R.S. 39:3-69

[redacted]

January 16, 1975

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LEGISLATIVE HISTORY OF R.S. 39:3-69
(Horns and audible warning devices)

L. of 1921 Chapter 208 § 7 - A483 ([redacted])
February 22 - Introduced by Tattersall.
March 29 - Passed Assembly amended.
April 5 - Passed Senate amended.
April 7 - Assembly passed Senate amendments.
April 8 - Approved.

Statement to A483
This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes thought to be effected will be found in the Commission report. All inconsistent legislation is to be repealed by another bill.

974.90 N.J. Commissioner of Motor Vehicle & Traffic Act.
T764 Report, 1921.
1921

(The Commission suggested no changes that would have affected § 7).

L. of 1924 Chapter 211 § 3 - S145
Bill had statement which did not mention horns or signaling devices. Bill did not amend § 3.

L. of 1928 Chapter 110 § 1 - A78
Statement dealt with auto brakes only.
No amendment to section on signaling devices.

L. of 1931 Chapter 171 § 3 - A171
Statement does not apply to § 3. Bill does not amend § 3.

L. of 1933 Chapter 267 § 1 - A226
Statement urges adoption of law prescribing use of nonscatterable glass in auto manufacture. Bill does not amend § 1.

L. of 1937, Chapter 185 § 1 - S120
February 8 - Introduced by Hendrickson.
March 22 - Passed in Senate, amended.
April 5 - Received in Assembly.
April 26 - Read second time.
May 24 - Amended.
May 27 - Passed in Assembly, amended.
May 28 - Assembly amended, passed in Senate.
June 7 - Approved.

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Copy of [redacted] statement enclosed.
New section on equipment "(20) Horns and audible warning devices" added. Copy of original bill and statement enclosed. Amendments did not affect subsection (20). No reports or hearings were discovered.

L. of 1968 Chapter 97 § 1 - A513
No statement.
The 1968 amendment authorized theft alarm signals on "any vehicle" instead of "any commercial vehicle."

JA/ks

Any person convicted of displaying a fictitious number as prohibited by section thirteen, or violating the provisions of section ten shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of section nine of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision two of section eleven of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of section sixteen of this act shall, for the first offense, be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisonment in the county jail for a period not exceeding twenty days and in addition to such penalties the license of said offender shall be revoked; *provided, further,* that nothing herein contained shall prevent a revocation of license for the first offense or for the violation of any provisions of this act.

Any person who shall be convicted of violating any of the provisions of section seven of section fifteen shall be subject to a fine not exceeding twenty-five dollars.

10. This act shall take effect immediately.

1924 c.211

STATEMENT.

The purpose of this bill is to clarify the Motor Vehicle Act in the following particulars.

The definition "commercial motor vehicle" is hereby amended to exempt touring cars of the passenger type used by farmers for the transportation of farm products and milk. This amendment has the approval of the Agricultural Society of New Jersey and is the result of a conference had with their representatives and the Department of Motor Vehicles.

The word "volunteer" is stricken from section two in order to allow all fire companies an exemption from the payment of the registration fee.

Section seven is amended so as to reduce the candle power of bulbs used in automobile head lamps from 24 candle power to 21 candle power, and to permit the revocation of approval permits whenever a lighting device is deficient.

Section nine of the Motor Vehicle Act is amended to enable the department to commence the issuance of licenses on November fifteenth each year for the succeeding year instead of December first as at present.

The amendment proposed to section eleven is for the purpose of preventing the misuse of dealer plates so that dealer plates now used for individual purposes and by other than bona fide dealers in connection with their business as such will no longer be possible. The same section is amended so as to hold the operator of a motor vehicle who drives the same in an overloaded condition and also fixes a penalty for the operation of a motor vehicle not equipped with rubber tires. The amendment respecting the use of dealers plates has been heartily endorsed by the Dealers Association of New Jersey.

