

ASSEMBLY, No. 3334

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

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District 26 (Essex, Morris and Passaic)

SYNOPSIS

Creates new motor vehicle offense of engaging in a pattern of aggressive driving.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2020)

1 AN ACT concerning aggressive driving and amending and
2 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. (New section) As used in this act:

8 a. "Form of aggressive driving" means an act of:

9 (1) Excessive speeding involving any single offense for a speed
10 of 25 miles per hour or more above the speed limit;

11 (2) Following a vehicle ahead too closely pursuant to R.S.39:4-
12 89;

13 (3) Improper or erratic traffic lane changes;

14 (4) Improper overtaking or passing another vehicle off the
15 pavement or main-traveled portion of the roadway, unless in
16 conformity with R.S.39:4-85;

17 (5) Failing to yield the right of way;

18 (6) Violating official traffic control devices as defined in
19 R.S.39:1-1; or

20 (7) Audible verbal threats or insults, flashing of headlights, use
21 of demeaning gestures or other such actions directed at persons
22 driving lawfully, which, in the manner used, would cause a
23 reasonable person to believe that the action was designed to display
24 anger or to intimidate or threaten the person.

25 b. "Pattern of aggressive driving" or "aggressive driving"
26 means an act committed while operating a passenger or commercial
27 motor vehicle in close proximity to another vehicle during a single,
28 continuous period of driving for up to five consecutive miles in
29 combination with either:

30 (1) Two or more different forms of aggressive driving engaged
31 in simultaneously or in succession, or

32 (2) Three or more successive acts of any one form of aggressive
33 driving.

34

35 2. (New section) a. In addition to any other penalties that may
36 be applicable, a person who engages in a pattern of aggressive
37 driving:

38 (1) For a first offense shall have his license suspended for not
39 less than 15 or more than 30 days or attend a special training and
40 education class on aggressive driving or anger management that is
41 either conducted or approved by the commission, or both;

42 (2) For a second or subsequent offense within 24 months, or for
43 any offense at any time involving serious bodily injury or
44 significant bodily injury as defined in N.J.S. 2C:11-1 or death to
45 another person, shall have his license suspended for not less than 60

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 or more than 90 days, or by a fine of not less than \$1000 or more
2 than \$3000, in the discretion of the court, or both.

3 b. A municipal prosecutor shall not recommend to the court to
4 accept a plea to a lesser or other offense.

5
6 3. (New section) The Chief Administrator of the Motor
7 Vehicle Commission, in consultation with Director of the Office of
8 Highway Traffic Safety in the Department of Law and Public
9 Safety, shall:

10 a. Conduct, when this act becomes effective and periodically
11 thereafter, public information campaigns to increase public
12 awareness and educate drivers concerning the dangers of aggressive
13 driving. The campaigns shall focus on situations that precipitate
14 aggressive driving behavior; the provisions of this act, including
15 penalties for violations thereof; and promoting the State Police toll-
16 free public telephone service for reporting aggressive drivers.

17 b. Prepare and deliver to the President of the Senate and the
18 Speaker of the General Assembly, no later than 15 months after the
19 effective date of this act and every two years thereafter, a report
20 setting forth the number of citations issued for engaging in a pattern
21 of aggressive driving in this State during the reporting period.

22 c. Submit any recommendations for any legislation it deems
23 appropriate to the Governor and the presiding officers of each
24 House.

25
26 4. R.S.39:4-85 is amended to read as follows:

27 39:4-85. The driver of a vehicle overtaking another vehicle
28 proceeding in the same direction shall pass at a safe distance to the
29 left thereof and shall not again drive to the right side of the roadway
30 until safely clear of the overtaken vehicle. If vehicles on the
31 roadway are moving in two or more substantially continuous lines,
32 the provisions of this paragraph and section 39:4-87 of this Title
33 shall not be considered as prohibiting the vehicles in one line
34 overtaking and passing the vehicles in another line either upon the
35 right or left, nor shall those provisions be construed to prohibit
36 drivers overtaking and passing upon the right another vehicle which
37 is making or about to make a left turn.

