

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 731

STATE OF NEW JERSEY

ADOPTED JUNE 9, 1997

Sponsored by Assemblymen GREGG, CARROLL, LeFevre, Bateman, Bucco, DeSopo, Assemblywoman Myers, Assemblymen Zecker, Cohen, Assemblywoman Crecco, Assemblymen DeCroce, Rooney, Assemblywoman Weinberg, Assemblymen Carroll, Arnone, Bodine, Assemblywoman Farragher, Assemblyman Garrett, Assemblywomen Quigley and Vandervalk

1 AN ACT concerning the rate of speed on certain highways and  
2 amending R.S.39:4-98, P.L.1951, c.264, P.L.1952, c.16 and  
3 P.L.1991, c.252.

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

7  
8 1. R.S.39:4-98 is amended to read as follows:

9 39:4-98. Rates of speed. Subject to the provisions of [sections]  
10 R.S.39:4-96 and R.S.39:4-97 [of this Title] and except in those  
11 instances where a lower speed is specified in this chapter, it shall be  
12 prima facie lawful for the driver of a vehicle to drive it at a speed not  
13 exceeding the following:

14 a. Twenty-five miles [an] per hour, when passing through a school  
15 zone during recess, when the presence of children is clearly visible  
16 from the roadway, or while children are going to or leaving school,  
17 during opening or closing hours;

18 b. (1) Twenty-five miles [an] per hour in any business or  
19 residential district;

20 (2) Thirty-five miles an hour in any suburban business or  
21 residential district;

22 c. Fifty miles [an] per hour in all other locations, except as  
23 otherwise provided in subsection d. of this section;

24 d. Sixty-five miles per hour on portions of the State highway  
25 system including, but not limited to, interstate highways and highways  
26 of similar design and access control.

**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 Whenever it shall be determined upon the basis of an engineering  
2 and traffic investigation that any speed hereinbefore set forth is greater  
3 or less than is reasonable or safe under the conditions found to exist at  
4 any intersection or other place or upon any part of a highway, the  
5 Commissioner of Transportation, with reference to State highways,  
6 may by regulation and municipal or county authorities, with reference  
7 to highways under their jurisdiction, may by ordinance, in the case of  
8 municipal authorities, or by ordinance or resolution, in the case of  
9 county authorities, subject to the approval of the Commissioner of  
10 Transportation, except as otherwise provided in R.S.39:4-8, designate  
11 a reasonable and safe speed limit thereat which, subject to the  
12 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful  
13 at all times or at such times as may be determined, when appropriate  
14 signs giving notice thereof are erected at such intersection, or other  
15 place or part of the highway. Appropriate signs giving notice of the  
16 speed limits authorized under the provisions of paragraph (1) of  
17 subsection b. and subsection c. of this section may be erected if the  
18 commissioner or the municipal or county authorities, as the case may  
19 be, so determine they are necessary. Appropriate signs giving notice  
20 of the speed limits authorized under the provisions of subsection a. and  
21 paragraph (2) of subsection b. of this section shall be erected by the  
22 commissioner or the municipal or county authorities, as appropriate.

23 The driver of every vehicle shall, consistent with the requirements  
24 of this section, drive at an appropriate reduced speed when  
25 approaching and crossing an intersection or railway grade crossing,  
26 when approaching and going around a curve, when approaching a hill  
27 crest, when traveling upon any narrow or winding roadway, and when  
28 special hazard exists with respect to pedestrians or other traffic or by  
29 reason of weather or highway conditions.

30 The Commissioner of Transportation shall cause the erection and  
31 maintenance of signs at such points of entrance to the State as are  
32 deemed advisable, setting forth the lawful rates of speed, the wording  
33 of which shall be within his discretion.

