

SENATE, No. 3517

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 9, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Creates surcharge for certain violations of traffic control signal law; establishes Statewide traffic control signal enforcement program and fund.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning traffic control signal enforcement, amending
2 R.S.39:4-81, and supplementing Title 39 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:*

6
7 1. (New section) a. Upon the conviction of a driver of a
8 vehicle for a violation of R.S.39:4-81 the court shall collect from
9 the defendant a surcharge of \$100 in addition to and independently
10 of any fine imposed on that defendant. The court shall forward the
11 surcharge to the Chief Administrator of the Motor Vehicle
12 Commission who shall deposit the surcharge into a "Traffic Control
13 Signal Enforcement Fund." The fund shall be used to establish a
14 Statewide traffic control signal enforcement program to be
15 supervised by the chief administrator.

16 b. A municipality shall be entitled to periodic grants from the
17 fund in amounts proportional to its contribution to the fund. A
18 municipality shall be deemed to have contributed to the fund if a
19 surcharge collected and deposited in the fund pursuant to subsection
20 a. of this section was for a violation of R.S.39:4-81 that occurred
21 within the municipality and the summons resulting in a conviction
22 for the violation was issued by a member of the municipal police
23 force. The grants from the fund shall be used by the municipality to
24 increase enforcement of R.S.39:4-81 by subsidizing additional law
25 enforcement patrols and through other measures approved by the
26 chief administrator.

27 c. The Division of State Police in the Department of Law and
28 Public Safety, a county law enforcement agency, and an interstate
29 law enforcement agency shall be entitled to periodic grants from the
30 fund in amounts representing their proportionate contributions to
31 the fund. The Division of State Police, a county law enforcement
32 agency, or an interstate law enforcement agency shall be deemed to
33 have contributed to the fund if a surcharge collected and deposited
34 in the fund pursuant to subsection a. of this section was for a
35 violation of R.S.39:4-81 and the summons resulting in a conviction
36 for the violation was issued by a member of the Division of State
37 Police, a county law enforcement agency, or an interstate law
38 enforcement agency. The grants from the fund shall be used by the
39 Division of State Police, the county law enforcement agency, or
40 interstate law enforcement agency to increase enforcement of
41 R.S.39:4-81 by subsidizing additional law enforcement patrols and
42 through other measures approved by the chief administrator.

43 d. The surcharge described herein shall not be considered a
44 fine, penalty, or forfeiture to be distributed pursuant to R.S.39:5-41.

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 e. The Chief Administrator shall promulgate rules and
2 regulations in order to effectuate the purposes of this section.

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4 2. R.S.39:4-81 is amended to read as follows:

5 39:4-81. a. The driver of every vehicle, the **【motorman】**
6 operator of every street car, and every pedestrian shall obey the
7 instructions of any official traffic control device applicable thereto,
8 placed in accordance with the provisions of this chapter, unless
9 otherwise directed by a traffic or police officer.

10 b. When, by reason of a power failure or other malfunction, a
11 traffic control signal at an intersection is not illuminated, the driver
12 of a vehicle or street car shall, with respect to that intersection,
13 observe the requirement for a stop intersection, as provided in
14 R.S.39:4-144.

15 c. In addition to and independent of any fine or other penalty
16 provided for under law, the court shall impose a surcharge of \$100
17 on any driver of a vehicle convicted of a violation of this section.
18 The State Treasurer shall deposit annually the monies collected
19 pursuant to this subsection to the "Traffic Control Signal
20 Enforcement Fund" established pursuant to section 1 of P.L. ,
21 c. (C.) (pending before the Legislature as this bill). The
22 surcharge described herein shall not be considered a fine, penalty,
23 or forfeiture to be distributed pursuant to R.S.39:5-41.

24 (cf: P.L.2004, c.92, s.1)

25
26 3. This act shall take effect on the first day of fourth month
27 next following the date of enactment, except that the chief
28 administrator may take any anticipatory administrative action in
29 advance as shall be necessary for the implementation of this act.

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32 STATEMENT

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34 This bill creates a surcharge for certain violations of the traffic
35 control signal law, and establishes a Statewide traffic control signal
36 enforcement program and fund.

37 The bill provides that a driver of a vehicle would be assessed a
38 \$100 surcharge for a violation of the traffic control signal law in
39 addition to and independently of any fine imposed on that
40 defendant. Under the bill, the court would forward the surcharge to
41 the Chief Administrator of the Motor Vehicle Commission to be
42 deposited into the "Traffic Control Signal Enforcement Fund." The
43 fund would be used to establish a Statewide traffic control signal
44 enforcement program to be supervised by the chief administrator.

45 The bill provides that a municipality would be entitled to
46 periodic grants from the fund in amounts proportional to its
47 contribution to the fund. A municipality would be deemed to have
48 contributed to the fund if a surcharge collected and deposited in the

1 fund pursuant to the provisions of the bill was for a violation that
2 occurred within the municipality and the summons resulting in a
3 conviction for the violation was issued by a member of the
4 municipal police force. The Division of State Police in the
5 Department of Law and Public Safety, county law enforcement
6 agencies, and interstate law enforcement agencies also would be
7 entitled to periodic grants from the fund in amounts representing
8 their proportionate contributions to the fund based on summons
9 issued by members of those law enforcement agencies.

10 Under the bill, the grants from the fund would be used by the law
11 enforcement agencies to increase enforcement by subsidizing
12 additional law enforcement patrols and through other measures
13 approved by the chief administrator.