

ASSEMBLY, No. 3868

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Establishes permanent daylight saving time in NJ.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT relating to observing daylight saving time year-round in
2 the State of New Jersey, and supplementing chapter 1 of Title 1
3 of the Revised Statutes and amending various parts of the
4 statutory law.

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

8
9 1. (New section) The Legislature finds and declares that:

10 a. The federal “Standard Time Act of 1918,” Public Law 65-
11 106, 40 Stat. 450, established standard time zones for the United
12 States bounded by the designated meridian lines, including the zone
13 designated as “United States Standard Eastern Time” in which this
14 State was placed, and provided for the advancement of time for
15 each zone by one hour from the last Sunday in March to the last
16 Sunday in October each year, a practice commonly referred to as
17 “daylight saving time.”

18 b. The federal “Uniform Time Act of 1966,” (15 U.S.C.
19 s.260a,) was enacted by Congress to promote the adoption and
20 observance of uniform time within the standard time zones of the
21 United States. The “Uniform Time Act of 1966” did the following:

22 (1) expanded and renamed the standard time zones, renaming
23 the time zone, into which this State was placed as “Eastern Standard
24 Time”;

25 (2) re-established daylight saving time as beginning on the last
26 Sunday in April and ending on the last Sunday in October each
27 year; and

28 (3) authorized a state entirely situated with one time zone, as
29 this State is, to exempt itself from the change to daylight saving
30 time, as long as it does so uniformly as an entire state.

31 c. In 1986, Congress moved the beginning of daylight saving
32 time to the first Sunday in April. Through the “Energy Policy Act
33 of 2005,” Public Law 109-58, Congress established the second
34 Sunday of March as the beginning of daylight saving time and the
35 first Sunday in November as the end of daylight saving time.

36 d. (1) Under federal law as it exists, states are not permitted to
37 observe daylight saving time year-round; and

38 (2) it is the intention of the Legislature of the State of New
39 Jersey to observe daylight saving time year-round, should the
40 federal government authorize states to observe daylight saving time
41 year-round.

42 e. Over the intervening 101 years since the creation of daylight
43 saving time, the residents and businesses of this State have become
44 more accustomed to the eight months of daylight saving time each
45 year than to the four months of standard time each year.

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 f. The biannual change of time between Eastern Standard Time
2 and Eastern Daylight Time is disruptive to commerce and to the
3 daily schedules, safety, and health of the residents of this State.
- 4 g. Remaining permanently on daylight saving time permits this
5 State to avoid negative impacts of the shifts, such as the following:
- 6 (1) a 2013 study published in The American Journal of
7 Cardiology found that daylight saving time shifts have a substantial
8 negative influence on the risk of heart attack; and
- 9 (2) a 2016 study published in the American Economic Journal:
10 Applied Economics found that the transition into daylight saving
11 time caused over 30 deaths in fatal automobile crashes between
12 2002 and 2011 due to sleep deprivation.
- 13 h. Remaining permanently on daylight saving time permits this
14 State to gain benefits, such as the following:
- 15 (1) a 2004 study by Rutgers University into the effects of
16 daylight saving time on pedestrian fatalities showed that full-year
17 daylight saving time would reduce pedestrian fatalities by 171 per
18 year and motor vehicle occupant fatalities by 195 per year; and
- 19 (2) a 2010 study on the effects of daylight saving time on motor
20 vehicle crashes showed that daylight saving time reduced crashes at
21 dusk by providing better visibility for drivers.
- 22
- 23 2. (New section) When the federal government authorizes
24 states to observe daylight saving time year-round, the Legislature
25 shall require that the State of New Jersey observe daylight saving
26 time year-round, pursuant to R.S.1:1-2.3.
- 27
- 28 3. R.S.1:1-2.3 is amended to read as follows:
- 29 1:1-2.3. The standard time of this State shall be **【the time of**
30 **the seventy-fifth meridian west from Greenwich】** Coordinated
31 Universal Time minus four hours, and shall be considered Eastern
32 Daylight Time, and wherever time is named within this State, in any
33 manner whatsoever, it shall be deemed and taken to be such
34 standard time**【**, except that the standard time of this State shall be 1
35 hour in advance of such prescribed time from 2:00 A.M. on the last
36 Sunday in April until 2:00 A.M. on the last Sunday in October in
37 each year, and except where otherwise expressed**】**.
- 38 (cf: P.L.1955, c.47, s.1)
- 39
- 40 4. Section 18 of P.L.1940, c.17 (C.5:5-38) is amended to read
41 as follows:
- 42 18. Each person, partnership, association or corporation desiring
43 to hold or conduct a horse race meeting within the State of New
44 Jersey, during any calendar year, shall file with the commission an
45 application for a permit to hold or conduct such horse race meeting.
46 A separate application shall be filed for each horse race meeting
47 which such applicant proposes to hold or conduct. Any such
48 application, if made by an individual, shall be signed and verified