34 (cf: 1993, c.315, s.2)

35

36 2. Section 3 of P.L.1951 c.264 (C.27:23-27) is amended to read as  
37 follows:

38 3. A person operating a vehicle on any such turnpike project shall  
39 operate it at a careful and prudent speed, having due regard to the  
40 rights and safety of others and to the traffic, surface and width of the  
41 highway, and any other conditions then existing; and no person shall  
42 operate a vehicle on any such turnpike project at such a speed as to  
43 endanger life, limb or property; provided, however, that it shall be  
44 prima facie lawful for a driver of a vehicle to operate it at a speed not  
45 exceeding a speed limit which is designated by the Authority as a  
46 reasonable and safe speed limit, when appropriate signs giving notice

1 of such speed limit are erected at the roadside or otherwise posted for  
2 the information of operators of vehicles.

3 No person shall operate a vehicle on any such turnpike project at  
4 such a slow speed as to impede or block the normal and reasonable  
5 movement of traffic except when reduced speed is necessary for safe  
6 operation thereof.

7 No person shall operate a vehicle on any such turnpike project in  
8 violation of any speed limit designated by regulation adopted by the  
9 Authority as hereinafter provided.

10 Notwithstanding any speed limit designated by the Authority to the  
11 contrary, it shall be prima facie lawful for a driver to operate a vehicle  
12 at a rate of speed not exceeding 65 miles per hour unless the Authority  
13 determines, based upon an engineering and traffic investigation, that  
14 this speed is greater or less than is reasonable or safe under the  
15 conditions found to exist on portions of the turnpike project.

16 (cf: P.L.1951, c.264, s.3)

17

18 3. Section 18 of P.L.1952, c.16 (C.27:12B-18) is amended to read  
19 as follows:

20 18. (a) No vehicle shall be permitted to make use of any project  
21 except upon the payment of such tolls as may from time to time be  
22 prescribed by the Authority.

23 It is hereby declared to be unlawful for any person to refuse to pay,  
24 or to evade or to attempt to evade the payment of such tolls.

25 (b) No vehicle shall be operated on any project carelessly or  
26 recklessly, or in disregard of the rights or safety of others, or without  
27 due caution or prudence, or in a manner so as to endanger unreasonably  
28 or to be likely to endanger unreasonably persons or property, or while  
29 the operator thereof is under the influence of intoxicating liquors or  
30 any narcotic or habit-forming drug, nor shall any vehicle be so  
31 constructed, equipped, lacking in equipment, loaded or operated in  
32 such a condition of disrepair as to endanger unreasonably or to be  
33 likely to endanger unreasonably persons or property.

34 (c) A person operating a vehicle on any project shall operate it at  
35 a careful and prudent speed, having due regard to the rights and safety  
36 of others and to the traffic, surface and width of the highway, and any  
37 other conditions then existing; and no person shall operate a vehicle on  
38 any project at such a speed as to endanger life, limb or property;  
39 provided, however, that it shall be prima facie lawful for a driver of a  
40 vehicle to operate it at a speed not exceeding a speed limit which is  
41 designated by the Authority as a reasonable and safe speed limit, when  
42 appropriate signs giving notice of such speed limit are erected at the  
43 roadside or otherwise posted for the information of operators of  
44 vehicles. Notwithstanding any speed limit designated by the Authority  
45 to the contrary, it shall be prima facie lawful for a driver to operate a  
46 vehicle at a rate of speed not exceeding 65 miles per hour unless the

1 Authority determines, based upon an engineering and traffic  
2 investigation, that this rate of speed is greater or less than is reasonable  
3 or safe under the conditions found to exist on portions of the project.

4 (d) No person shall operate a vehicle on any project at such a slow  
5 speed as to impede or block the normal and reasonable movement of  
6 traffic except when reduced speed is necessary for safe operation  
7 thereof.

8 (e) No person shall operate a vehicle on any project in violation of  
9 any speed limit designated by regulation adopted by the Authority as  
10 hereinafter provided.

11 (f) All persons operating vehicles upon any project must at all  
12 times comply with any lawful order, signal or direction by voice or  
13 hand of any police officer engaged in the direction of traffic upon such  
14 project. When traffic on a project is controlled by traffic lights, signs  
15 or by mechanical or electrical signals, such lights, signs and signals  
16 shall be obeyed unless a police officer directs otherwise.

