

ASSEMBLY, No. 2338

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblywoman MURPHY and Assemblyman DeCROCE

1 AN ACT concerning certain motor vehicle and traffic violations and
2 amending R.S.39:5-3 and P.L.1941, c.192.

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

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7 1. R.S.39:5-3 is amended to read as follows:

8 39:5-3. a. When a person has violated a provision of this subtitle,
9 the judge may, within 30 days after the commission of the offense,
10 issue process directed to a constable, police officer or the director for
11 the appearance or arrest of the person so charged. In the case of a
12 violation enumerated in subsection b. of this section, this period shall
13 commence upon the filing of a complaint.

14 b. A complaint may be made to a judge for a violation of [section]
15 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24
16 [of this Title,] at any time within one year after the commission of the
17 offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942,
18 c.192 (C. 39:4-128.1), at any time within 90 days after the commission
19 of the offense.

20 c. All proceedings shall be brought before a judge having
21 jurisdiction in the municipality in which it is alleged that the violation
22 occurred, but when a violation occurs on a street through which the
23 boundary line of two or more municipalities runs or crosses, then the
24 proceeding may be brought before the judge having jurisdiction in any
25 one of the municipalities divided by said boundary line, and in the
26 event there shall be no judge or should no judge having such
27 jurisdiction be available for the acceptance of bail and disposition of
28 the case, or should the judges having such jurisdiction be disqualified
29 because of personal interest in the proceedings, or for any other legal
30 cause, said proceeding shall be brought before a judge having
31 jurisdiction in the nearest municipality to the one in which it is alleged
32 such a violation occurred.

33 (cf: P.L.1983, c.403, s.19)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to read
2 as follows:

3 1. On highways having roadways not divided by safety islands or
4 physical traffic separation installations, the driver of a vehicle
5 approaching or overtaking a bus, which is being used solely for the
6 transportation of children to or from school or a summer day camp or
7 any school connected activity and which has stopped for the purpose
8 of receiving or discharging any child, shall stop such vehicle not less
9 than 25 feet from such school bus and keep such vehicle stationary
10 until such child has entered said bus or has alighted and reached the
11 side of such highway and until a flashing red light is no longer
12 exhibited by the bus; provided, such bus is designated as a school bus
13 by one sign on the front and one sign on the rear, with each letter on
14 such signs at least four inches in height.

15 On highways having dual or multiple roadways separated by safety
16 islands or physical traffic separation installations, the driver of a
17 vehicle overtaking a school bus, which has stopped for the purpose of
18 receiving or discharging any child, shall stop such vehicle not less than
19 25 feet from such school bus and keep such vehicle stationary until
20 such child has entered said bus or has alighted and reached the side of
21 the highway and until a flashing red light is no longer exhibited by the
22 bus.

23 On highways having dual or multiple roadways separated by safety
24 islands or physical traffic separation installations, the driver of a
25 vehicle on another roadway approaching a school bus, which has
26 stopped for the purpose of receiving or discharging any child, shall
27 reduce the speed of his vehicle to not more than 10 miles per hour and
28 shall not resume normal speed until the vehicle has passed the bus and
29 has passed any child who may have alighted therefrom or be about to
30 enter said bus.

31 For purposes of this section, "highway" means the entire width
32 between the boundary lines of every way whether publicly or privately
33 maintained when any part thereof is open to the public for purposes of
34 vehicular travel.

35 Whenever a school bus is parked at the curb for the purpose of
36 receiving children directly from a school or a summer day camp or any
37 school connected activity or discharging children to enter a school, or
38 a summer day camp or any school connected activity, which is located
39 on the same side of the street as that on which the bus is parked,
40 drivers of vehicles shall be permitted to pass said bus without
41 stopping, but at a speed not in excess of 10 miles per hour.

42 The driver of a bus which is being used solely for the transportation
43 of children to or from school or a summer day camp or any school
44 connected activity shall continue to exhibit a flashing red light and
45 shall not start his bus until every child who may have alighted
46 therefrom shall have reached a place of safety.

1 Any person who shall violate any provision of this act shall be
2 subject to (1) a fine of not less than \$100.00, (2) imprisonment for not
3 more than 15 days or community service for 15 days in such form and
4 on such terms as the court shall deem appropriate, (3) or both for the
5 first offense, and a fine not less than \$250.00, imprisonment for not
6 more than 15 days, or both for each subsequent offense. The penalties
7 shall be enforced and recovered pursuant to the provisions of chapter
8 5 of Title 39 of the Revised Statutes. There shall be a rebuttable
9 presumption that the registered owner of the vehicle which was
10 involved in the violation of this section was the person who committed
11 the act. Any person who suppresses, by way of concealment or
12 destruction, any evidence of a violation of this section or who
13 suppresses the identity of the violator shall be subject to a fine of
14 \$100.

15 The Director of the Division of Motor Vehicles may also revoke the
16 license to drive a motor vehicle of any person who shall have been
17 guilty of such willful violation of any of the provisions of this act as
18 shall, in the discretion of the director, justify such revocation, but the
19 director shall, at all times, have power to validate such a license which
20 has been revoked, or to grant a new license to any person whose
21 license to drive a motor vehicle shall have been revoked pursuant to
22 this act.

23 (cf: P.L.1992, c.72, s.1)

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25 3. This act shall take effect immediately.

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STATEMENT

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30 This bill extends the time to file a complaint against a motorist for
31 a violation of P.L.1942, c.192 (C:39:4-128.1), the illegal passing of a
32 school bus, from 30 days to 90 days. The time required to identify and
33 charge the motorist that committed this offense at times exceeds the
34 present 30 day limit. By lengthening this period to 90 days, this bill
35 insures that guilty drivers will not escape punishment for this serious
36 offense.

37 Currently, complaints can be filed either within 90 days or one year
38 of the commission of certain motor vehicle and traffic violations.
39 However, these violations may not be prosecuted because current law,
40 as literally interpreted, requires the judge to issue a summons for the
41 appearance or arrest of a person within 30 days of the commission of
42 the offense. This bill allows a judge to issue a summons for persons
43 charged with illegally passing a school bus and the other specified
44 violations within 30 days after the filing of a complaint.

45 Section 1 of P.L.1942, c.192 (C.39:4-128.1) also provides that
46 there is a rebuttable presumption that the registered owner of the

1 vehicle which was involved in the violation of this section was the
2 person who committed the act. Under this bill, any person who, by
3 way of concealment or destruction, suppresses or destroys evidence
4 of a violation or who suppresses the identity of the violator would be
5 subject to a fine of \$100.

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10 Extends period for a judge to issue a summons for illegally passing a
11 school bus and certain other motor vehicle and traffic violations.