Sponsored by:
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)

SYNOPSIS
Establishes permanent daylight saving time in NJ.

CURRENT VERSION OF TEXT
As introduced.
AN ACT relating to observing daylight saving time year-round in
the State of New Jersey, and supplementing chapter 1 of Title 1
of the Revised Statutes and amending various parts of the
statutory law.

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

1. (New section) The Legislature finds and declares that:
   a. The federal “Standard Time Act of 1918,” Public Law 65-106, 40 Stat. 450, established standard time zones for the United States bounded by the designated meridian lines, including the zone designated as “United States Standard Eastern Time” in which this State was placed, and provided for the advancement of time for each zone by one hour from the last Sunday in March to the last Sunday in October each year, a practice commonly referred to as “daylight saving time.”
   b. The federal “Uniform Time Act of 1966,” (15 U.S.C. s.260a,) was enacted by Congress to promote the adoption and observance of uniform time within the standard time zones of the United States. The “Uniform Time Act of 1966” did the following:
      (1) expanded and renamed the standard time zones, renaming the time zone, into which this State was placed as “Eastern Standard Time”;
      (2) re-established daylight saving time as beginning on the last Sunday in April and ending on the last Sunday in October each year; and
      (3) authorized a state entirely situated with one time zone, as this State is, to exempt itself from the change to daylight saving time, as long as it does so uniformly as an entire state.
   d. (1) Under federal law as it exists, states are not permitted to observe daylight saving time year-round; and
      (2) it is the intention of the Legislature of the State of New Jersey to observe daylight saving time year-round, should the federal government authorize states to observe daylight saving time year-round.
   e. Over the intervening 101 years since the creation of daylight saving time, the residents and businesses of this State have become more accustomed to the eight months of daylight saving time each year than to the four months of standard time each year.

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.
f. The biannual change of time between Eastern Standard Time and Eastern Daylight Time is disruptive to commerce and to the daily schedules, safety, and health of the residents of this State.

g. Remaining permanently on daylight saving time permits this State to avoid negative impacts of the shifts, such as the following:
   (1) A 2013 study published in The American Journal of Cardiology found that daylight saving time shifts have a substantial negative influence on the risk of heart attack; and
   (2) A 2016 study published in the American Economic Journal: Applied Economics found that the transition into daylight saving time caused over 30 deaths in fatal automobile crashes between 2002 and 2011 due to sleep deprivation.

h. Remaining permanently on daylight saving time permits this State to gain benefits, such as the following:
   (1) A 2004 study by Rutgers University into the effects of daylight saving time on pedestrian fatalities showed that full-year daylight saving time would reduce pedestrian fatalities by 171 per year and motor vehicle occupant fatalities by 195 per year; and
   (2) A 2010 study on the effects of daylight saving time on motor vehicle crashes showed that daylight saving time reduced crashes at dusk by providing better visibility for drivers.

2. (New section) When the federal government authorizes states to observe daylight saving time year-round, the Legislature shall require that the State of New Jersey observe daylight saving time year-round, pursuant to R.S.1:1-2.3.

3. R.S.1:1-2.3 is amended to read as follows:

1:1-2.3. The standard time of this State shall be [the time of the seventy-fifth meridian west from Greenwich] Coordinated Universal Time minus four hours, and shall be considered Eastern Daylight Time, and wherever time is named within this State, in any manner whatsoever, it shall be deemed and taken to be such standard time], except that the standard time of this State shall be 1 hour in advance of such prescribed time from 2:00 A.M. on the last Sunday in April until 2:00 A.M. on the last Sunday in October in each year, and except where otherwise expressed[.]

(cf: P.L.1955, c.47, s.1)

4. Section 18 of P.L.1940, c.17 (C.5:5-38) is amended to read as follows:

18. Each person, partnership, association or corporation desiring to hold or conduct a horse race meeting within the State of New Jersey, during any calendar year, shall file with the commission an application for a permit to hold or conduct such horse race meeting. A separate application shall be filed for each horse race meeting which such applicant proposes to hold or conduct. Any such application, if made by an individual, shall be signed and verified
under oath by such individual, and if made by two or more
individuals or a partnership, shall be signed and verified under oath
by at least two of such individuals, or members of such partnership,
as the case may be. If made by an association or corporation, it
shall be signed by the president or vice-president thereof, and
attested by the secretary or assistant secretary under the seal of such
association or corporation, if it has a seal, and shall also be verified
under oath by one of the officers signing the same. Such
application shall specify the name of the person, association or
corporation making such application, and the post-office address of
the applicant; and if applicant is a corporation or an association, the
names and addresses of the directors thereof, and the name and
address of each owner or holder, directly or indirectly, of any share
of stock or certificate or other evidence of ownership of any interest
in such corporation or association and if a partnership, the names
and addresses of all partners, general or limited. If the applicant is
a corporation, the name of the State of its incorporation shall be
specified. Such application shall further specify the dates on which
it is intended to conduct or hold such horse race meeting, the hours
of each racing day between which it is intended to hold or conduct
horse racing at such meeting, which shall be between the hours of
12 o'clock noon and [6] six o'clock P.M., [Eastern Standard Time]
standard time (exclusive of Sundays, on which day no race meeting
may be conducted), and the location of the place, track or enclosure
where it is proposed to hold or conduct such horse race meeting.
Such application shall be in such form and supply such data
including a blueprint of track and specifications of surface of same
and blueprint and specifications of buildings and grandstand
applicant, as the commission shall prescribe, which said blueprints
and specifications shall be subject to the approval of the
commission. The commission shall furnish forms to be used in
making such applications, and all applications shall be made on
such forms.

