

39:4-128.1

LEGISLATIVE HISTORY CHECKLIST
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(School bus stopping requirements)

NJSA: 39:4-128.1

LAWS OF: 1992 CHAPTER: 72

BILL NO: A366

SPONSOR(S) DeCroce and Martin

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: February 24, 1992
SENATE: July 20, 1992

DATE OF APPROVAL: July 30, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

ASSEMBLY, No. 366
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen DeCROCE and MARTIN

1 **AN ACT** concerning motor vehicles and traffic regulations and
2 amending P.L.1942, c.192.

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

6 1. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to
7 read as follows:

8 1. On highways having roadways not divided by safety islands
9 or physical traffic separation installations, the driver of a vehicle
10 approaching or overtaking a bus, which is being used solely for
11 the transportation of children to or from school or a summer day
12 camp or any school connected activity and which has stopped for
13 the purpose of receiving or discharging any child, shall stop such
14 vehicle not less than 25 feet from such school bus and keep such
15 vehicle stationary until such child has entered said bus or has
16 alighted and reached the side of such highway and until a flashing
17 red light is no longer exhibited by the bus; provided, such bus is
18 designated as a school bus by one sign on the front and one sign
19 on the rear, with each letter on such signs at least 4 inches in
20 height.

21 On highways having dual or multiple roadways separated by
22 safety islands or physical traffic separation installations, the
23 driver of a vehicle overtaking a school bus, which has stopped for
24 the purpose of receiving or discharging any child, shall stop such
25 vehicle not less than 25 feet from such school bus and keep such
26 vehicle stationary until such child has entered said bus or has
27 alighted and reached the side of the highway and until a flashing
28 red light is no longer exhibited by the bus.

29 On highways having dual or multiple roadways separated by
30 safety islands or physical traffic separation installations, the
31 driver of a vehicle on another roadway approaching a school bus,
32 which has stopped for the purpose of receiving or discharging any
33 child, shall reduce the speed of his vehicle to not more than 10
34 miles per hour and shall not resume normal speed until the
35 vehicle has passed the bus and has passed any child who may have
36 alighted therefrom or be about to enter said bus.

37 For purposes of this section, "highway" means the entire width
38 between the boundary lines of every way whether publicly or
39 privately maintained when any part thereof is open to the public
40 for purposes of vehicular travel.

41 Whenever a school bus is parked at the curb for the purpose of
42 receiving children directly from a school or a summer day camp

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 or any school connected activity or discharging children to enter
2 a school, or a summer day camp or any school connected activity,
3 which is located on the same side of the street as that on which
4 the bus is parked, drivers of vehicles shall be permitted to pass
5 said bus without stopping, but at a speed not in excess of 10 miles
6 per hour.

7 The driver of a bus which is being used solely for the
8 transportation of children to or from school or a summer day
9 camp or any school connected activity shall continue to exhibit a
10 flashing red light and shall not start his bus until every child who
11 may have alighted therefrom shall have reached a place of safety.

12 Any person who shall violate any provision of this act shall be
13 subject to (1) a fine of not less than \$100.00, (2) imprisonment for
14 not more than 15 days or community service for 15 days in such
15 form and on such terms as the court shall deem appropriate, (3)
16 or both for the first offense, and a fine not less than \$250.00,
17 imprisonment for not more than 15 days, or both for each
18 subsequent offense. The penalties shall be enforced and
19 recovered pursuant to the provisions of chapter 6 of Title 39 of
20 the Revised Statutes. There shall be a rebuttable presumption
21 that the registered owner of the vehicle which was involved in
22 the violation of this section was the person who committed the
23 act.

24 The Director of the Division of Motor Vehicles may also revoke
25 the license to drive a motor vehicle of any person who shall have
26 been guilty of such willful violation of any of the provisions of
27 this act as shall, in the discretion of the director, justify such
28 revocation, but the director shall, at all times, have power to
29 validate such a license which has been revoked, or to grant a new
30 license to any person whose license to drive a motor vehicle shall
31 have been revoked pursuant to this act.

