

39:3-20.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 131

NJSA: 39:3-20.3 (Improvement of highway safety)

BILL NO: A3527 (Substituted for S2456)

SPONSOR(S): Guear and Wisniewski

DATE INTRODUCED: May 8, 2003

COMMITTEE: **ASSEMBLY:** Transportation

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 22, 2003

SENATE: June 23, 2003

DATE OF APPROVAL: July 15, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A3527

[SPONSORS STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S2456

[SPONSORS STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A3527

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Traffic fines doubled on portions of highway," 7-16-2003 The Record, p.L5

"Governor doubles fines on highways," 7-16-2003 Courier News, p.A1

"Fines doubled on the state's deadliest roads," 7-16-2003 Philadelphia Inquirer, p.B3

"Fines doubled on worst roads," 7-16-2003 Home News Tribune, p.A1

"Speeders beware," 7-16-2003 Star Ledger, p.1

P.L. 2003, CHAPTER 131, *approved July 15, 2003*
Assembly, No. 3527 (*Second Reprint*)

1 **AN ACT** concerning highway safety, and amending and supplementing
2 various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to read
8 as follows:

9 1. a. For the purposes of this act:

10 "Area of highway construction or repair" means that segment of any
11 highway which is identified by properly posted traffic control devices
12 or signs as undergoing construction, reconstruction, repair, or
13 maintenance operation. An area of highway construction or repair
14 shall consist of that area between the first traffic control device or sign
15 informing motor vehicle operators of their approaching highway
16 construction or repair and the last traffic control device or sign
17 indicating all restrictions are removed and normal motor vehicle
18 operations may resume.

19 "Highway" means any highway under the jurisdiction of the State
20 Department of Transportation, a county, a municipality or a toll road
21 authority.

22 "Safe corridor" or "safe corridor ²[areas] area² means a segment
23 of highway ¹under the jurisdiction of the Department of
24 Transportation¹ which, based upon accident rates, fatalities, traffic
25 volume and other highway traffic safety criteria, is identified by the
26 Commissioner of Transportation as a segment warranting designation
27 as a "safe corridor."

28 "Toll road authority" means the New Jersey Turnpike Authority,
29 the New Jersey Highway Authority, or the South Jersey
30 Transportation Authority.

31 b. The fine for a motor vehicle offense embodied in the following
32 sections of statutory law, when committed in an area of highway
33 construction or repair, or when committed in a designated safe
34 corridor, shall be double the amount specified by law:

35 Subsection b. of R.S.39:3-20;

36 R.S.39:4-52;

37 R.S.39:4-57;

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 ATR committee amendments adopted May 8, 2003.

² Senate floor amendments adopted June 23, 2003.

1 R.S.39:4-71;
2 R.S.39:4-80;
3 R.S.39:4-81;
4 R.S.39:4-82;
5 R.S.39:4-83;
6 R.S.39:4-84;
7 R.S.39:4-85;
8 R.S.39:4-86;
9 R.S.39:4-88;
10 R.S.39:4-89;
11 R.S.39:4-90;
12 R.S.39:4-96;
13 R.S.39:4-97;
14 R.S.39:4-98;
15 R.S.39:4-99;
16 R.S.39:4-105;
17 R.S.39:4-115;
18 R.S.39:4-119;
19 R.S.39:4-122;
20 R.S.39:4-123;
21 R.S.39:4-124;
22 R.S.39:4-125;
23 R.S.39:4-127;
24 R.S.39:4-129;
25 R.S.39:4-144;
26 P.L.1955, c.217 (C.39:5C-1);
27 Section 48 of P.L.1951, c.23 (C.39:4-66.1);
28 Section 41 of P.L.1951, c.23 (C.39:4-82.1);
29 Section 51 of P.L.1951, c.23 (C.39:4-90.1);
30 ²Section 1 of P.L.2000, c.75 (C.39:4-97.2);
31 Section 6 of P.L.1997, c.415 (C.39:4-98.7);²
32 Section 5 of P.L.1951, c.264 (C.27:23-29);
33 Section 18 of P.L.1952, c.16 (C.27:12B-18); and
34 Section 21 of P.L. 1991, c.252 (C.27:25A-21).

35 ²When an area of highway construction or repair is within a safe
36 corridor, the fine for a motor vehicle offense embodied in the
37 preceding sections of statutory law shall be doubled only once. When
38 a safe corridor is within an area of highway construction or repair, the
39 fine for a motor vehicle offense embodied in the preceding sections of
40 statutory law shall be doubled only once. Fines for violation of section
41 6 of P.L.1997, c.415 (C.39:4-98.7) in a safe corridor or an area of
42 highway construction or repair shall be doubled only once.
43 Notwithstanding any other provision of law, the increase from the
44 doubled fines imposed and collected in designated safe corridor areas
45 shall be forwarded by the person to whom they are paid to the State
46 Treasurer, who shall annually deposit those moneys in the "Highway

1 Safety Fund" established pursuant to section 5 of P.L. _____, c. _____
 2 (C. _____)(now before the Legislature as this bill).²

3 c. (1) Signs designed in compliance with the specifications of the
 4 Department of Transportation or, if appropriate, the toll road authority
 5 having jurisdiction over the appropriate highway, shall be
 6 appropriately placed, by order of the Commissioner of Transportation,
 7 the appropriate local official, or the affected toll road authority, as the
 8 case may be, to notify drivers approaching areas of highway
 9 construction ²[and] ²or² repair, ²[and] ²or² designated safe corridor
 10 areas, that the fines are doubled for motor vehicle offenses in those
 11 areas.

12 (2) In addition, all traffic control signs and devices erected or
 13 displayed by the State Department of Transportation, a county, a
 14 municipality or a toll road authority within an area of highway
 15 construction or repair ²or safe corridor area² shall conform to the
 16 uniform system specified in the most current "Manual on Uniform
 17 Traffic Control Devices for Streets and Highways," prepared by the
 18 Federal Highway Administration in the United States Department of
 19 Transportation.

20 d. It shall not be a defense to the imposition of the fines authorized
 21 under the provisions of this act that a sign notifying drivers who are
 22 approaching highway construction or repair areas, or designated safe
 23 corridor areas, that fines are doubled for motor vehicle offenses in
 24 those areas was not posted, improperly posted, wrongfully removed
 25 or stolen, or that signs or devices were not placed in compliance with
 26 the most current "Manual on Uniform Traffic Control Devices for
 27 Streets and Highways" as required pursuant to paragraph (2) of
 28 subsection c. of this section.

29 e. The director shall include information concerning the penalties
 30 imposed pursuant to this act in any subsequent revision of the New
 31 Jersey Driver Manual and the New Jersey Motorist Guide.

32 f. Safe corridor areas shall be designated by traffic order issued
 33 pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

34 (cf: P.L.1993, c.332, s.1)

35

36 2. Section 5 of P.L.1983, c.401 (C.39:5B-29) is amended to read
 37 as follows:

38 5. a. Any person who violates the provisions of this act or any rule
 39 or regulation adopted pursuant thereto shall be subject to a penalty of
 40 not less than ~~[\$50.00]~~\$100 nor more than \$5,000.00 for the first
 41 offense, nor less than ~~[\$100.00]~~ \$200 nor more than \$10,000.00 for
 42 the second offense, nor less than ~~[\$250.00]~~ \$500 nor more than
 43 \$25,000.00 for the third or any subsequent offense. ¹[The difference,
 44 if any, produced by subtracting the aggregate amount of penalty
 45 moneys collected pursuant to this subsection in the fiscal year
 46 immediately preceding the effective date of P.L. _____, c. _____ (C. _____)(now

1 pending before the Legislature as this bill) from the aggregate amount
2 so collected for the current fiscal year shall be divided equally
3 between the Department of Transportation and the Division of State
4 Police.] Notwithstanding any other provision of law, 50 percent of
5 the penalty moneys collected pursuant to this paragraph shall be
6 deposited into the "Highway Safety Fund" created pursuant to section
7 5 of P.L. , c. (C.)(now pending before the Legislature as this
8 bill).¹

9 ²The complaint and summons shall state whether the charges
10 pertain to a first offense, or to a second or subsequent offense, but if
11 the complaint or summons fails to allege a second or subsequent
12 offense, the penalty imposed shall be for a first offense. The penalty
13 may be reduced to \$25 for a first offense, \$50 for a second offense,
14 and \$125 for a third and subsequent offense for a non-out- of- service
15 equipment violation if the defendant provides proof of repair to the
16 vehicle that is satisfactory to the court. Proof that the violation has
17 been corrected shall be by a document certifying that the non-out-of-
18 service equipment violation has been corrected. The Division of State
19 Police, a diesel emissions inspection center licensed by the New Jersey
20 Motor Vehicle Commission, a certified fleet mechanic approved by the
21 New Jersey Motor Vehicle Commission, or any other entity approved
22 by the New Jersey Motor Vehicle Commission shall be authorized to
23 issue the requisite certifying documentation. The Division of State
24 Police may, in its discretion, designate times and locations where a
25 defendant may bring a vehicle for an inspection pursuant to which a
26 requisite certifying document may be issued. Nothing in this act shall
27 be construed as requiring the Division of State Police to conduct a
28 vehicle inspection pursuant to which a requisite certifying document
29 may be issued other than at the time and locations as the Division of
30 State Police may provide.

31 Repairs to effect a reduction of penalty under the provisions of this
32 section shall be made before the hearing date. A defendant may be
33 permitted to submit the certification of repairs by mail; provided that
34 if the court deems the certification to be inadequate, it shall afford the
35 defendant the option to withdraw the defendant's guilty plea.²

36 The Department of Transportation is authorized to adopt a schedule
37 of penalties for any specific violation of P.L.1983, c.401
38 (C.39:5B-25 et seq.) or any rule or regulation adopted pursuant
39 thereto. A penalty imposed pursuant to this act may be collected in a
40 civil action by a summary proceeding under ¹["the penalty
41 enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement
42 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)¹, or in a
43 summary proceeding before a court of competent jurisdiction wherein
44 injunctive relief has been sought. The State Police and police officers
45 of the Port Authority of New York and New Jersey may issue a
46 summons and complaint returnable in a municipal court or other court

1 of competent jurisdiction for violations of P.L. 1983, c. 401
2 (C. 39:5B-25 et seq.) and this amendatory and supplementary act or
3 any rule or regulation adopted pursuant thereto. In addition to the
4 jurisdiction conferred by ¹["the penalty enforcement law,"] the
5 "Penalty Enforcement Law of 1999,"¹ the Law and Chancery Divisions
6 of the Superior Court shall have jurisdiction of proceedings for the
7 enforcement of the penalties provided in this act. The various
8 municipal courts shall have jurisdiction of proceedings for the
9 enforcement of penalties under \$5,000.00 provided in P.L.1983,
10 c.401 (C. 39:5B-25 et seq.).

11 b. Penalties imposed pursuant to this act shall in no way reduce or
12 otherwise limit the liability of any person, pursuant to the laws of this
13 State, for cleanup costs or other damages arising from a discharge of
14 hazardous materials.