17 (g) All persons operating vehicles upon any project, or seeking to  
18 do so, must at all times comply with regulations, not inconsistent with  
19 the other sections of this act, adopted by the Authority concerning  
20 types, weights and sizes of vehicles permitted to use such project, and  
21 with regulations adopted by the Authority for or prohibiting the  
22 parking of vehicles, concerning the making of turns and the use of  
23 particular traffic lanes, together with any and all other regulations  
24 adopted by the Authority to control traffic and prohibit acts hazardous  
25 in their nature or tending to impede or block the normal and reasonable  
26 flow of traffic upon such project; provided, however, that prior to the  
27 adoption of any regulation for the control of traffic on any such project,  
28 including the designation of any speed limits, the Authority shall  
29 investigate and consider the need for and desirability of such regulation  
30 for the safety of persons and property, including the Authority's  
31 property, and the contribution which any such regulation would make  
32 toward the efficient and safe handling of traffic and use of such project,  
33 and shall determine that such regulation is necessary or desirable to  
34 accomplish such purposes or one or some of them, and that upon or  
35 prior to the effective date of any such regulation and during its  
36 continuance, notice thereof shall be given to the drivers of vehicles by  
37 appropriate signs erected at the roadside or otherwise posted. The  
38 Authority is hereby authorized and empowered to make, adopt and  
39 promulgate regulations referred to in this section in accordance with  
40 the provisions hereof. Regulations adopted by the Authority pursuant  
41 to the provisions of this section shall insofar as practicable, having due  
42 regard to the features of the project and the characteristics of traffic  
43 thereon, be consistent with the provisions of Title 39 of the Revised  
44 Statutes applicable to similar subjects. The Authority shall have power  
45 to amend, supplement or repeal any regulation adopted by it under the  
46 provisions of this section. No regulation and no amendment or

1 supplement thereto or repealer thereof adopted by the Authority shall  
2 take effect until it is filed with the Secretary of State, by the filing of  
3 a copy thereof certified by the secretary of the Authority.

4 (h) The operator of any vehicle upon a project involved in an  
5 accident resulting in injury or death to any person or damage to any  
6 property shall immediately stop such vehicle at the scene of the  
7 accident, render such assistance as may be needed, and give his name,  
8 address, and operator's license and registration number to the person  
9 injured and to any officer or witness of the injury and shall make a  
10 report of such accident in accordance with law.

11 (i) No person shall transport in or upon any project, any dynamite,  
12 nitroglycerin, black powder, fireworks, blasting caps or other  
13 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,  
14 turpentine, formaldehyde or other inflammable or combustible liquids,  
15 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic  
16 magnesium, nitro-cellulose film, peroxides or other readily  
17 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric  
18 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,  
19 carbolic acid, potassium cyanide, tear gas, lewisite or any other  
20 poisonous substances, liquids or gases, or any compressed gas, or any  
21 radioactive article, substance or material, at such time or place or in  
22 such manner or condition as to endanger unreasonably or as to be  
23 likely to endanger unreasonably persons or property.

24 (j) If the violation of any provision of this section or the violation  
25 of any regulation adopted by the Authority under the provisions of this  
26 section, would have been a violation of law or ordinance if committed  
27 on any public road, street or highway in the municipality in which such  
28 violation occurred, it shall be tried and punished in the same manner  
29 as if it had been committed in such municipality.

30 (k) Notwithstanding the provisions of paragraph (j) of this section,  
31 if the violation within the State of the provisions of paragraph (i) of  
32 this section shall result in injury or death to a person or persons or  
33 damage to property in excess of the value of five thousand dollars  
34 (\$5,000.00), such violation shall constitute a high misdemeanor.

