

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, Nos. 1105 and 1278

STATE OF NEW JERSEY

ADOPTED DECEMBER 11, 1997

Sponsored by Senators LaROSSA, BENNETT, KOSCO, 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;

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

27 Whenever it shall be determined upon the basis of an engineering  
28 and traffic investigation that any speed hereinbefore set forth is greater  
29 or less than is reasonable or safe under the conditions found to exist at  
30 any intersection or other place or upon any part of a highway, the  
31 Commissioner of Transportation, with reference to State highways,

**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 may by regulation and municipal or county authorities, with reference  
2 to highways under their jurisdiction, may by ordinance, in the case of  
3 municipal authorities, or by ordinance or resolution, in the case of  
4 county authorities, subject to the approval of the Commissioner of  
5 Transportation, except as otherwise provided in R.S.39:4-8, designate  
6 a reasonable and safe speed limit thereat which, subject to the  
7 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful  
8 at all times or at such times as may be determined, when appropriate  
9 signs giving notice thereof are erected at such intersection, or other  
10 place or part of the highway. Appropriate signs giving notice of the  
11 speed limits authorized under the provisions of paragraph (1) of  
12 subsection b. and subsection c. of this section may be erected if the  
13 commissioner or the municipal or county authorities, as the case may  
14 be, so determine they are necessary. Appropriate signs giving notice  
15 of the speed limits authorized under the provisions of subsection a. and  
16 paragraph (2) of subsection b. of this section shall be erected by the  
17 commissioner or the municipal or county authorities, as appropriate.

18 The driver of every vehicle shall, consistent with the requirements  
19 of this section, drive at an appropriate reduced speed when  
20 approaching and crossing an intersection or railway grade crossing,  
21 when approaching and going around a curve, when approaching a hill  
22 crest, when traveling upon any narrow or winding roadway, and when  
23 special hazard exists with respect to pedestrians or other traffic or by  
24 reason of weather or highway conditions.

25 The Commissioner of Transportation shall cause the erection and  
26 maintenance of signs at such points of entrance to the State as are  
27 deemed advisable, setting forth the lawful rates of speed, the wording  
28 of which shall be within his discretion.  
29 (cf: P.L.1993, c.315, s.2)

30

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

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

44 No person shall operate a vehicle on any such turnpike project at  
45 such a slow speed as to impede or block the normal and reasonable

1 movement of traffic except when reduced speed is necessary for safe  
2 operation thereof.

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

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

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

13

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

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

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

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

30 (c) A person operating a vehicle on any project shall operate it at  
31 a careful and prudent speed, having due regard to the rights and safety  
32 of others and to the traffic, surface and width of the highway, and any  
33 other conditions then existing; and no person shall operate a vehicle on  
34 any project at such a speed as to endanger life, limb or property;  
35 provided, however, that it shall be prima facie lawful for a driver of a  
36 vehicle to operate it at a speed not exceeding a speed limit which is  
37 designated by the Authority as a reasonable and safe speed limit, when  
38 appropriate signs giving notice of such speed limit are erected at the  
39 roadside or otherwise posted for the information of operators of  
40 vehicles. Notwithstanding any speed limit designated by the Authority  
41 to the contrary, it shall be prima facie lawful for a driver to operate a  
42 vehicle at a rate of speed not exceeding 65 miles per hour unless the  
43 Authority determines, based upon an engineering and traffic  
44 investigation, that this rate of speed is greater or less than is reasonable  
45 or safe under the conditions found to exist on portions of the project.

46 (d) No person shall operate a vehicle on any project at such a slow

1 speed as to impede or block the normal and reasonable movement of  
2 traffic except when reduced speed is necessary for safe operation  
3 thereof.