15 c. The Superintendent of the State Police, police officers of the
16 Port Authority of New York and New Jersey and personnel of the
17 Department of Transportation and of the Department of
18 Environmental Protection duly authorized by the superintendent may,
19 in addition to seeking a civil penalty, seek injunctive relief in the
20 Chancery Division, General Equity Part of the Superior Court as to
21 any person found to have violated any provision of P.L.1983, c. 401
22 (C. 39:5B-25 et seq.) or this amendatory and supplementary act or any
23 rule or regulation adopted pursuant to either.

24 d. ²[With respect to violations dealing with motor vehicle
25 equipment and inspection, the provisions and penalties of article 3 of
26 chapter 3 and of chapter 8 respectively of Title 39 of the Revised
27 Statutes and rules and regulations adopted thereunder shall apply
28 rather than the provisions of P.L.1983, c. 401 (C.39:5B-25 et seq.),
29 this amendatory and supplementary act and rules and regulations
30 adopted pursuant thereto.]² (Deleted by amendment, P.L. , c.
31 (now before the Legislature as this bill).
32 (cf: P.L.1985, c.415, s.5)

33
34 ²[3. Section 6 of P.L. 1997, c.415 (C.39:4-98.7) is amended to
35 read as follows:

36 6. The fine for a motor vehicle offense shall be double the amount
37 specified by law when traveling 20 miles per hour or more over the
38 designated speed limit as set forth in R.S.39:4-98, except as provided
39 in [subsection b. of section 1 of P.L.1993, c.332 (C.39:4-203.5) and]
40 subsection a. of section 5 of P.L.1997, c.415 (C.39:4-98.6). ¹The fine
41 for a motor vehicle offense shall be double the amount doubled
42 pursuant to section 1 of P.L.1993, c.332 (C.39:4-203.5) as amended
43 by P.L. , c. (C.)(now before the Legislature as this bill) when
44 traveling 20 miles per hour or more over the designated speed limit as
45 set forth in R.S.39:4-98. All fines, penalties and forfeitures imposed
46 and collected in enforcement of this section shall be forwarded by the

1 person to whom they are paid to the State Treasurer, who shall
2 annually deposit those moneys in the "Highway Safety Fund"
3 established pursuant to section 7 of P.L. , c. (C.) (now pending
4 before the Legislature as this bill.)¹

5 (cf: P.L.1997, c.415, s.6)]²

6
7 ²[4.] 3.² R.S.39:5-30 is amended to read as follows:

8 39:5-30. a. Every registration certificate, every license certificate,
9 every privilege to drive motor vehicles, including commercial motor
10 vehicles as defined in P.L.1990, c.103 (C.39:3-10.9 et al., every
11 endorsement, class of license, and commercial driver license, may be
12 suspended or revoked, and any person may be prohibited from
13 obtaining a driver's license or a registration certificate, or disqualified
14 from obtaining any class of or endorsement on a commercial driver
15 license, and the reciprocity privilege of any nonresident may be
16 suspended or revoked by the director for a violation of any of the
17 provisions of this Title or on any other reasonable grounds, after due
18 notice in writing of such proposed suspension, revocation,
19 disqualification or prohibition and the ground thereof.

20 He may also summon witnesses to appear before him at his office
21 or at any other place he designates, to give testimony in a hearing
22 which he holds looking toward a revocation of a license or registration
23 certificate issued by or under his authority. The summons shall be
24 served at least five days before the return date, either by registered
25 mail or personal service. A person who fails to obey the summons shall
26 be subject to a penalty not exceeding \$100.00, to be recovered with
27 costs in an action at law, prosecuted by the Attorney General, and in
28 addition the vehicle registration or driver's license, or both, as the case
29 may be, shall forthwith be revoked. The fee for witnesses required to
30 attend before the director shall be \$1.00 for each day's attendance and
31 \$0.03 for every mile of travel by the nearest generally traveled route
32 in going to and from the place where the attendance of the witness is
33 required. These fees shall be paid when the witness is excused from
34 further attendance, and the disbursements made from payment of the
35 fees shall be audited and paid in the manner provided for expenses of
36 the department. The actual conduct of said hearing may be delegated
37 by the director to such departmental employees as he may designate,
38 in which case the said employees shall recommend to the director in
39 writing whether the said licenses or certificates shall or shall not be
40 suspended or revoked.

41 b. Whenever a matter is presented to the director involving an
42 alleged violation of

43 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
44 authorized speed limit is alleged, and which has resulted in the death
45 of another;

46 (2) R.S.39:4-50, and which has resulted in the death of another;

1 (3) R.S.39:4-96, and which has resulted in the death of another; or
2 (4) R.S.39:4-129, wherein the death of another has occurred, and
3 the director has not determined to immediately issue a preliminary
4 suspension pursuant to subsection e. of this section, the director shall
5 issue a notice of proposed final suspension or revocation of any license
6 certificate or any nonresident reciprocity privilege to operate any
7 motor vehicle or motorized bicycle held by the individual charged or
8 temporary order prohibiting the individual from obtaining any license
9 to operate any motor vehicle or motorized bicycle in this State.

10 In the notice, the director shall provide the individual charged with
11 an opportunity for a plenary hearing to contest the proposed final
12 suspension, revocation or other final agency action. Unless the
13 division receives, no later than the 10th day from the date the notice
14 was mailed, a written request for hearing, the proposed final agency
15 action shall take effect on the date specified in the notice.

16 Upon receipt of a timely request for a plenary hearing, a preliminary
17 hearing shall be held by an administrative law judge within 15 days of
18 the receipt of the request. The preliminary hearing shall be for the
19 purpose of determining whether, pending a plenary hearing on the
20 proposed final agency action, a preliminary suspension shall be
21 immediately issued by the judge. Adjournment of such hearing upon
22 motion by the individual charged shall be given only for good cause
23 shown.

24 At the preliminary hearing, the parties shall proceed on the papers
25 submitted to the judge, including the summons, the police reports and
26 the charged individual's prior driving record submitted by the division,
27 and any brief affidavits permitted by the judge from persons who shall
28 be witnesses at the plenary hearing, and the parties may present oral
29 argument. Based on the papers, on any oral argument, on the
30 individual's prior driving record, and on the circumstances of the
31 alleged violation presented in the papers, the judge shall determine
32 whether the individual was properly charged with a violation of the
33 law and a death occurred; and, if so, whether in the interest of public
34 safety, a preliminary suspension shall be immediately ordered pending
35 the plenary hearing on the proposed suspension or revocation. The
36 administrative law judge shall transmit his findings to the director.

37 A plenary hearing shall be held no later than the 45th day following
38 the preliminary hearing. Adjournment of the hearing shall be given
39 only for good cause shown. If the hearing is otherwise postponed or
40 delayed solely at the instance of the individual charged, the
41 administrative law judge shall immediately issue a preliminary
42 suspension of any license certificate or any nonresident reciprocity
43 privilege held by the individual charged, or if any such preliminary
44 suspension or order is in effect, he shall continue such suspension or
45 order. Such preliminary suspension or temporary order shall remain
46 in effect pending a final agency decision on the matter. If the hearing

1 is otherwise postponed or delayed at the instance of anyone other than
2 the individual charged, the judge shall immediately issue an order
3 restoring the individual's license certificate or any nonresident
4 reciprocity privilege pending final agency decision in the matter. The
5 period of any preliminary suspension imposed under this section shall
6 be deducted from any suspension imposed by the final agency decision
7 in the matter.

8 c. Whenever any other matter is presented to the director involving
9 an alleged violation of this title, wherein the death of another occurred
10 and for which he determines immediate action is warranted, he may
11 proceed in the manner prescribed in subsection b. above.

12 d. Whenever a fatal accident occurs in this State, an investigation
13 of the incident, whether performed by the State Police or by local
14 police, shall be completed and forwarded to the director within 72
15 hours of the time of the accident.

16 e. Whenever a matter is presented to the director involving an
17 alleged violation of

18 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
19 authorized speed limit is alleged, and which has resulted in the death
20 or serious bodily injury of another;

21 (2) R.S.39:4-50, which has resulted in the death or serious bodily
22 injury of another;

23 (3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death or
24 serious bodily injury of another; or

25 (4) R.S.39:4-129, wherein the death or serious bodily injury of
26 another has occurred, the director for good cause may, without
27 hearing, immediately issue a preliminary suspension of any license
28 certificate or any nonresident reciprocity privilege to operate any
29 motor vehicle or motorized bicycle held by an individual charged or
30 temporary order prohibiting the individual from obtaining any license
31 to operate any motor vehicle or motorized bicycle in this State. For
32 purposes of this subsection, "serious bodily injury" means bodily injury
33 which creates a substantial risk of death or which causes serious,
34 permanent disfigurement, or protracted loss or impairment of the
35 function of any bodily member or organ. Along with the notice of
36 preliminary suspension, the director shall issue a notice of proposed
37 final suspension, revocation or other final agency action, and shall
38 afford the individual the right to a preliminary hearing to contest the
39 preliminary suspension and a plenary hearing to contest the proposed
40 final agency action.

41 The preliminary suspension shall remain in effect pending a final
42 agency decision on the proposed final agency action, unless a request
43 for a preliminary hearing is received by the division no later than the
44 10th day from the date on which the notice was mailed. The proposed
45 final agency action shall take effect on the date specified in the notice
46 unless a request for a plenary hearing is received by the division no

1 later than the 10th day from the date on which the notice was mailed.

2 Upon timely request by the individual, a preliminary hearing shall
3 be held by an administrative law judge, no later than the 15th day from
4 the date on which the division receives the request. The preliminary
5 hearing shall be for the purpose of determining whether, pending a
6 final agency decision on the matter, the preliminary suspension issued
7 by the director shall remain in effect. Adjournment of the hearing shall
8 be given only for good cause shown. If the preliminary hearing is
9 otherwise postponed or delayed solely at the instance of someone
10 other than the individual charged, the judge shall immediately order
11 that the individual's license certificate or any nonresident reciprocity
12 privilege be restored pending the rescheduled preliminary hearing.

13 At the preliminary hearing, the parties shall proceed on the papers
14 submitted to the judge, including the summons, the police reports and
15 the charged individual's prior driving record submitted by the division,
16 and any brief affidavits permitted by the judge from persons who shall
17 be witnesses at the final hearing, and the parties may present oral
18 arguments. Based on the papers, on any oral argument, on the
19 individual's prior driving record, and on the circumstances of the
20 alleged violation presented in the papers, the judge shall immediately
21 determine whether the individual was properly charged with a violation
22 of the law and a death occurred; and, if so, whether in the interest of
23 public safety, the preliminary suspension shall be continued pending
24 the final agency decision on the matter. The administrative law judge
25 shall transmit his findings to the director.

26 Any plenary hearing to contest the proposed final agency action
27 shall conform to the requirements for a plenary hearing contained in
28 subsection b. of this section.

29 f. In addition to any other final agency action, the director shall
30 require any person whose privileges to operate a motor vehicle or
31 motorized bicycle are suspended or who has been prohibited from
32 obtaining a license, pursuant to this section, to be reexamined to
33 determine the person's ability to operate a motor vehicle or motorized
34 bicycle, prior to regaining or obtaining any driving privileges in this
35 State.

