

SENATE, No. 349

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman LISA SWAIN

District 38 (Bergen)

Co-Sponsored by:

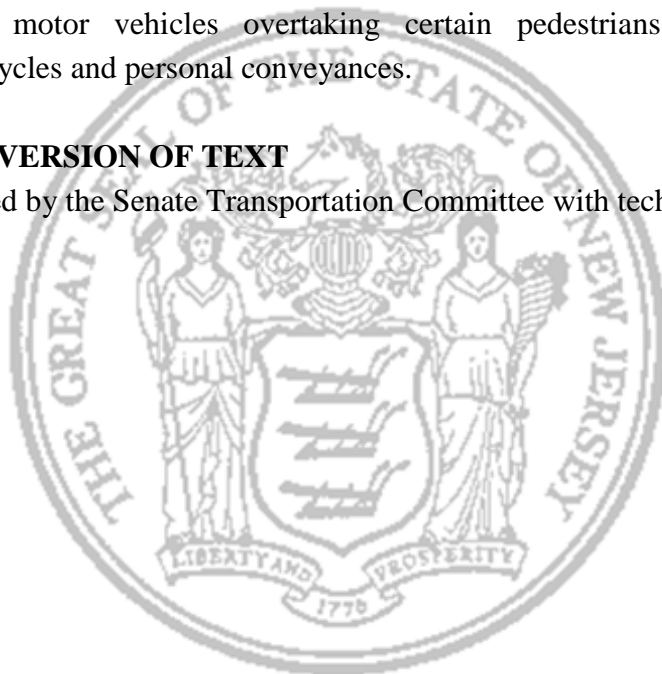
Senators Holzapfel, Pou and Assemblywoman Speight

SYNOPSIS

Concerns motor vehicles overtaking certain pedestrians and persons operating bicycles and personal conveyances.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee with technical review.



(Sponsorship Updated As Of: 3/18/2024)

1 AN ACT concerning motor vehicles overtaking certain pedestrians
2 and persons operating bicycles and personal conveyances and
3 amending P.L.2021, c.194.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 1 of P.L.2021, c.194 (C.39:4-92.4) is amended to
9 read as follows:

10 1. a. As used in this section:

11 "Bicycle" shall have the same meaning as set forth in
12 **[R.S.39:4-14.5]** section 2 of P.L.1975, c.328 (C.39:4-14.5).

13 **["Low-speed electric bicycle"** shall have the same meaning as
14 set forth in R.S.39:1-1.

15 "Low-speed electric scooter" shall have the same meaning as set
16 forth in R.S.39:1-1.]

17 "Pedestrian" shall include, but not be limited to, a pedestrian as
18 defined in R.S.39:1-1**],** a person in a wheelchair or motorized
19 wheelchair as defined in R.S.39:1-1, a person employed by or who
20 contracts with any public utility company in this State, a property
21 maintenance worker,**]** or any other person who is **[permitted by law**
22 **to be]** upon the roadway and outside of a motor vehicle for work,
23 emergency response, or recreation.

24 "Personal conveyance" shall include, but not be limited to, a
25 low-speed electric bicycle as defined in R.S.39:1-1, a low-speed
26 electric scooter as defined in R.S.39:1-1, a manual wheelchair, a
27 motorized wheelchair as defined in R.S.39:1-1 or a similar mobility
28 assisting device used by persons with physical disabilities or by
29 persons whose ambulatory mobility has been impaired by age or
30 illness, an electric personal assistive mobility device as defined in
31 section 1 of P.L.2001, c.430 (C.39:4-14.10), a motorized scooter as
32 defined in R.S.39:1-1, a skateboard as referenced in section 1 of
33 P.L.1997, c.411 (C.39:4-10.5), a motorized skateboard as defined in
34 R.S.39:1-1, roller skates as defined in section 1 of P.L.1997, c.411
35 (C.39:4-10.5), or any other device used by a person for
36 transportation.

37 b. The operator of a motor vehicle **[approaching]** shall
38 approach a pedestrian**[,]** or a person operating a bicycle [, low-
39 speed electric bicycle, low-speed electric scooter,**]** or **[any other**
40 lawful**]** personal conveyance located or operating in an area
41 designated for pedestrians, bicycles, or **[those]** personal
42 conveyances **[, as appropriate,]** on the roadways of this State **[shall**
43 approach**]** with due caution and **[shall,]** absent any other direction
44 by a law enforcement officer, proceed as follows:

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 (1) when possible under existing safety and traffic conditions,
2 make a lane change into a lane not adjacent to the pedestrian or the
3 person operating a bicycle or personal conveyance;
- 4 (2) if a lane change cannot be made pursuant to paragraph (1) of
5 this subsection, leave a reasonable and safe distance of not less than
6 four feet while approaching the pedestrian or the person operating a
7 bicycle or personal conveyance and maintain a distance of at least
8 four feet until the motor vehicle has safely passed the pedestrian or
9 person operating the bicycle or personal conveyance; or
- 10 (3) if it is **【not possible】** impossible, prohibited by law, or
11 unsafe to make a lane change pursuant to paragraph (1) of this
12 subsection or to leave a reasonable and safe distance of not less than
13 four feet pursuant to paragraph (2) of this subsection, the motor
14 vehicle operator shall reduce the speed of the motor vehicle to 25
15 miles per hour or a lower posted speed and be prepared to stop; the
16 operator may pass the pedestrian or person operating a bicycle or
17 personal conveyance only if, considering the size and speed of the
18 motor vehicle, traffic conditions, weather, visibility, and the surface
19 and width of the roadway, passing does not endanger the safety of a
20 pedestrian, operator of the bicycle or personal conveyance, or any
21 other person on the roadway.
- 22 c. A person who commits a violation of the provisions of this
23 section which results in bodily injury as defined in N.J.S.2C:11-1
24 shall be fined \$500 and assessed two motor vehicle penalty points;
25 if no bodily injury results, the violator shall be fined \$100 and shall
26 not be assessed any penalty points.
- 27 d. Nothing in this section shall be construed to preclude or
28 limit a prosecution or conviction for a violation of any offense
29 defined by the laws of this State or for any violation of Title 39 of
30 the Revised Statutes.
31 (cf: P.L.2021, c.194, s.1)
32
- 33 2. This act shall take effect immediately.