

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 2208, 1460, and 1463

STATE OF NEW JERSEY 219th LEGISLATURE

ADOPTED MAY 20, 2021

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Senator PATRICK J. DIEGNAN, JR.

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District 25 (Morris and Somerset)

Senator STEVEN V. OROHO

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District 5 (Camden and Gloucester)

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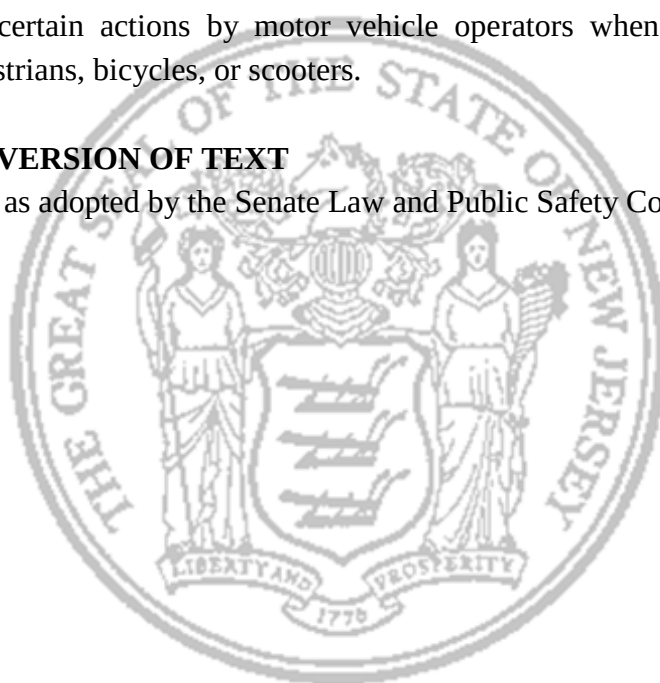
Senators Gill, Turner and Codey

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



(Sponsorship Updated As Of: 6/30/2021)

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;

1 if no bodily injury results, the violator shall be fined \$100 and shall
2 not be assessed any penalty points.

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

7

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