35 (l) Except as provided in paragraph (j) or (k) of this section, any  
36 violation of any of the provisions of this section, including but not  
37 limited to those regarding the payment of tolls, and any violation of  
38 any regulation adopted by the Authority under the provisions of this  
39 section shall be punishable by a fine not exceeding two hundred dollars  
40 (\$200.00) or by imprisonment not exceeding thirty days or by both  
41 such fine and imprisonment. Such a violation shall be tried in a  
42 summary way and shall be within the jurisdiction of and may be  
43 brought in the Superior Court or municipal court where the offense was  
44 committed. The rules of the Supreme Court shall govern the practice  
45 and procedure in such proceedings. Proceedings under this section may  
46 be instituted on any day of the week, and the institution of the

1 proceedings on a Sunday or a holiday shall be no bar to the successful  
2 prosecution thereof. Any process served on a Sunday or a holiday shall  
3 be as valid as if served on any other day of the week. When imposing  
4 any penalty under the provisions of this paragraph the court having  
5 jurisdiction shall be guided by the appropriate provisions of any statute  
6 fixing uniform penalties for violation of provisions of the motor  
7 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

8 (m) In any prosecution for violating a regulation of the Authority  
9 adopted pursuant to the provisions of this section copies of any such  
10 regulation when authenticated under the seal of the Authority by its  
11 secretary or assistant secretary shall be evidence in like manner and  
12 equal effect as the original.

13 (n) No resolution or ordinance heretofore or hereafter adopted by  
14 the governing body of any county or municipality for the control and  
15 regulation of traffic shall be applicable to vehicles while upon any  
16 project operated by the Authority.

17 (o) In addition to any punishment or penalty provided by other  
18 paragraphs of this section, every registration certificate and every  
19 license certificate to drive motor vehicles may be suspended or revoked  
20 and any person may be prohibited from obtaining a driver's license or  
21 a registration certificate and the reciprocity privileges of a nonresident  
22 may be suspended or revoked by the Director of the Division of Motor  
23 Vehicles for a violation of any of the provisions of this section, after  
24 due notice in writing of such proposed suspension, revocation or  
25 prohibition and the ground thereof, and otherwise in accordance with  
26 the powers, practice and procedure established by those provisions of  
27 Title 39 of the Revised Statutes applicable to such suspension,  
28 revocation or prohibition.

29 (p) Except as otherwise provided by this section or by any  
30 regulation of the Authority made in accordance with the provisions  
31 hereof, the requirements of Title 39 of the Revised Statutes applicable  
32 to persons using, driving or operating vehicles on the public highways  
33 of this State and to vehicles so used, driven or operated shall be  
34 applicable to persons using, driving or operating vehicles on any  
35 project and to vehicles so used, driven or operated.

36 (cf: P.L.1991, c.91, s.303)

37  
38 4. Section 21 of P.L.1991, c.252, (C.27:25A-21) is amended to  
39 read as follows:

40 21. a. Except as otherwise provided in subsection a. of section 19  
41 of this act, no vehicle shall be permitted to make use of any expressway  
42 project except upon the payment of the tolls as may from time to time  
43 be prescribed by the authority. It shall be unlawful for any person to  
44 refuse to pay, or to evade or to attempt to evade the payment of the  
45 tolls.

46 b. No vehicle shall be operated on any project carelessly or

1 recklessly, or in disregard of the rights or safety of others, or without  
2 due caution or prudence, or in a manner so as to endanger unreasonably  
3 or to be likely to endanger unreasonably persons or property, while the  
4 operator thereof is under the influence of intoxicating liquors or any  
5 narcotic or habit-forming drug, nor shall any vehicle be so constructed,  
6 equipped, lacking in equipment, loaded or operated in such a condition  
7 of disrepair as to endanger unreasonably or to be likely to endanger  
8 unreasonably persons or property.