(cf: P.L.1954, c.239, s.1)

5. Section 8 of P.L.1985, c.405 (C.49:3-61.2) is amended to
read as follows:

8. The following securities may be registered by notification,
whether or not they are also eligible for registration by coordination
under section 7 of P.L.1985, c.405 (C.49:3-61.1) or by qualification
under section 14 of P.L.1967, c.93 (C.49:3-61):

a. Any security whose issuer, and any predecessors, have been
in continuous operation for at least five years, if:

(1) There has been no default during the current fiscal year or
within the three preceding fiscal years in the payment of principal,
interest, or dividends on any security of the issuer, or of any
predecessor thereof, with a fixed maturity or a fixed interest or
dividend provision; and
(2) The issuer, and any predecessors, during the past three fiscal years, have had an average net earnings, determined in accordance with generally accepted accounting practices:

(i) Which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision, which securities are outstanding at the date the registration statement is filed, and which average net earnings equal at least [5%] five percent of the amount of those outstanding securities, as measured by the maximum offering price or the market price on a day, selected by the registrant, within 30 days before the date of filing the registration statement, whichever is higher, or by the book value on a day, selected by the registrant, within 90 days of the date of filing the registration statement, to the extent that there is neither a readily determinable market price nor a cash offering price; or

(ii) Which average net earnings, if the issuer, and any predecessors, have not had any security of the type specified in subparagraph (i) of this paragraph outstanding for three full fiscal years, equal to at least [5%] five percent of the amount, as established in subparagraph (i) of this paragraph, of all securities which will be outstanding if all of the securities being offered or proposed to be offered, whether or not they are proposed to be registered or offered in this State, are issued;

b. A registration statement under this section shall contain the following information and shall be accompanied by the following documents, in addition to the information specified in section 15 of P.L.1967, c.93 (C.49:3-62) and the consent to service of process required by section 26 of P.L.1967, c.93 (C.49:3-73):

   (1) A statement demonstrating eligibility for registration by notification;

   (2) With respect to the issuer and any significant subsidiary: its name, address, and form of organization, the state or foreign jurisdiction and the date of its organization, and the general character and location of its business;

   (3) With respect to any person on whose behalf any part of the offering is to be made in a nonissuer distribution: his name and address, the amount of securities of the issuer held by him as of the date of the filing of the registration statement, and a statement of his reasons for making the offering;

   (4) A description of the security being registered;

   (5) The information and documents specified in paragraphs (10), (12), and (14) of subsection (b) of section 14 of P.L.1967, c.93 (C.49:3-61); and

   (6) In the case of any registration under paragraph (2) of subsection a. of this section which does not satisfy the conditions of paragraph (1) of subsection a. of this section, a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and a summary of earnings for each of the two fiscal years preceding the date of the balance sheet and for any
period between the close of the last fiscal year and the date of the
balance sheet, or for the period of the issuer's and any predecessors’
existence, if less than two years.
c. If no stop order is in effect and no proceeding is pending
against any person directly or indirectly involved in the offering
under subsection (c) of section 3, section 17 or section 23 of
P.L.1967, c.93 (C.49:3-50, 49:3-64 or 49:3-70) or section 29 of this
act (C.49:3-70.1), a registration statement under this section
automatically becomes effective at three o'clock [Eastern Standard
Time], standard time, in the afternoon of the second full business
day after the filing of the registration statement or the last
amendment, or at such earlier time as the bureau chief determines.
(cf: P.L.1997, c.276, s.17)

6. Sections 1 and 2 of this act shall take effect immediately and
sections 3, 4, and 5 of this act shall take effect on the first Sunday
in November following the effective date of federal authorization to
observe daylight saving time year-round.

STATEMENT

This bill provides for the State of New Jersey to permanently
observe daylight saving time by remaining on Eastern Daylight
Time (EDT) year-round.

For four months, the standard time of New Jersey is Eastern
Standard Time (EST), or five hours offset from Coordinated
Universal Time. From 2:00 A.M. on the second Sunday in March
until 2:00 A.M. on the first Sunday in November, the State
participates in the one-hour advancement of time, commonly
referred to as “daylight saving time.” The people of New Jersey
have become more accustomed to the eight months of daylight
saving time each year than the four months of standard time.
Several studies have shown the biannual change between EST and
EDT is disruptive to commerce and to the daily schedules, safety,
and health of the citizens of the country, and therefore, the residents
of this State.

Under the federal “Uniform Time Act of 1966,” states are not
permitted to observe daylight saving time year-round. If the federal
government amends federal law to authorize states to observe
daylight saving time year-round, the Legislature shall require that
the State of New Jersey observe daylight saving time year-round.

Sections 1 and 2 of this bill would take effect immediately.
Sections 3, 4, and 5 of this bill would take effect on the first Sunday
in November following the effective date of federal authorization to
observe daylight saving time year-round.