

ASSEMBLY, No. 4470

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2022

Sponsored by:

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Concerns trucks driving in farthest left-hand lane on State highway system and State toll roads.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain commercial motor vehicle traffic
2 regulation, amending R.S.39:4-88 and P.L.2013, c.86, and
3 supplementing Title 27 of the Revised Statutes.

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

7
8 1. R.S.39:4-88 is amended to read as follows:

9 39:4-88. When a roadway has been divided into clearly marked
10 lanes for traffic, drivers of vehicles shall obey the following
11 regulations:

12 a. A vehicle shall normally be driven in the lane nearest the
13 right-hand edge or curb of the roadway when that lane is available
14 for travel, except when overtaking another vehicle or in preparation
15 for a left turn.

16 b. A vehicle shall be driven as nearly as practicable entirely
17 within a single lane and shall not be moved from that lane until the
18 driver has first ascertained that the movement can be made with
19 safety.

20 c. Upon a highway which is divided into **[3]** three lanes, a
21 vehicle shall not be driven in the center lane except when overtaking
22 or passing another vehicle or in preparation for a left turn or unless
23 the center lane is at the time allocated for traffic moving in the
24 direction the vehicle is proceeding and is signposted to give notice of
25 that allocation.

26 d. The **[State Highway]** Commissioner of Transportation may
27 by regulation or local authorities may by resolution or ordinance with
28 respect to highways under their jurisdiction designate right-hand
29 lanes for slow moving traffic and inside lanes for traffic moving at
30 the speed designated for the district as provided under this chapter,
31 and when the lanes are signposted or marked to give notice of the
32 designation a vehicle may be driven in any lane allocated to traffic
33 moving in the direction in which it is proceeding, but when traveling
34 within the inside lanes the vehicle shall be driven at approximately
35 the speed authorized in such lanes and speed shall not be decreased
36 unnecessarily so as to block, hinder or retard traffic.

37 e. When such roadway had been divided in such a manner that
38 there are **[three]** two or more lanes for traffic in any one direction,
39 no truck of 10,000 pounds registered gross weight or over shall be
40 driven in the farthest left-hand lane, except:

41 (1) when and to the extent necessary to prepare for a left turn; a
42 truck may be driven in the farthest left lane for up to one mile to
43 prepare for a left hand turn as authorized under this paragraph;

44 (2) when necessary to enter or leave such roadway by entrance or
45 exit to or from the left lane; a truck may be driven in the farthest left

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 lane for up to one mile to prepare to enter or leave the roadway as
2 authorized under this paragraph;

3 (3) when reasonably necessary in response to emergency
4 conditions; for the purposes of this paragraph, "emergency
5 conditions" shall include, but not be limited to: poor visibility, snow,
6 accidents, or the presence of emergency vehicles.
7 (cf: P.L.2013, c.86, s.1)

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9 2. Section 2 of P.L.2013, c.86 (C.39:4-88.1) is amended to read
10 as follows:

11 2. The penalty for a violation of failing to keep right under
12 R.S.39:4-82 or failure to observe traffic lanes under R.S.39:4-88 shall
13 be a fine of not less than \$100 or more than \$300, except that the
14 penalty for a violation of subsection e. of R.S.39:4-88 shall be a fine
15 of not less than \$200 or more than \$600. In addition to any fine that
16 may be imposed, a surcharge of \$50 shall be imposed on each person
17 found guilty of a violation of R.S.39:4-82 or R.S.39:4-88. The State
18 Treasurer shall annually deposit the surcharge into the fund
19 established pursuant to section 3 of P.L.2013, c.86 (C.39:4-88.2).

20 A person alleged to have violated subsection e. of R.S.39:4-88
21 shall not be permitted to enter a guilty or not guilty plea or submit a
22 defense for use at trial by mail or in an electronic system approved
23 by the Administrative Director of the Courts.

