

[First Reprint]

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

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 20, 2021

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

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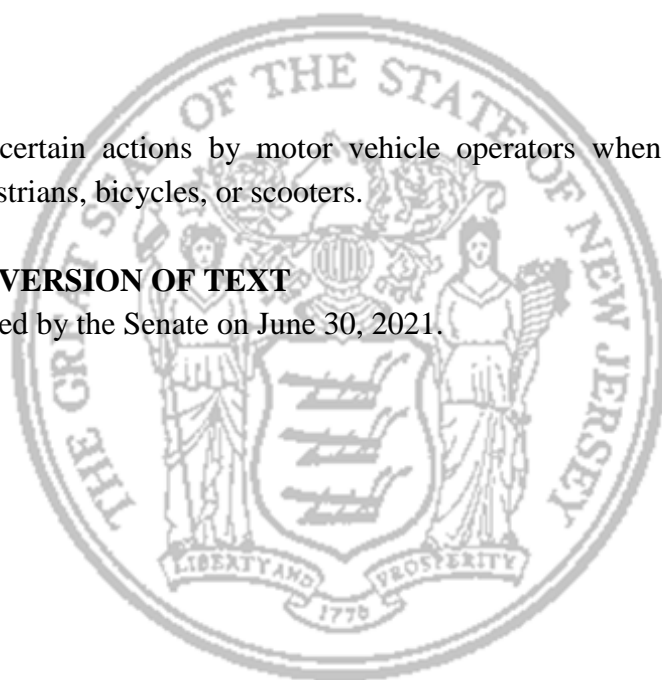
Senators Gill, Turner and Codey

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on June 30, 2021.



(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 ¹located or operating in an
24 area designated for pedestrians or those conveyances, as
25 appropriate,¹ on the roadways of this State shall approach with due
26 caution and shall, absent any other direction by a law enforcement
27 officer, proceed as follows:

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 30, 2021.

1 not endanger the safety of a pedestrian, operator of the personal
2 conveyance, or any other person on the roadway.

3 c. A person who commits a violation of the provisions of this
4 section which results in bodily injury as defined in N.J.S.2C:11-1
5 shall be fined \$500 and assessed two motor vehicle penalty points;
6 if no bodily injury results, the violator shall be fined \$100 and shall
7 not be assessed any penalty points.

8 d. Nothing in this section shall be construed to preclude or
9 limit a prosecution or conviction for a violation of any offense
10 defined by the laws of this State or for any violation of Title 39 of
11 the Revised Statutes.

12

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