9 c. A person operating a vehicle on any project shall operate at a  
10 careful and prudent speed, having due regard to the rights and safety of  
11 others and to the traffic, surface and width of the highway, and any  
12 other conditions then existing; and no person shall operate a vehicle on  
13 any project at a speed as to endanger life, limb or property; except that  
14 it shall be prima facie lawful for a driver of a vehicle to operate it at a  
15 speed not exceeding a speed limit which is designated by the authority  
16 as a reasonable and safe speed limit, when appropriate signs giving  
17 notice of that speed limit are erected at the roadside or otherwise  
18 posted for the information of operators of vehicles. Notwithstanding  
19 any speed limit designated by the authority to the contrary, it shall be  
20 prima facie lawful for a driver to operate at a rate of speed not  
21 exceeding 65 miles per hour unless the authority determines, based  
22 upon an engineering and traffic investigation, that this speed is greater  
23 or less than is reasonable or safe under the conditions found to exist on  
24 portions of the project.

25 d. No person shall operate a vehicle on any project at a slow speed  
26 as to impede or block the normal and reasonable movement of traffic  
27 except when reduced speed is necessary for safe operation thereof.

28 e. No person shall operate a vehicle on any project in violation of  
29 any speed limit designated by regulation adopted by the authority.

30 f. All persons operating vehicles upon any project must at all times  
31 comply with any lawful order, signal or direction by voice or hand of  
32 any police officer engaged in the direction of traffic upon such project.  
33 When traffic on a project is controlled by traffic lights, signs or by  
34 mechanical or electrical signals, those lights, signs and signals shall be  
35 obeyed unless a police officer directs otherwise.

36 g. All persons operating vehicles upon any project, or seeking to  
37 do so, must at all times comply with regulations, not inconsistent with  
38 the other sections of this act, adopted by the authority concerning  
39 types, weights and sizes of vehicles permitted to use the project, and  
40 with regulations adopted by the authority for or prohibiting the  
41 parking of vehicles, concerning the making of turns and the use of  
42 particular traffic lanes, together with any and all other regulations  
43 adopted by the authority to control traffic and prohibit acts hazardous  
44 in their nature or tending to impede or block the normal and reasonable  
45 flow of traffic upon the project; except that prior to the adoption of any  
46 regulation for the control of traffic on any project, including the

1 designation of any speed limits, the authority shall investigate and  
2 consider the need for and desirability of the regulation for the safety of  
3 persons and property, including the authority's property, and the  
4 contribution which that regulation would make toward the efficient and  
5 safe handling of traffic and use of the project, and shall determine that  
6 the regulation is necessary or desirable to accomplish the purposes or  
7 one or some of them, and that upon or prior to the effective date of the  
8 regulation and during its continuance, notice thereof shall be given to  
9 the drivers of vehicles by appropriate signs erected at the roadside or  
10 otherwise posted. The authority may adopt regulations referred to in  
11 this section in accordance with the provisions hereof and in accordance  
12 with the provisions of the "Administrative Procedure Act." Regulations  
13 adopted by the authority pursuant to the provisions of this section shall  
14 insofar as practicable, having due regard to the features of the project  
15 and the characteristics of traffic thereon and except as to maximum or  
16 minimum speed limits, be consistent with the provisions of Title 39 of  
17 the Revised Statutes applicable to similar subjects. The authority shall  
18 have power to amend, supplement or repeal any regulation adopted by  
19 it under the provisions of this section. No regulation and no  
20 amendment or supplement thereto or repealer thereof adopted by the  
21 authority shall take effect until it is filed with the Office of  
22 Administrative Law, by the filing of a copy thereof certified by the  
23 secretary of the authority.

24 h. The operator of any vehicle upon a project involved in an  
25 incident resulting in injury or death to any person or damage to any  
26 property shall immediately stop the vehicle at the scene of the incident,  
27 render assistance as may be needed, and give his name, address, and  
28 operator's license and motor vehicle registration number to the person  
29 injured and to any officer or witness of the injury and shall make a  
30 report of the incident in accordance with law.

