

[Second Reprint]

ASSEMBLY, No. 3890

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 7, 2018

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Senator VIN GOPAL

District 11 (Monmouth)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblymen McGuckin, Wolfe, Assemblywoman Murphy, Assemblyman Rooney, Assemblywoman McKnight, Assemblyman Chiaravalloti, Assemblywoman DiMaso, Senators Holzapfel, A.M.Bucco, Diegnan and Madden

SYNOPSIS

Imposes motor vehicle penalty points for certain violations of “move over law”; establishes public awareness campaign; designated as “Slow Down or Move Over, It’s the Law Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 14, 2019, with amendments.

(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning motor vehicle penalties ², designated as the
 2 “Slow Down or Move Over, It’s the Law Act,”² and amending
 3 and supplementing¹ P.L.2009, c.5.

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.2009, c.5 (C.39:4-92.2) is amended to read as
 9 follows:

10 1. a. The operator of a motor vehicle approaching a stationary
 11 authorized emergency vehicle as defined in R.S.39:1-1 that is
 12 displaying a flashing, blinking^{1,1} or alternating red or blue light ^{2,2} or
 13 **[.]**² any configuration of lights containing one of these colors, shall
 14 approach the authorized emergency vehicle with due caution and shall,
 15 absent any other direction by a law enforcement officer, proceed as
 16 follows:

17 (1) Make a lane change into a lane not adjacent to the authorized
 18 emergency vehicle if possible in the existing safety and traffic
 19 conditions; or

20 (2) If a lane change pursuant to paragraph (1) of subsection a. of
 21 this section would be impossible, prohibited by law or unsafe, reduce
 22 the speed of the motor vehicle to a reasonable and proper speed for the
 23 existing road and traffic conditions, which speed shall be less than the
 24 posted speed limit, and be prepared to stop.

25 b. The operator of a motor vehicle approaching a stationary tow
 26 truck as defined in section 1 of P.L.1999, c.396 (C.39:3-84.6) that is
 27 displaying a flashing amber light, a stationary highway maintenance or
 28 emergency service vehicle that is operated by the State, an authority^{1,1}
 29 or a county or municipality and displaying flashing yellow, amber, or
 30 red lights, or a stationary sanitation vehicle displaying a flashing
 31 amber warning light pursuant to section 1 of P.L.2011, c.3 (C.39:3-
 32 54.27) shall approach the vehicle with due caution and shall, absent
 33 any other direction by a law enforcement officer, proceed as follows:

34 (1) Make a lane change into a lane not adjacent to the tow truck,
 35 highway maintenance or emergency service vehicle, or sanitation
 36 vehicle if possible in the existing safety and traffic conditions; or

37 (2) If a lane change under paragraph (1) of subsection b. of this
 38 section would be impossible, prohibited by law or unsafe, reduce the
 39 speed of the motor vehicle to a reasonable and proper speed for the
 40 existing road and traffic conditions, which speed shall be less than the
 41 posted speed limit, and be prepared to stop.

42 c. A **[violation of]** person who violates this section shall be
 43 **[punished by a fine of]** fined not less than \$100 and not more than
 44 \$500 ²**[and]** .

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted December 3, 2018.

²Assembly AAP committee amendments adopted November 14, 2019.

1 In addition to the fine imposed pursuant to this subsection, a
2 person convicted of three or more offenses under this section that
3 occur within a 12-month period shall be² assessed two motor vehicle
4 penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

5 ²A motor vehicle operator shall not be assessed motor vehicle
6 penalty points unless the stationary vehicle is displaying flashing,
7 blinking, or alternating lights in accordance with this section at the
8 time of the third or subsequent violation².

9 (cf: P.L.2017, c.43, s.2)

10

11 ¹2. The ²Chief Administrator of the New Jersey Motor Vehicle
12 Commission Director of the Division of Highway Traffic Safety in
13 the Department of Law and Public Safety² shall establish a public
14 awareness campaign to inform the general public concerning:

15 (1) the importance of motor vehicle operators reducing the speed
16 of their vehicles and changing lanes when approaching an authorized
17 emergency vehicle; tow truck; or highway maintenance, emergency
18 service, or sanitation vehicle that is displaying flashing, blinking, or
19 alternating emergency lights as required pursuant to section 1 of
20 P.L.2009, c.5 (C.39:4-92.2);

21 (2) the risks associated with the failure of a motor vehicle operator
22 to comply with the provisions of section 1 of P.L.2009, c.5 (C.39:4-
23 92.2); and

24 (3) the penalties and fines that are imposed on a motor vehicle
25 operator who violates section 1 of P.L.2009, c.5 (C.39:4-92.2).¹

26

27 ¹[2.] 3.¹ This act shall take effect ²[immediately] on the first
28 day of the eighth month next following the date of enactment².