32 (cf: P.L.1969, c.319, s.1)

33 2. This act shall take effect immediately.

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38 Makes school bus stopping requirements applicable to motorists
39 on private roads.

1 or any school connected activity or discharging children to enter
2 a school, or a summer day camp or any school connected activity,
3 which is located on the same side of the street as that on which
4 the bus is parked, drivers of vehicles shall be permitted to pass
5 said bus without stopping, but at a speed not in excess of 10 miles
6 per hour.

7 The driver of a bus which is being used solely for the
8 transportation of children to or from school or a summer day
9 camp or any school connected activity shall continue to exhibit a
10 flashing red light and shall not start his bus until every child who
11 may have alighted therefrom shall have reached a place of safety.

12 Any person who shall violate any provision of this act shall be
13 fined not less than \$10.00 for the first offense, and not less than
14 \$25.00 for each subsequent offense, which shall be enforced and
15 recovered pursuant to the provisions of chapter 5 of Title 39 of
16 the Revised Statutes. There shall be a rebuttable presumption
17 that the registered owner of the vehicle which was involved in
18 the violation of this section was the person who committed the
19 act.

20 The Director of the Division of Motor Vehicles may also revoke
21 the license to drive a motor vehicle of any person who shall have
22 been guilty of such willful violation of any of the provisions of
23 this act as shall, in the discretion of the director, justify such
24 revocation, but the director shall, at all times, have power to
25 validate such a license which has been revoked, or to grant a new
26 license to any person whose license to drive a motor vehicle shall
27 have been revoked pursuant to this act.

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

29 2. This act shall take effect immediately.

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32 *Statement* STATEMENT
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34 A motorist who drives past a school bus loading or discharging
35 children on certain public roads commits a motor vehicle
36 offense. This bill would subject a driver who illegally passes a
37 school bus on a private road to the same penalties. The bill is
38 intended to protect the safety of children in areas such as
39 apartment complexes or condominium developments.

40 A person who violates this law would be subject to a fine of not
41 less than \$10 for the first offense, and not less than \$25 for each
42 subsequent offense. In addition, the Director of the Division of
43 Motor Vehicles may revoke the person's driver's license for a
44 willful violation.

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Makes school bus stopping requirements applicable to motorists
50 on private roads.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 366

STATE OF NEW JERSEY

DATED: JANUARY 30, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 366.

N.J.S.A.39:4-128.1 provides that a motorist who drives past a school bus loading or discharging children on certain public roads commits a motor vehicle offense. Any person who violates the provisions of this section is subject to (1) a fine of not less than \$100.00, (2) imprisonment for not more than 15 days or community service for 15 days (3) or both for the first offense. This section also provides that for each subsequent offense a person is subject to (1) a fine of not less than \$250.00, (2) imprisonment for not more than 15 days, (3) or both. In addition, the Director of the Division of Motor Vehicles may revoke the person's driver's license for a willful violation of the section.

This bill would amend N.J.S.A.39:4-128.1 to expand it to provide that any driver who illegally passes a school bus on a private road when any part of that way is open to the public for vehicular traffic would also be subject to the same penalties. The intent of this bill is to protect the safety of children in areas such as apartment complexes or condominium developments.

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 performed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 366

STATE OF NEW JERSEY

DATED: APRIL 2, 1992

The Senate Law and Public Safety Committee favorably reports Assembly Bill No. 366.

A motorist who drives past a school bus loading or discharging children on certain public roads commits a motor vehicle offense. This bill would subject a driver who illegally passes a school bus on a private road to the same penalties. The bill is intended to protect children in areas such as apartment complexes or condominium developments.

A person who violates this law would be subject, for a first offense, to either a fine of not less than \$100, or imprisonment for not more than 15 days or 15 days community service, or both. For a subsequent offense, a person would be subject to a fine of not less than \$250, imprisonment for not more than 15 days, or both.

In addition, the Director of the Division of Motor Vehicles may revoke the person's driver's license for a willful violation.