36 Any determination resulting from any preliminary or plenary hearing
37 held pursuant to subsection b., c., or e. of this section shall not be
38 admissible at any criminal or quasi-criminal proceedings on the alleged
39 violation or violations.

40 g. In addition to any other requirements imposed by statute or
41 regulation, as a condition for the restoration of a revoked or
42 suspended license issued under the provisions of the "New Jersey
43 Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et
44 seq.), the person whose commercial driving privileges are revoked or
45 suspended shall successfully complete a commercial driver
46 improvement program. The director, in accordance with the

1 provisions of the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.), shall promulgate rules and regulations
3 prescribing the scope and content of the program, the qualifications of
4 third parties that may offer a commercial driver improvement program,
5 a fee schedule for persons attending a commercial driver improvement
6 program and such other matters as the director may deem appropriate
7 and necessary. The successful completion of a commercial driver
8 improvement program pursuant to this subsection shall not entitle a
9 person to any reduction in the points assessed and recorded under
10 P.L.1982, c.43 (C.39:5-30.5 et seq.). ¹In addition, the director may
11 also require a person holding a commercial driver license pursuant to
12 P.L.1990, c.103 (C.39:3-10.9 et seq.) who receives 12 or more points
13 during a 24-month period to complete a commercial driver
14 improvement program successfully or face full suspension of the
15 ²[CDL] commercial driver license² driving privilege.¹
16 (cf: P.L.1990, c.103, s.33)

17
18 ²[5. (New section) A complaint issued for an equipment violation,
19 other than a violation involving an out-of-service order or a violation
20 concerning the operation of any motor vehicle after it has been placed
21 out-of-service, shall be dismissed by the court if the violation set forth
22 in the summons is corrected not later than the end of the ¹[fifth]
23 twentieth¹ business day following the issuance of the summons.

24 Proof that the violation has been corrected shall be by a document
25 ¹[issued by the State Police and]¹ certifying that, upon reinspection,
26 the equipment violation cited in the summons has been corrected.
27 ¹The document shall have been issued by the State Police, a diesel
28 emissions inspection center licensed by the New Jersey Motor Vehicle
29 Commission, a certified fleet mechanic approved by the New Jersey
30 Motor Vehicle Commission, or any other entity approved by the New
31 Jersey Motor Vehicle Commission.¹

32 No fine shall be imposed for any complaint dismissed pursuant to
33 this section.

34 For the purposes of this section, "business day" means any day
35 other than a Saturday, Sunday or State or federal holiday.]²

36
37 ²[6.] 4.² (New section) It shall be unlawful for any vehicle or
38 combination of vehicles registered as a commercial motor vehicle by
39 another state or jurisdiction to operate on the highways of this State
40 if it has a gross weight, including load or contents, which is in excess
41 of the gross weight limit permitted on the registration certificate issued
42 for it by that other state or jurisdiction.

43 The owner, lessee or bailee of any vehicle or combination of
44 vehicles that is found or operated on any public road, street or
45 highway or on any public or quasi-public property in this State with a
46 gross weight in excess of the weight limitation permitted by the

1 certificate of registration issued for it by that other state or jurisdiction
2 shall be assessed a penalty of \$500 plus an amount equal to \$100 for
3 each 1,000 pounds or fractional portion of 1,000 pounds of weight in
4 excess of the weight limitation permitted by that certificate of
5 registration.

6 For the purposes of enforcement, a vehicle or combination of
7 vehicles for which there is no valid certificate of registration shall be
8 deemed to have been registered for zero pounds.

9 All fines, penalties and forfeitures imposed and collected in the
10 enforcement of this section shall be forwarded by the person to whom
11 they are paid to the State Treasurer, who shall annually deposit those
12 moneys in the "Highway Safety Fund" established pursuant to section
13 ²[7] 5² of P.L. , c. (C.)(now pending before the Legislature
14 as this bill).

15
16 ²[7.] 5² (New section) There is established in the General Fund
17 a separate, nonlapsing, dedicated account to be known as the
18 "Highway Safety Fund." All fines, penalties and forfeitures imposed
19 and collected as a result of the enforcement of section ²[6] 4²
20 of P.L. , c. (C.)(now pending before the Legislature as this
21 bill) ¹and 50 percent of all fines and penalties imposed and collecte
22 d in enforcement of section 5 of P.L.1983, c.401 (C.39:5B-29)^{1 2}, and
23 the increase from the doubling of fines imposed and collected pursuant
24 to section 1 of P.L.1993, c.332 (C.39:4-203.5) in designated safe
25 corridor areas² shall be forwarded to the State Treasurer for deposit
26 into the Highway Safety Fund account. The fund shall be administered
27 by the Department of Transportation ¹which shall establish a
28 ²[procedure to reimburse local law enforcement agencies for any
29 additional costs associated with the enforcement of this act] grant
30 program to fund local law enforcement agencies for special
31 enforcement efforts associated with this act². The department shall
32 annually, in conjunction with the Division of State Police, submit a
33 report on the results of the safe corridor areas and a list of highway
34 safety projects and programs paid for by the fund within the past year
35 to the Senate Transportation Committee ²[.] and² the Assembly
36 Transportation Committee, the President and minority leader of the
37 Senate, and the Speaker and ¹the¹ minority leader of the General
38 Assembly¹. The moneys in the account shall be used exclusively for
39 highway safety projects and programs, including education,
40 enforcement, capital improvements and such other related measures
41 and undertakings as the Department of Transportation and the
42 Division of State Police may deem appropriate to foster highway
43 safety.

44
45 ²[8.] 6² This act shall take effect ²[July 1, 2003] on the 15th day
46 of the seventh month following enactment, except that section 3 of this

1 act shall take effect on the 15th day of the 10th month following
2 enactment. The Department of Transportation, the New Jersey Motor
3 Vehicle Commission, the Administrative Office of the Courts, the
4 Department of Law and Public Safety and other relevant agencies may
5 take such anticipatory administrative action in advance as shall be
6 necessary for the implementation of this act.²

7

8

9

10

11 Outlines a program to improve highway safety.

ASSEMBLY, No. 3527

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Outlines a program to improve highway safety.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning highway safety, and amending and supplementing
2 various parts of the statutory law.

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

6
7 1. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to read
8 as follows:

9 1. a. For the purposes of this act:

10 "Area of highway construction or repair" means that segment of any
11 highway which is identified by properly posted traffic control devices
12 or signs as undergoing construction, reconstruction, repair, or
13 maintenance operation. An area of highway construction or repair
14 shall consist of that area between the first traffic control device or sign
15 informing motor vehicle operators of their approaching highway
16 construction or repair and the last traffic control device or sign
17 indicating all restrictions are removed and normal motor vehicle
18 operations may resume.

19 "Highway" means any highway under the jurisdiction of the State
20 Department of Transportation, a county, a municipality or a toll road
21 authority.

22 "Safe corridor" means a segment of highway which, based upon
23 accident rates, fatalities, traffic volume and other highway traffic
24 safety criteria, is identified by the Commissioner of Transportation as
25 a segment warranting designation as a "safe corridor."

26 "Toll road authority" means the New Jersey Turnpike Authority, the
27 New Jersey Highway Authority, or the South Jersey Transportation
28 Authority.

29 b. The fine for a motor vehicle offense embodied in the following
30 sections of statutory law, when committed in an area of highway
31 construction or repair, or when committed in a designated safe
32 corridor, shall be double the amount specified by law:

33
34 Subsection b. of R.S.39:3-20;

35 R.S.39:4-52;

36 R.S.39:4-57;

37 R.S.39:4-71;

38 R.S.39:4-80;

39 R.S.39:4-81;

40 R.S.39:4-82;

41 R.S.39:4-83;

42 R.S.39:4-84;

43 R.S.39:4-85;

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 R.S.39:4-86;
2 R.S.39:4-88;
3 R.S.39:4-89;
4 R.S.39:4-90;
5 R.S.39:4-96;
6 R.S.39:4-97;
7 R.S.39:4-98;
8 R.S.39:4-99;
9 R.S.39:4-105;
10 R.S.39:4-115;
11 R.S.39:4-119;
12 R.S.39:4-122;
13 R.S.39:4-123;
14 R.S.39:4-124;
15 R.S.39:4-125;
16 R.S.39:4-127;
17 R.S.39:4-129;
18 R.S.39:4-144;
19 P.L.1955, c.217 (C.39:5C-1);
20 Section 48 of P.L.1951, c.23 (C.39:4-66.1);
21 Section 41 of P.L.1951, c.23 (C.39:4-82.1);
22 Section 51 of P.L.1951, c.23 (C.39:4-90.1);
23 Section 5 of P.L.1951, c.264 (C.27:23-29);
24 Section 18 of P.L.1952, c.16 (C.27:12B-18); and
25 Section 21 of P.L. 1991, c.252 (C.27:25A-21).

26 c. (1) Signs designed in compliance with the specifications of the
27 Department of Transportation or, if appropriate, the toll road authority
28 having jurisdiction over the appropriate highway, shall be
29 appropriately placed, by order of the Commissioner of Transportation,
30 the appropriate local official, or the affected toll road authority, as the
31 case may be, to notify drivers approaching areas of highway
32 construction and repair, and designated safe corridor areas, that the
33 fines are doubled for motor vehicle offenses in those areas.

34 (2) In addition, all traffic control signs and devices erected or
35 displayed by the State Department of Transportation, a county, a
36 municipality or a toll road authority within an area of highway
37 construction or repair shall conform to the uniform system specified
38 in the most current "Manual on Uniform Traffic Control Devices for
39 Streets and Highways," prepared by the Federal Highway
40 Administration in the United States Department of Transportation.

41 d. It shall not be a defense to the imposition of the fines authorized
42 under the provisions of this act that a sign notifying drivers who are
43 approaching highway construction or repair areas, or designated safe
44 corridor areas, that fines are doubled for motor vehicle offenses in
45 those areas was not posted, improperly posted, wrongfully removed
46 or stolen, or that signs or devices were not placed in compliance with

1 the most current "Manual on Uniform Traffic Control Devices for
2 Streets and Highways" as required pursuant to paragraph (2) of
3 subsection c. of this section.

4 e. The director shall include information concerning the penalties
5 imposed pursuant to this act in any subsequent revision of the New
6 Jersey Driver Manual and the New Jersey Motorist Guide.

7 f. Safe corridor areas shall be designated by traffic order issued
8 pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

9 (cf: P.L.1993, c.332, s.1)

10
11 2. Section 5 of P.L.1983, c.401 (C.39:5B-29) is amended to read
12 as follows:

13 5. a. Any person who violates the provisions of this act or any rule
14 or regulation adopted pursuant thereto shall be subject to a penalty of
15 not less than ~~[\$50.00]~~\$100 nor more than \$5,000.00 for the first
16 offense, nor less than ~~[\$100.00]~~ \$200 nor more than \$10,000.00 for
17 the second offense, nor less than ~~[\$250.00]~~ \$500 nor more than
18 \$25,000.00 for the third or any subsequent offense. The difference, if
19 any, produced by subtracting the aggregate amount of penalty moneys
20 collected pursuant to this subsection in the fiscal year immediately
21 preceding the effective date of P.L. , c. (C.)(now pending
22 before the Legislature as this bill) from the aggregate amount so
23 collected for the current fiscal year shall be divided equally between
24 the Department of Transportation and the Division of State Police.

