Part III. RESOURCES

New Jersey Laws and Legislation
NEW JERSEY LAWS and LEGISLATION

Laws, Regulations, Policies

- When considering traffic laws and regulations, knowing the difference between laws and regulations may be helpful.
- A Law is a directive that compels or prohibits behavior. That is, a law in intended to make people do something, like pay taxes, or not do something, like stealing. Generally, laws are the work of the legislature. Congress makes laws.
- A Regulation is a rule or set of rules to carry out the intent of the law. So, if the legislature makes a law that you must pay taxes, regulations must be developed that decide who might be exempt and under what conditions, or how often payments need to be made to the treasury. Generally, regulations are the work of the executive branch, also known as the bureaucracy.
- A Policy is a plan or course of action that guides decisions, but may not carry the full force of law or a regulation to carry out a law. A policy might be how your local IRS office decides who to audit.
- That motorists must obey a crossing guard’s directive to stop is supported by law and by regulation. How a crossing guard moves their arms to effectively issue their directive is policy.

CROSSING GUARDS

40A:9-154.1. Adult school crossing guards; appointment; term; revocation; qualifications; supervision and direction
The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year and revoke such appointments for cause and after proper hearing before the chief of police or other chief law enforcement officer of the municipality. No person shall be appointed as an adult school crossing guard unless he:

a. Is a citizen and resident of this State;
   b. Is sound in body and of good health;
   c. Is of good moral character; and
   d. Has not been convicted of any criminal offense involving moral turpitude.

An adult school crossing guard may be a member of the police
department or force of the municipality and his powers and duties as an adult school crossing guard shall cease at the expiration of the term for which he was appointed. He shall not have the right to bear firearms or the power of arrest unless the crossing guard is also a member of a police department or force.

Every adult school crossing guard shall be under the supervision and direction of the chief of police or other chief law enforcement officer of the municipality wherein he is appointed and shall perform his duties only in such municipality. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular police officers of the municipality. Before any adult school crossing guard is appointed the chief of police shall ascertain the eligibility of the applicant and make a report to the governing body, or the chief executive or chief administrative officer, as the case may be.

L.1979,c.82,s.1; amended 1981, c.227, s.1; 1996, c.113, s.15.

New Jersey Statutes - Title 40A:9-154.2. Training of adult school crossing guards
Every adult school crossing guard shall be trained for the proper performance of his duties and responsibilities. Such training shall consist of a minimum of two hours of classroom instruction which shall include information on methods of traffic control and the duties and responsibilities of adult school crossing guards and a minimum of 20 hours of field training in which the trainee shall be supervised by an experienced adult school crossing guard or a regular police officer. This training requirement may be waived by the chief of police for an adult school crossing guard who is also a police officer.

40A:9-154.3. Uniform provided to adult school crossing guard; exemption
Before being assigned to any post, an adult school crossing guard shall be provided with a uniform which shall identify his function and which shall be distinct from the uniform of a member of the regular police department or force. Such uniform shall include but not be limited to a safety vest, a hat, and breast and hat badges which shall bear an identification number, and the name of the municipality in which he is employed. A police officer appointed as an adult crossing guard shall wear such uniform as directed by the chief of police of the municipality.

L.1979,c.82,s.3; amended 1996, c.113, s.17.
L.1979,c.82,s.2; amended 1996, c.113, s.16.

40A:9-154.4. Stations; time period
The chief of police or other chief law enforcement officer of a municipality
shall have the right to position school crossing guards on any street or highway within the municipality; provided, however, that such guards may be stationed only when it is necessary to control or direct vehicular or pedestrian traffic during those time periods of a school day when it is necessary to control traffic or during any special event or program involving pedestrian crossings whenever it is deemed to be in the best interests of public safety.

L.1979, c. 82, s. 4, eff. April 26, 1979.

STOP Paddle

Although crossing guards usually do not have arrest powers, the STOP paddle they wield is an official sign under state law (N.J.S.A. 39:1-1). Drivers who fail to obey the STOP paddle can be cited and fined for failure to obey signs, signals or directions (N.J.S.A. 39:4-215).

PEDESTRIANS

39:4-32 Crossing roadway; signal.
On highways where traffic is controlled by a traffic control signal or by traffic or police officers:

a. Pedestrians shall not cross a roadway against the "stop" or red signal at a crosswalk, whether marked or unmarked, unless otherwise specifically directed to go by a traffic or police officer, or official traffic control device.

b. No driver of a vehicle shall fail to stop and remain stopped for a pedestrian crossing a roadway at a crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning during the "go" or green signal. As used in this subsection, "half of the roadway" means all traffic lanes conveying traffic in one direction of travel, and includes the entire width of a one-way roadway.

c. A pedestrian crossing or starting across the intersection on a "go" or green signal, but who is still within the crosswalk when the signal changes, shall have the right of way until the pedestrian has reached the opposite curb or place of safety.