24 (cf: P.L.2013, c.86, s.2)

25
26 3. (New section) The Commissioner of Transportation shall erect
27 and maintain signs that inform operators of trucks with registered
28 gross weight of 10,000 pounds or more that operating such trucks in
29 the farthest left-hand lane is prohibited under subsection e. of
30 R.S.39:4-88. The signs shall be erected and maintained on roadways
31 with two or more lanes for traffic traveling in the same direction, that
32 are under the jurisdiction of the Department of Transportation, and
33 on which such trucks are permitted to travel. The signs shall conform
34 to the standards and guidance of the "Manual on Uniform Traffic
35 Control Devices for Streets and Highways," prepared by the Federal
36 Highway Administration in the United States Department of
37 Transportation.

38
39 4. (New section) a. Notwithstanding any regulation to the
40 contrary, where a roadway under the jurisdiction of the New Jersey
41 Turnpike Authority has been divided in such a manner that there are
42 two or more lanes for traffic traveling in the same direction, no truck
43 of 10,000 pounds registered gross weight or more shall be driven in
44 the farthest left-hand lane, except when reasonably necessary to:

45 (1) prepare for a left turn, except that a truck may only be driven
46 in the farthest left lane for up to one mile to prepare for a left hand
47 turn;

1 (2) enter or leave such roadway by entrance or exit to or from the
2 left lane, except that a truck may only be driven in the farthest left
3 lane for up to one mile to prepare to enter or leave the roadway; or

4 (3) respond to emergency conditions, including, but not limited
5 to, poor visibility, snow, accidents, or the presence of emergency
6 vehicles.

7 b. The penalty for a violation of subsection a. of this section
8 shall be a fine of not less than \$200 or more than \$600. A person
9 alleged to have violated subsection a. of this section shall not be
10 permitted to enter a guilty or not guilty plea or submit a defense for
11 use at trial by mail or in an electronic system approved by the
12 Administrative Director of the Courts.

13 c. Nothing in this section shall prohibit the authority from
14 adopting further restrictions on trucks of 10,000 pounds registered
15 gross weight or more from traveling in the farthest left-hand lane or
16 middle lanes, as applicable, of a roadway with two or more lanes for
17 traffic traveling in the same direction.

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19 5. (New section) The Executive Director of the New Jersey
20 Turnpike Authority shall erect and maintain signs that inform
21 operators of trucks with registered gross weight of 10,000 pounds or
22 more that operating such trucks in the farthest left-hand lane is
23 prohibited under section 4 of P.L. , c. (C.) (pending before
24 the Legislature as this bill). The signs shall be erected and
25 maintained on roadways with two or more lanes for traffic traveling
26 in the same direction, that are under the jurisdiction of the authority,
27 and on which such trucks are permitted to travel. The signs shall
28 conform to the standards and guidance of the "Manual on Uniform
29 Traffic Control Devices for Streets and Highways," prepared by the
30 Federal Highway Administration in the United States Department of
31 Transportation.

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33 6. (New section) a. Notwithstanding any regulation to the
34 contrary, where a roadway under the jurisdiction of the South Jersey
35 Transportation Authority has been divided in such a manner that
36 there are two or more lanes for traffic traveling in the same direction,
37 no truck of 10,000 pounds registered gross weight or more shall be
38 driven in the farthest left-hand lane, except when reasonably
39 necessary to:

40 (1) prepare for a left turn, except that a truck may only be driven
41 in the farthest left lane for up to one mile to prepare for a left hand
42 turn;

43 (2) enter or leave such roadway by entrance or exit to or from the
44 left lane, except that a truck may only be driven in the farthest left
45 lane for up to one mile to prepare to enter or leave the roadway; or

46 (3) respond to emergency conditions, including, but not limited
47 to, poor visibility, snow, accidents, or the presence of emergency
48 vehicles.

1 b. The penalty for a violation of subsection a. of this section
2 shall be a fine of not less than \$200 or more than \$600. A person
3 alleged to have violated subsection a. of this section shall not be
4 permitted to enter a guilty or not guilty plea or submit a defense for
5 use at trial by mail or in an electronic system approved by the
6 Administrative Director of the Courts.