25 The Department of Transportation is authorized to adopt a schedule
26 of penalties for any specific violation of P.L.1983, c.401 (C.39:5B-25
27 et seq.) or any rule or regulation adopted pursuant thereto. A penalty
28 imposed pursuant to this act may be collected in a civil action by a
29 summary proceeding under "the penalty enforcement law"
30 (N.J.S. 2A:58-1 et seq.), or in a summary proceeding before a court
31 of competent jurisdiction wherein injunctive relief has been sought.
32 The State Police and police officers of the Port Authority of New
33 York and New Jersey may issue a summons and complaint returnable
34 in a municipal court or other court of competent jurisdiction for
35 violations of P.L.1983, c.401 (C.39:5B-25 et seq.) and this
36 amendatory and supplementary act or any rule or regulation adopted
37 pursuant thereto. In addition to the jurisdiction conferred by "the
38 penalty enforcement law," the Law and Chancery Divisions of the
39 Superior Court shall have jurisdiction of proceedings for the
40 enforcement of the penalties provided in this act. The various
41 municipal courts shall have jurisdiction of proceedings for the
42 enforcement of penalties under \$5,000.00 provided in P.L.1983, c.401
43 (C. 39:5B-25 et seq.).

44 b. Penalties imposed pursuant to this act shall in no way reduce or
45 otherwise limit the liability of any person, pursuant to the laws of this

1 State, for cleanup costs or other damages arising from a discharge of
2 hazardous materials.

3 c. The Superintendent of the State Police, police officers of the
4 Port Authority of New York and New Jersey and personnel of the
5 Department of Transportation and of the Department of
6 Environmental Protection duly authorized by the superintendent may,
7 in addition to seeking a civil penalty, seek injunctive relief in the
8 Chancery Division, General Equity Part of the Superior Court as to
9 any person found to have violated any provision of P.L. 1983, c. 401
10 (C. 39:5B-25 et seq.) or this amendatory and supplementary act or any
11 rule or regulation adopted pursuant to either.

12 d. With respect to violations dealing with motor vehicle equipment
13 and inspection, the provisions and penalties of article 3 of chapter 3
14 and of chapter 8 respectively of Title 39 of the Revised Statutes and
15 rules and regulations adopted thereunder shall apply rather than the
16 provisions of P.L.1983, c.401 (C.39:5B-25 et seq.), this amendatory
17 and supplementary act and rules and regulations adopted pursuant
18 thereto.

19 (cf: P.L.1985, c.415, s.5)

20

21 3. Section 6 of P.L.1997, c.415 (C.39:4-98.7) is amended to read
22 as follows:

23 6. The fine for a motor vehicle offense shall be double the amount
24 specified by law when traveling 20 miles per hour or more over the
25 designated speed limit as set forth in R.S.39:4-98, except as provided
26 in [subsection b. of section 1 of P.L.1993, c.332 (C.39:4-203.5) and]
27 subsection a. of section 5 of P.L.1997, c.415 (C.39:4-98.6).

28 (cf: P.L.1997, c.415, s.6)

29

30 4. R.S.39:5-30 is amended to read as follows:

31 39:5-30. a. Every registration certificate, every license certificate,
32 every privilege to drive motor vehicles, including commercial motor
33 vehicles as defined in P.L.1990, c.103 (C.39:3-10.9 et al., every
34 endorsement, class of license, and commercial driver license, may be
35 suspended or revoked, and any person may be prohibited from
36 obtaining a driver's license or a registration certificate, or disqualified
37 from obtaining any class of or endorsement on a commercial driver
38 license, and the reciprocity privilege of any nonresident may be
39 suspended or revoked by the director for a violation of any of the
40 provisions of this Title or on any other reasonable grounds, after due
41 notice in writing of such proposed suspension, revocation,
42 disqualification or prohibition and the ground thereof.

43 He may also summon witnesses to appear before him at his office
44 or at any other place he designates, to give testimony in a hearing
45 which he holds looking toward a revocation of a license or registration
46 certificate issued by or under his authority. The summons shall be

1 served at least five days before the return date, either by registered
2 mail or personal service. A person who fails to obey the summons shall
3 be subject to a penalty not exceeding \$100.00, to be recovered with
4 costs in an action at law, prosecuted by the Attorney General, and in
5 addition the vehicle registration or driver's license, or both, as the case
6 may be, shall forthwith be revoked. The fee for witnesses required to
7 attend before the director shall be \$1.00 for each day's attendance and
8 \$0.03 for every mile of travel by the nearest generally traveled route
9 in going to and from the place where the attendance of the witness is
10 required. These fees shall be paid when the witness is excused from
11 further attendance, and the disbursements made from payment of the
12 fees shall be audited and paid in the manner provided for expenses of
13 the department. The actual conduct of said hearing may be delegated
14 by the director to such departmental employees as he may designate,
15 in which case the said employees shall recommend to the director in
16 writing whether the said licenses or certificates shall or shall not be
17 suspended or revoked.

18 b. whenever a matter is presented to the director involving an alleged
19 violation of

20 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
21 authorized speed limit is alleged, and which has resulted in the death
22 of another;

23 (2) R.S.39:4-50, and which has resulted in the death of another;

24 (3) R.S.39:4-96, and which has resulted in the death of another; or

25 (4) R.S.39:4-129, wherein the death of another has occurred, and
26 the director has not determined to immediately issue a preliminary
27 suspension pursuant to subsection e. of this section, the director shall
28 issue a notice of proposed final suspension or revocation of any license
29 certificate or any nonresident reciprocity privilege to operate any
30 motor vehicle or motorized bicycle held by the individual charged or
31 temporary order prohibiting the individual from obtaining any license
32 to operate any motor vehicle or motorized bicycle in this State.

33 In the notice, the director shall provide the individual charged with
34 an opportunity for a plenary hearing to contest the proposed final
35 suspension, revocation or other final agency action. Unless the
36 division receives, no later than the 10th day from the date the notice
37 was mailed, a written request for hearing, the proposed final agency
38 action shall take effect on the date specified in the notice.

39 Upon receipt of a timely request for a plenary hearing, a preliminary
40 hearing shall be held by an administrative law judge within 15 days of
41 the receipt of the request. The preliminary hearing shall be for the
42 purpose of determining whether, pending a plenary hearing on the
43 proposed final agency action, a preliminary suspension shall be
44 immediately issued by the judge. Adjournment of such hearing upon
45 motion by the individual charged shall be given only for good cause
46 shown.

1 At the preliminary hearing, the parties shall proceed on the papers
2 submitted to the judge, including the summons, the police reports and
3 the charged individual's prior driving record submitted by the division,
4 and any brief affidavits permitted by the judge from persons who shall
5 be witnesses at the plenary hearing, and the parties may present oral
6 argument. Based on the papers, on any oral argument, on the
7 individual's prior driving record, and on the circumstances of the
8 alleged violation presented in the papers, the judge shall determine
9 whether the individual was properly charged with a violation of the
10 law and a death occurred; and, if so, whether in the interest of public
11 safety, a preliminary suspension shall be immediately ordered pending
12 the plenary hearing on the proposed suspension or revocation. The
13 administrative law judge shall transmit his findings to the director.

14 A plenary hearing shall be held no later than the 45th day following
15 the preliminary hearing. Adjournment of the hearing shall be given
16 only for good cause shown. If the hearing is otherwise postponed or
17 delayed solely at the instance of the individual charged, the
18 administrative law judge shall immediately issue a preliminary
19 suspension of any license certificate or any nonresident reciprocity
20 privilege held by the individual charged, or if any such preliminary
21 suspension or order is in effect, he shall continue such suspension or
22 order. Such preliminary suspension or temporary order shall remain
23 in effect pending a final agency decision on the matter. If the hearing
24 is otherwise postponed or delayed at the instance of anyone other than
25 the individual charged, the judge shall immediately issue an order
26 restoring the individual's license certificate or any nonresident
27 reciprocity privilege pending final agency decision in the matter. The
28 period of any preliminary suspension imposed under this section shall
29 be deducted from any suspension imposed by the final agency decision
30 in the matter.

31 c. Whenever any other matter is presented to the director involving
32 an alleged violation of this title, wherein the death of another occurred
33 and for which he determines immediate action is warranted, he may
34 proceed in the manner prescribed in subsection b. above.

35 d. Whenever a fatal accident occurs in this State, an investigation
36 of the incident, whether performed by the State Police or by local
37 police, shall be completed and forwarded to the director within 72
38 hours of the time of the accident.

39 e. Whenever a matter is presented to the director involving an
40 alleged violation of

41 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
42 authorized speed limit is alleged, and which has resulted in the death
43 or serious bodily injury of another;

44 (2) R.S.39:4-50, which has resulted in the death or serious bodily
45 injury of another;

1 (3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death or
2 serious bodily injury of another; or

3 (4) R.S.39:4-129, wherein the death or serious bodily injury of
4 another has occurred, the director for good cause may, without
5 hearing, immediately issue a preliminary suspension of any license
6 certificate or any nonresident reciprocity privilege to operate any
7 motor vehicle or motorized bicycle held by an individual charged or
8 temporary order prohibiting the individual from obtaining any license
9 to operate any motor vehicle or motorized bicycle in this State. For
10 purposes of this subsection, "serious bodily injury" means bodily injury
11 which creates a substantial risk of death or which causes serious,
12 permanent disfigurement, or protracted loss or impairment of the
13 function of any bodily member or organ. Along with the notice of
14 preliminary suspension, the director shall issue a notice of proposed
15 final suspension, revocation or other final agency action, and shall
16 afford the individual the right to a preliminary hearing to contest the
17 preliminary suspension and a plenary hearing to contest the proposed
18 final agency action.

19 The preliminary suspension shall remain in effect pending a final
20 agency decision on the proposed final agency action, unless a request
21 for a preliminary hearing is received by the division no later than the
22 10th day from the date on which the notice was mailed. The proposed
23 final agency action shall take effect on the date specified in the notice
24 unless a request for a plenary hearing is received by the division no
25 later than the 10th day from the date on which the notice was mailed.

26 Upon timely request by the individual, a preliminary hearing shall
27 be held by an administrative law judge, no later than the 15th day from
28 the date on which the division receives the request. The preliminary
29 hearing shall be for the purpose of determining whether, pending a
30 final agency decision on the matter, the preliminary suspension issued
31 by the director shall remain in effect. Adjournment of the hearing shall
32 be given only for good cause shown. If the preliminary hearing is
33 otherwise postponed or delayed solely at the instance of someone
34 other than the individual charged, the judge shall immediately order
35 that the individual's license certificate or any nonresident reciprocity
36 privilege be restored pending the rescheduled preliminary hearing.

