

ASSEMBLY, No. 352

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

“Drew’s Law”; establishes 15 miles per hour speed limit in or near certain public parks.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning speed limits in or near certain public parks,
2 designated as Drew's Law, and amending R.S.39:4-98 and
3 R.S.39:4-104.

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
10 R.S.39:4-96 and R.S.39:4-97 and except in those instances where a
11 lower speed is specified in this chapter, it shall be prima facie
12 lawful for the driver of a vehicle to drive it at a speed not exceeding
13 the following:

14 a. Twenty-five miles 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 per hour in any business or residential
19 district;

20 (2) Thirty-five miles per hour in any suburban business or
21 residential district;

22 c. Fifty miles per hour in all other locations, except as
23 otherwise provided in the "Sixty-Five MPH Speed Limit
24 Implementation Act," pursuant to section 2 of P.L.1997,
25 c.415 (C.39:4-98.3 et al.);

26 d. Fifteen miles per hour, when driving through or directly
27 adjacent to a public park during hours of operation, when children
28 are clearly visible from the roadway, or while children are going to
29 or leaving a park event. As used in this subsection, "public park"
30 means a park, recreation facility or area, or playground owned or
31 controlled by the State. A county or municipality may establish, by
32 resolution or ordinance as appropriate, a speed limit of 15 miles per
33 hour on roads in or directly adjacent to a park, recreation facility or
34 area, or playground owned or controlled by a county or local
35 government unit at times specified by this subsection.

36 Whenever it shall be determined upon the basis of an engineering
37 and traffic investigation that any speed hereinbefore set forth is
38 greater or less than is reasonable or safe under the conditions found
39 to exist at any intersection or other place or upon any part of a
40 highway, the Commissioner of Transportation, with reference to
41 State highways, may by regulation and municipal or county
42 authorities, with reference to highways under their jurisdiction, may
43 by ordinance, in the case of municipal authorities, or by ordinance
44 or resolution, in the case of county authorities, subject to the
45 approval of the Commissioner of Transportation, except as

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.

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

15 When designating reasonable and safe speed limits for a street
16 under its jurisdiction pursuant to this subsection, as part of an
17 engineering and traffic investigation, a municipality or county shall
18 consider, but not be limited to, the following criteria: residential
19 density; the presence, or lack, of sidewalks; the prevalence of entry
20 and exit ways for business and commercial establishments; whether
21 school children walk adjacent to the street on their way to and from
22 school; and the proximity of recreational or park areas, schools,
23 community residences, family day care homes, child care centers,
24 assisted living facilities or senior communities. Nothing in this
25 paragraph shall substitute for traffic count, accident, and speed
26 sampling data as appropriate.

27 The driver of every vehicle shall, consistent with the
28 requirements of this section, drive at an appropriate reduced speed
29 when approaching and crossing an intersection or railway grade
30 crossing, when approaching and going around a curve, when
31 approaching a hill crest, when traveling upon any narrow or
32 winding roadway, and when special hazard exists with respect to
33 pedestrians or other traffic or by reason of weather or highway
34 conditions.

35 The Commissioner of Transportation shall cause the erection and
36 maintenance of signs at such points of entrance to the State as are
37 deemed advisable, setting forth the lawful rates of speed, the
38 wording of which shall be within his discretion.

39 (cf: P.L.2009, c.258, s.1)

40

41 2. R.S.39:4-104 is amended to read as follows:

42 39:4-104. **【A】** a. Except as provided in subsection b. of this
43 section, a person violating a section of this article shall, for each
44 violation, be subject to a fine of not less than **【\$50.00】** \$50 or more
45 than **【\$200.00】** \$200 , or imprisonment for a period not exceeding
46 15 days, or both, except as herein otherwise provided.

3. This act shall take effect immediately.

This bill establishes a speed limit of 15 miles per hour, at certain times, on roads passing through or directly adjacent to certain public parks, and increases the fines under current law for violating these speed restrictions.

Under current law, a person who exceeds the speed limit may be fined not less than \$50 or more than \$200. This bill increases the fine to not less than \$100 or more than \$400 for violating the 15 miles per hour speed restriction on roads in public parks or directly adjacent to public parks during hours of operation, when children are clearly visible from the roadway, or while children are going to or leaving a park event. The bill defines “public park” to mean a park, recreation facility or area, or playground owned or controlled by the State.

This bill clarifies that a county or municipality may establish a speed limit of 15 miles per hour on roads in or directly adjacent to a park, recreation facility or area, or playground owned or controlled by the county or municipality during hours of operation, when children are clearly visible from the roadway, or while children are going to or leaving a park event. A person who violates a speed limit of 15 miles per hour adopted by a county or municipality in these park areas is subject to enhanced fines, unless the county or municipality establishes a penalty greater than that established by State law.

This bill is named “Drew’s Law” in honor of Drew Keough. On April 22, 2014, 11 year-old Drew was tragically struck and killed by a motor vehicle while crossing the street near Keansburg’s Forest Park after playing basketball in the park. His untimely death was a shock to the community and hundreds of people gathered to grieve his death by candlelight vigil the following day. In light of this tragedy, the bill endeavors to prevent fatal motor vehicle accidents in or near public parks by reducing the speed limit to 15 miles per hour, at certain times, on street passing through and directly adjacent to certain public parks.