

[Passed Both Houses]

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,  
Vandervalk, Senators LaRossa, Scott and Cardinale

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:

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

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

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

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

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

38  
39       2. Section 3 of P.L.1951 c.264 (C.27:23-27) is amended to read as  
40 follows:

41       3. A person operating a vehicle on any such turnpike project shall  
42 operate it at a careful and prudent speed, having due regard to the  
43 rights and safety of others and to the traffic, surface and width of the  
44 highway, and any other conditions then existing; and no person shall  
45 operate a vehicle on any such turnpike project at such a speed as to  
46 endanger life, limb or property; provided, however, that it shall be

1 prima facie lawful for a driver of a vehicle to operate it at a speed not  
2 exceeding a speed limit which is designated by the Authority as a  
3 reasonable and safe speed limit, when appropriate signs giving notice  
4 of such speed limit are erected at the roadside or otherwise posted for  
5 the information of operators of vehicles.

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

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

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

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

20

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

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

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

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

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

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

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

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

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

20 (g) All persons operating vehicles upon any project, or seeking to  
21 do so, must at all times comply with regulations, not inconsistent with  
22 the other sections of this act, adopted by the Authority concerning  
23 types, weights and sizes of vehicles permitted to use such project, and  
24 with regulations adopted by the Authority for or prohibiting the  
25 parking of vehicles, concerning the making of turns and the use of  
26 particular traffic lanes, together with any and all other regulations  
27 adopted by the Authority to control traffic and prohibit acts hazardous  
28 in their nature or tending to impede or block the normal and reasonable  
29 flow of traffic upon such project; provided, however, that prior to the  
30 adoption of any regulation for the control of traffic on any such project,  
31 including the designation of any speed limits, the Authority shall  
32 investigate and consider the need for and desirability of such regulation  
33 for the safety of persons and property, including the Authority's  
34 property, and the contribution which any such regulation would make  
35 toward the efficient and safe handling of traffic and use of such project,  
36 and shall determine that such regulation is necessary or desirable to  
37 accomplish such purposes or one or some of them, and that upon or  
38 prior to the effective date of any such regulation and during its  
39 continuance, notice thereof shall be given to the drivers of vehicles by  
40 appropriate signs erected at the roadside or otherwise posted. The  
41 Authority is hereby authorized and empowered to make, adopt and  
42 promulgate regulations referred to in this section in accordance with  
43 the provisions hereof. Regulations adopted by the Authority pursuant  
44 to the provisions of this section shall insofar as practicable, having due  
45 regard to the features of the project and the characteristics of traffic  
46 thereon, be consistent with the provisions of Title 39 of the Revised

1 Statutes applicable to similar subjects. The Authority shall have power  
2 to amend, supplement or repeal any regulation adopted by it under the  
3 provisions of this section. No regulation and no amendment or  
4 supplement thereto or repealer thereof adopted by the Authority shall  
5 take effect until it is filed with the Secretary of State, by the filing of  
6 a copy thereof certified by the secretary of the Authority.

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

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

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

33 (k) Notwithstanding the provisions of paragraph (j) of this section,  
34 if the violation within the State of the provisions of paragraph (i) of  
35 this section shall result in injury or death to a person or persons or  
36 damage to property in excess of the value of five thousand dollars  
37 (\$5,000.00), such violation shall constitute a high misdemeanor.

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

1 committed. The rules of the Supreme Court shall govern the practice  
2 and procedure in such proceedings. Proceedings under this section may  
3 be instituted on any day of the week, and the institution of the  
4 proceedings on a Sunday or a holiday shall be no bar to the successful  
5 prosecution thereof. Any process served on a Sunday or a holiday shall  
6 be as valid as if served on any other day of the week. When imposing  
7 any penalty under the provisions of this paragraph the court having  
8 jurisdiction shall be guided by the appropriate provisions of any statute  
9 fixing uniform penalties for violation of provisions of the motor  
10 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

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

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

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

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

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

40

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

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

1 refuse to pay, or to evade or to attempt to evade the payment of the  
2 tolls.

3 b. No vehicle shall be operated on any project carelessly or  
4 recklessly, or in disregard of the rights or safety of others, or without  
5 due caution or prudence, or in a manner so as to endanger unreasonably  
6 or to be likely to endanger unreasonably persons or property, while the  
7 operator thereof is under the influence of intoxicating liquors or any  
8 narcotic or habit-forming drug, nor shall any vehicle be so constructed,  
9 equipped, lacking in equipment, loaded or operated in such a condition  
10 of disrepair as to endanger unreasonably or to be likely to endanger  
11 unreasonably persons or property.

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

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

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

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

39 g. All persons operating vehicles upon any project, or seeking to  
40 do so, must at all times comply with regulations, not inconsistent with  
41 the other sections of this act, adopted by the authority concerning  
42 types, weights and sizes of vehicles permitted to use the project, and  
43 with regulations adopted by the authority for or prohibiting the  
44 parking of vehicles, concerning the making of turns and the use of  
45 particular traffic lanes, together with any and all other regulations  
46 adopted by the authority to control traffic and prohibit acts hazardous

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

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

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

1       j. If the violation of any provision of this section or the violation  
2 of any regulation adopted by the authority under the provisions of this  
3 section would have been a violation of law or ordinance if committed  
4 on any public road, street or highway in the municipality in which the  
5 violation occurred, it shall be tried and punished in the same manner  
6 as if it had been committed in that municipality.

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

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

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

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

39       o. In addition to any punishment or penalty provided by other  
40 subsections of this section, every registration certificate and every  
41 license certificate to drive motor vehicles may be suspended or revoked  
42 and any person may be prohibited from obtaining a driver's license or  
43 a registration certificate and the reciprocity privileges of a nonresident  
44 may be suspended or revoked by the Director of the Division of Motor  
45 Vehicles for a violation of any of the provisions of this section, after  
46 due notice in writing of the proposed suspension, revocation or

1 prohibition and the ground thereof, all otherwise in accordance with  
2 the powers, practice and procedure established by the provisions of  
3 Title 39 of the Revised Statutes applicable to the suspension,  
4 revocation or prohibition.

5 p. Except as otherwise provided by this section or by any  
6 regulation of the authority adopted in accordance with the provisions  
7 of this section, the requirements of Title 39 of the Revised Statutes  
8 applicable to persons using, driving or operating vehicles on the public  
9 highways of this State and to vehicles so used, driven or operated shall  
10 be applicable to persons using, driving or operating vehicles on any  
11 expressway project and to vehicles so used, driven or operated.  
12 (cf: P.L.1991, c.252, s.21)

13

14 5. This act shall take effect of the first day of the second month  
15 following enactment.

16

17

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19

20 Establishes 65 mph speed limit for portions of State highway system  
21 and State toll roads.