

ASSEMBLY, No. 3603

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 14, 2022

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

SYNOPSIS

Requires law enforcement officers to issue citation by mail for certain motor vehicle violations.

CURRENT VERSION OF TEXT

As introduced.



A3603 SPEIGHT

1 AN ACT concerning motor vehicle violations and supplementing
2 Title 39 of the Revised Statutes.

3

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

6

7 1. a. Notwithstanding the provisions of any law to the contrary
8 and except as provided in subsections d. and e. of this section,
9 instead of initiating a motor vehicle stop, every State, county, and
10 municipal law enforcement officer shall issue a citation for a
11 violation of Title 39 of the Revised Statutes observed by the law
12 enforcement officer by first class mail to the registered owner of the
13 motor vehicle on a form prescribed by the Administrative Director
14 of the Courts.

15 b. Any photographs or video from a law enforcement officer's
16 mobile video recording system depicting the alleged violation shall
17 be made available to the registered owner of the motor vehicle.

18 c. A citation shall be issued and sent by the law enforcement
19 agency to the registered owner of the motor vehicle within seven
20 days from the date on which the alleged violation occurred.
21 Photographs of the alleged violation and information regarding how
22 to access video of the alleged violation pursuant to subsection b. of
23 this section also shall be sent with the citation.

24 d. Notwithstanding the provisions of subsection a. of this
25 section, every State, county, and municipal law enforcement officer
26 shall initiate a motor vehicle stop, rather than issuing a citation by
27 mail, for the following violations observed by the law enforcement
28 officer:

29 (1) R.S.39:4-52;

30 (2) R.S.39:4-85;

31 (3) R.S.39:4-86;

32 (4) R.S.39:4-89;

33 (5) R.S.39:4-96;

34 (6) section 1 of P.L.2003. c.310 (C.39:4-97.3);

35 (7) R.S.39:4-98 when the driver exceeds the posted speed limit
36 by 30 miles per hour or more;

37 (8) R.S.39:4-129; and

38 (9) R.S.39:4-50.

39 e. Notwithstanding the provisions of subsection a. of this
40 section, a State, county, or municipal law enforcement officer may
41 initiate a motor vehicle stop following an observed violation of any
42 provision of Title 39 of the Revised Statutes if there is a risk to
43 public safety as a result of the violation. A State, county, or
44 municipal law enforcement officer also may initiate a motor vehicle
45 stop if there is an outstanding warrant for the arrest of the registered
46 owner of the motor vehicle or the law enforcement officer has
47 reasonable cause to believe the driver of the motor vehicle has
48 committed a crime.

A3603 SPEIGHT

1 f. Except for the offenses set forth in subsection d. of this
2 section, there shall be a rebuttable presumption that the registered
3 owner of the vehicle which was involved in a violation of a
4 provision of Title 39 of the Revised Statutes was the person who
5 committed the act.

6 g. The Attorney General shall issue guidelines or directives to
7 effectuate the purposes of this section.

8 h. As used in this section:

9 "Citation" means any summons, ticket, or other official
10 document issued by a law enforcement officer for a traffic violation,
11 containing an order which requires the motorist to respond.

12 "Mobile video recording system" shall have the same meaning as
13 set forth in section 1 of P.L.2014, c.54 (C.40A:14-118.1).

14

15 2. This act shall take effect on the first day of the seventh month
16 after enactment.

17

18

19

STATEMENT

20

21 This bill requires law enforcement officers to issue a citation by
22 mail for certain motor vehicle violations.

23 Specifically, under the provisions of this bill, instead of initiating
24 a motor vehicle stop, every State, county, and municipal law
25 enforcement officer is required to issue a citation for a motor
26 vehicle violation observed by the law enforcement officer by first
27 class mail to the registered owner of the motor vehicle on a form
28 prescribed by the Administrative Director of the Courts.