d. No pedestrian shall leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield or stop.

e. Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

f. Every pedestrian upon a roadway at any point other than within a
marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

g. Nothing contained herein shall relieve a driver from the duty to exercise due care for the safety of any pedestrian upon a roadway. Nothing herein shall relieve a pedestrian from using due care for his safety.

h. In the event of a collision between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there shall be a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

39:4-33. Use of designated crosswalk; keeping to right
At intersections where traffic is directed by a police officer or traffic signal, no pedestrian shall enter upon or cross the highway at a point other than a crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

39:4-34. Pedestrians to cross within crosswalk or at right angles; facing traffic; sidewalks
Where traffic is not controlled and directed either by a police officer or a traffic control signal, pedestrians shall cross the roadway within a crosswalk or, in the absence of a crosswalk, and where not otherwise prohibited, at right angles to the roadway. It shall be unlawful for a pedestrian to cross any highway having roadways separated by a median barrier, except where provision is made for pedestrian crossing. On all highways where there are no sidewalks or paths provided for pedestrian use, pedestrians shall, when practicable, walk only on the extreme left side of the roadway or its shoulder facing approaching traffic.

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.


39:4-36.1. Crossing having pedestrian tunnel or overhead crossing; right of way
Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

L.1951, c. 23, p. 74, s. 24.
MOTOR VEHICLES

N.J.S.A.

39:4-36. Driver to yield to pedestrians, exceptions; violations, penalties.
a. The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any unmarked crosswalk at an intersection, except at crosswalks when the movement of traffic is being regulated by police officers or traffic control signals, or where otherwise regulated by municipal, county, or State regulation, and except where a pedestrian tunnel or overhead pedestrian crossing has been provided:

(1) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within a marked crosswalk, when the pedestrian is upon, or within one lane of, the half of the roadway, upon which the vehicle is traveling or onto which it is turning. As used in this paragraph, "half of the roadway" means all traffic lanes conveying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield or stop.

(3) Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(4) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(5) Nothing contained herein shall relieve a driver from the duty to exercise due care for the safety of any pedestrian upon a roadway. Nothing contained herein shall relieve a pedestrian from using due care for his safety.

b. A person violating any paragraph of subsection a. of this section shall, upon conviction thereof, pay a fine to be imposed by the court in the amount of $200. The court may also impose upon a person violating any paragraph of subsection a. of this section, a penalty of community service not to exceed 15 days in such form and on such terms as the court shall deem appropriate. If the violation results in serious bodily injury to a pedestrian, the person convicted of the violation shall be subject to a fine.
of not less than $100 or more than $500, and may additionally be subject to a sentence of imprisonment not to exceed 25 days, or a license suspension not to exceed six months, or both, in the discretion of the court. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

c. Of each fine imposed and collected pursuant to subsection b. of this section, $100 shall be forwarded to the State Treasurer who shall annually deposit the moneys into the "Pedestrian Safety Enforcement and Education Fund" created by section 1 of P.L.2005, c.84 (C.39:4-36.2).

d. In the event of a collision between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there shall be a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

Amended 1951, c.23, s.26; 1981, c.220, s.3; 2005, c.86, s.2; 2009, c.312; 2009, c.319, s.2.

39:4-66. Emerging from alley, driveway, garage, or private road or driveway

a. The operator of a vehicle emerging from an alley, driveway, garage, or private road or driveway, shall stop the vehicle immediately prior to driving upon the sidewalk, and shall proceed to enter the sidewalk only after yielding the right of way to a pedestrian on the sidewalk, if the pedestrian is so close as to constitute an immediate hazard.

b. In addition to any duty imposed under subsection a. of this section, the operator of a vehicle emerging from an alley, driveway, garage, or private road or driveway, shall stop the vehicle immediately prior to entering or crossing a highway, and shall proceed to enter or cross the highway only after yielding the right of way to the traffic on the highway, if the traffic is so close as to constitute an immediate hazard.

Amended 1989,c.147,s.1.

39:4-66.1. Right of way on entering or leaving alley, driveway, garage, or private road or driveway

When the driver of a vehicle, about to enter an alley, driveway, garage, or private road or driveway from a highway, shall find it necessary to drive upon the sidewalk, he first shall yield the right of way to all pedestrians on the sidewalk, if the pedestrians are so close as to constitute an immediate hazard.

L.1951,c.23,s.48; amended 1989,c.147,s.2.
39:4-80.1 Penalty for failure to comply with school crossing guard's signal to stop
A motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those time periods when that guard is duly authorized to control or direct vehicular or pedestrian traffic pursuant to section 4 of P.L.1979, c.82 (C.40A:9-154.4) shall be fined not less than $150 for a first offense. For a subsequent offense, the operator shall be fined not less than $300.