Section fourteen is amended so as to make the offense of operating a motor vehicle without the permission of the owner or placing any sharp or cutting substance upon the highways an indictable offense constituting same as a misdemeanor. The present law omitted this provision. This section is also amended to provide for the commitment of persons convicted of operating a motor vehicle while under the influence of intoxicating liquor to either the county jail or workhouse of the county wherein the offense was committed.

An amendment is also provided to enable the imposition of a fine upon any person or persons who makes any misstatements of facts in his or her application for motor vehicles or driver's license.

Section twenty-five is amended to strike out the words "in a summary way" in order that magistrates will not be required to hold hearings at unseemly hours, and to make more difficult reversals of convictions for intoxicated driving where a summary hearing is not given.

Section twenty-eight is amended to privide wherein an appeal is taken, it shall be the duty of the attorney for the municipality wherein the alleged violation is committed, or the Attorney-General as the case may be, to represent the municipality at the trial on ap-

peal. This amendment is desired because of the fact that many appeals to reverse conviction for intoxicated driving have been successful, due to the failure of the attorney for the municipality to take action desired to uphold the judgment of the local magistrate.

This bill was unanimously passed by the 1923 legislature but was vetoed by the Governor because it required that farm tractors should be equipped with rubber tires. The objections of the Governor have been eliminated from this draft and as these amendments are very necessary, they are respectfully submitted with the earnest approval of the Department of Motor Vehicles of New Jersey.

(5) Mirrors. Any motor vehicle that is so constructed or covered as to prevent the operator thereof from having a sufficient view of the traffic following and at the sides of such vehicle shall be equipped with a mirror or some device that will show the driver the road to the rear and the road to the side.

(6) Chains. Motor vehicle tires may be fitted with chains when roads, streets, and highways are slippery, because of rain, snow, ice, oil, or manner of construction; *provided, however*, that no chains shall be used at any time on the improved highways when the same are dry, or their condition does not make such use necessary for the safety of life or property.

1928 c110

2. This act shall take effect immediately.

STATEMENT.

This Bill proposes to amend section seven of the Motor Vehicle act, in so far as the said section has to do with brakes on automobiles.

At a meeting of the Commissioners of Motor Vehicles of the States of New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Ohio, Pennsylvania, Delaware, Maryland, Virginia, Province of Ontario, and New Jersey, held on Friday, January 20, 1928, it was unanimously agreed that the amendment proposed by this Bill should be submitted to the Legislatures of each of the States hereinbefore mentioned, with the hope that it might be enacted into law and thus bring about a uniform law dealing with the four-wheel brake, so-called.

If this Bill is passed and approved by the Governor, it will give to the State absolute control over any and all braking systems which have been or may hereafter be adopted by automobile builders, and will preclude the possibility of any car being operated upon our highways with a braking system whereby if one part of the system fails to function, the car thereupon is left without brakes of any description.

Under this amendment, if one part of the braking system fails to function, the car will still be left with brakes operating upon two wheels of the automobile.

The prompt passage of this proposed amendment to the New Jersey Motor Vehicle act is sincerely urged by the New Jersey Department of Motor Vehicles. This amendment does not in any wise interfere with the braking system employed by such cars as the Packard, Pierce Arrow, Marmon, Buick, Chevrolet, Chrysler, Studebaker, Cadillac, etc.