29 The bill provides that any photographs or video from a law
30 enforcement officer's mobile video recording system depicting the
31 alleged violation are to be made available to the registered owner of
32 the motor vehicle.

33 A citation is required to be issued and sent by the law
34 enforcement agency to the registered owner of the motor vehicle
35 within seven days from the date on which the alleged violation
36 occurred. In addition, photographs of the alleged violation and
37 information regarding how to access video of the alleged violation
38 also are required to be sent with the citation.

39 Under the bill, law enforcement officers are to initiate a motor
40 vehicle stop for the following motor vehicle violations: 1) racing on
41 a highway; 2) improper passing on right or off the roadway; 3)
42 improper passing in a no passing zone; 4) tailgating; 5) reckless
43 driving; 6) use of a handheld cellphone or electronic
44 communication device while driving; 7) speeding when the driver
45 exceeds the posted speed limit by 30 miles per hour or more; 8)
46 leaving the scene of an accident; and 9) driving while intoxicated.

47 In addition, the bill provides that a law enforcement officer may
48 initiate a motor vehicle stop following an observed motor vehicle

A3603 SPEIGHT

4

1 violation if there is a risk to public safety as a result of the
2 violation. A law enforcement officer may also initiate a motor
3 vehicle stop if there is an outstanding warrant for the arrest of the
4 registered owner of the motor vehicle or the law enforcement
5 officer has reasonable cause to believe the driver of the motor
6 vehicle has committed a crime.

7 Further, under the bill, there is a rebuttable presumption that the
8 registered owner of the vehicle which was involved in a violation of
9 Title 39 of the Revised Statutes was the person who committed the
10 act, with the exception of certain offenses as provided in the bill.

11 The Attorney General is to issue guidelines or directives to
12 effectuate the provisions of the bill.

13 According to the sponsor, contactless policing would provide
14 several benefits. It would allow police to police crime and not
15 people. Contactless policing would result in the elimination of
16 millions of motor vehicle stops each year. As the average police
17 stop takes up to 15 minutes, this would free up a law enforcement
18 officer's time to police crime. For example, law enforcement
19 officers now know if a driver's registration and insurance are valid
20 before initiating a motor vehicle stop by performing a simple
21 registration check. As a result, it would not be necessary for a law
22 enforcement officer to initiate a motor vehicle stop in order to issue
23 a citation, but rather the search would reveal the infraction and the
24 officer would be able to issue a citation by mail without initiating
25 an interaction with the driver. The intent of this is to reduce the
26 loss of black lives at the hands of law enforcement officers by using
27 technology to reduce pretextual stops, during which a driver is
28 detained for a minor infraction while law enforcement seek
29 evidence of a more serious crime.

30 According to the sponsor, community policing creates
31 opportunities for interaction between community members and law
32 enforcement officers, not only in the context of an officer
33 responding to a crime. This results in more interaction in general,
34 but more importantly, more positive interaction. Effective
35 community policing requires altering a law enforcement
36 department's policies, practices, and guiding philosophies.

37 According to the sponsor, in analyzing police data of motor
38 vehicle stops, multiple studies have found support for the "veil of
39 darkness" theory: as the sun sets and it becomes more difficult to
40 determine the race of the driver, the percentage of black drivers
41 stopped by law enforcement officers for motor vehicle violations
42 decreases significantly, with a 10 to 15 percent decrease in many
43 jurisdictions. Often, these motor vehicle stops of black drivers are
44 pretextual. Sandra Bland was stopped for failing to signal a turn.
45 Philando Castile was stopped because his brake light was out, the
46 last of his 52 stops by police. Eric Garner was stopped for selling
47 loose cigarettes. Duante Wright was stopped for expired tags.

A3603 SPEIGHT

5

1 None of these individuals survived their encounters with law
2 enforcement. This disproportionate targeting of black drivers by
3 the police is the State action that the Fourteenth Amendment to the
4 United States Constitution was adopted to address.