

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1895

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1895.

Assembly Bill No. 1895 amends R.S.39:4-60 to permit the solicitation of contributions from motorists by members of certain charities. The organizations covered by the bill are those identified as charitable organizations under the provisions of section 3 of P.L.1994, c.16 (C.45:17A-20) and include: (1) organizations which are determined to be tax exempt under section 501(c) (3) of the Internal Revenue Code of 1986 and (2) organizations established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety.

Under the provisions of the bill, the governing body of the municipality is afforded the authority to regulate such solicitations by charitable organizations in accordance with rules and regulations promulgated by the Department of Transportation (DOT) in consultation with the Division of Highway Traffic Safety. In addition, the bill specifies that the approval of the county also is required if the solicitation is to take place on a county road and, if the road is a State road, the approval of the Commissioner of Transportation.

This permission to solicit does not extend to interstate highways and toll roads, however. Consequently, the bill does not permit charitable organizations to solicit on any interstate highway, the New Jersey Turnpike, the Garden State Parkway or the Atlantic City Expressway.

Violators are subject to fines of no more than \$100.

Finally, the bill supplements Title 40 of the Revised Statutes to grant municipalities immunity from civil liability for personal injury or property damage resulting from a motor vehicle accident arising out of, or in the course of, any such roadway solicitations by a charitable organization.

The committee amendment is technical in nature. It was adopted to remove a reference to the Division of Motor Vehicles (DMV). As introduced, the bill required the DOT to consult with the DMV when

promulgating regulations. Since the bill was introduced, the DMV has been transferred from the Department of Law and Public Safety to the DOT. Consequently, language requiring consultation with the DOT is unnecessary. The Senate Law and Public Safety Committee adopted a similar amendment to S-622. With the adoption of the proposed amendments, A-1895 is identical to S-622 (1R).