

SENATE, No. 1172

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senators CONNORS and SINGER

1 AN ACT clarifying the liability of public entities under certain
2 circumstances and amending N.J.S.59:4-4 and N.J.S.59:4-5.

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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. N.J.S.59:4-4 is amended to read as follows:

8 59:4-4. Failure to provide emergency warning signals.

9 a. Subject to section 59:4-2 of this act, a public entity shall be
10 liable for injury proximately caused by its failure to provide emergency
11 signals, signs, markings or other devices if such devices were
12 necessary to warn of a dangerous condition which endangered the safe
13 movement of traffic and which would not be reasonably apparent to,
14 and would not have been anticipated by, a person exercising due care.

15 b. Nothing in this section shall be construed to impose liability
16 upon a public entity for injury proximately caused by its failure to
17 replace or maintain ordinary traffic signals, signs, markings or other
18 devices.

19 (cf: N.J.S.59:4-4)

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21 2. N.J.S.59:4-5 is amended to read as follows:

22 59:4-5. Failure to provide ordinary traffic signals--immunity.

23 Neither a public entity nor a public employee is liable under this
24 chapter for an injury caused by the failure to provide, replace or
25 maintain ordinary traffic signals, signs, markings or other similar
26 devices.

27 (cf: N.J.S.59:4-5)

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29 3. This act shall take effect immediately.

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31 STATEMENT

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33 In Civalier v. Trancucci, 138 N.J. 52 (1994), the New Jersey
34 Supreme Court ruled in a 4-2 decision that N.J.S.59:4-4 of the "New

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 Jersey Tort Claims Act" imposes liability on a public entity for its
2 failure to replace a missing stop sign if a motorist's reliance on the
3 previous presence of the sign caused injury. This bill is intended to
4 overcome the court's ruling in that case by clarifying when public
5 entities are immune from liability.

6 This bill amends N.J.S.A.59:4-5 to provide that a public entity will
7 not be liable for injury proximately caused by the failure to replace or
8 maintain ordinary traffic signals, signs, markings or other devices . It
9 also amends N.J.S.A.59:4-4 (concerning emergency signs) to provide
10 that section shall not be construed to impose liability upon a public
11 entity for injury proximately caused by its failure to replace or
12 maintain ordinary traffic signals, signs, markings or other devices.
13 Currently the law provides that a public entity may be liable for injury
14 proximately caused by its failure to provide emergency signals, signs,
15 markings or other devices under certain circumstances set forth in
16 N.J.S.A.59:4-4. This bill does not change that provision.

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21 Clarifies certain immunities granted by the "New Jersey Tort Claims
22 Act" to public entities.