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1 under oath by such individual, and if made by two or more
2 individuals or a partnership, shall be signed and verified under oath
3 by at least two of such individuals, or members of such partnership,
4 as the case may be. If made by an association or corporation, it
5 shall be signed by the president or vice-president thereof, and
6 attested by the secretary or assistant secretary under the seal of such
7 association or corporation, if it has a seal, and shall also be verified
8 under oath by one of the officers signing the same. Such
9 application shall specify the name of the person, association or
10 corporation making such application, and the post-office address of
11 the applicant; and if applicant is a corporation or an association, the
12 names and addresses of the directors thereof, and the name and
13 address of each owner or holder, directly or indirectly, of any share
14 of stock or certificate or other evidence of ownership of any interest
15 in such corporation or association and if a partnership, the names
16 and addresses of all partners, general or limited. If the applicant is
17 a corporation, the name of the State of its incorporation shall be
18 specified. Such application shall further specify the dates on which
19 it is intended to conduct or hold such horse race meeting, the hours
20 of each racing day between which it is intended to hold or conduct
21 horse racing at such meeting, which shall be between the hours of
22 12 o'clock noon and **[6]** six o'clock P.M., **[Eastern Standard Time]**
23 standard time (exclusive of Sundays, on which day no race meeting
24 may be conducted), and the location of the place, track or enclosure
25 where it is proposed to hold or conduct such horse race meeting.
26 Such application shall be in such form and supply such data
27 including a blueprint of track and specifications of surface of same
28 and blueprint and specifications of buildings and grandstand
29 applicant, as the commission shall prescribe, which said blueprints
30 and specifications shall be subject to the approval of the
31 commission. The commission shall furnish forms to be used in
32 making such applications, and all applications shall be made on
33 such forms.

34 (cf: P.L.1954, c.239, s.1)

35

36 5. Section 8 of P.L.1985, c.405 (C.49:3-61.2) is amended to
37 read as follows:

38 8. The following securities may be registered by notification,
39 whether or not they are also eligible for registration by coordination
40 under section 7 of P.L.1985, c.405 (C.49:3-61.1) or by qualification
41 under section 14 of P.L.1967, c.93 (C.49:3-61):

42 a. Any security whose issuer, and any predecessors, have been
43 in continuous operation for at least five years, if:

44 (1) There has been no default during the current fiscal year or
45 within the three preceding fiscal years in the payment of principal,
46 interest, or dividends on any security of the issuer, or of any
47 predecessor thereof, with a fixed maturity or a fixed interest or
48 dividend provision; and

1 (2) The issuer, and any predecessors, during the past three fiscal
2 years, have had an average net earnings, determined in accordance
3 with generally accepted accounting practices:

4 (i) Which are applicable to all securities without a fixed
5 maturity or a fixed interest or dividend provision, which securities
6 are outstanding at the date the registration statement is filed, and
7 which average net earnings equal at least **【5%】** five percent of the
8 amount of those outstanding securities, as measured by the
9 maximum offering price or the market price on a day, selected by
10 the registrant, within 30 days before the date of filing the
11 registration statement, whichever is higher, or by the book value on
12 a day, selected by the registrant, within 90 days of the date of filing
13 the registration statement, to the extent that there is neither a readily
14 determinable market price nor a cash offering price; or