38 The driver of a vehicle may overtake and pass another vehicle
39 upon the right as provided in this section only under conditions
40 permitting such movement in safety. In no event shall such
41 movement be made by driving off the pavement or main-traveled
42 portion of the roadway except on the improved portion of a two-
43 lane roadway when another vehicle directly in front is making or
44 about to make a left turn and the flow of traffic is otherwise
45 unnecessarily impeded.

46 (cf: P.L.2014, c.69, s.6)

47
48 5. This act shall take effect on the first day of the seventh

1 month after enactment, but the Chief Administrator of the Motor
2 Vehicle Commission may take such anticipatory acts in advance of
3 that date as may be necessary for the timely implementation of this
4 act.

5
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7 STATEMENT

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9 This bill creates a new motor vehicle offense to be known as
10 “engaging in a pattern of aggressive driving” or “aggressive
11 driving.” It is a unique and distinct offense that targets certain
12 violations as part of a single continuous sequence of driving acts. It
13 would recognize the seriousness of aggressive driving by
14 reinforcing the notion that it is a behavioral problem requiring
15 education and more stringent law enforcement and raise its priority
16 among law enforcement, prosecutors and judges.

17 According to the AAA Foundation for Traffic Safety, by self-
18 reports in polls, one-half of the drivers in New Jersey are angry
19 behind the wheel and/or trying to punish others. Therefore, it is not
20 surprising that across the nation, more than 60 percent of drivers
21 recently surveyed by the National Highway Traffic Safety
22 Administration (NHTSA) said that aggressive driving is a threat to
23 them or their families.

24 The new offense of committing a pattern of aggressive driving
25 refers to either:

- 26 • Two or more forms of aggressive driving engaged in
27 simultaneously or in succession; or
28 • Three or more successive acts of any one form of aggressive
29 driving.

30 To qualify as such an offense, the acts must be committed in
31 close proximity to another vehicle during a single, continuous
32 period of driving over the course of up to five miles.

33 The bill includes, as acts of aggressive driving:

- 34 • Driving 25 miles per hour or more over the speed limit
35 • Tailgating
36 • Improper or erratic lane changes
37 • Unsafe passing off the roadway
38 • Failing to yield the right of way
39 • Violating traffic control devices such as lights and signs
40 Audible verbal threats or insults, flashing of headlights and use
41 of demeaning gestures at persons driving lawfully when designed
42 to show anger, or to intimidate or threaten.

43 The penalties in the bill are based conceptually on
44 recommendations from a 1999 national symposium organized by
45 the National Traffic Safety Administration and the Federal Highway
46 Administration. The symposium's "break-out group" recommended
47 that states consider, among other things, that:

- 48 • a conviction for an aggressive driving violation involve a

1 significant number of points and/or minimum license
2 suspension; and
3 • enhanced penalties should accompany repeat violations or
4 those that cause injury or death.
5 Penalties in the bill range from a 15 to 30 day suspension and/or
6 attendance in an aggressive driving and/or anger management class
7 for a first offense to 60 to 90 day suspension and/or \$1000 to \$3000
8 fine for a second or subsequent offense within 24 months or one
9 that causes significant injury or death to another person. There
10 would be no plea bargaining.
11 The Chief Administrator of the New Jersey Motor Vehicle
12 Commission, in consultation with the Director of the Office of
13 Highway Traffic Safety, is required to conduct public education
14 campaigns about the danger of aggressive driving and the content of
15 the new law and promote the reporting of aggressive drivers on the
16 State's toll-free telephone line. It would periodically report
17 citations for aggressive driving to the legislative leadership and
18 make recommendations for legislative amendments to the relevant
19 standing committees.
20 The bill also amends R.S.39:4-85 by modifying an antiquated
21 half-century old requirement that prohibits all passing on the right
22 when off the pavement or "main-traveled portion" of a highway.
23 Passing a vehicle safely on the right on a two-lane road when
24 another vehicle directly in front is making a left would not be
25 considered a form of aggressive driving under the bill.