

ASSEMBLY, No. 5656

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Verrelli

SYNOPSIS

Requires certain actions by motor vehicle operators when overtaking or passing pedestrians, bicycles, or scooters.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning motor vehicles overtaking certain pedestrians,
2 bicyclists, and scooter riders and supplementing Title 39 of the
3 Revised Statutes.

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

7
8 1. a. As used in this section:

9 "Bicycle" shall have the same meaning as set forth in R.S.39:4-
10 14.5.

11 "Low-speed electric bicycle" shall have the same meaning as set
12 forth in R.S.39:1-1.

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

15 "Pedestrian" shall include, but not be limited to, a pedestrian as
16 defined in R.S.39:1-1, a person in a wheelchair or motorized
17 wheelchair as defined in R.S.39:1-1, a person employed by or who
18 contracts with any public utility company in this State, a property
19 maintenance worker, or any other person who is permitted by law to
20 be upon the roadway for work or recreation.

21 b. The operator of a motor vehicle approaching a pedestrian,
22 bicycle, low-speed electric bicycle, low-speed electric scooter, or
23 any other lawful personal conveyance on the roadways of this State
24 shall approach with due caution and shall, absent any other
25 direction by a law enforcement officer, proceed as follows:

26 (1) when possible under existing safety and traffic conditions,
27 make a lane change into a lane not adjacent to the pedestrian or
28 personal conveyance;

29 (2) if a lane change cannot be made pursuant to paragraph (1) of
30 this subsection, leave a reasonable and safe distance of not less than
31 four feet while approaching the pedestrian or personal conveyance
32 and maintain a distance of at least four feet until the motor vehicle
33 has safely passed the conveyance; or

34 (3) if it is not possible, prohibited by law, or unsafe to make a
35 lane change pursuant to paragraph (1) of this subsection or to leave
36 a reasonable and safe distance of not less than four feet pursuant to
37 paragraph (2) of this subsection, the motor vehicle operator shall
38 reduce the speed of the motor vehicle to 25 miles per hour or a
39 lower posted speed and be prepared to stop; the operator may pass
40 the pedestrian or personal conveyance only if, considering the size
41 and speed of the motor vehicle, traffic conditions, weather,
42 visibility, and the surface and width of the roadway, passing does
43 not endanger the safety of a pedestrian, operator of the personal
44 conveyance, or any other person on the roadway.

45 c. A person who commits a violation of the provisions of this
46 section which results in bodily injury as defined in N.J.S.2C:11-1
47 shall be fined \$500 and assessed two motor vehicle penalty points;
48 if no bodily injury results, the violator shall be fined \$100.

1 d. Nothing in this section shall be construed to preclude or limit
2 a prosecution or conviction for a violation of any offense defined by
3 the laws of this State or for any violation of Title 39 of the Revised
4 Statutes.

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6 2. This act shall take effect on the first day of the seventh
7 month following enactment.

8
9
10 STATEMENT

11
12 This bill requires motorists to take certain safety precautions
13 when they are overtaking pedestrians, bicyclists, or scooter riders
14 on this State's roadways.

15 The bill specifically requires motor vehicle operators to approach
16 with due caution any pedestrian, bicycle, low-speed electric bicycle,
17 low-speed electric scooter, or other lawful personal conveyance.
18 Absent other directions by a law enforcement officer, the motor
19 vehicle operator, if possible, is to either change into a lane that is
20 not adjacent to the pedestrian, bicycle, or scooter, or leave a
21 reasonable and safe distance of not less than four feet while
22 approaching the pedestrian, bicycle, or scooter until the operator
23 can pass the pedestrian or conveyance. If these options are not
24 possible, are prohibited by law, or are unsafe, the motor vehicle
25 operator is required to reduce the speed of the motor vehicle to 25
26 miles per hour and be prepared to stop. The motor vehicle operator
27 is authorized to pass the pedestrian, bicyclist, or scooter rider only
28 if passing will not endanger the safety of any person on the
29 roadway, including pedestrians, bicyclists, scooter riders, and
30 motorists. In making the determination to pass, the bill requires the
31 motor vehicle operator to consider the size and speed of the motor
32 vehicle, traffic conditions, weather, visibility, and the surface and
33 width of the roadway,

34 A person who commits a violation of the provisions of the bill
35 which results in bodily injury is to be fined \$500 and assessed two
36 motor vehicle penalty points under the bill. Otherwise, the violator
37 is to be fined \$100.

38 Under the bill, "pedestrian" includes a person afoot, a person in a
39 wheelchair or motorized wheelchair, a person employed by or who
40 contracts with any public utility company in this State, a property
41 maintenance worker, or any other person who is permitted by law to
42 be upon the roadway for work or recreation.