31 i. No person shall transport in or upon any expressway project, any  
32 dynamite, nitroglycerin, black powder, fireworks, blasting caps or other  
33 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,  
34 turpentine, formaldehyde or other inflammable or combustible liquids,  
35 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic  
36 magnesium, nitro-cellulose film, peroxides or other readily  
37 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric  
38 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,  
39 carbolic acid, potassium cyanide, tear gas, lewisite or any other  
40 poisonous substances, liquids or gases, or any compressed gas, or any  
41 radioactive article, substance or material, at a time or place or in a  
42 manner or condition as to endanger unreasonably or as to be likely to  
43 endanger unreasonably persons or property.

44 j. If the violation of any provision of this section or the violation  
45 of any regulation adopted by the authority under the provisions of this  
46 section would have been a violation of law or ordinance if committed

1 on any public road, street or highway in the municipality in which the  
2 violation occurred, it shall be tried and punished in the same manner  
3 as if it had been committed in that municipality.

4 k. Notwithstanding the provisions of subsection j. of this section,  
5 if the violation of the provisions of subsection i. of this section shall  
6 result in injury or death to a person or persons or damage to property  
7 in excess of the value of \$5,000, that violation shall constitute a crime  
8 of the third degree.

9 l. Except as provided in subsection j. or k. of this section, any  
10 violation of any of the provisions of this section, including but not  
11 limited to those regarding the payment of tolls, and any violation of  
12 any regulation adopted by the authority under the provisions of this  
13 section shall be punishable by a fine not exceeding \$500 or by  
14 imprisonment not exceeding 30 days or by both. A violation shall be  
15 tried in a summary way and shall be within the jurisdiction of and may  
16 be brought in the Special Civil Part of the Law Division of the Superior  
17 Court or any municipal court in the county where the offense was  
18 committed. Proceedings under this section may be instituted on any  
19 day of the week, and the institution of the proceedings on a Sunday or  
20 a holiday shall be no bar to the successful prosecution thereof. Any  
21 process served on a Sunday, or a holiday shall be as valid as if served  
22 on any other day of the week. When imposing any penalty under the  
23 provisions of this subsection the court having jurisdiction shall be  
24 guided by the appropriate provisions of any statute fixing uniform  
25 penalties for violation of provisions of the motor vehicle and traffic  
26 laws contained in Title 39 of the Revised Statutes.

27 m. In any prosecution for violating a regulation of the authority  
28 adopted pursuant to the provisions of this section, copies of that  
29 regulation when authenticated under the seal of the authority by its  
30 secretary or assistant secretary shall be evidence in like manner and  
31 equal effect as the original.

32 n. No resolution or ordinance adopted by the governing body of  
33 any county or municipality for the control and regulation of traffic shall  
34 be applicable to vehicles while upon any expressway project operated  
35 by the authority.

36 o. In addition to any punishment or penalty provided by other  
37 subsections of this section, every registration certificate and every  
38 license certificate to drive motor vehicles may be suspended or revoked  
39 and any person may be prohibited from obtaining a driver's license or  
40 a registration certificate and the reciprocity privileges of a nonresident  
41 may be suspended or revoked by the Director of the Division of Motor  
42 Vehicles for a violation of any of the provisions of this section, after  
43 due notice in writing of the proposed suspension, revocation or  
44 prohibition and the ground thereof, all otherwise in accordance with  
45 the powers, practice and procedure established by the provisions of  
46 Title 39 of the Revised Statutes applicable to the suspension,

1 revocation or prohibition.

2 p. Except as otherwise provided by this section or by any  
3 regulation of the authority adopted in accordance with the provisions  
4 of this section, the requirements of Title 39 of the Revised Statutes  
5 applicable to persons using, driving or operating vehicles on the public  
6 highways of this State and to vehicles so used, driven or operated shall  
7 be applicable to persons using, driving or operating vehicles on any  
8 expressway project and to vehicles so used, driven or operated.

9 (cf: P.L.1991, c.252, s.21)

10

11 5. This act shall take effect of the first day of the second month  
12 following enactment.

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16

17 Establishes 65 mph speed limit for portions of State highway system  
18 and State toll roads.