ASSEMBLY, No. 1690

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:
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SYNOPSIS

Establishes reporting requirements and permissive inference for violations by motor vehicle operators approaching or passing certain horses, ponies and mules.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 1/5/2010)

AN ACT concerning the operation of a motor vehicle in the vicinity of a horse, pony or mule and amending R.S.39:4-72.

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

1. R.S.39:4-72 is amended to read as follows:

39:4-72. a. When approaching or passing a person leading, riding or driving a horse, pony or mule, a person driving a motor vehicle shall reduce the vehicle's speed to a rate not exceeding 25 miles an hour and proceed with caution. **[**At the request of or upon a signal by putting up the hand or otherwise, from a person riding or driving a horse the opposite direction, the motor vehicle driver shall cause the motor vehicle to stop and remain stationary so long as may be necessary**]** If the person leading, riding or driving a horse, pony or mule signals to the driver by putting up a hand or otherwise, the driver shall cause the motor vehicle to stop and remain stationary so long as may be necessary to bring the horse, pony or mule under control and off the road or to allow the horse, pony or mule to pass.

There shall be a permissive inference by the trier of fact that the registered owner of the vehicle which was involved in the violation of this section was the person who committed the act. Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identify of the violator shall be subject to a fine of not less than $150 or more than $500.

b. The administrator shall include in the New Jersey Driver Manual information explaining the requirements of subsection a. of this section and cautioning licensees on the need to exercise caution when operating a motor vehicle near horses, ponies or mules.

c. A person who violates subsection a. of this section shall be subject to a fine of not less than $150 or more than $500. For a third or subsequent offense, the violator shall be assessed points, as prescribed by the chief administrator, in accordance with the provisions of P.L.1982, c.43 (C.39:5-30.5).

(cf: P.L.2004, c.163, s.1)

2. This act shall take effect on the first day of the third month following enactment.

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.

STATEMENT

Current law requires motor vehicle operators to slow to a speed of less than 25 miles per hour when approaching or passing a person leading, riding or driving a horse, pony or mule. In addition, approaching vehicles may be obligated to stop and remain stationary, if the leader, rider or driver of a horse, pony or mule signals by putting up his or her hand.

This bill expands the scope of current law in two ways. First, it clarifies that the law's provisions also apply to ponies and mules. Second, it expands the scope of law to include animals that are being led, in addition to those that are being ridden or driven.

The bill also establishes a permissive inference that the registered owner of the vehicle is the person who committed the violation.

A person who violates the law is to be fined not less than $150 or more than $500. For a third or subsequent offense, the violator is to be assessed penalty points in accordance with P.L.1982, c.43 (C.39:5-30.5). The current fine is $150. No points are assessed.

Finally, the bill adds a new provision to provide that anyone who tries to conceal any evidence of a violation or who tries to suppress the identity of a violator is subject to a fine of not less than $150 or more than $500.