

ASSEMBLY, No. 4064

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 8, 2009

Sponsored by:

Assemblyman L. HARVEY SMITH

District 31 (Hudson)

SYNOPSIS

Prohibits manual operation of global positioning system device by operator of a motor vehicle while vehicle is in motion.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain use of global positioning system
2 devices, amending P.L.2003, c.310.

3

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

6

7 1. Section 1 of P.L.2003, c.310 (C.39:4-97.3) is amended to
8 read as follows:

9 1. a. The use of a wireless telephone or electronic
10 communication device , or the manual operation of a global
11 positioning system device or similar navigation device, by an
12 operator of a moving motor vehicle on a public road or highway
13 shall be unlawful except when the telephone is a hands-free
14 wireless telephone **[or]** , when the electronic communication
15 device is used hands-free, or when the global positioning system
16 device or similar navigation device is activated through voice
17 command, provided in each case that **[its]** of the device placement
18 does not interfere with the operation of federally required safety
19 equipment and the operator exercises a high degree of caution in the
20 operation of the motor vehicle. For the purposes of this section, an
21 "electronic communication device" shall not include an amateur
22 radio.

23 b. The operator of a motor vehicle may use a hand-held
24 wireless telephone while driving with one hand on the steering
25 wheel only if:

26 (1) The operator has reason to fear for his life or safety, or
27 believes that a criminal act may be perpetrated against himself or
28 another person; or

29 (2) The operator is using the telephone to report to appropriate
30 authorities a fire, a traffic accident, a serious road hazard or medical
31 or hazardous materials emergency, or to report the operator of
32 another motor vehicle who is driving in a reckless, careless or
33 otherwise unsafe manner or who appears to be driving under the
34 influence of alcohol or drugs. A hand-held wireless telephone
35 user's telephone records or the testimony or written statements from
36 appropriate authorities receiving such calls shall be deemed
37 sufficient evidence of the existence of all lawful calls made under
38 this paragraph.

39 As used in this act, "hands-free wireless telephone" means a
40 mobile telephone that has an internal feature or function, or that is
41 equipped with an attachment or addition, whether or not
42 permanently part of such mobile telephone, by which a user
43 engages in a conversation without the use of either hand; provided,
44 however, this definition shall not preclude the use of either hand to
45 activate, deactivate, or initiate a function of the telephone.

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 "Use" of a wireless telephone or electronic communication
2 device shall include, but not be limited to, talking or listening to
3 another person on the telephone, text messaging, or sending an
4 electronic message via the wireless telephone or electronic
5 communication device.

6 c. (Deleted by amendment, P.L.2007, c.198).

7 d. A person who violates this section shall be fined \$100.

8 e. No motor vehicle points or automobile insurance eligibility
9 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall
10 be assessed for this offense.

11 f. The Chief Administrator of the New Jersey Motor Vehicle
12 Commission shall develop and undertake a program to notify and
13 inform the public as to the provisions of this act.

14 g. Whenever this section is used as an alternative offense in a
15 plea agreement to any other offense in Title 39 of the Revised
16 Statutes that would result in the assessment of motor vehicle points,
17 the penalty shall be the same as the penalty for a violation of
18 section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge
19 imposed pursuant to subsection f. of that section, and a conviction
20 under this section shall be considered a conviction under section 1
21 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining
22 subsequent enhanced penalties under that section.

23 (cf: P.L.2007, c.198, s.1)

24

25 2. Section 3 of P.L.2003, c.310 (C.39:4-97.5) is amended to
26 read as follows:

27 3. This act supersedes and preempts all ordinances of any
28 county or municipality with regard to the use of a wireless
29 telephone or electronic communication device , or the manual
30 operation of a global positioning system device or similar
31 navigation device. by an operator of a motor vehicle.

32 (cf: P.L.2007, c.198, s.2)

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34 3. This act shall take effect immediately.

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STATEMENT

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39 Under current law, the use of a wireless telephone or electronic
40 communication device by the operator of a moving motor vehicle is
41 prohibited, except when such a device is operated hands-free. This
42 bill would amend current law to also prohibit the manual operation
43 of a global positioning system (GPS) device or similar navigation
44 device by the operator of a moving motor vehicle. The bill would
45 allow the operator to use a voice-activated GPS device.

46 This bill would supersede and preempt all ordinances of any
47 county or municipality with regard to the manual operation of a
48 GPS device or similar navigation device.