

SENATE, No. 3861

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Permits members of Community Emergency Response Teams to perform traffic duties under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning Community Emergency Response Teams and
2 supplementing chapter 9 of Appendix A.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A duly organized volunteer Community Emergency
8 Response Team may appoint certain members to perform traffic
9 duties during times of emergency or disaster for a term of office not
10 to exceed five years from the date of appointment. Prior to the
11 performance of any duties, the appointed members shall qualify by:

12 (1) passing a physical examination documenting the member's
13 ability to stand and direct traffic for extended periods of time;

14 (2) successfully completing a basic training course formulated
15 or approved by the New Jersey Police Training Commission; and

16 (3) taking and subscribing an oath that the member will justly,
17 impartially, and faithfully discharge the member's duties according
18 to the best of the member's ability and understanding. The oath
19 shall be administered by the municipal clerk and subscribed to in
20 duplicate. The original copy of the oath shall be filed with the
21 municipal clerk and the other copy shall be filed with the
22 administrator of the Community Emergency Response Team
23 making the appointment.

24 b. After appointment, a qualified member shall be eligible to
25 perform the duties of a Community Emergency Response Team
26 traffic officer and shall have full power and authority to act as a
27 Community Emergency Response Team traffic officer anywhere in
28 the county in which the officer is appointed or in any county in
29 which the officer is called upon to act.

30 c. The duties of the Community Emergency Response Team
31 traffic officer shall be to perform traffic duties as requested by a
32 law enforcement agency during times of emergency or disaster:

33 (1) on any roadway or intersection until the arrival of a duly
34 authorized law enforcement officer; or

35 (2) at any public event where Community Emergency Response
36 Team traffic officer services have been requested to protect the
37 public, subject to the approval of and supervision by the chief law
38 enforcement officer of the municipality in which the public event
39 takes place or the Superintendent of State Police if the municipality
40 does not have a police department.

41 d. A Community Emergency Response Team traffic officer
42 shall wear a Class 3 safety vest as certified by the American
43 National Standards Institute (ANSI) and an authorized Community
44 Emergency Response Team traffic officer emblem on the left breast
45 of the outermost garment while in performance of the officer's
46 duties. In addition, a Community Emergency Response Team
47 traffic officer shall be equipped with a whistle, flashlight, traffic
48 wand, and gloves.

1 e. Nothing in this section shall be construed to confer on a
2 Community Emergency Response Team traffic officer the right to
3 supersede a duly authorized law enforcement officer.

4 f. Community Emergency Response Team traffic officers
5 acting in good faith and within the confines of the officer's training
6 shall not be liable in any civil action to respond in damages as a
7 result of any acts of commission or omission arising out of and in
8 the course of performing traffic duties pursuant to this section.

9 g. As used in this section:

10 "Community Emergency Response Team" means a group of
11 volunteers working under the authority of the New Jersey Office of
12 Emergency Management who are trained to respond to emergency
13 situations.

14 "Law enforcement officer" means a person whose public duties
15 include the power to act as an officer for the detection,
16 apprehension, arrest, and conviction of offenders against the laws of
17 this State.

18
19 2. This act shall take effect immediately.
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22 STATEMENT 23

24 This bill permits members of Community Emergency Response
25 Teams (CERT) to perform traffic duties under certain
26 circumstances.

27 Under the provisions of this bill, a volunteer CERT may appoint
28 certain members to perform traffic duties during times of
29 emergency or disaster for a term of up to five years. Prior to
30 performing any duties, the appointed member is required to qualify
31 by: 1) passing a physical examination documenting the member's
32 ability to stand and direct traffic for extended periods of time; 2)
33 successfully completing a basic training course formulated or
34 approved by the New Jersey Police Training Commission; and 3)
35 taking and subscribing an oath that the member will justly,
36 impartially, and faithfully discharge the member's duties.

37 The bill provides that after appointment, a qualified member is
38 eligible to perform duties as a CERT traffic officer and may act
39 anywhere in the county in which the officer is appointed or any
40 county where the officer is called upon to act.

41 In addition, under the bill, the duties of a CERT traffic officer
42 are to perform traffic duties at the request of a law enforcement
43 agency during times of emergency or disaster: 1) on any roadway or
44 intersection until the arrival of a duly authorized law enforcement
45 officer; or 2) at any public event where CERT traffic officer
46 services have been requested to protect the public, subject to the
47 approval of and supervision by the chief law enforcement officer of
48 the municipality in which the public event takes places or the

1 Superintendent of State Police if the municipality does not have a
2 police department.

3 Under the bill, Community Emergency Response Team traffic
4 officers acting in good faith and within the confines of the officer's
5 training are not to be liable in any civil action to respond in
6 damages as a result of any acts of commission or omission arising
7 out of and in the course of performing traffic duties pursuant to the
8 bill.

9 Finally, the bill defines CERT as a group of volunteers working
10 under the authority of the New Jersey Office of Emergency
11 Management who are trained to respond to emergency situations.