notice must, within the same period of time, be served upon the Attorney-General of the State, either personally, or by registered mail; and it shall be the duty of the prosecutor of the pleas of the county, wherein the alleged violation was committed, to represent the complainant at the trial on appeal; *provided,* that in cases where the complaint is made by a motor vehicle inspector, or by a member of the State [Constabulary] Police, it shall be the duty of the Attorney-General to represent the complainant at the trial or appeal; the prosecutor of the pleas of any county, charged with the enforcement of the provisions of this section, may request the Attorney-General to attend personally, or by such assistant or assistants, as he shall designate to aid in the prosecution of the said appeal, and should the defendant fail to give the required notice of trial on appeal to the person, and within the time as hereinbefore provided, then the like proceeding may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon. The court of common pleas, on appeal, shall, de novo, and in a summary manner try and determine all such appeals, and in case the defendant is convicted on such appeal, the court of common pleas shall impose the penalty prescribed by the act of which this act is amendatory, and in case the defendant is acquitted upon such an appeal, the court of common pleas shall order the return of all moneys deposited as aforesaid, and all costs of prosecution paid by the said defendant, to the said defendant. It shall be lawful for the court of common pleas in any appeal brought before it at all times to amend all defects and errors for the purpose of determining on the trial of any appeal the merits of the said case.

15. This act shall take effect immediately.

L 1931, c. 171

STATEMENT

No. 1. Amendment to section four, subdivision three. This amendment requires the production of the license of the driver and *the certificate of registration of the motor*

vehicle from the driver thereof. The present law does not now authorize a motor vehicle inspector to demand the production of the certificate of registration of the motor vehicle from the driver thereof. This amendment will confer this power upon him, and is absolutely essential.

No. 2. This amendment has been drawn so that the Department can keep abreast of the trend of progress in the art of lighting, which is progressing so rapidly that it cannot properly be regulated by specific laws. Other States have elastic laws that permit of new regulations to be promulgated from time to time by the motor vehicle administrators, and it has been impossible to do this in New Jersey, which has made it necessary to appeal to the Legislature each year to amend this section. Under this amendment, the Commissioner may promulgate all lighting regulations.

This amendment also makes compulsory the use of windshield wipers. This omission in the present law was brought forcibly to the attention of the Department during the last Safety Campaign, where it was found that the equipment of motor vehicles with windshield wipers could not legally be insisted upon.

No. 3. At present there is no penalty when a person possessing physical defects violates the conditional license granted to him or her by the Commissioner. Numerous instances occur yearly by persons who violate their conditional licenses and penalties should be created to deter future violations. This is necessary in the opinion of the Commissioner as a safeguard to life and property.

No. 4. This amendment changes the date for the issuance of registrations and licenses and for the use of licenses. The Department cannot now issue registration certificates or drivers' licenses before November fifteenth for use in the following year. It will help relieve congestion at Motor Vehicle Agencies if authority is granted to issue registration plates from November first. This section is also amended to permit the use of drivers' licenses as well as registration certificates for the following year on the fifteenth day of December of the year for which such license is issued. At the present time, the registration certificate only can be used on December fifteenth, and there seems to be no good reason why the new driving license cannot be used also. It is believed that this permission will assist the Department's efforts to obtain the co-operation of the public in applying early, and thus facilitate the work at the agencies and be for the convenience of the applicants.

This amendment corrects an omission in the present law of a few words which were evidently left out inadvertently when preparing previous amendments which were passed, and which now makes the section (nine-three) read in such a way as not to make sense.

This amendment further makes it necessary for the registration certificate to be available at all times when the motor vehicle is being operated. The law as originally passed used the word "holder" which was liberally construed to mean either the owner or the operator. It was impossible to impose a penalty for failure to have registration certificate in possession, unless the owner or holder of the certificate of registration happened to be in the vehicle at the time of the violation. This amendment makes it necessary for the operator or person in charge of the vehicle to have the registration card in his possession, in order to be produced on request of police officials.

The present law demands the production of the registration certificate from *the holder thereof*. It is necessary for proper law enforcement that the registration certificate be in the possession of the operator and there is no penalty at the present time if the driver or operator fails to produce the registration certificate. This situation requires immediate correction.

In the amendment to subdivision four of section nine, the Commissioner of Motor Vehicles at the place underlined has been substituted for the Secretary of State.