15 (ii) Which average net earnings, if the issuer, and any
16 predecessors, have not had any security of the type specified in
17 subparagraph (i) of this paragraph outstanding for three full fiscal
18 years, equal to at least **【5%】** five percent of the amount, as
19 established in subparagraph (i) of this paragraph, of all securities
20 which will be outstanding if all of the securities being offered or
21 proposed to be offered, whether or not they are proposed to be
22 registered or offered in this State, are issued;

23 b. A registration statement under this section shall contain the
24 following information and shall be accompanied by the following
25 documents, in addition to the information specified in section 15 of
26 P.L.1967, c.93 (C.49:3-62) and the consent to service of process
27 required by section 26 of P.L.1967, c.93 (C.49:3-73):

28 (1) A statement demonstrating eligibility for registration by
29 notification;

30 (2) With respect to the issuer and any significant subsidiary: its
31 name, address, and form of organization, the state or foreign
32 jurisdiction and the date of its organization, and the general
33 character and location of its business;

34 (3) With respect to any person on whose behalf any part of the
35 offering is to be made in a nonissuer distribution: his name and
36 address, the amount of securities of the issuer held by him as of the
37 date of the filing of the registration statement, and a statement of his
38 reasons for making the offering;

39 (4) A description of the security being registered;

40 (5) The information and documents specified in paragraphs (10),
41 (12), and (14) of subsection (b) of section 14 of P.L.1967, c.93
42 (C.49:3-61); and

43 (6) In the case of any registration under paragraph (2) of
44 subsection a. of this section which does not satisfy the conditions of
45 paragraph (1) of subsection a. of this section, a balance sheet of the
46 issuer as of a date within four months prior to the filing of the
47 registration statement, and a summary of earnings for each of the
48 two fiscal years preceding the date of the balance sheet and for any

1 period between the close of the last fiscal year and the date of the
2 balance sheet, or for the period of the issuer's and any predecessors'
3 existence, if less than two years.

4 c. If no stop order is in effect and no proceeding is pending
5 against any person directly or indirectly involved in the offering
6 under subsection (c) of section 3, section 17 or section 23 of
7 P.L.1967, c.93 (C.49:3-50, 49:3-64 or 49:3-70) or section 29 of this
8 act (C.49:3-70.1), a registration statement under this section
9 automatically becomes effective at three o'clock ~~Eastern Standard~~
10 ~~Time~~ standard time, in the afternoon of the second full business
11 day after the filing of the registration statement or the last
12 amendment, or at such earlier time as the bureau chief determines.
13 (cf: P.L.1997, c.276, s.17)

14
15 6. Sections 1 and 2 of this act shall take effect immediately and
16 sections 3, 4, and 5 of this act shall take effect on the first Sunday
17 in November following the effective date of federal authorization to
18 observe daylight saving time year-round.

21 STATEMENT

22
23 This bill provides for the State of New Jersey to permanently
24 observe daylight saving time by remaining on Eastern Daylight
25 Time (EDT) year-round.

26 For four months, the standard time of New Jersey is Eastern
27 Standard Time (EST), or five hours offset from Coordinated
28 Universal Time. From 2:00 A.M. on the second Sunday in March
29 until 2:00 A.M. on the first Sunday in November, the State
30 participates in the one-hour advancement of time, commonly
31 referred to as "daylight saving time." The people of New Jersey
32 have become more accustomed to the eight months of daylight
33 saving time each year than the four months of standard time.
34 Several studies have shown the biannual change between EST and
35 EDT is disruptive to commerce and to the daily schedules, safety,
36 and health of the citizens of the country, and therefore, the residents
37 of this State.

38 Under the federal "Uniform Time Act of 1966," states are not
39 permitted to observe daylight saving time year-round. If the federal
40 government amends federal law to authorize states to observe
41 daylight saving time year-round, the Legislature shall require that
42 the State of New Jersey observe daylight saving time year-round.

43 Sections 1 and 2 of this bill would take effect immediately.
44 Sections 3, 4, and 5 of this bill would take effect on the first Sunday
45 in November following the effective date of federal authorization to
46 observe daylight saving time year-round.