violation of this section, if:

22 (1) A bundle, object, article or debris of any nature is thrown  
23 or dropped from the vehicle by an occupant of the vehicle;

24 (2) There are two or more occupants in the vehicle; and

25 (3) It cannot be determined which occupant of the vehicle is  
26 the violator.

27 (cf: P.L.1983, c.346, s.1)

28 2. This act shall take effect on the first day of the sixth month  
29 after enactment.

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34 Increases fine for highway littering.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ASW committee amendments adopted February 20, 1992.

<sup>2</sup> Senate SEN committee amendments adopted June 15, 1992.

<sup>3</sup> Senate floor amendments adopted September 14, 1992.

ASSEMBLY, No. 733  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen KENNY and IMPREVEDUTO

1 AN ACT concerning highway litter and amending R.S.39:4-64.

2

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

5 1. R.S.39:4-64 is amended to read as follows:

6 39:4-64. a. No person shall throw or drop any bundle, object,  
7 article or debris of any nature from a vehicle whether in motion  
8 or not when such vehicle is on a highway. The words "object,  
9 article or debris of any nature" as used in this section shall be  
10 deemed to include a lighted cigarette, cigar, match, or live ashes,  
11 or any substance or thing in and of itself likely to cause a fire,  
12 but such inclusion shall not be deemed to in [anywise] any way  
13 limit the generality of [said] the words "object, article or debris  
14 of any nature." Any person who violates this section shall be  
15 subject to a fine of not less than [\$100.00 nor] \$200 or more than  
16 [\$500.00] \$800 for each offense.

17 b. There shall be a rebuttable presumption that the registered  
18 owner of the vehicle, if present in the vehicle, or, in his absence,  
19 the driver of the vehicle, is presumed to be responsible for any  
20 violation of this section, if:

21 (1) A bundle, object, article or debris of any nature is thrown  
22 or dropped from the vehicle by an occupant of the vehicle;

23 (2) There are two or more occupants in the vehicle; and

24 (3) It cannot be determined which occupant of the vehicle is  
25 the violator.

26 (cf: P.L.1983, c. 346, s.1)

27 2. This act shall take effect on the first day of the sixth month  
28 after enactment.

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30

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STATEMENT

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33 This bill would increase the fine for littering on a public road.  
34 Under current law, a violator is subject to a penalty of not less  
35 than \$100 and not more than \$500. This bill would subject a  
36 violator to a penalty of not less than \$200 and not more than  
37 \$800. The penalty would apply whether or not the vehicle was in  
38 motion.

39 This bill is both environmentally and safety oriented. It is  
40 hoped that the new penalties will not only help to discourage the  
41 offensive sight of carelessly tossed debris but also the hazard of  
42 flicking lighted cigarettes, cigars, matches or live ashes out of

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

Matter underlined thus is new matter.

1 windows and into their back seats, other cars and onto roadways.  
2 These increased fines reflect increases in average annual earnings  
3 in New Jersey since the penalties were last established in 1981.

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8 \_\_\_\_\_  
Increases fine for highway littering.

ASSEMBLY SOLID WASTE COMMITTEE

STATEMENT TO

**ASSEMBLY No. 733**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 20, 1992

The Assembly Solid Waste Committee favorably reports Assembly Bill No. 733 with committee amendments.

This bill would increase the fine for littering on a public road. Under current law, a violator is subject to a penalty of not less than \$100 and not more than \$500. The penalty is collected by municipal courts and used by municipalities to help finance litter control activities, as provided by R.S.39:5-41. This bill would subject a violator to a penalty of not less than \$200 and not more than \$800. The penalty would apply whether or not the vehicle was in motion. The increase in the fines is approximately proportional to the increase in the average annual earnings of workers in New Jersey since the penalties were last increased in 1981.

Committee amendments clarify that the term "object, article or debris of any nature" includes lit as well as unlit substances, and substances that could cause, as well as, fuel a fire.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review, which has been completed.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**ASSEMBLY, No. 733**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 15, 1992

The Senate Environment Committee favorably reports Assembly Bill No. 733 (1R) with committee amendments.

This bill would increase the fine for littering from a motor vehicle onto a public road. Under current law, a violator is subject to a penalty of not less than \$100 to not more than \$500. This bill, as introduced, would subject a violator to a penalty of not less than \$200 to not more than \$800. The penalty is collected by municipal courts and may be used by municipalities to help finance litter control activities, as provided by R.S.39:5-41.

The committee amendments provide that the person act knowingly to be in violation, and increase the maximum penalty to \$1,000.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 733

STATE OF NEW JERSEY

DATED: April 29, 1992

Assembly Bill No. 733 (1R) of 1992 would increase the fine for littering from a vehicle. Under current law (R.S.39:4-64), a violator is subject to a penalty of between \$100 and \$500, which is collected by municipal courts and used by municipalities to help finance litter control activities. This bill would increase the minimum penalty to \$200 and the maximum to \$800.

The Administrative Office of the Courts (AOC) estimates that 1,350 summonses were written in calendar year 1991 under R.S.39:4-64. This estimate is based on summons data retrieved from the Automated Traffic System (ATS). Since not all municipalities participate in the ATS, the AOC used the actual number of summonses written in municipalities who participate in the ATS and extrapolated to the rest of the State based on those data.

The AOC also indicated that, in general, the current fine under this statute rarely exceeds the minimum amount of \$100.

The Office of Legislative Services (OLS) estimates that the bill would generate additional revenues to municipalities, but that the exact revenue increase is contingent upon the number of summonses that are actually paid (i.e., the compliance rate). Data on the compliance rate of such summonses is not available to the AOC. Using the data provided by the AOC on summons issuance and assuming compliance rates of 100 percent, 75 percent and 50 percent, the amount of increased revenue to municipalities under Assembly Bill No. 733 (1R) would be \$135,000, \$101,250 and \$67,500, respectively.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.