

ASSEMBLY, No. 3451

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Enhances penalties for drivers without motor vehicle insurance involved in accident with pedestrian; requires public awareness campaign concerning importance of this insurance.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning compulsory motor vehicle insurance coverage,
2 supplementing Title 39 of the Revised Statutes and amending
3 P.L.1972, c.197.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) a. Any person who operates or causes to be
9 operated a motor vehicle upon any public road or highway in this
10 State without motor vehicle liability insurance coverage, as required
11 pursuant to section 1 of P.L.1972, c.197 (C.39:6B-1), and is
12 involved in a motor vehicle accident with a pedestrian is guilty of a:

13 (1) petty disorderly persons offense if the accident results in
14 bodily injury to the pedestrian;

15 (2) disorderly persons offense if the accident results in serious
16 bodily injury to the pedestrian; or

17 (3) crime of the fourth degree if the accident results in the death
18 of the pedestrian; notwithstanding the provisions of subsection d. of
19 N.J.S.2C:44-1, the person shall be sentenced to a mandatory
20 minimum term of imprisonment, without eligibility for parole, of up
21 to 180 days.

22 b. The penalties imposed under this section shall be in addition
23 to any other penalty or fine imposed under section 2 of P.L.1972,
24 c.197 (C.39:6B-2), subsection c. of N.J.S.2C:12-1, N.J.S.2C:11-5,
25 or any other applicable section of law.

26 c. For the purposes of this section:

27 “Bodily injury” means bodily injury as defined in subsection a.
28 of N.J.S.2C:11-1; and

29 “Serious bodily injury” means serious bodily injury as defined in
30 subsection b. of N.J.S.2C:11-1.

31

32 2. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read
33 as follows:

34 2. a. An owner or registrant of a motor vehicle registered or
35 principally garaged in this State who operates or causes to be
36 operated a motor vehicle upon any public road or highway in this
37 State without motor vehicle liability insurance coverage required by
38 P.L.1972, c.197 (C.39:6B-1 et seq.), and an operator who operates
39 or causes a motor vehicle to be operated and who knows or should
40 know from the attendant circumstances that the motor vehicle is
41 without motor vehicle liability insurance coverage required by
42 P.L.1972, c.197 (C.39:6B-1 et seq.) shall be subject, for the first
43 offense, to a fine of not less than \$300 nor more than \$1,000 and a
44 period of community service to be determined by the court. The
45 court, in its discretion, also may suspend the person's right to

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 operate a motor vehicle over the highways of this State for a period
2 of up to one year from the date of conviction; provided, however,
3 the period of license suspension may be reduced or eliminated if the
4 person provides the court with satisfactory proof of motor vehicle
5 liability insurance at the time of the hearing. Upon subsequent
6 conviction, the person shall be subject to a fine of up to \$5,000 and
7 shall be subject to imprisonment for a term of 14 days and shall be
8 ordered by the court to perform community service for a period of
9 30 days, which shall be of a form and on terms as the court shall
10 deem appropriate under the circumstances, and the court, in its
11 discretion, may suspend the person's right to operate a motor
12 vehicle over the highways of this State for a period of up to two
13 years from the date of the conviction. In deciding the duration of
14 any suspension of the person's right to operate a motor vehicle
15 pursuant to this section, the court shall consider the circumstances
16 of the violation and whether the loss of driving privileges will result
17 in extreme hardship and alternative means of transportation are not
18 readily available. After the expiration of the suspension, the person
19 may make application to the Chief Administrator of the New Jersey
20 Motor Vehicle Commission for a license to operate a motor vehicle,
21 which application may be granted at the discretion of the chief
22 administrator. The chief administrator's discretion shall be based
23 upon an assessment of the likelihood that the individual will operate
24 or cause a motor vehicle to be operated in the future without the
25 insurance coverage required by this act. A complaint for violation
26 of this act may be made to a municipal court at any time within six
27 months after the date of the alleged offense.

28 Failure to produce at the time of trial an insurance identification
29 card or an insurance policy which was in force for the time of
30 operation for which the offense is charged creates a rebuttable
31 presumption that the person was uninsured when charged with a
32 violation of this section.

33 b. The chief administrator shall establish a public awareness
34 campaign to inform the general public about the importance of
35 maintaining motor vehicle liability insurance coverage and the
36 penalties imposed for failure to carry this insurance under this
37 section and section 1 of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 (cf: P.L.2019, c.276, s.17)

40
41 3. This act shall take effect immediately.
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44 STATEMENT

45
46 This bill establishes enhanced penalties for drivers in this State
47 who fail to carry required motor vehicle liability insurance who are
48 involved in an accident resulting in injury or death to a pedestrian.

1 The bill specifically provides that a driver without liability
2 insurance is guilty of a petty disorderly persons offense if the
3 accident results in bodily injury to the pedestrian. A petty
4 disorderly persons offense is punishable by a term of imprisonment
5 of up to 30 days, a fine of up to \$500, or both. Current law defines
6 “bodily injury” as physical pain, illness or any impairment of
7 physical condition.

8 The driver is guilty of a disorderly persons offense under the bill
9 if the accident results in serious bodily injury to the pedestrian. A
10 disorderly persons offense is punishable by a term of imprisonment
11 of up to six months, a fine of up to \$1,000, or both. “Serious bodily
12 injury” is defined as bodily injury which creates a substantial risk of
13 death or which causes serious, permanent disfigurement, or
14 protracted loss or impairment of the function of any bodily member
15 or organ.

16 An uninsured driver under the bill is guilty of a crime of the
17 fourth degree if the accident results in the death of the pedestrian.
18 Fourth degree crimes generally are punishable by a term of
19 imprisonment of up to 18 months, a fine of up to \$10,000 or both,
20 but the bill provides for a mandatory minimum term of
21 imprisonment, without eligibility for parole, of up to 180 days.

22 The penalties imposed under the bill would be in addition to any
23 penalties imposed for failure to carry mandatory liability insurance,
24 or penalties imposed for assault by auto or death by auto.

25 The bill also requires the Chief Administrator of the Motor
26 Vehicle Commission to establish a public awareness campaign to
27 inform the general public about the importance of maintaining
28 motor vehicle liability insurance coverage and the penalties
29 imposed for failure to carry this insurance.