

**SENATE, No. 188**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Increases certain penalties for leaving scene of motor vehicle accident resulting in death or injury.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S188 STACK

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1 AN ACT concerning knowingly leaving the scene of a motor vehicle  
2 accident resulting in death or injury and amending R.S.39:4-129.

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

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7 1. R.S.39:4-129 is amended to read as follows:

8 39:4-129. (a) The driver of any vehicle, knowingly involved in  
9 an accident resulting in injury or death to any person shall  
10 immediately stop the vehicle at the scene of the accident or as close  
11 thereto as possible but shall then forthwith return to and in every  
12 event shall remain at the scene until he has fulfilled the  
13 requirements of subsection (c) of this section. Every such stop shall  
14 be made without obstructing traffic more than is necessary. Any  
15 person who shall violate this subsection shall be fined not less than  
16 **[\$2,500]** \$5,000 nor more than **[\$5,000]** \$10,000, or be imprisoned  
17 for a period of 180 days, or both. The term of imprisonment  
18 required by this subsection shall be imposed only if the accident  
19 resulted in death or injury to a person other than the driver  
20 convicted of violating this section.

21 In addition, any person convicted under this subsection shall  
22 forfeit his right to operate a motor vehicle over the highways of this  
23 State for a period of one year from the date of his conviction for the  
24 first offense and for a subsequent offense shall thereafter  
25 permanently forfeit his right to operate a motor vehicle over the  
26 highways of this State.

27 (b) The driver of any vehicle knowingly involved in an accident  
28 resulting only in damage to a vehicle, including his own vehicle, or  
29 other property which is attended by any person shall immediately  
30 stop his vehicle at the scene of such accident or as close thereto as  
31 possible, but shall then forthwith return to and in every event shall  
32 remain at the scene of such accident until he has fulfilled the  
33 requirements of subsection (c) of this section. Every such stop shall  
34 be made without obstructing traffic more than is necessary. Any  
35 person who shall violate this subsection shall be fined not less than  
36 \$200 nor more than \$400, or be imprisoned for a period of not more  
37 than 30 days, or both, for the first offense, and for a subsequent  
38 offense, shall be fined not less than \$400 nor more than \$600, or be  
39 imprisoned for a period of not less than 30 days nor more than 90  
40 days or both.

41 In addition, a person who violates this subsection shall, for a first  
42 offense, forfeit the right to operate a motor vehicle in this State for  
43 a period of six months from the date of conviction, and for a period  
44 of one year from the date of conviction for any subsequent offense.

45 (c) The driver of any vehicle knowingly involved in an accident

**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 resulting in injury or death to any person or damage to any vehicle  
2 or property shall give his name and address and exhibit his  
3 operator's license and registration certificate of his vehicle to the  
4 person injured or whose vehicle or property was damaged and to  
5 any police officer or witness of the accident, and to the driver or  
6 occupants of the vehicle collided with and render to a person  
7 injured in the accident reasonable assistance, including the carrying  
8 of that person to a hospital or a physician for medical or surgical  
9 treatment, if it is apparent that the treatment is necessary or is  
10 requested by the injured person.

11 In the event that none of the persons specified are in condition to  
12 receive the information to which they otherwise would be entitled  
13 under this subsection, and no police officer is present, the driver of  
14 any vehicle involved in such accident after fulfilling all other  
15 requirements of subsections (a) and (b) of this section, insofar as  
16 possible on his part to be performed, shall forthwith report such  
17 accident to the nearest office of the local police department or of  
18 the county police of the county or of the State Police and submit  
19 thereto the information specified in this subsection.

20 (d) The driver of any vehicle which knowingly collides with or  
21 is knowingly involved in an accident with any vehicle or other  
22 property which is unattended resulting in any damage to such  
23 vehicle or other property shall immediately stop and shall then and  
24 there locate and notify the operator or owner of such vehicle or  
25 other property of the name and address of the driver and owner of  
26 the vehicle striking the unattended vehicle or other property or, in  
27 the event an unattended vehicle is struck and the driver or owner  
28 thereof cannot be immediately located, shall attach securely in a  
29 conspicuous place in or on such vehicle a written notice giving the  
30 name and address of the driver and owner of the vehicle doing the  
31 striking or, in the event other property is struck and the owner  
32 thereof cannot be immediately located, shall notify the nearest  
33 office of the local police department or of the county police of the  
34 county or of the State Police and in addition shall notify the owner  
35 of the property as soon as the owner can be identified and located.  
36 Any person who violates this subsection shall be punished as  
37 provided in subsection (b) of this section.

38 (e) There shall be a permissive inference that the driver of any  
39 motor vehicle involved in an accident resulting in injury or death to  
40 any person or damage in the amount of \$250.00 or more to any  
41 vehicle or property has knowledge that he was involved in such  
42 accident.

43 For purposes of this section, it shall not be a defense that the  
44 operator of the motor vehicle was unaware of the existence or  
45 extent of personal injury or property damage caused by the accident  
46 as long as the operator was aware that he was involved in an  
47 accident.

48 There shall be a permissive inference that the registered owner of  
49 the vehicle which was involved in an accident subject to the

1 provisions of this section was the person involved in the accident;  
2 provided, however, if that vehicle is owned by a rental car company  
3 or is a leased vehicle, there shall be a permissive inference that the  
4 renter or authorized driver pursuant to a rental car contract or the  
5 lessee, and not the owner of the vehicle, was involved in the  
6 accident, and the requirements and penalties imposed pursuant to  
7 this section shall be applicable to that renter or authorized driver or  
8 lessee and not the owner of the vehicle.

9 Any person who suppresses, by way of concealment or  
10 destruction, any evidence of a violation of this section or who  
11 suppresses the identity of the violator shall be subject to a fine of  
12 not less than \$250 or more than \$1,000.

13 (cf: P.L.2007, c.266, s.1)

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill increases the penalties for leaving the scene of a motor  
21 vehicle accident resulting in death or injury.

22 Under current law, a driver who knowingly leaves the scene of  
23 an accident resulting in death or injury is subject to a fine of  
24 between \$2,500 to \$5,000, or imprisonment for 180 days, or both.  
25 This bill would increase the fine for any driver who knowingly  
26 leaves the scene of an accident resulting in death or injury to  
27 between \$5,000 to \$10,000.