L.2007,c.78.

39:4-98. Rates of speed.
Rates of speed. Subject to the provisions of R.S.39:4-96 and R.S.39:4-97 and except in those instances where a lower speed is specified in this chapter, it shall be prima facie lawful for the driver of a vehicle to drive it at a speed not exceeding the following:
   a. Twenty-five miles per hour, when passing through a school zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours.

39:4-115. Improper Turn at Traffic Light
The driver of a vehicle or the motorman of a streetcar: a. intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a traffic or police officer, shall proceed to make either turn with proper care to avoid accidents and, except as provided in b. below, only upon the “go” signal unless otherwise directed by a traffic or police officer, an official sign or special signal; or b. intending to turn right at an intersection where traffic is controlled by a traffic control signal shall, unless an official sign of the State, municipality, or county authority having jurisdiction over the intersection prohibits the same, proceed to make the turn upon a “stop” or “caution” signal with proper care to avoid accidents after coming to a full stop, observing traffic in all directions, yielding to other vehicular traffic traveling in a direction in which the turn will be made, and stopping and remaining stopped for pedestrians crossing the roadway within a marked crosswalk, or at an unmarked crosswalk, into which the driver is turning. Both the approach for and the turn shall be made as close as practicable to the right-hand curb or edge of the roadway, unless such intersection is otherwise posted.

39:4-128.1 School buses stopped for children; duty of motorists; duty of bus driver; violations; revocation of license
   1. On highways having roadways not divided by safety islands or
physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus, which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity and which has stopped for the purpose of receiving or discharging any child, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of such highway and until a flashing red light is no longer exhibited by the bus; provided, such bus is designated as a school bus by one sign on the front and one sign on the rear, with each letter on such signs at least four inches in height.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle overtaking a school bus, which has stopped for the purpose of receiving or discharging any child, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of the highway and until a flashing red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the purpose of receiving or discharging any child, shall reduce the speed of his vehicle to not more than 10 miles per hour and shall not resume normal speed until the vehicle has passed the bus and has passed any child who may have alighted therefrom or be about to enter said bus.

For purposes of this section, "highway" means the entire width between the boundary lines of every way whether publicly or privately maintained when any part thereof is open to the public for purposes of vehicular travel.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children to enter a school, or a summer day camp or any school connected activity, which is located on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass said bus without stopping, but at a speed not in excess of 10 miles per hour.

The driver of a bus which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity shall continue to exhibit a flashing red light and shall not start his bus until every child who may have alighted therefrom shall have reached
a place of safety.

Any person who shall violate any provision of this act shall be subject to (1) a fine of not less than $100.00, (2) imprisonment for not more than 15 days or community service for 15 days in such form and on such terms as the court shall deem appropriate, (3) or both for the first offense, and a fine not less than $250.00, imprisonment for not more than 15 days, or both for each subsequent offense. The penalties shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes. There shall be a rebuttable presumption that the registered owner of the vehicle which was involved in the violation of this section was the person who committed the act. Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of $100.

The Director of the Division of Motor Vehicles may also revoke the license to drive a motor vehicle of any person who shall have been guilty of such willful violation of any of the provisions of this act as shall, in the discretion of the director, justify such revocation, but the director shall, at all times, have power to validate such a license which has been revoked, or to grant a new license to any person whose license to drive a motor vehicle shall have been revoked pursuant to this act.

L.1942, c.192,s.1; amended 1948, c.132; 1949, c.102, s.1; 1951, c.23, s.71; 1966, c.235, s.1; 1968, c.171, s.1; 1983, c.27; 1989, c.319, s.1; 1992, c.72; 2000, c.85, s.2.

39:4-138. Places where parking prohibited; exceptions; moving vehicle not under one's control into prohibited area.
Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:
  a. Within an intersection;
  b. On a crosswalk;
  c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;
  d. In front of a public or private driveway;
  e. Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;
  f. On a sidewalk;
  g. In any appropriately marked "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;
h. Within 50 feet of a "stop" sign;
i. Within 10 feet of a fire hydrant;
j. Within 50 feet of the nearest rail of a railroad crossing;
k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;
l. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;
m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;
o. In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle. State, county or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property.
No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
Amended 1948,c.342,s.2; 1951,c.23,s.77; 1981,c.20,s.1; 1989,c.201,s.1.

39:4-139 Loading or Unloading in Front of School Entrance
No operator of a vehicle shall stand or park the vehicle for a period of time longer than is necessary for the loading or unloading of passengers or materials or longer than is hereinafter provided. The loading or unloading of passengers shall not consume more than three minutes in an alley or at a curb adjacent to the entrance of a school, church, theatre, hotel, hospital or any other place of public assemblage during hours designated by official signs.

