

ASSEMBLY, No. 3503

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 4, 2016

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

“Pedestrian Safety Act”; establishes motor vehicle offense of unlawful use of hand-held wireless telephone by pedestrians on roadways.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/5/2016)

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2

1 AN ACT concerning the use of wireless telephones by pedestrians
2 and supplementing 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. This act shall be known and may be cited as the "Pedestrian
8 Safety Act."

9

10 2. a. The use of a wireless telephone or electronic
11 communication device by a pedestrian on a public roadway shall be
12 unlawful except when the telephone is a hands-free wireless
13 telephone or the electronic communication device is used hands-
14 free.

15 b. The pedestrian may use a hand-held wireless telephone on a
16 public roadway as defined in R.S.39:1-1 only if:

17 (1) The pedestrian has reason to fear for the pedestrian's life or
18 safety, or believes that a criminal act may be perpetrated against the
19 pedestrian or another person; or

20 (2) The operator is using the telephone to report to appropriate
21 authorities a fire, a traffic accident, a serious road hazard or medical
22 or hazardous materials emergency. A hand-held wireless telephone
23 user's telephone records or the testimony or written statements from
24 appropriate authorities receiving such calls shall be deemed
25 sufficient evidence of the existence of all lawful calls made under
26 this paragraph.

27 c. The Chief Administrator of the New Jersey Motor Vehicle
28 Commission shall develop and undertake a program to notify and
29 inform the public as to the provisions of this act. Notwithstanding
30 the provisions of R.S.39:5-41, the fines assessed pursuant to
31 subsection d. of this section shall be collected by the court and
32 distributed as follows: 50 percent of the fine imposed shall be paid
33 to the county and municipality wherein the violation occurred, to be
34 divided equally, and 50 percent of the fine imposed shall be paid to
35 the State Treasurer, who shall allocate the fine monies to the chief
36 administrator to be used for this public education program, which
37 shall include informing citizens of the dangers of texting while
38 walking.

39 d. Any person who violates the provisions of this act shall be
40 subject to a fine of \$50 for each violation.

41 e. As used in this act:

42 "Hands-free wireless telephone" means a mobile telephone that
43 has an internal feature or function, or that is equipped with an
44 attachment or addition, whether or not permanently part of such
45 mobile telephone, by which a user engages in a conversation

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.

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1 without the use of either hand; provided, however, this definition
2 shall not preclude the use of either hand to activate, deactivate, or
3 initiate a function of the telephone.

4
5 2. This act shall take effect on the first day of the fourth month
6 following the date of enactment, except that the Chief
7 Administrator of the New Jersey Motor Vehicle Commission may
8 take any administrative action in advance thereof, as shall be
9 necessary for the implementation of this act.

10
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12 STATEMENT

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14 This bill establishes the "Pedestrian Safety Act" to prohibit a
15 pedestrian on a public roadway from using an electronic
16 communication device unless it is used hands-free, and also prohibit
17 text messaging or sending an electronic message via a wireless
18 telephone or electronic communication device.

19 According to Injury Facts 2015, the statistical report on
20 unintentional deaths and injuries published by the National Safety
21 Council, distracted walking incidents involving cell phones
22 accounted for more than 11,100 injuries between 2000 and 2011.
23 Fifty-four percent of those injured were age 40 or younger, and
24 nearly 80 percent of the injuries were due to a fall.

25 Under the bill, a pedestrian may use a hand-held telephone on a
26 public roadway only if the pedestrian has reason to fear for his or
27 her life or safety, or believes that a criminal act may be perpetrated
28 against the pedestrian or another person; or the operator is using the
29 telephone to report to appropriate authorities a fire, a traffic
30 accident, a serious road hazard or medical or hazardous materials
31 emergency. As set forth in the bill, it is the sponsor's intent that the
32 provisions apply only to violations which occur in a public
33 roadway, and not to violations which occur on a sidewalk. As
34 defined in R.S.39:1-1, "roadway" means that portion of a highway
35 improved, designed, or ordinarily used for vehicular travel,
36 exclusive of the berm or shoulder. In the event a highway includes
37 two or more separate roadways, the term "roadway" refers to any
38 such roadway separately, but not to all such roadways, collectively.

39 A person who violates the provisions of the bill would be subject
40 a fine of \$50 for each violation.

41 The bill requires the Chief Administrator of the New Jersey
42 Motor Vehicle Commission to develop and undertake a program to
43 notify and inform the public of the provisions of the bill. The fines
44 assessed under the bill are to be collected by the court and
45 distributed as follows: 50 percent of the fine imposed is to be paid
46 to the county and municipality wherein the violation occurred, to be
47 divided equally, and 50 percent of the fine imposed is to be used for
48 the public education program, including informing citizens of the
49 dangers of texting while walking.

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1 The bill defines "hands-free wireless telephone" to mean a
2 mobile telephone that has an internal feature or function, or that is
3 equipped with an attachment or addition, whether or not
4 permanently part of such mobile telephone, by which a user
5 engages in a conversation without the use of either hand. However,
6 this definition does not preclude the use of either hand to activate,
7 deactivate, or initiate a function of the telephone.