

P.L. 1997, CHAPTER 82, *approved April 30, 1997*
Senate, No. 622 (*First Reprint*)

1 AN ACT concerning the solicitation of motorists and amending
2 R.S.39:4-60 and supplementing Title 40 of the Revised Statutes.

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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.39:4-60 is amended to read as follows:
8 39:4-60. Except as provided herein, no [No] person shall stand in
9 the roadway of a highway to stop, impede, hinder or delay the
10 progress of a vehicle for the purpose of soliciting the purchase of
11 goods, merchandise or tickets, or for the purpose of soliciting
12 contributions for any cause, and the only question of law and fact in
13 determining guilt under this section shall be whether goods,
14 merchandise or tickets were tendered or offered for sale, or whether
15 a contribution was solicited.

16 A municipal governing body by ordinance may authorize charitable
17 organizations as defined in section 3 of P.L.1994, c. 16 (C.45:17A-20)
18 to solicit contributions in the roadway of a highway, other than
19 ¹[interstate] interstate¹ highways or toll roads maintained pursuant to
20 P.L.1962, c.10 (C.27:12C-1 et seq.) or P.L.1991, c.252 (C.27:25A-1
21 et seq.), P.L.1952, c.16 (C.27:12B-1 et seq.), or P.L.1948, c.454
22 (C.27:23-1 et seq.), subject to regulations promulgated pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), by the Department of Transportation in consultation with ¹[the
25 Division of Motor Vehicles and]¹ the Division of Highway Traffic
26 Safety.

27 A municipality shall not authorize charitable organizations to solicit
28 on any county highway or intersection of a county highway without
29 the approval of the board of chosen freeholders. A municipality shall
30 not authorize charitable organizations to solicit on any State highway
31 or intersection of a State highway without the approval of the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted May 9, 1996.

1 Commissioner of Transportation. The board of chosen freeholders
2 and the Commissioner of Transportation shall not unreasonably
3 withhold approval.

4 In addition to the prohibition contained in the first paragraph of this
5 section[:], whenever in his judgment the public safety so requires, the
6 [Director of the Division of Motor Vehicles] Commissioner of
7 Transportation may, by regulation, designate any highway or sections
8 of any highway as a location wherein the standing of any person or the
9 parking of any vehicle for the purpose of soliciting the purchase of
10 goods, merchandise or tickets, or for the purpose of soliciting
11 contributions for any cause, is deemed hazardous or inimical to the
12 proper flow of traffic, and shall be prohibited. Each highway or
13 section thereof so designated shall be clearly marked by [ppropriate]
14 appropriate signs which shall be erected and maintained by the
15 authority having the responsibility for the maintenance of such
16 highway, upon receipt by such authority of written notice from the
17 director of the adoption of such regulation. No person shall stand in,
18 and no operator shall allow a vehicle to stand in, any section of a
19 highway so designated and marked to stop, impede, hinder or delay the
20 progress of a vehicle for the purpose of soliciting the purchase of
21 goods, merchandise or tickets, or for the purpose of soliciting
22 contributions for any cause, and the only question of law and fact in
23 determining guilt under this section shall be whether goods,
24 merchandise or tickets were tendered or offered for sale, or whether
25 a contribution was solicited. Whenever in his judgment the public
26 safety so requires the [Director of the Division of Motor Vehicles]
27 Commissioner of Transportation may, by regulation, amend or alter
28 any designation made by him pursuant to the provisions of this
29 paragraph. Nothing contained in this paragraph shall be construed to
30 authorize or permit any person to stand in or to allow a vehicle to
31 stand in any highway where the same is or shall be prohibited by any
32 other provision of this Title or by any amendment thereof or
33 supplement thereto, or by any ordinance, resolution, regulation or
34 order duly adopted pursuant to authority thereunder.

35 Any person who shall violate any of the provisions of this section
36 shall pay, upon conviction, a penalty not to exceed \$100.

37 (cf: P.L.1951, c.23, s.35)

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39 2. (New section) Notwithstanding any provisions of law to the
40 contrary, a municipality, a county or the State shall not be liable in any
41 civil action for damages for property damage or personal injury
42 resulting from a motor vehicle accident arising out of or in the course
43 of roadway solicitations for the purpose of soliciting contributions,
44 conducted by charitable organizations, as defined pursuant to section
45 3 of P.L.1994, c.16 (C.45:17A-20), pursuant to R.S.39:4-60.

1 3. This act shall take effect on the first day of the fourth month
2 after enactment.

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7 Permits roadway solicitations by certain charitable organizations.