39:4-144. Stopping or yielding right of way before entering stop or yield intersections
No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "stop" sign unless:
a. The driver has first brought the vehicle or street car to a complete stop at a point within five feet of the nearest crosswalk or stop line
marked upon the pavement at the near side of the intersecting street and shall proceed only after yielding the right of way to all vehicular traffic on the intersecting street which is so close as to constitute an immediate hazard.

b. No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "yield right of way" sign without first slowing to a reasonable speed for existing conditions and visibility, stopping if necessary, and the driver shall yield the right of way to all vehicular traffic on the intersecting street which is so close as to constitute an immediate hazard; unless, in either case, the driver is otherwise directed to proceed by a traffic or police officer or traffic control signal.

c. No driver of a vehicle or street car shall turn right at an intersecting street marked with a "stop" sign or "yield right of way" sign unless the driver stops and remains stopped for pedestrians crossing the roadway within a marked crosswalk, or at an unmarked crosswalk, into which the driver is turning.

39:4-183.1a Installation of traffic control device, sign by municipality at request of school.

1. Notwithstanding any law to the contrary, a municipality may, upon the request of the appropriate board of education or, in the case of a private school, by the school's governing body, provide by resolution for the installation of a traffic control device or sign consistent with the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways as adopted by the Commissioner of Transportation, to regulate motor vehicle traffic at an intersection located within 300 feet of any public or private school; provided that the municipal or county engineer shall, under the engineer's seal as a licensed professional engineer, certify to the municipal or county governing body, as appropriate, that the traffic control or device has been approved by the engineer after the engineer's investigation of the circumstances. Before a resolution shall take effect, however, the governing body shall submit a copy of the resolution to the Commissioner of Transportation for his review and approval together with detailed information as to the location of streets, intersections and signs affected by any installation, traffic count, accident and speed sampling data when appropriate, the municipal or county engineer's certification, under the engineer's seal as a licensed professional engineer, to the municipal or county governing body, and any other information as the commissioner may require. If the commissioner disapproves the resolution, he shall file his disapproval, in writing, with a statement of the reasons for his disapproval, with the governing body within 90 days following the receipt of the resolution. If the commissioner approves the resolution or fails to file his disapproval within the 90-day review period, the resolution shall take effect immediately.
For the purposes of this section, the term "public or private school" has the meaning that term is given in N.J.S.18A:1-1.

L.1984,c.219,s.1; amended 2001, c.342, s.3.

**New Jersey Administrative Code 7-27:14.3**
(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:
1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and
2. A diesel bus while it is actively discharging or picking up passengers may idle for 15 consecutive minutes in a 60-minute period.

**7-27:15.8 Idle standard**
(a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.
(b) The provisions of (a) above shall not apply to:
1. Autobuses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning; 22
4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

**BICYCLES**
- According to N.J. state law, anyone under 17 that rides a bicycle must wear a helmet at all times (N.J.S.A. 39:4-10.1).
- In New Jersey, bicycles are defined as vehicles under the state motor vehicle code contained in N.J.S.A. Title 39:4. Parents and students should be aware of these state bicycling laws and follow
them at all times. Riders must follow the rules of the road including but not limited to:

- Obeying all traffic lights and signals (N.J.S.A. 39:4-14.1, 39:4-14.2, 39:4-10.11),
- Using hand signals before making turns,
- Only one rider per seat – never let a friend ride on the handlebars or wheel pegs (N.J.S.A. 39:4-12),
- Stopping and looking left, right, then left again before leaving driveways or entering any street,
- Riding with traffic (N.J.S.A. 39:4-14.2, 39:4-10.11). Don’t ride too close to parked cars – doors can open suddenly,
- Riding where drivers can see you and don’t swerve between cars,
- Equipping the bicycle with a bell or other audible device that can be heard at least 100 feet away, but not a siren or whistle (N.J. S.A. 39:4-11), and
- If you must ride at dawn, dusk or after dark, use headlights and tail lights – white in the front and red in back (N.J. S.A. 39:4-10).

- Bicycles ridden to school should be roadworthy and regularly maintained. Students should test tires for air before riding and make sure brakes work (N.J.S.A. 39:4-11.1).

Although dismounting before crossing in a crosswalk is not legally required, it is best to ask children on bicycles, scooters or skateboards to dismount before crossing. Walking across helps avoid conflicts among crossing children and allows the guard and children to be more attentive to traffic hazards and react more quickly to them.

**FEDERAL GUIDANCE ON CROSSING GUARDS**


FHWA’s Manual on Uniform Traffic Control Devices (MUTCD), 2009

- Chapter 7D. Crossing Supervision
  - 7D.01 Types of Crossing Supervision
  - 7D.02 Adult Crossing Guards
  - 7D.03 Qualifications of Adult Crossing Guards
  - 7D.04 Uniform of Adult Crossing Guards
New Jersey Laws and Legislation

- 7D.05 Operating Procedures for Adult Crossing Guards