37 At the preliminary hearing, the parties shall proceed on the papers
38 submitted to the judge, including the summons, the police reports and
39 the charged individual's prior driving record submitted by the division,
40 and any brief affidavits permitted by the judge from persons who shall
41 be witnesses at the final hearing, and the parties may present oral
42 arguments. Based on the papers, on any oral argument, on the
43 individual's prior driving record, and on the circumstances of the
44 alleged violation presented in the papers, the judge shall immediately
45 determine whether the individual was properly charged with a violation
46 of the law and a death occurred; and, if so, whether in the interest of

1 public safety, the preliminary suspension shall be continued pending
2 the final agency decision on the matter. The administrative law judge
3 shall transmit his findings to the director.

4 Any plenary hearing to contest the proposed final agency action
5 shall conform to the requirements for a plenary hearing contained in
6 subsection b. of this section.

7 f. In addition to any other final agency action, the director shall
8 require any person whose privileges to operate a motor vehicle or
9 motorized bicycle are suspended or who has been prohibited from
10 obtaining a license, pursuant to this section, to be reexamined to
11 determine the person's ability to operate a motor vehicle or motorized
12 bicycle, prior to regaining or obtaining any driving privileges in this
13 State.

14 Any determination resulting from any preliminary or plenary hearing
15 held pursuant to subsection b., c., or e. of this section shall not be
16 admissible at any criminal or quasi-criminal proceedings on the alleged
17 violation or violations.

18 g. In addition to any other requirements imposed by statute or
19 regulation, as a condition for the restoration of a revoked or
20 suspended license issued under the provisions of the "New Jersey
21 Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et
22 seq.), the person whose commercial driving privileges are revoked or
23 suspended shall successfully complete a commercial driver
24 improvement program. The director, in accordance with the
25 provisions of the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), shall promulgate rules and regulations
27 prescribing the scope and content of the program, the qualifications of
28 third parties that may offer a commercial driver improvement program,
29 a fee schedule for persons attending a commercial driver improvement
30 program and such other matters as the director may deem appropriate
31 and necessary. The successful completion of a commercial driver
32 improvement program pursuant to this subsection shall not entitle a
33 person to any reduction in the points assessed and recorded under
34 P.L.1982, c.43 (C.39:5-30.5 et seq.).

35 (cf: P.L.1990, c.103, s.33)

36

37 5. (New section) A complaint issued for an equipment violation,
38 other than a violation involving an out-of-service order or a violation
39 concerning the operation of any motor vehicle after it has been placed
40 out-of-service, shall be dismissed by the court if the violation set forth
41 in the summons is corrected not later than the end of the fifth business
42 day following the issuance of the summons.

43 Proof that the violation has been corrected shall be by a document
44 issued by the State Police and certifying that, upon reinspection, the
45 equipment violation cited in the summons has been corrected.

1 No fine shall be imposed for any complaint dismissed pursuant to
2 this section.

3 For the purposes of this section, "business day" means any day
4 other than a Saturday, Sunday or State or federal holiday.

5

6 6. (New section) It shall be unlawful for any vehicle or
7 combination of vehicles registered as a commercial motor vehicle by
8 another state or jurisdiction to operate on the highways of this State
9 if it has a gross weight, including load or contents, which is in excess
10 of the gross weight limit permitted on the registration certificate issued
11 for it by that other state or jurisdiction.

12 The owner, lessee or bailee of any vehicle or combination of
13 vehicles that is found or operated on any public road, street or
14 highway or on any public or quasi-public property in this State with a
15 gross weight in excess of the weight limitation permitted by the
16 certificate of registration issued for it by that other state or jurisdiction
17 shall be assessed a penalty of \$500 plus an amount equal to \$100 for
18 each 1,000 pounds or fractional portion of 1,000 pounds of weight in
19 excess of the weight limitation permitted by that certificate of
20 registration.

21 For the purposes of enforcement, a vehicle or combination of
22 vehicles for which there is no valid certificate of registration shall be
23 deemed to have been registered for zero pounds.

24 All fines, penalties and forfeitures imposed and collected in the
25 enforcement of this section shall be forwarded by the person to whom
26 they are paid to the State Treasurer, who shall annually deposit those
27 moneys in the "Highway Safety Fund" established pursuant to section
28 7 of P.L. , c. (C.)(now pending before the Legislature as this
29 bill).

30

31 7. (New section) There is established in the General Fund a
32 separate, nonlapsing, dedicated account to be known as the "Highway
33 Safety Fund." All fines, penalties and forfeitures imposed and
34 collected as a result of the enforcement of section 6 of P.L. , c.
35 (C.)(now pending before the Legislature as this bill) shall be
36 forwarded to the State Treasurer for deposit into the Highway Safety
37 Fund account. The fund shall be administered by the Department of
38 Transportation. The moneys in the account shall be used exclusively
39 for highway safety projects and programs, including education,
40 enforcement, capital improvements and such other related measures
41 and undertakings as the Department of Transportation and the
42 Division of State Police may deem appropriate to foster highway
43 safety.

44

45 8. This act shall take effect July 1, 2003.

STATEMENT

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The purpose of this bill is to improve highway safety in New Jersey. By virtually every measurement, traffic volume in New Jersey is among the highest in the nation. Every year, more than 700 people lose their lives in auto accidents and thousands more are injured on New Jersey's highways. To make our highways safer, this bill outlines a program involving new transportation policy initiatives, education, enforcement and significantly stricter regulation of commercial carriers.

The major elements of the bill include:

- ! Authorizing the Commissioner of Transportation to designate segments of highways where there have been high numbers of motor vehicle accidents and fatalities as "safe corridors." The fines for motor vehicle violations in these areas would be doubled, just as they are in construction zones.
- ! Permitting the quadrupling of fines for persons driving 20 mph or more over the designated speed limit in a "safe corridors" or a "construction zone" area.
- ! Increasing the fines for out-of-state overweight trucks. The current fines for overweight commercial vehicles (vehicles having a gross vehicle weight exceeding 80,000) are higher for New Jersey registered carriers than for those registered in other jurisdictions. This bill would make out-of-state violators subject to the same fine schedule as New Jersey based carriers. The new revenues generated by this change are to be deposited in a special "Highway Safety Fund." The moneys in this fund are to be used exclusively for highway safety projects and programs, including education, enforcement, capital improvements and other such measures that the Department of Transportation and the State Police deem appropriate to foster highway safety.
- ! Raising the minimum penalties for commercial carriers cited for equipment violations. Currently, the minimum fine for a first offense is \$50, \$100 for a second and \$250 for any subsequent violation. Those minimums are increased to \$100, \$200 and \$500, respectively. Any increase in the aggregate fine collections resulting from these changes are to be shared by the Department of Transportation and the State Police.
- ! Authorizing the courts to dismiss summonses issued to truckers for minor equipment violations if that violation is corrected within five business days. To secure a dismissal, the truckers must present documentation from the State Police certifying that they have reinspected the truck and the correction has been made. Serious violations which require

1 that a truck be taken out of service are not eligible for this
2 program.
3 **!** Requiring, as a condition for restoring a suspended or revoked
4 commercial driver's license, that the licensee complete a
5 commercial driver's improvement program. The content and
6 scope of the program are to be determined by the Director of
7 the Division of Motor Vehicles. With the approval of the
8 director, third parties may offer the program. Licensees may
9 be required to pay a fee for the program. The bill specifies,
10 however, that licensees who complete this commercial driver
11 improvement program are not entitled to any reduction in the
12 points they have been assessed.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3527

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 3527.

The purpose of this amended bill is to improve highway safety in New Jersey. By virtually every measurement, traffic volume in New Jersey is among the highest in the nation. Every year, more than 700 people lose their lives in auto accidents and thousands more are injured on New Jersey's highways. To make our highways safer, this bill outlines a program involving new transportation policy initiatives, education, enforcement and significantly stricter regulation of commercial carriers.

The major elements of the bill include:

- ! Authorizing the Commissioner of Transportation to designate segments of highways where there have been high numbers of motor vehicle accidents and fatalities as "safe corridors." The fines for certain motor vehicle violations in these areas would be doubled, just as they are in construction zones.
- ! Requiring the quadrupling of fines for persons driving 20 mph or more over the designated speed limit in a "safe corridor" or a "construction zone" area.
- ! Increasing the fines for out-of-state overweight trucks. The current fines for overweight commercial vehicles (vehicles having a gross vehicle weight exceeding 80,000 pounds) are higher for New Jersey registered carriers than for those registered in other jurisdictions. This bill would make out-of-state violators subject to the same fine schedule as New Jersey based carriers. The revenues generated from these fines are to be deposited in a special "Highway Safety Fund." The moneys in this fund are to be used exclusively for highway safety projects and programs, including education, enforcement, capital improvements and other such measures that the Department of Transportation and the State Police deem appropriate to foster highway safety.
- ! Raising the minimum penalties for commercial carriers cited for equipment violations. Currently, the minimum fine for a first offense is \$50, \$100 for a second and \$250 for any subsequent

violation. Those minimums are increased to \$100, \$200 and \$500, respectively. The Highway Safety Fund will receive 50% of the penalty monies.

- ! Authorizing the courts to dismiss summonses issued to truckers for minor equipment violations if that violation is corrected within 20 business days. To secure a dismissal, the truckers must present documentation certifying that the correction has been made. Serious violations which require that a truck be taken out of service are not eligible for this program.
- ! Requiring, as a condition for restoring a suspended or revoked commercial driver license, that the licensee complete a commercial driver's improvement program. The content and scope of the program are to be determined by the Director of the Division of Motor Vehicles. With the approval of the director, third parties may offer the program. Licensees may be required to pay a fee for the program. The bill specifies, however, that licensees who complete this commercial driver improvement program are not entitled to any reduction in the points they have been assessed.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the safe corridors will be on highways under the jurisdiction of the Department of Transportation.

Concerning the funds resulting from the increase in penalties in section 2, the committee amendments remove the language regarding the aggregate amount of penalty moneys and the equal division between the Department of Transportation and the Division of State Police and substitute a provision that 50 percent of the penalty moneys, which is an amount equal to the increase, is to be deposited into the Highway Safety Fund.

The committee amendments clarify the provisions for quadrupling the fine for traveling 20 miles per hour or more over the designated speed limit in section 3 of the bill and provide that the proceeds from the fines will be deposited into the Highway Safety Fund.

The committee amendments add a provision in section 4 to provide that a person holding a commercial driver license who receives 12 or more points during a 24-month period must complete a driver improvement program or face suspension of the CDL driving privilege.

The committee amendments to section 7 of the bill add a requirement that the Department of Transportation establish a procedure to reimburse local law enforcement agencies for any additional costs associated with the enforcement of the bill. The amendments also add a provision that the Department, in conjunction with the State Police, shall annually submit to the Legislature a report on the results of the safe corridor areas and a list of the highway safety projects and programs paid for by the fund within the past year.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3527

with Senate Floor Amendments
(Proposed By Senator TURNER)

ADOPTED: JUNE 23, 2003

These amendments make this bill identical to Senate Bill No. 2456(1R).