The Commissioner of Motor Vehicles would appear to be the proper official to receive papers to be served by registered mail on non-residents, in damage suits arising from accidents. At the time the law was originally passed, the Department of Motor Vehicles was a part of the Department of State, but since the Act of 1926 was passed separating the Department of Motor Vehicles from the Department of State, there does not appear to be any good reason for continuing the service work through the office of the Secretary of State.

No. 5. There is no provision in the law to punish fraudulent examination takers. It is essential to life and property that only competent persons be permitted to drive motor cars, and when persons are detected who either take examinations for others or who procure licenses for others without the necessity of examination, they should be promptly punished.

The amendment to subdivision three of section ten simply strengthens provision nine-three which requires that the registration certificate must be in the motor vehicle

when such vehicle is operated over the highways, and that such certificate must be produced on request of a police officer or magistrate.

The amendment to subdivision four of section ten provides that omnibuses traveling through the State not registered under the New Jersey Act be permitted only the fifteen-day reciprocity privilege accorded to commercial vehicles. Omnibuses should not be given the ninety-day reciprocity privilege accorded to visiting passenger cars.

The amendment to subdivision five of section ten allows non-resident drivers to operate cars bearing New Jersey plates, during the ninety day reciprocity period, but does not allow this privilege to any non-resident driver under the age of seventeen years, or to any non-resident driver whose home State does not require a driving license.

No. 6. There are so few "M" plates issued yearly that it is advisable to discontinue the manufacture thereof and issue "D" plates.

With reference to amendment to subdivision four of section eleven, the problem of truck overloading is a serious one. It causes damage to our roads in an amount that is difficult to compute. Under our present law, the operator is promptly punished by a mandatory minimum penalty of one hundred dollars ($100.00) with a maximum of two hundred and fifty dollars ($250.00) for the first offense and for a subsequent offense a minimum of two hundred and fifty dollars ($250.00) and a maximum of five hundred dollars ($500.00). The experience of the department discloses that in most instances the operator is not primarily responsible for the overloading, and that he was merely carrying out the orders of his superior. In many instances, truck owners do not pay the fine of the truck driver and let him shift for himself and such demands have proven of great financial embarrassment. I suggest that the punishment be shifted to where it belongs. Place the responsibility for overloading upon the owner and make him, or the corporation, if it be the owner, be compelled to pay the fine for the offense. I believe it will tend to reduce the overloading violations in this State. If situations develop where the operator is responsible for the overloading, the owner is in a position to punish the operator by dismissal.

Motor vehicle inspectors discover numerous situations where trucks and other commercial vehicles are operated with badly worn solid rubber tires. Our present law provides for no punishment for such an offense. A penalty comparable to the penalty

imposed for failure to operate a motor vehicle with rubber tires is essential to mitigate this type of abuse.

The amendment to subdivision seven of section eleven allows the half-rate fee for registrations to go into effect *on* the first day of August, which was no doubt the original intent, but the law was not so worded.

No. 7. This amendment has been drawn to make our requirements similar to those of other states which extend the maximum height of the license plates to forty-eight inches.

No. 8. During 1930, Judge Truax of the Monmouth County Court of Common Pleas decided that he could not impose the punishment provided for a second offender because the complaint against the defendant did not set forth that he was a second offender. He was guided in his determination by Weeks vs. State, 101 N. J. L. P. 15 and State vs. Garton, 102 N. J. P. 318. Rarely is the court of the complainant in a "drunken driving" case able to determine at the time complaint is made that the defendant has been previously convicted for said offense, and should this determination of Judge Truax be followed in other jurisdictions a second offender in fact is likely to escape the penalty intended by law. No injustice will be imposed upon a defendant who *in fact* has been a previous offender, if the complaint against him does not recite a previous conviction.

There never has been a penalty imposed for a person failing to notify the Commissioner of Motor Vehicles of a change of residence; neither has there been a penalty for applying for a license at a department agency after the applicant's license has been revoked.

No. 9. This amendment to section seventeen provides a penalty for failure of a magistrate to return fines either to the Commissioner of Motor Vehicles or to the financial officer of the county. The law heretofore provided no penalty for this offense.

