

# SENATE, No. 3508

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 9, 2021

**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**

As introduced.



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.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
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 requirements  
13 of subsection (c) of this section. Every such stop shall be made  
14 without obstructing traffic more than is necessary. Any person who  
15 shall violate this subsection shall be fined not less than **[\$2,500]**  
16 \$5,000 nor more than **[\$5,000]** \$10,000, or be imprisoned for a  
17 period of 180 days, or both. The term of imprisonment required by  
18 this subsection shall be imposed only if the accident resulted in death  
19 or injury to a person other than the driver convicted of violating this  
20 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 a  
43 period of six months from the date of conviction, and for a period of  
44 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 or  
2 property shall give his name and address and exhibit his operator's  
3 license and registration certificate of his vehicle to the person injured  
4 or whose vehicle or property was damaged and to any police officer  
5 or witness of the accident, and to the driver or occupants of the  
6 vehicle collided with and render to a person injured in the accident  
7 reasonable assistance, including the carrying of that person to a  
8 hospital or a physician for medical or surgical treatment, if it is  
9 apparent that the treatment is necessary or is requested by the injured  
10 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 the  
18 county police of the county or of the State Police and submit thereto  
19 the information specified in this subsection.

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

47 There shall be a permissive inference that the registered owner of  
48 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 accident,  
6 and the requirements and penalties imposed pursuant to this section  
7 shall be applicable to that renter or authorized driver or lessee and  
8 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 not  
12 less than \$250 or more than \$1,000.

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

14  
15 2. This act shall take effect immediately.

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18 STATEMENT

19  
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 an  
23 accident resulting in death or injury is subject to a fine of between  
24 \$2,500 to \$5,000, or imprisonment for 180 days, or both. This bill  
25 would increase the fine for any driver who knowingly leaves the  
26 scene of an accident resulting in death or injury to between \$5,000 to  
27 \$10,000.