Specifically, the amendments amend the bill to add unsafe driving and driving at speeds in excess of 20 mph to the list of offenses for which fines are doubled in construction zones and safe corridors. If a construction zone is located in a safe corridor, or vice versa, the fines would only be doubled once. Also, fines which are currently doubled for violations involving speed in excess of 20 miles per hour over the speed limit would not be quadrupled under the bill. The increase in the fines doubled in safe corridors is to be dedicated to the Highway Safety Fund. The bill also provides that fifty percent of the revenues collected from fines for motor vehicle equipment violations is also to be dedicated to the Highway Safety Fund. The amendments add a procedure whereby the penalties for non-out-of-service commercial motor vehicle equipment violations could be reduced by the court if an appropriate document certifying that the necessary repairs had been made were submitted before the hearing date. The amendments provide that the DOT, in administering the Highway Safety Fund, is to establish a grant program to fund local law enforcement agencies for special enforcement efforts associated with this bill. Finally, the amendments provide for delayed effective dates.

SENATE, No. 2456

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

SYNOPSIS

Outlines a program to improve highway safety.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning highway safety, and amending and supplementing
2 various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1993, c.332 (C.39:4-203.5) is amended to read
8 as follows:

9 1. a. For the purposes of this act:

10 "Area of highway construction or repair" means that segment of any
11 highway which is identified by properly posted traffic control devices
12 or signs as undergoing construction, reconstruction, repair, or
13 maintenance operation. An area of highway construction or repair
14 shall consist of that area between the first traffic control device or sign
15 informing motor vehicle operators of their approaching highway
16 construction or repair and the last traffic control device or sign
17 indicating all restrictions are removed and normal motor vehicle
18 operations may resume.

19 "Highway" means any highway under the jurisdiction of the State
20 Department of Transportation, a county, a municipality or a toll road
21 authority.

22 "Safe corridor" means a segment of highway which, based upon
23 accident rates, fatalities, traffic volume and other highway traffic
24 safety criteria, is identified by the Commissioner of Transportation as
25 a segment warranting designation as a "safe corridor."

26 "Toll road authority" means the New Jersey Turnpike Authority, the
27 New Jersey Highway Authority, or the South Jersey Transportation
28 Authority.

29 b. The fine for a motor vehicle offense embodied in the following
30 sections of statutory law, when committed in an area of highway
31 construction or repair, or when committed in a designated safe
32 corridor, shall be double the amount specified by law:

33

34 Subsection b. of R.S.39:3-20;

35 R.S.39:4-52;

36 R.S.39:4-57;

37 R.S.39:4-71;

38 R.S.39:4-80;

39 R.S.39:4-81;

40 R.S.39:4-82;

41 R.S.39:4-83;

42 R.S.39:4-84;

43 R.S.39:4-85;

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 R.S.39:4-86;
2 R.S.39:4-88;
3 R.S.39:4-89;
4 R.S.39:4-90;
5 R.S.39:4-96;
6 R.S.39:4-97;
7 R.S.39:4-98;
8 R.S.39:4-99;
9 R.S.39:4-105;
10 R.S.39:4-115;
11 R.S.39:4-119;
12 R.S.39:4-122;
13 R.S.39:4-123;
14 R.S.39:4-124;
15 R.S.39:4-125;
16 R.S.39:4-127;
17 R.S.39:4-129;
18 R.S.39:4-144;
19 P.L.1955, c.217 (C.39:5C-1);
20 Section 48 of P.L.1951, c.23 (C.39:4-66.1);
21 Section 41 of P.L.1951, c.23 (C.39:4-82.1);
22 Section 51 of P.L.1951, c.23 (C.39:4-90.1);
23 Section 5 of P.L.1951, c.264 (C.27:23-29);
24 Section 18 of P.L.1952, c.16 (C.27:12B-18); and
25 Section 21 of P.L. 1991, c.252 (C.27:25A-21).

26 c. (1) Signs designed in compliance with the specifications of the
27 Department of Transportation or, if appropriate, the toll road authority
28 having jurisdiction over the appropriate highway, shall be
29 appropriately placed, by order of the Commissioner of Transportation,
30 the appropriate local official, or the affected toll road authority, as the
31 case may be, to notify drivers approaching areas of highway
32 construction and repair, and designated safe corridor areas, that the
33 fines are doubled for motor vehicle offenses in those areas.

34 (2) In addition, all traffic control signs and devices erected or
35 displayed by the State Department of Transportation, a county, a
36 municipality or a toll road authority within an area of highway
37 construction or repair shall conform to the uniform system specified
38 in the most current "Manual on Uniform Traffic Control Devices for
39 Streets and Highways," prepared by the Federal Highway
40 Administration in the United States Department of Transportation.

41 d. It shall not be a defense to the imposition of the fines authorized
42 under the provisions of this act that a sign notifying drivers who are
43 approaching highway construction or repair areas, or designated safe
44 corridor areas, that fines are doubled for motor vehicle offenses in
45 those areas was not posted, improperly posted, wrongfully removed
46 or stolen, or that signs or devices were not placed in compliance with

1 the most current "Manual on Uniform Traffic Control Devices for
2 Streets and Highways" as required pursuant to paragraph (2) of
3 subsection c. of this section.

4 e. The director shall include information concerning the penalties
5 imposed pursuant to this act in any subsequent revision of the New
6 Jersey Driver Manual and the New Jersey Motorist Guide.

7 f. Safe corridor areas shall be designated by traffic order issued
8 pursuant to P.L.1998, c.28 (C.39:4-8.2 et seq.).

9 (cf: P.L.1993, c.332, s.1)

10
11 2. Section 5 of P.L.1983, c.401 (C.39:5B-29) is amended to read
12 as follows:

13 5. a. Any person who violates the provisions of this act or any rule
14 or regulation adopted pursuant thereto shall be subject to a penalty of
15 not less than [~~\$50.00~~]\$100 nor more than \$5,000.00 for the first
16 offense, nor less than [~~\$100.00~~] \$200 nor more than \$10,000.00 for
17 the second offense, nor less than [~~\$250.00~~] \$500 nor more than
18 \$25,000.00 for the third or any subsequent offense. The difference, if
19 any, produced by subtracting the aggregate amount of penalty moneys
20 collected pursuant to this subsection in the fiscal year immediately
21 preceding the effective date of P.L. , c. (C.)(now pending
22 before the Legislature as this bill) from the aggregate amount so
23 collected for the current fiscal year shall be divided equally between
24 the Department of Transportation and the Division of State Police.

25 The Department of Transportation is authorized to adopt a schedule
26 of penalties for any specific violation of P.L.1983, c.401 (C. 39:5B-25
27 et seq.) or any rule or regulation adopted pursuant thereto. A penalty
28 imposed pursuant to this act may be collected in a civil action by a
29 summary proceeding under "the penalty enforcement law" (N.J.S.
30 2A:58-1 et seq.), or in a summary proceeding before a court of
31 competent jurisdiction wherein injunctive relief has been sought. The
32 State Police and police officers of the Port Authority of New York and
33 New Jersey may issue a summons and complaint returnable in a
34 municipal court or other court of competent jurisdiction for violations
35 of P.L.1983, c.401 (C.39:5B-25 et seq.) and this amendatory and
36 supplementary act or any rule or regulation adopted pursuant thereto.
37 In addition to the jurisdiction conferred by "the penalty enforcement
38 law," the Law and Chancery Divisions of the Superior Court shall have
39 jurisdiction of proceedings for the enforcement of the penalties
40 provided in this act. The various municipal courts shall have
41 jurisdiction of proceedings for the enforcement of penalties under
42 \$5,000.00 provided in P.L.1983, c.401 (C.39:5B-25 et seq.).

43 b. Penalties imposed pursuant to this act shall in no way reduce or
44 otherwise limit the liability of any person, pursuant to the laws of this
45 State, for cleanup costs or other damages arising from a discharge of
46 hazardous materials.

1 c. The Superintendent of the State Police, police officers of the
2 Port Authority of New York and New Jersey and personnel of the
3 Department of Transportation and of the Department of
4 Environmental Protection duly authorized by the superintendent may,
5 in addition to seeking a civil penalty, seek injunctive relief in the
6 Chancery Division, General Equity Part of the Superior Court as to
7 any person found to have violated any provision of P.L.1983, c.401
8 (C.39:5B-25 et seq.) or this amendatory and supplementary act or any
9 rule or regulation adopted pursuant to either.

10 d. With respect to violations dealing with motor vehicle equipment
11 and inspection, the provisions and penalties of article 3 of chapter 3
12 and of chapter 8 respectively of Title 39 of the Revised Statutes and
13 rules and regulations adopted thereunder shall apply rather than the
14 provisions of P.L.1983, c.401 (C.39:5B-25 et seq.), this amendatory
15 and supplementary act and rules and regulations adopted pursuant
16 thereto.

17 (cf: P.L.1985, c.415, s.5)

18

19 3. Section 6 of P.L.1997, c.415 (C.39:4-98.7) is amended to read
20 as follows:

21 6. The fine for a motor vehicle offense shall be double the amount
22 specified by law when traveling 20 miles per hour or more over the
23 designated speed limit as set forth in R.S.39:4-98, except as provided
24 in [subsection b. of section 1 of P.L.1993, c.332 (C.39:4-203.5) and]
25 subsection a. of section 5 of P.L.1997, c.415 (C.39:4-98.6).

26 (cf: P.L.1997, c.415, s.6)

27

28 4. R.S.39:5-30 is amended to read as follows:

29 39:5-30. a. Every registration certificate, every license certificate,
30 every privilege to drive motor vehicles, including commercial motor
31 vehicles as defined in P.L.1990, c.103 (C.39:3-10.9 et al.), every
32 endorsement, class of license, and commercial driver license, may be
33 suspended or revoked, and any person may be prohibited from
34 obtaining a driver's license or a registration certificate, or disqualified
35 from obtaining any class of or endorsement on a commercial driver
36 license, and the reciprocity privilege of any nonresident may be
37 suspended or revoked by the director for a violation of any of the
38 provisions of this Title or on any other reasonable grounds, after due
39 notice in writing of such proposed suspension, revocation,
40 disqualification or prohibition and the ground thereof.

41 He may also summon witnesses to appear before him at his office
42 or at any other place he designates, to give testimony in a hearing
43 which he holds looking toward a revocation of a license or registration
44 certificate issued by or under his authority. The summons shall be
45 served at least five days before the return date, either by registered
46 mail or personal service. A person who fails to obey the summons

1 shall be subject to a penalty not exceeding \$100.00, to be recovered
2 with costs in an action at law, prosecuted by the Attorney General, and
3 in addition the vehicle registration or driver's license, or both, as the
4 case may be, shall forthwith be revoked. The fee for witnesses
5 required to attend before the director shall be \$1.00 for each day's
6 attendance and \$0.03 for every mile of travel by the nearest generally
7 traveled route in going to and from the place where the attendance of
8 the witness is required. These fees shall be paid when the witness is
9 excused from further attendance, and the disbursements made from
10 payment of the fees shall be audited and paid in the manner provided
11 for expenses of the department. The actual conduct of said hearing
12 may be delegated by the director to such departmental employees as
13 he may designate, in which case the said employees shall recommend
14 to the director in writing whether the said licenses or certificates shall
15 or shall not be suspended or revoked.

