CHAPTER 13. EQUIPMENT

39A:13-E1. Definitions

a. motor vehicle incl combination

b. "Safety glass" means glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by glass when the glass is cracked or broken.

c. "Safety glazing material" means "safety glass"; or other glazing materials, such as plastics, produced for the purpose of safety in glazing; or a combination of safety glass and other safety glazing material. The term "approved safety glazing material" shall be construed as meaning safety glazing material of a type approved by the Director.

d. "Towed vehicle" means a motor-drawn vehicle, pole trailer, semitrailer or trailer;

e. "Towing vehicle" means a road tractor or truck tractor;

f. "Windshield" shall be construed to include wings, deflectors and side shields; also front corner lights adjoining windshields.

Source: 39:3-68.2; 39:3-75.

COMMENT

This section…

39A:13-E2. Brake equipment

a. Every motorcycle operated on a highway shall be equipped with at least one brake adequate to control the movement of and to stop such vehicle.

b. Every motor vehicle, except a motorcycle or motor-drawn vehicle, shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes. If these two means of applying the brakes are connected in any way, they shall be constructed so that failure of one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and hold such vehicle. One means of applying the brakes shall be constructed so that it can be set to hold the vehicle or combination of vehicles stationary on any up or down grade upon which it is operated, whether empty or loaded.

c. Every motor vehicle, except a motorcycle, manufactured on or after July 1, 1938, shall, when used on a highway, be equipped with brakes on all wheels, except the front wheels of a 3-axle truck tractor and except any trailer or semitrailer of a gross weight not exceeding 3,000 pounds. The gross weight of any such trailer or semitrailer without brakes shall not exceed 40% of the gross weight of the towing vehicle when the vehicles are connected. All brakes on a combination of vehicles shall be controlled by the driver.

d. Every trailer and semitrailer required to be equipped with brakes, shall be equipped with brakes automatically applied upon break-away from the towing vehicle, and means shall be provided to stop and hold such vehicle for an adequate period of time.
e. In any combination of motor vehicles, the driver shall be able to apply the trailer or semitrailer brakes in approximate synchronism with the brakes on the towing vehicle and deploy the brakes on the wheels of the rearmost vehicle at the fastest rate. Alternatively, the driver shall be able to apply braking effort first on the rearmost vehicle equipped with brakes, or both of the above means capable of being used alternatively may be employed.

f. No person shall operate or be in custody of, on any highway, a motor vehicle not equipped as herein required.

Source: 39:3-67

COMMENT

This section…


a. Every motor vehicle shall be capable at all times and under all conditions of loading, of stopping on a dry, smooth, level pavement of approximately .6 co-efficient of friction and free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of decelerating at a sustained rate corresponding to these distances:

1. Vehicles having brakes on all wheels shall be able to stop in 30 feet of while traveling at a speed of 20 mph and shall decelerate at an approximate speed of 14 feet per second per second.

2. Vehicles which do not have brakes on all wheels shall be able to stop in 45 feet of while traveling at a speed of 20 mph and shall decelerate at an approximate speed of 9.5 feet per second per second.

b. The stopping ability, or decelerating capacity, of a motor vehicle shall be determined by an approved instrument or machine capable of being read in feet to stop from a speed of twenty miles per hour, deceleration in feet per second per second, or other equivalent units.

c. Agricultural machinery and implements, road machinery, road rollers, traction engines and farm tractors used upon any highway shall have means adequate to control the movement of and to stop and to hold such machines on any up or down grade upon which they may be operated.

d. No person shall hereafter drive, move or be in custody of any motor vehicle or combination of motor vehicles unless such vehicle or combination is capable of being controlled, stopped and held as provided for herein.

Source: 39:3-68.