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

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

13 (g) All persons operating vehicles upon any project, or seeking to  
14 do so, must at all times comply with regulations, not inconsistent with  
15 the other sections of this act, adopted by the Authority concerning  
16 types, weights and sizes of vehicles permitted to use such project, and  
17 with regulations adopted by the Authority for or prohibiting the  
18 parking of vehicles, concerning the making of turns and the use of  
19 particular traffic lanes, together with any and all other regulations  
20 adopted by the Authority to control traffic and prohibit acts hazardous  
21 in their nature or tending to impede or block the normal and reasonable  
22 flow of traffic upon such project; provided, however, that prior to the  
23 adoption of any regulation for the control of traffic on any such project,  
24 including the designation of any speed limits, the Authority shall  
25 investigate and consider the need for and desirability of such regulation  
26 for the safety of persons and property, including the Authority's  
27 property, and the contribution which any such regulation would make  
28 toward the efficient and safe handling of traffic and use of such project,  
29 and shall determine that such regulation is necessary or desirable to  
30 accomplish such purposes or one or some of them, and that upon or  
31 prior to the effective date of any such regulation and during its  
32 continuance, notice thereof shall be given to the drivers of vehicles by  
33 appropriate signs erected at the roadside or otherwise posted. The  
34 Authority is hereby authorized and empowered to make, adopt and  
35 promulgate regulations referred to in this section in accordance with  
36 the provisions hereof. Regulations adopted by the Authority pursuant  
37 to the provisions of this section shall insofar as practicable, having due  
38 regard to the features of the project and the characteristics of traffic  
39 thereon, be consistent with the provisions of Title 39 of the Revised  
40 Statutes applicable to similar subjects. The Authority shall have power  
41 to amend, supplement or repeal any regulation adopted by it under the  
42 provisions of this section. No regulation and no amendment or  
43 supplement thereto or repealer thereof adopted by the Authority shall  
44 take effect until it is filed with the Secretary of State, by the filing of  
45 a copy thereof certified by the secretary of the Authority.

46 (h) The operator of any vehicle upon a project involved in an

1 accident resulting in injury or death to any person or damage to any  
2 property shall immediately stop such vehicle at the scene of the  
3 accident, render such assistance as may be needed, and give his name,  
4 address, and operator's license and registration number to the person  
5 injured and to any officer or witness of the injury and shall make a  
6 report of such accident in accordance with law.

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

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

26 (k) Notwithstanding the provisions of paragraph (j) of this section,  
27 if the violation within the State of the provisions of paragraph (i) of  
28 this section shall result in injury or death to a person or persons or  
29 damage to property in excess of the value of five thousand dollars  
30 (\$5,000.00), such violation shall constitute a high misdemeanor.

31 (l) Except as provided in paragraph (j) or (k) of this section, any  
32 violation of any of the provisions of this section, including but not  
33 limited to those regarding the payment of tolls, and any violation of  
34 any regulation adopted by the Authority under the provisions of this  
35 section shall be punishable by a fine not exceeding two hundred dollars  
36 (\$200.00) or by imprisonment not exceeding thirty days or by both  
37 such fine and imprisonment. Such a violation shall be tried in a  
38 summary way and shall be within the jurisdiction of and may be  
39 brought in the Superior Court or municipal court where the offense was  
40 committed. The rules of the Supreme Court shall govern the practice  
41 and procedure in such proceedings. Proceedings under this section may  
42 be instituted on any day of the week, and the institution of the  
43 proceedings on a Sunday or a holiday shall be no bar to the successful  
44 prosecution thereof. Any process served on a Sunday or a holiday shall  
45 be as valid as if served on any other day of the week. When imposing  
46 any penalty under the provisions of this paragraph the court having

1 jurisdiction shall be guided by the appropriate provisions of any statute  
2 fixing uniform penalties for violation of provisions of the motor  
3 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

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

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

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

25 (p) Except as otherwise provided by this section or by any  
26 regulation of the Authority made in accordance with the provisions  
27 hereof, the requirements of Title 39 of the Revised Statutes applicable  
28 to persons using, driving or operating vehicles on the public highways  
29 of this State and to vehicles so used, driven or operated shall be  
30 applicable to persons using, driving or operating vehicles on any  
31 project and to vehicles so used, driven or operated.

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

33

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

36 21. a. Except as otherwise provided in subsection a. of section 19  
37 of this act, no vehicle shall be permitted to make use of any expressway  
38 project except upon the payment of the tolls as may from time to time  
39 be prescribed by the authority. It shall be unlawful for any person to  
40 refuse to pay, or to evade or to attempt to evade the payment of the  
41 tolls.

42 b. No vehicle shall be operated on any project carelessly or  
43 recklessly, or in disregard of the rights or safety of others, or without  
44 due caution or prudence, or in a manner so as to endanger unreasonably  
45 or to be likely to endanger unreasonably persons or property, while the  
46 operator thereof is under the influence of intoxicating liquors or any

1 narcotic or habit-forming drug, nor shall any vehicle be so constructed,  
2 equipped, lacking in equipment, loaded or operated in such a condition  
3 of disrepair as to endanger unreasonably or to be likely to endanger  
4 unreasonably persons or property.