This amendment also provides that a magistrate must give a receipt for a fine when a defendant requests such a receipt. Countless complaints have been received by the Department from persons who have paid fines, and who have been denied receipts by the convicting magistrates. Such defendants are certainly entitled to receipts, which will also serve the double purpose of being a check on the magistrate and will assist in securing the proper return to the State or county of all moneys collected in fines for violation

of the Motor Vehicle Act. Penalty is also provided for failure to forward revoked license cards to the Commissioner.

No. 10. In section twenty-one the most important change is the addition of a table setting forth the tire sizes and the gross weight allowed for commercial vehicles bearing pneumatic tires. Previously, the law specified the table for solid-tired vehicles only.

A penalty is also provided for violation of section twenty-one, which was missing from our previous law.

No. 11. This amendment permits thirty days from the date of the *discovery* of violations as the time in which complaints may be made. This is necessary in certain cases, as violations with reference to improper applications for registrations and licenses are sometimes not discovered until more than thirty days have elapsed from the date of the application. The law at present restricts the bringing of a complaint to thirty days from the date of a violation.

No. 12. Heretofore, regardless of who made the complaint, notice of appeal has been served upon the prosecutor of the pleas. It is desired that the notice of appeal be served upon the Attorney General, where the complaint is made by a motor vehicle inspector or State police officer, in view of the fact that the Attorney General represents the State on appeal where either a motor vehicle inspector or a State Police officer is the complainant.

No. 13. The words "State Police" have been substituted for the words "State Constabulary." It is merely a technical change. There is no State Department known as the "State Constabulary."

1933, C. 267

STATEMENT

The object of this amendment is to make unlawful the operation on and after July first, one thousand nine hundred and thirty-five, of a motor vehicle manufactured after that date unless same is equipped with nonscatterable glass approved by the Commissioner of Motor Vehicles. Three States have already enacted laws relating to the subject. The States are Michigan, Massachusetts and California.

With regard to the attitude of the automobile industry toward safety glass, one-half of the manufacturers have installed it as standard equipment. Makes of passenger vehicles on which it is standard on all chassis and body models include Cadillac, LaSalle, Lincoln, Studebaker, Pierce Arrow, Franklin, Packard, Willys Knight, Rockne and Peerless. It also is a standard feature of the Crysler Imperial series, the Willys Eight and in the windshields of all Ford products.

This act carries with it the endorsement and approval of the Commissioner of Motor Vehicles.

L.1937, c. 180

Every section of safety glass shall be legibly and permanently marked with the manufacturers' distinctive designation under which the glass was approved so as to be visible when installed.

No person shall drive any motor vehicle equipped with safety glass which causes undue or unsafe distortion of visibility or equipped with unduly fractured, discolored or deterioriated safety glass, and the commissioner may revoke the registration of any such vehicle.

(27) Dangerous exhaust gases. Every motor vehicle shall be equipped and maintained so that exhaust gases cannot injure any person or animal, and no person shall use any motor vehicle so as to cause or be likely to cause any such injury.

(28) Selling or using unapproved devices or equipment. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle any unapproved device or equipment of a type which is required to be approved by the commissioner.

No person shall have for sale, sell, offer for sale or use any device, part or accessory which changes or is intended to change the design or designed performance of any device or equipment required to be approved.

No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of any motor vehicle or motor-drawn vehicle any device or equipment of a type required to be approved unless such device or equipment bears thereon the trade-mark or name under which it is approved so as to be plainly visible when installed.

2. This act shall take effect September first, one thousand nine hundred and thirty-seven.

S120(1937)

1937 c. 185

STATEMENT

The purpose of this act is to modernize the equipment section of the Motor Vehicle Act and to bring it more nearly into agreement with the Uniform Vehicle Code, thereby making for greater safety on our highways and for uniformity with the equipment laws of contiguous States.