COMMENT

This section…
39A:13-E4. Emergency stopping system for vehicles using compressed air at wheels for service brakes

Every vehicle using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system capable of stopping the vehicle in the event of failure in the service brake air system as follows:

a. Towing vehicles shall be equipped with a device with an automatic means of actuating an emergency stopping system on the towed vehicle. The device shall operate automatically in the event of a reduction of the service air brake supply of the towing vehicle to a fixed pressure which shall not be lower than 20 pounds per square inch nor higher than 45 pounds per square inch.

b. Towed vehicles shall be:

1. Equipped with a no-bleed-back relay-emergency valve or equivalent device designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line; and

2. Capable of stopping within the distance and under the conditions specified in this section.

c. If the service brake system and the emergency stopping system are connected in any way, a failure or malfunction in any one part of either system, except a failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the vehicle without one operative stopping system.

d. No vehicle shall be driven on a highway under its own power upon failure of the service brake air system except to move the vehicle off the roadway to the nearest place of safety.

e. No vehicle shall be equipped with an emergency stopping system that creates a hazard on the highway, increases the service brake stopping distance of the vehicle, or interferes in any way with the application of the service brakes.

f. Any energy-storing device which is a part of the emergency stopping system shall be recharged or reset from the source of compressed air or other energy produced by the vehicle, except that energy to release the emergency stopping system may be produced by the driver's muscular effort from the driver's seat. No device shall be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

g. Every motor vehicle, at all times and under all conditions of loading, upon application of the emergency stopping system, shall be capable of stopping from a speed of 20 miles per hour in not more than the distance set forth below, measured from the point at which movement of the emergency stopping system control begins.

1. Passenger carrying vehicles:

i. Vehicles with a seating capacity of no more than 10 persons, including the driver, and built on a passenger car chassis, 54 feet;
ii. Vehicles with a seating capacity of more than 10 persons, including the driver, and built on a passenger car chassis, 66 feet;

iii. Vehicles built on a truck or bus chassis and having a Gross Vehicle Weight Rating of 10,000 pounds or less, 66 feet;

iv. All other passenger carrying vehicles, 85 feet.

2. Property carrying vehicles:

i. Single unit vehicles having a manufacturer’s Gross Vehicle Weight Rating of 10,000 pounds or less, 66 feet;

ii. Single unit vehicles having a manufacturer’s Gross Vehicle Weight Rating of more than 10,000 except truck tractors, 85 feet;

iii. Combinations of a two-axle towing vehicle and trailer having a Gross Vehicle Weight Rating of 3,000 or less, 85 feet;

iv. All combinations of two or fewer vehicles in drive-away or tow-away operation, 85 feet.

v. All other property carrying vehicles and combinations thereof, 90 feet.

h. Tests of deceleration and stopping distance shall be made on a substantially level dry, smooth, hard surface that is free from loose material and where the grade does not exceed plus or minus 1%. No test of emergency stopping system performance shall be made upon a highway at a speed in excess of 25 miles per hour.

i. The provisions of this section shall not apply to:

1. Auxiliary dollies, special mobile equipment, or special construction equipment; or

2. Disabled vehicles when being towed.

j. Every owner or lessee shall instruct and require that the driver be thoroughly familiar with the requirements of this section. The driver of a vehicle or combination of vehicles required to comply with the requirements of this section shall be able to demonstrate the application and release of the emergency system on the vehicle and each vehicle in combination.

Source: 39:3-68.

COMMENT

This section…

39A:13-E5. Horns and other audible warning devices

a. Every motor vehicle except a motor-drawn vehicle operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of at least 200 feet. No horn or other audible warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give
audible warning with his horn but shall not otherwise use such horn when upon a highway.

b. No vehicle shall be equipped with, nor shall any person use, any audible warning device except as permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which cannot be used by the driver as an ordinary warning signal.

c. Any emergency vehicle authorized by the Commission may be equipped with a audible warning device of a type approved by the Commission capable of emitting sound audible under normal conditions from a distance of at least 500 feet but the audible warning device shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. At those times, the driver of the vehicle shall sound said device when necessary to warn pedestrians and other drivers.

d. No person shall install or use on the exhaust system of any motor vehicle any device which emits an audible sound unless authorized to do so by the Commission.

e. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

Source: 39:3-69

COMMENT

This section…

39A:13-E6. Mufflers and air pollution control

a. Every motor vehicle having a combustion motor shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and smoke. No person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

b. Any motor vehicle subject to inspection by the Department or other duly authorized body shall, as a part of that inspection, demonstrate that the motor vehicle complies with any standards and requirements for the control of air contaminants established by the Air Pollution Control Commission which are applicable to such motor vehicle.

c. Any person who operates a motor vehicle or owns a motor vehicle which that person permits to be operated upon the public highways of this State which emits smoke and other air contaminants in excess of standards adopted by the Air Pollution Control Commission shall be liable for a penalty of not less than $25 nor more than $100 which shall be enforced in accordance with the provisions of chapter 5 of Title 39.

Source: 39:3-70; 39:3-70.1; 39:3-70.2.

COMMENT

This section…
39A:13-E7. Mirrors

a. Every motor vehicle shall have rear view mirrors located and angled to give the driver adequate rear view vision. Every passenger automobile manufactured after January 1, 1965 and registered in this State shall be equipped with an interior mirror and an exterior mirror on the driver's side. On and after January 1, 1965, every commercial motor vehicle registered in this State, other than a trailer or semitrailer, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle constructed or loaded to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side. Any person convicted of operating a motor vehicle without the equipment prescribed by this section shall be fined as provided in 39:3-79.

b. Every delivery van or truck registered in this State with a cube-style, walk-in cargo box up to 18-feet long that is used in the commercial delivery of goods and services shall be equipped with either an electronic rear backup monitoring device or a rear crossview mirror located at the top left rear corner of the cargo box. The mirror shall be convex and located to reflect to the vehicle operator an unobstructed, overall view of the lower six feet of the entire rear width of the van or truck body.

Source: 39:3-71; 39:3-71.1.

COMMENT

39A:13-E8. Tire chains

Motor vehicle tires may be fitted with tire-chains of reasonable proportions when roads, streets and highways are slippery, because of rain, snow, ice, oil, manner of construction or other reason. No tire-chains shall be used at any time on improved highways when highway conditions do not make such use necessary for the safety of life or property. No person shall use any tire-chains so constructed or installed as to be likely to be thrown so as to endanger any person or property.

Source: 39:3-73.

COMMENT


a. Every motor vehicle having a windshield shall be equipped with at least one device in good working order for cleaning rain, snow or other moisture from the windshield to provide clear vision for the driver, and all such devices shall be operated or controlled by the driver.

b. No person shall drive any motor vehicle with any sign, poster, sticker or other non-transparent material upon the front windshield, wings, deflectors, side shields, corner lights adjoining windshield or front side windows of such vehicle other than a certificate or other article required to be so displayed by statute or by regulations of the commissioner.
c. No person shall drive any vehicle constructed, equipped or loaded so as to unduly interfere with the driver's vision to the front or to the sides.

Source: 39:3-74.

COMMENT

This section…

39A:13-E10. Safety glass and windshield treatment

a. In the approving of safety glazing materials, the director is hereby given authority to make use of recognized standards to confine the use of certain types of safety glazing materials to a specific location in or on the vehicle, or to a certain purpose. No person shall drive any motor vehicle manufactured on or after July 1, 1935 and registered in this State unless such vehicle is equipped with approved safety glazing material wherever glazing is used in doors, windows and windshields. Every section of safety glazing material shall be legibly and permanently marked with the manufacturers' distinctive designations, under which the safety glazing material was approved, so as to be visible when installed.

b. No person shall drive any motor vehicle equipped with safety glazing material which causes undue or unsafe distortion of visibility or equipped with unduly fractured, discolored or deteriorated safety glazing material, and the director may revoke the registration of any such vehicle.

c. The owner or lessee of a motor vehicle that is driven by or is used to regularly transport a person who has a medical condition involving ophthalmic or dermatologic photosensitivity may apply to the director for permission to have the windshield and windows of that vehicle covered by or treated with a product or material that increases its light reflectance or reduces its light transmittance. The application shall be as prescribed by the Director and shall include a written certification by a certified ophthalmologist or a licensed physician <plenary license> in this State or a bordering state confirming that the person for whom the application is submitted has the medical condition claimed. For the purposes of this chapter, medical conditions involving ophthalmic or dermatologic photosensitivity shall include:

1. polymorphous light eruption;
2. persistent light reactivity;
3. actinic reticuloid;
4. porphyrins;
5. solar urticaria;
6. lupus erythematosus; and
7. such other photosensitive disorders or conditions as the Director shall determine.

d. The Director shall promulgate regulations which shall include:
1. Standards and specifications governing the types of materials and products that may be applied to a motor vehicle windshield and windows including: the color of the materials or products; the maximum allowable percentage of total light reflectance of the materials or products; the maximum allowable percentage of the light transmittance and ultraviolet transmittance of the materials or products; and such other matters as the Director shall deem appropriate and necessary. In establishing the standards and specifications, the Director shall consider, to the greatest extent possible, the safety of law enforcement officers, who during the performance of their duties may find it necessary to inspect or otherwise observe the interior of a motor vehicle having a windshield and windows to which an approved material or product is applied.

2. The issuance of a certificate or card to each approved applicant authorizing the approved covering or treatment. The certificate or card shall be valid for a period of not more than 48 months and shall be exhibited to any law enforcement officer on request, and to a designated motor vehicle examiner whenever the motor vehicle is inspected.

3. Standards and specifications governing the installation and application of approved materials and products, including the affixation of an appropriate label on each windshield and window to which an approved material or product is applied. The label may identify the name and the location of the installer and the name of the manufacturer of the material or product applied.

4. The registration of persons in the business of installing or applying approved materials and products, including the establishment of a fee to cover the costs of that registration.

e. A person who violates the provisions of subsection (d)(2) shall be subject to a fine not exceeding $100. If a person charged with such a violation can exhibit a certificate or card which was valid on the day of the charge to the judge of the municipal court before whom he or she is summoned to answer the charge, the judge may dismiss the charge but may impose court costs. A person who violates the provisions of the regulations adopted pursuant to subsection (d)(3) or (4) shall be subject to a fine not to exceed $1,000 for a first offense and not to exceed $5,000 for a second or subsequent offense.

Source: 39:3-75; 39:3-75.1; 39:3-75.2; 39:3-75.2; 39:3-75.3.

COMMENT

This section…

39A:13-E11. Exhaust gasses

Every motor vehicle shall be equipped and maintained so that exhaust gases cannot injure any person or animal, and no person shall use any motor vehicle so as to cause or be likely to cause any such injury.

Source: 39:3-76.

COMMENT

This section…

No person shall operate a motor vehicle on which is affixed any sign, poster or sticker with the word "Press" or any other word or words indicating that the motor vehicle is in use by a reporter for a newspaper or other periodical except during such time as such motor vehicle is in actual use by a reporter for a newspaper or other periodical while engaged in duties as such reporter.

Source: 39:3-76.1

COMMENT

This section…


a. No person shall sell or operate any passenger automobile manufactured after July 1, 1966, and registered in this State unless it is equipped with at least two sets of seat safety belts for the front seat and the anchorage units necessary for their attachment or other suitable restraining device. Such seat safety belts and anchorage units or restraining device shall be of a type approved by the Director. In making such approval the Director shall be guided by the specifications of the Society of Automotive Engineers and the standards of the Federal Department of Transportation.

b. Every person operating a motor vehicle equipped with safety belts, other than a school bus, who is transporting a child under the age of eight years and weighing less than 80 pounds on highways of this State, shall secure the child in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213. Such child shall be secured in a rear seat of the vehicle but if there are no rear seats, then as described in Federal Motor Vehicle Safety Standard Number 213. In no event shall failure to wear a child passenger restraint system or to use a booster seat be considered as contributory negligence. The failure to wear the child passenger restraint system shall not be admissible as evidence in the trial of any civil action.

c. The Department shall print materials to adequately inform the public about the types of child passenger restraint systems meeting federal motor vehicle safety standards. These materials may be made available to car dealers, parent groups, hospitals and the general public.

d. Any person guilty of violating any of the provisions of this section shall be fined not less than $10 and not more than $25. The court shall suspend a fine imposed for failure to use a child restraint system if the defendant demonstrates that he or she possesses a child restraint system that complies with the applicable federal standard and is using it according to the manufacturer's instructions.

