

ASSEMBLY, No. 1568

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Assemblyman CARROLL, Assemblywomen MYERS,  
Crecco and Assemblyman Gregg

1 AN ACT concerning penalty points and fines for the offense of failure  
2 of motorist to observe certain lane restrictions and supplementing  
3 chapter 5 of Title 39 of the Revised Statutes.

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

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8 1. a. Penalty points, authorized pursuant to section 1 of P.L.1982,  
9 c.43 (C.39:5-30.5), shall not be assessed against a person who fails to  
10 observe high occupancy vehicle lane restrictions pursuant to  
11 regulations of the Department of Transportation.

12 b. A person who fails to observe high occupancy vehicle lane  
13 restrictions shall be subject to a fine not to exceed \$50.

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15 2. This act shall take effect on the first day of the second month  
16 after enactment .

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19 STATEMENT

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21 Regulations of the Department of Transportation promulgated in  
22 1993 and 1995 established as a traffic offense the failure of a driver to  
23 comply with high occupancy vehicle (HOV) lane restrictions on  
24 portions of interstate highways 287 and 80. The Division of Motor  
25 Vehicles determined that the offense constituted a violation of  
26 R.S.39:4-81 and added it to the point system as a two-point penalty.  
27 An offender could also be fined \$76 for such a violation if it was  
28 uncontested, according to the Statewide Violations Bureau Schedule.  
29 If brought to trial, up to another \$30 could be assessed in court costs.

30 This bill would prohibit the assessment of such points for this  
31 offense and limit fines to a maximum of \$50. However, defendants  
32 who plead guilty and pay by mail, would be subject to a fine of half  
33 the maximum amount plus \$21 court costs for a total \$46. Violators  
34 who go to court and are found guilty could be fined the maximum of  
35 \$50, in addition to maximum court costs of \$30.

36 The sponsor believes that two points is an excessive penalty for an

1 HOV violation, which should not be equated with such other two-  
2 point violations as leaving the scene of an accident that results in  
3 property damage or failure to obey the directions of a police officer.  
4 These offenses are usually viewed as more serious than an HOV  
5 violation by law enforcement officials.

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10 Prohibits motor vehicle penalty points for certain high occupancy  
11 vehicle violations.