16 b. Whenever a matter is presented to the director involving an
17 alleged violation of

18 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
19 authorized speed limit is alleged, and which has resulted in the death
20 of another;

21 (2) R.S.39:4-50, and which has resulted in the death of another;

22 (3) R.S.39:4-96, and which has resulted in the death of another; or

23 (4) R.S.39:4-129, wherein the death of another has occurred, and
24 the director has not determined to immediately issue a preliminary
25 suspension pursuant to subsection e. of this section, the director shall
26 issue a notice of proposed final suspension or revocation of any license
27 certificate or any nonresident reciprocity privilege to operate any
28 motor vehicle or motorized bicycle held by the individual charged or
29 temporary order prohibiting the individual from obtaining any license
30 to operate any motor vehicle or motorized bicycle in this State.

31 In the notice, the director shall provide the individual charged with
32 an opportunity for a plenary hearing to contest the proposed final
33 suspension, revocation or other final agency action. Unless the
34 division receives, no later than the 10th day from the date the notice
35 was mailed, a written request for hearing, the proposed final agency
36 action shall take effect on the date specified in the notice.

37 Upon receipt of a timely request for a plenary hearing, a preliminary
38 hearing shall be held by an administrative law judge within 15 days of
39 the receipt of the request. The preliminary hearing shall be for the
40 purpose of determining whether, pending a plenary hearing on the
41 proposed final agency action, a preliminary suspension shall be
42 immediately issued by the judge. Adjournment of such hearing upon
43 motion by the individual charged shall be given only for good cause
44 shown.

45 At the preliminary hearing, the parties shall proceed on the papers
46 submitted to the judge, including the summons, the police reports and

1 the charged individual's prior driving record submitted by the division,
2 and any brief affidavits permitted by the judge from persons who shall
3 be witnesses at the plenary hearing, and the parties may present oral
4 argument. Based on the papers, on any oral argument, on the
5 individual's prior driving record, and on the circumstances of the
6 alleged violation presented in the papers, the judge shall determine
7 whether the individual was properly charged with a violation of the
8 law and a death occurred; and, if so, whether in the interest of public
9 safety, a preliminary suspension shall be immediately ordered pending
10 the plenary hearing on the proposed suspension or revocation. The
11 administrative law judge shall transmit his findings to the director.

12 A plenary hearing shall be held no later than the 45th day following
13 the preliminary hearing. Adjournment of the hearing shall be given
14 only for good cause shown. If the hearing is otherwise postponed or
15 delayed solely at the instance of the individual charged, the
16 administrative law judge shall immediately issue a preliminary
17 suspension of any license certificate or any nonresident reciprocity
18 privilege held by the individual charged, or if any such preliminary
19 suspension or order is in effect, he shall continue such suspension or
20 order. Such preliminary suspension or temporary order shall remain
21 in effect pending a final agency decision on the matter. If the hearing
22 is otherwise postponed or delayed at the instance of anyone other than
23 the individual charged, the judge shall immediately issue an order
24 restoring the individual's license certificate or any nonresident
25 reciprocity privilege pending final agency decision in the matter. The
26 period of any preliminary suspension imposed under this section shall
27 be deducted from any suspension imposed by the final agency decision
28 in the matter.

29 c. Whenever any other matter is presented to the director involving
30 an alleged violation of this title, wherein the death of another occurred
31 and for which he determines immediate action is warranted, he may
32 proceed in the manner prescribed in subsection b. above.

33 d. Whenever a fatal accident occurs in this State, an investigation
34 of the incident, whether performed by the State Police or by local
35 police, shall be completed and forwarded to the director within 72
36 hours of the time of the accident.

37 e. Whenever a matter is presented to the director involving an
38 alleged violation of

39 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
40 authorized speed limit is alleged, and which has resulted in the death
41 or serious bodily injury of another;

42 (2) R.S.39:4-50, which has resulted in the death or serious bodily
43 injury of another;

44 (3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death or
45 serious bodily injury of another; or

46 (4) R.S.39:4-129, wherein the death or serious bodily injury of

1 another has occurred, the director for good cause may, without
2 hearing, immediately issue a preliminary suspension of any license
3 certificate or any nonresident reciprocity privilege to operate any
4 motor vehicle or motorized bicycle held by an individual charged or
5 temporary order prohibiting the individual from obtaining any license
6 to operate any motor vehicle or motorized bicycle in this State. For
7 purposes of this subsection, "serious bodily injury" means bodily injury
8 which creates a substantial risk of death or which causes serious,
9 permanent disfigurement, or protracted loss or impairment of the
10 function of any bodily member or organ. Along with the notice of
11 preliminary suspension, the director shall issue a notice of proposed
12 final suspension, revocation or other final agency action, and shall
13 afford the individual the right to a preliminary hearing to contest the
14 preliminary suspension and a plenary hearing to contest the proposed
15 final agency action.

16 The preliminary suspension shall remain in effect pending a final
17 agency decision on the proposed final agency action, unless a request
18 for a preliminary hearing is received by the division no later than the
19 10th day from the date on which the notice was mailed. The proposed
20 final agency action shall take effect on the date specified in the notice
21 unless a request for a plenary hearing is received by the division no
22 later than the 10th day from the date on which the notice was mailed.

23 Upon timely request by the individual, a preliminary hearing shall
24 be held by an administrative law judge, no later than the 15th day from
25 the date on which the division receives the request. The preliminary
26 hearing shall be for the purpose of determining whether, pending a
27 final agency decision on the matter, the preliminary suspension issued
28 by the director shall remain in effect. Adjournment of the hearing shall
29 be given only for good cause shown. If the preliminary hearing is
30 otherwise postponed or delayed solely at the instance of someone
31 other than the individual charged, the judge shall immediately order
32 that the individual's license certificate or any nonresident reciprocity
33 privilege be restored pending the rescheduled preliminary hearing.

34 At the preliminary hearing, the parties shall proceed on the papers
35 submitted to the judge, including the summons, the police reports and
36 the charged individual's prior driving record submitted by the division,
37 and any brief affidavits permitted by the judge from persons who shall
38 be witnesses at the final hearing, and the parties may present oral
39 arguments. Based on the papers, on any oral argument, on the
40 individual's prior driving record, and on the circumstances of the
41 alleged violation presented in the papers, the judge shall immediately
42 determine whether the individual was properly charged with a violation
43 of the law and a death occurred; and, if so, whether in the interest of
44 public safety, the preliminary suspension shall be continued pending
45 the final agency decision on the matter. The administrative law judge
46 shall transmit his findings to the director.

1 Any plenary hearing to contest the proposed final agency action
2 shall conform to the requirements for a plenary hearing contained in
3 subsection b. of this section.

4 f. In addition to any other final agency action, the director shall
5 require any person whose privileges to operate a motor vehicle or
6 motorized bicycle are suspended or who has been prohibited from
7 obtaining a license, pursuant to this section, to be reexamined to
8 determine the person's ability to operate a motor vehicle or motorized
9 bicycle, prior to regaining or obtaining any driving privileges in this
10 State.

11 Any determination resulting from any preliminary or plenary hearing
12 held pursuant to subsection b., c., or e. of this section shall not be
13 admissible at any criminal or quasi-criminal proceedings on the alleged
14 violation or violations.

15 g. In addition to any other requirements imposed by statute or
16 regulation, as a condition for the restoration of a revoked or
17 suspended license issued under the provisions of the "New Jersey
18 Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et
19 seq.), the person whose commercial driving privileges are revoked or
20 suspended shall successfully complete a commercial driver
21 improvement program. The director, in accordance with the
22 provisions of the "Administrative Procedure Act," P.L.1968, c.410
23 (C.52:14B-1 et seq.), shall promulgate rules and regulations
24 prescribing the scope and content of the program, the qualifications of
25 third parties that may offer a commercial driver improvement program,
26 a fee schedule for persons attending a commercial driver improvement
27 program and such other matters as the director may deem appropriate
28 and necessary. The successful completion of a commercial driver
29 improvement program pursuant to this subsection shall not entitle a
30 person to any reduction in the points assessed and recorded under
31 P.L.1982, c.43 (C.39:5-30.5 et seq.).

32 (cf: P.L.1990, c.103, s.33)

33

34 5. (New section) A complaint issued for an equipment violation,
35 other than a violation involving an out-of-service order or a violation
36 concerning the operation of any motor vehicle after it has been placed
37 out-of-service, shall be dismissed by the court if the violation set forth
38 in the summons is corrected not later than the end of the fifth business
39 day following the issuance of the summons.

40 Proof that the violation has been corrected shall be by a document
41 issued by the State Police and certifying that, upon reinspection, the
42 equipment violation cited in the summons has been corrected.

43 No fine shall be imposed for any complaint dismissed pursuant to
44 this section.

45 For the purposes of this section, "business day" means any day
46 other than a Saturday, Sunday or State or federal holiday.

1 6. (New section) It shall be unlawful for any vehicle or
2 combination of vehicles registered as a commercial motor vehicle by
3 another state or jurisdiction to operate on the highways of this State
4 if it has a gross weight, including load or contents, which is in excess
5 of the gross weight limit permitted on the registration certificate issued
6 for it by that other state or jurisdiction.

7 The owner, lessee or bailee of any vehicle or combination of
8 vehicles that is found or operated on any public road, street or
9 highway or on any public or quasi-public property in this State with a
10 gross weight in excess of the weight limitation permitted by the
11 certificate of registration issued for it by that other state or jurisdiction
12 shall be assessed a penalty of \$500 plus an amount equal to \$100 for
13 each 1,000 pounds or fractional portion of 1,000 pounds of weight in
14 excess of the weight limitation permitted by that certificate of
15 registration.

16 For the purposes of enforcement, a vehicle or combination of
17 vehicles for which there is no valid certificate of registration shall be
18 deemed to have been registered for zero pounds.

19 All fines, penalties and forfeitures imposed and collected in the
20 enforcement of this section shall be forwarded by the person to whom
21 they are paid to the State Treasurer, who shall annually deposit those
22 moneys in the "Highway Safety Fund" established pursuant to section
23 7 of P.L. , c. (C.)(now pending before the Legislature as this
24 bill).

25
26 7. (New section) There is established in the General Fund a
27 separate, nonlapsing, dedicated account to be known as the "Highway
28 Safety Fund." All fines, penalties and forfeitures imposed and
29 collected as a result of the enforcement of section 6 of P.L. , c.
30 (C.)(now pending before the Legislature as this bill) shall be
31 forwarded to the State Treasurer for deposit into the Highway Safety
32 Fund account. The fund shall be administered by the Department of
33 Transportation. The moneys in the account shall be used exclusively
34 for highway safety projects and programs, including education,
35 enforcement, capital improvements and such other related measures
36 and undertakings as the Department of Transportation and the
37 Division of State Police may deem appropriate to foster highway
38 safety.

39
40 8. This act shall take effect July 1, 2003.

41
42
43 STATEMENT

44
45 The purpose of this bill is to improve highway safety in New Jersey.
46 By virtually every measurement, traffic volume in New Jersey is

1 among the highest in the nation. Every year, more than 700 people
2 lose their lives in auto accidents and thousands more are injured on
3 New Jersey's highways. To make our highways safer, this bill outlines
4 a program involving new transportation policy initiatives, education,
5 enforcement and significantly stricter regulation of commercial
6 carriers.