7 c. Nothing in this section shall prohibit the authority from
8 adopting further restrictions on trucks of 10,000 pounds registered
9 gross weight or more from traveling in the farthest left-hand lane or
10 middle lanes, as applicable, of a roadway with two or more lanes for
11 traffic traveling in the same direction.

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13 7. (New section) The Executive Director of the South Jersey
14 Transportation Authority shall erect and maintain signs that inform
15 operators of trucks with registered gross weight of 10,000 pounds or
16 more that operating such trucks in the farthest left-hand lane is
17 prohibited under section 6 of P.L. , c. (C.) (pending before
18 the Legislature as this bill). The signs shall be erected and
19 maintained on roadways with two or more lanes for traffic traveling
20 in the same direction, that are under the jurisdiction of the authority,
21 and on which such trucks are permitted to travel. The signs shall
22 conform to the standards and guidance of the "Manual on Uniform
23 Traffic Control Devices for Streets and Highways," prepared by the
24 Federal Highway Administration in the United States Department of
25 Transportation.

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27 8. (New section) The Commissioner of Transportation, the
28 Executive Director of the New Jersey Turnpike Authority, the
29 Executive Director of the South Jersey Transportation Authority, and
30 the Administrative Director of the Courts, shall jointly prepare and
31 submit a written report on an annual basis to the Governor and,
32 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
33 Legislature, that includes:

34 a. the number of signs posted throughout the State indicating that
35 trucks of 10,000 pounds registered gross weight or more are
36 generally prohibited from driving in the farthest left-hand lane of
37 roadways with two or more lanes for traffic traveling in the same
38 direction; and

39 b. for each applicable roadway in the State, the number of tickets
40 issued, violations committed, and revenue collected for violations of
41 subsection e. of R.S.39:4-88, section 4 of P.L. , c. (C.)
42 (pending before the Legislature as this bill), and section 6 of
43 P.L. , c. (C.) (pending before the Legislature as this bill), as
44 applicable.

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46 9. This act shall take effect on the first day of the fourth month
47 after enactment.

STATEMENT

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This bill prohibits trucks of 10,000 pounds registered gross weight or more from operating in the left lane of roadway with two or more lanes of traffic traveling in the same direction and includes a fine of not less than \$200 to not more than \$600 for this violation. Current law prohibits such trucks from operating in the farthest left-hand lane of a roadway with three or more lanes of traffic traveling in the same direction and imposes a fine of not less than \$100 to not more than \$300 for such violation.

The bill increases the fines for a violation of operating a truck of 10,000 pounds registered gross weight or more in the farthest left-hand lane of certain roadways. The bill increases the fine for this violation to a fine of not less than \$200 or more than \$600.

The bill prohibits a person from operating a truck of 10,000 pounds registered gross weight or more in the farthest left-hand lane on roadways with two or more lanes for traffic traveling in the same direction that are under the jurisdiction of the New Jersey Turnpike Authority and South Jersey Transportation Authority, including the New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway. The bill provides certain exemptions for trucks preparing for a left turn, entering or leaving the roadway by entrance or exit to or from the left lane, and in response to emergency conditions.

The bill also prohibits a person who is alleged to have operated a truck of 10,000 pounds registered gross weight or more in the farthest left-hand lane to enter a guilty or not guilty plea or submit a defense for use at trial by mail or in an electronic system, thereby requiring the person to appear in court.

The bill requires the Commissioner of Transportation, the Executive Director of the New Jersey Turnpike Authority, and the Executive Director of the South Jersey Transportation Authority to erect and maintain signs on roadways under the jurisdiction of each respective agency that inform operators of the general prohibition of driving a truck of 10,000 pounds registered gross weight or more in the farthest left-hand lane on roadways with two or more lanes for traffic traveling in the same direction.

The Commissioner of Transportation, Executive Director of the New Jersey Turnpike Authority, Executive Director of the South Jersey Transportation Authority, and the Administrative Director of the Courts are required to jointly prepare and submit an annual report concerning the number of signs posted in the State indicating that trucks of 10,000 pounds registered gross weight or more are generally prohibited from driving in the farthest left-hand lane on certain roadways and the number of tickets issued, violations committed, and revenue collected for such violations.