Source: 39:3-76.2; 39:3-76.2a; 39:3-76.2c; 39:3-26.2d

COMMENT

This section…

a. This section shall be known and may be cited as the "Passenger Automobile Seat Belt Usage Act." For the purposes of this section the term "passenger automobile" shall include vans, pick-up trucks and utility vehicles.

b. All passengers under eight years of age and weighing more than 80 pounds, all passengers who are at least eight years of age but less than 18 years of age, and each driver and front seat passenger of a passenger automobile operated on a highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

c. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system, as defined by Federal Motor Vehicle Safety Standard Number 209, any passenger who is at least eight years of age but less than 18 years of age.

d. This act shall not apply to a driver or front seat passenger of:

1. A passenger automobile manufactured before July 1, 1966;

2. A passenger automobile in which the driver or passenger possesses a written verification from a licensed physician that the driver or passenger is unable to wear a safety seat belt system for physical or medical reasons;

3. A passenger automobile which is not required to be equipped with a safety seat belt system under federal law;

4. A passenger automobile operated by a rural letter carrier of the United States Postal Service while performing the duties of a rural letter carrier; or

5. A passenger automobile which was originally constructed with fewer safety seat belt systems than are necessary to allow the passenger to be buckled.

e. This section shall not be deemed to change existing laws, rules, or procedures pertaining to a trial of a civil action for damages for personal injuries or death sustained in a motor vehicle accident.

f. A person who violates subsection (b) of this section shall be fined $20. In no case shall motor vehicle points or automobile insurance eligibility points pursuant to C.17:33B-14 be assessed against any person for a violation of this section. A person fined under this section shall not be subject to a surcharge under the New Jersey Merit Rating Plan as provided in C.17:29A-35.

g. The Director shall develop a booklet containing information on the benefits of wearing safety seat belt systems which shall be made available upon request to the general public.

Source: 39:3-76.2e; 39:3-76.2f; 39:3-76.2g; 39:3-76.2h; 39:3-76.2j; 39:3-76.2k.
39A:13-E15. Selling or using unapproved devices or equipment

a. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle or motor drawn vehicle:

1. Any unapproved device or equipment of a type which is required to be approved by the Commissioner.

2. Any device or equipment of a type required to be approved unless such device or equipment bears thereon the trade-mark or name under which it is approved so as to be plainly visible when installed.

b. No person shall have for sale, sell, offer for sale or use any device, part or accessory which changes or is intended to change the design or designed performance of any device or equipment required to be approved.

Source: 39:3-77.

COMMENT

This section…

39A:13-E16. Protectors or flaps on rear wheels

a. No person shall operate or cause to be operated any bus, truck, full trailer or semitrailer of registered gross weight exceeding three tons on any public highway unless it is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels. If the rear wheels are not covered at the top by fender, body or other parts of the vehicle, the rear wheels shall be covered at the top by approved protective means, of standard type or design which shall conform substantially to any requirements of the Interstate Commerce Commission governing similar subject matter. The rear wheel coverage is intended to prevent, as far as practical, those wheels from throwing dirt, water or other materials on the windshields of the following vehicles, except in cases in which the motor vehicle is so designed and constructed that the above requirements are accomplished by reason of fender or body construction or other means of enclosure.

b. This section shall not apply to pole trailers, dump trucks, tanks, or other vehicles where the construction thereof is such that complete freedom around the wheel area is necessary to secure the designed use of the vehicle.

c. Any person convicted of any violation of any provision of this section shall pay a penalty not exceeding $50, or be imprisoned for a term not exceeding 30 days, or both.

Source: 39:3-79.1; 39:3-79.2.

COMMENT

This section…