7 The major elements of the bill include:

- 8 **!** Authorizing the Commissioner of Transportation to designate
9 segments of highways where there have been high numbers of
10 motor vehicle accidents and fatalities as "safe corridors." The
11 fines for motor vehicle violations in these areas would be
12 doubled, just as they are in construction zones.
- 13 **!** Permitting the quadrupling of fines for persons driving 20 mph
14 or more over the designated speed limit in a "safe corridors" or
15 a "construction zone" area.
- 16 **!** Increasing the fines for out-of-state overweight trucks. The
17 current fines for overweight commercial vehicles (vehicles
18 having a gross vehicle weight exceeding 80,000) are higher for
19 New Jersey registered carriers than for those registered in
20 other jurisdictions. This bill would make out-of-state violators
21 subject to the same fine schedule as New Jersey based carriers.
22 The new revenues generated by this change are to be deposited
23 in a special "Highway Safety Fund." The moneys in this fund
24 are to be used exclusively for highway safety projects and
25 programs, including education, enforcement, capital
26 improvements and other such measures that the Department of
27 Transportation and the State Police deem appropriate to foster
28 highway safety.
- 29 **!** Raising the minimum penalties for commercial carriers cited for
30 equipment violations. Currently, the minimum fine for a first
31 offense is \$50, \$100 for a second and \$250 for any subsequent
32 violation. Those minimums are increased to \$100, \$200 and
33 \$500, respectively. Any increase in the aggregate fine
34 collections resulting from these changes are to be shared by the
35 Department of Transportation and the State Police.
- 36 **!** Authorizing the courts to dismiss summonses issued to
37 truckers for minor equipment violations if that violation is
38 corrected within five business days. To secure a dismissal,
39 truckers must present documentation from the State Police
40 certifying that they have reinspected the truck and the
41 correction has been made. Serious violations which require
42 that a truck be taken out of service are not eligible for this
43 program.
- 44 **!** Requiring, as a condition for restoring a suspended or revoked
45 commercial driver's license, that the licensee complete a
46 commercial driver's improvement program. The content and

1 scope of the program are to be determined by the Director of
2 the Division of Motor Vehicles. With the approval of the
3 director, third parties may offer the program. Licensees may
4 be required to pay a fee for the program. The bill specifies,
5 however, that licensees who complete this commercial driver
6 improvement program are not entitled to any reduction in the
7 points they have been assessed.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2456

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2003

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2456.

The purpose of this amended bill is to establish a program to improve highway safety in the State of New Jersey. The bill focuses on the establishment of "safe corridors" where fines are doubled for certain motor vehicle violations, revising the law relating to commercial motor vehicle drivers, commercial motor vehicle equipment violations and overweight commercial motor vehicles; and establishing a "Highway Safety Fund."

Specifically, the bill:

- ! Authorizes the Commissioner of Transportation to designate certain segments of highways under the jurisdiction of the Department of Transportation (DOT) as "safe corridors" based upon accident rates, fatalities, traffic volume, and other highway traffic safety criteria. The fines for certain motor vehicle violations in these corridors would be doubled, just as they are in construction zones. Violations concerning unsafe driving and speeding over 20 miles per hour are also added to the list of motor vehicle violations. The increase in fines resulting from the doubling would be dedicated to the Highway Safety Fund established by section 5 of this bill.
- ! Increases the minimum fines for violating the law or regulations concerning certain commercial motor vehicle equipment violations and dedicating 50 percent of the fines to the Highway Safety Fund.
- ! Requires, as a condition for restoring a suspended or revoked commercial driver license, that the licensee complete a commercial driver's improvement program. The content and scope of the program are to be determined by the Director of the Division of Motor Vehicles. With the approval of the director, third parties may offer the program. Licenses may be required to pay a fee for the program. The bill specifies, however, that licensees who complete this commercial driver improvement program are not entitled to any reduction in the

points they may have been assessed.

- ! Authorizes the courts to reduce penalties imposed on truckers for minor equipment violations if that violation is corrected before the hearing date. To secure a reduction, the trucker must present documentation certifying that the correction has been made. Serious violations which require that a truck be taken out of service are not eligible for this program.
- ! Increases the fines for out-of-State overweight trucks. The current fines for overweight commercial vehicles (vehicles having a gross weight exceeding 80,000 pounds) are higher for New Jersey registered carriers than for those registered in other jurisdictions. The bill would make out-of-State violators subject to the same fine schedule as New Jersey-based carriers. The revenue generated from such fines would be deposited in the "Highway Safety Fund."
- ! Establishes a Highway Safety Fund which is to receive revenue from fines imposed for an overweight out-of-State truck, from the increase in fines doubled in safe corridor areas, and from 50 percent of the fines imposed for certain motor vehicle equipment violations. The fund is to be administered by DOT which is to establish a grant program to fund local law enforcement. Moneys in the fund are to be used exclusively for highway safety projects and programs, including education, enforcement, capital undertakings and such other related measures and undertakings as the DOT and the State Police may deem appropriate to foster highway safety.

The committee amended the bill to add unsafe driving and driving at speeds in excess of 20 mph to the list of offenses for which fines are doubled in construction zones and safe corridors. If a construction zone is located in a safe corridor, or vice versa, the fines would only be doubled once. Also, fines which are currently doubled for violations involving speed in excess of 20 miles per hour over the speed limit would not be quadrupled under the bill. The increase in the fines doubled in safe corridors is to be dedicated to the Highway Safety Fund. Fifty percent of the revenues collected from fines for motor vehicle equipment violation is also to be dedicated to the Highway Safety Fund. The amendments add a procedure whereby the penalties for non-out-of-service commercial motor vehicle equipment violations could be reduced by the court if an appropriate document certifying that the necessary repairs had been made were submitted before the hearing date. The amendments further provide that a commercial driver licensee who received 12 or more points during a 24-month period may be required to complete a commercial driver improvement program successfully or face full suspension of the commercial driver license driving privilege. The amendments provide that the DOT, in administering the Highway Safety Fund, is to establish a grant program to fund local law enforcement agencies for

special enforcement efforts associated with this bill. The DOT is to report annually to the Legislature on the results of the safe corridor areas and provide a list of highway safety projects and programs paid for by the fund within the past year. Finally, the amendments provide for delayed effective dates.

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Press Releases

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RELEASE: July 15, 2003

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McGreevey Signs "Safe Corridors" into Law

Announces final report of Route 1 Safety Impact Team

(LAWRENCE TOWNSHIP) Governor James E. McGreevey today further advanced his comprehensive "Safety First" initiative as he signed A3527 into law, a bill allowing the designation of "Safe Corridors" in New Jersey.

Joined by Transportation Commissioner Jack Lettiere, federal, state and local officials; representatives of the law enforcement community; and various motorist groups, the Governor reiterated his pledge to improve the safety of New Jersey highways.

"We know that our efforts to improve highway safety are a matter of life or death," said McGreevey. "Tragically, New Jersey lost more than 700 lives in traffic accidents last year. While our efforts cannot bring back the loved ones we have lost, we are working to prevent accidents from occurring in the future with the signing of this new law."

The new law authorizes the Commissioner of Transportation to designate segments of highways under the jurisdiction of the Department as "safe corridors" based upon accident rates, fatalities, traffic volume, and other highway traffic safety criteria. Fines are also doubled for certain motor vehicle violations committed within the corridors.

In addition, the law increases the minimum fines for violating the law or regulations concerning certain commercial motor vehicle equipment violations; requires the completion of a commercial driver's improvement program to restore a suspended CDL; increases fines for out-of-state overweight trucks; and dedicates 50 percent of all "safe corridor" fines to a new Highway Safety Fund that will be used exclusively for highway safety projects and programs. Funds will be made available to NJ State Police and municipal police departments for education, enforcement, capital undertakings and other related measures that foster highway safety.

"For far too long there has been a lot of talk about what should be done to improve the safety of our highways," said Lettiere. "Governor McGreevey's "Safety First" initiative is an aggressive approach that has drawn national attention and helped decrease traffic-related

deaths by nearly 12 percent since the beginning of the year, ensuring the safety of New Jersey's working families."

"New Jersey has the highest volume of traffic in the nation, so it's naive to think that motor vehicle accidents won't happen," said Senator Shirley K. Turner, D-Mercer. "With the signing of this legislation into law, we now have the responsibility and the ability to prevent some of these accidents and save lives."

"Hundreds of people are killed and thousands of others are injured on New Jersey highways each year," said Assemblyman Gary Guear (D-Mercer), bill sponsor and former Trenton police detective. "New and creative strategies must be employed to decrease the number of collisions and fatalities on New Jersey highways. This measure serves as a wake-up call to all motorists who have become lackadaisical in their driving. Safe driving is no accident."

"The proliferation of internal distractions such as cell phones and mobile entertainment systems has caused many motorists to approach driving too cavalierly," said Assemblyman John Wisniewski (D-Middlesex), bill sponsor. "Safe driving habits can protect drivers, passengers, pedestrians, and other vehicles on our highways."

In addition to the bill signing, Governor McGreevey announced that the Route 1 Safety Impact Team has completed its final report containing short- and long-term recommendations for improving the safety of a 10-mile stretch of Route 1 in Mercer and Middlesex Counties.

The team is a first-in-the-nation collaborative effort between the NJDOT, NJTransit, the Federal Highway Administration, state and local law enforcement, the Federal Motor Carrier Administration and the National Highway Traffic Safety Administration.

The Governor announced \$3 million in short-term improvements that will include upgrades to traffic signals, installation of new, larger signs, new pedestrian crosswalks and enhanced pavement markings.

Earlier this year, the Safety Impact Team reviewed an area of Route 1 between Franklin Corner Road in Lawrence Township and Ridge Road in South Brunswick. The 10-mile stretch was identified as a traffic hot spot having more than 677,000 vehicles traveling through the area daily in 2002. Nearly 1,400 accidents occurred there in the last two years.

The Governor also announced today designation of 12 other "Safe Corridors" throughout the State. They are: Route 1 from MP 20 to MP 30 between South Brunswick and Edison, Route 9 from MP 100 to 130 between Lakewood Township and Sayreville, Route 22 from MP 30 to MP 60 between Branchburg and Newark, Route 40 from MP 50 to MP 60 between Hamilton and Egg Harbor, Route 46 from MP 30 to MP 60 between Netcong and West Paterson, Route 47 from MP 40 to MP 50 between Millville City and Vineland City, Route 73 from MP 20 to MP 30 between Voorhees and Maple Shade and Route 206 from MP 60 to MP 70 between Montgomery and Hillsborough townships.

In conjunction with the legislative measures and the creation of the Safety Impact Team, the Department of Transportation has taken other steps to increase highway safety including actively promoting the #77 Aggressive Driver hotline statewide; expediting the installation of 100 miles of safety barriers; allocating \$20 million for engineering and technological highway improvements; adding 500 miles of raised pavement reflectors over the next two years; recording public safety announcements; and expanding driver education programs.

Photos and audio and video clips from Governor McGreevey's press conferences are available on the Governor's web page at <http://www.state.nj.us/governor/>. Links are located in the Governor's Newsroom section of the page.



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