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

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

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

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

32 g. All persons operating vehicles upon any project, or seeking to  
33 do so, must at all times comply with regulations, not inconsistent with  
34 the other sections of this act, adopted by the authority concerning  
35 types, weights and sizes of vehicles permitted to use the project, and  
36 with regulations adopted by the authority for or prohibiting the  
37 parking of vehicles, concerning the making of turns and the use of  
38 particular traffic lanes, together with any and all other regulations  
39 adopted by the authority to control traffic and prohibit acts hazardous  
40 in their nature or tending to impede or block the normal and reasonable  
41 flow of traffic upon the project; except that prior to the adoption of any  
42 regulation for the control of traffic on any project, including the  
43 designation of any speed limits, the authority shall investigate and  
44 consider the need for and desirability of the regulation for the safety of  
45 persons and property, including the authority's property, and the  
46 contribution which that regulation would make toward the efficient and

1 safe handling of traffic and use of the project, and shall determine that  
2 the regulation is necessary or desirable to accomplish the purposes or  
3 one or some of them, and that upon or prior to the effective date of the  
4 regulation and during its continuance, notice thereof shall be given to  
5 the drivers of vehicles by appropriate signs erected at the roadside or  
6 otherwise posted. The authority may adopt regulations referred to in  
7 this section in accordance with the provisions hereof and in accordance  
8 with the provisions of the "Administrative Procedure Act." Regulations  
9 adopted by the authority pursuant to the provisions of this section shall  
10 insofar as practicable, having due regard to the features of the project  
11 and the characteristics of traffic thereon and except as to maximum or  
12 minimum speed limits, be consistent with the provisions of Title 39 of  
13 the Revised Statutes applicable to similar subjects. The authority shall  
14 have power to amend, supplement or repeal any regulation adopted by  
15 it under the provisions of this section. No regulation and no  
16 amendment or supplement thereto or repealer thereof adopted by the  
17 authority shall take effect until it is filed with the Office of  
18 Administrative Law, by the filing of a copy thereof certified by the  
19 secretary of the authority.

20 h. The operator of any vehicle upon a project involved in an  
21 incident resulting in injury or death to any person or damage to any  
22 property shall immediately stop the vehicle at the scene of the incident,  
23 render assistance as may be needed, and give his name, address, and  
24 operator's license and motor vehicle registration number to the person  
25 injured and to any officer or witness of the injury and shall make a  
26 report of the incident in accordance with law.

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

40 j. If the violation of any provision of this section or the violation  
41 of any regulation adopted by the authority under the provisions of this  
42 section would have been a violation of law or ordinance if committed  
43 on any public road, street or highway in the municipality in which the  
44 violation occurred, it shall be tried and punished in the same manner  
45 as if it had been committed in that municipality.

46 k. Notwithstanding the provisions of subsection j. of this section,

1 if the violation of the provisions of subsection i. of this section shall  
2 result in injury or death to a person or persons or damage to property  
3 in excess of the value of \$5,000, that violation shall constitute a crime  
4 of the third degree.

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

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

28 n. No resolution or ordinance adopted by the governing body of  
29 any county or municipality for the control and regulation of traffic shall  
30 be applicable to vehicles while upon any expressway project operated  
31 by the authority.

32 o. In addition to any punishment or penalty provided by other  
33 subsections of this section, every registration certificate and every  
34 license certificate to drive motor vehicles may be suspended or revoked  
35 and any person may be prohibited from obtaining a driver's license or  
36 a registration certificate and the reciprocity privileges of a nonresident  
37 may be suspended or revoked by the Director of the Division of Motor  
38 Vehicles for a violation of any of the provisions of this section, after  
39 due notice in writing of the proposed suspension, revocation or  
40 prohibition and the ground thereof, all otherwise in accordance with  
41 the powers, practice and procedure established by the provisions of  
42 Title 39 of the Revised Statutes applicable to the suspension,  
43 revocation or prohibition.

44 p. Except as otherwise provided by this section or by any  
45 regulation of the authority adopted in accordance with the provisions  
46 of this section, the requirements of Title 39 of the Revised Statutes

1 applicable to persons using, driving or operating vehicles on the public  
2 highways of this State and to vehicles so used, driven or operated shall  
3 be applicable to persons using, driving or operating vehicles on any  
4 expressway project and to vehicles so used, driven or operated.  
5 (cf: P.L.1991, c.252, s.21)

6

7 5. This act shall take effect of the first day of the second month  
8 following enactment.

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12

13 Establishes 65 mph speed limit for portions of State highway system  
14 and State toll roads.