

ASSEMBLY, No. 960

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen FELICE and ROMANO

1 AN ACT concerning motor vehicles and amending R.S.39:4-129.

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

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

7 39:4-129. (a) The driver of any vehicle, knowingly involved in an
8 accident resulting in injury or death to any person shall immediately
9 stop the vehicle at the scene of the accident or as close thereto as
10 possible but shall then forthwith return to and in every event shall
11 remain at the scene until he has fulfilled the requirements of subsection
12 (c) of this section. Every such stop shall be made without obstructing
13 traffic more than is necessary. Any person who shall violate this
14 subsection shall be fined not less than \$100.00 [nor] or more than
15 \$1,000.00 or be imprisoned for a period of 30 days, or both, for the
16 first offense, and for a subsequent offense shall be fined not less than
17 \$500.00 [nor] or more than \$2000.00, and be imprisoned for a period
18 of not less than 3 months [nor] or more than 6 months. If a person
19 who violates this subsection was operating the motor vehicle with a
20 blood alcohol concentration of 0.10 % or more by weight of alcohol
21 in the blood, that person shall be fined not less than \$1500 or more
22 than \$2,500, or be imprisoned for a period of 180 days, or both.

23 In addition, any person convicted under this subsection shall forfeit
24 his right to operate a motor vehicle over the highways of this State for
25 a period of not less than 6 months from the date of his conviction for
26 the first offense and for a subsequent offense shall thereafter
27 permanently forfeit his right to operate a motor vehicle over the
28 highways of this State. A person convicted of a first offense under this
29 subsection who was operating the motor vehicle with a blood alcohol
30 concentration of 0.10 % or more by weight of alcohol in the blood
31 shall forfeit his right to operate a motor vehicle over the highways of
32 this State for a period of one year from the date of conviction.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (b) The driver of any vehicle knowingly involved in an accident
2 resulting only in damage to a vehicle, including his own vehicle, or
3 other property which is attended by any person shall immediately stop
4 his vehicle at the scene of such accident or as close thereto as possible,
5 but shall then forthwith return to and in every event shall remain at the
6 scene of such accident until he has fulfilled the requirements of
7 subsection (c) of this section. Every such stop shall be made without
8 obstructing traffic more than is necessary. Any person who shall
9 violate this subsection shall be fined not less than \$25.00 [nor] or
10 more than \$100.00, or be imprisoned for a period of not more than 30
11 days, or both, for the first offense, and for a subsequent offense, shall
12 be fined not less than \$100.00 [nor] or more than \$200.00, or be
13 imprisoned for a period of not less than 30 days [nor] or more than 90
14 days or both.

15 If a person who violates this subsection was operating the motor
16 vehicle with a blood alcohol concentration of 0.10 % or more by
17 weight of alcohol in the blood, that person shall be fined not less than
18 \$250 or more than \$500, or be imprisoned for a period of not less than
19 90 days, or both.

20 (c) The driver of any vehicle knowingly involved in an accident
21 resulting in injury or death to any person or damage to any vehicle or
22 property shall give his name and address and exhibit his operator's
23 license and registration certificate of his vehicle to the person injured
24 or whose vehicle or property was damaged and to any police officer
25 or witness of the accident, and to the driver or occupants of the
26 vehicle collided with and render to a person injured in the accident
27 reasonable assistance, including the carrying of that person to a
28 hospital or a physician for medical or surgical treatment, if it is
29 apparent that the treatment is necessary or is requested by the injured
30 person.

31 In the event that none of the persons specified are in condition to
32 receive the information to which they otherwise would be entitled
33 under this subsection, and no police officer is present, the driver of any
34 vehicle involved in such accident after fulfilling all other requirements
35 of subsections (a) and (b) of this section, insofar as possible on his part
36 to be performed, shall forthwith report such accident to the nearest
37 office of the local police department or of the county police of the
38 county or of the State Police and submit thereto the information
39 specified in this subsection.

40 (d) The driver of any vehicle which knowingly collides with or is
41 knowingly involved in an accident with any vehicle or other property
42 which is unattended resulting in any damage to such vehicle or other
43 property shall immediately stop and shall then and there locate and
44 notify the operator or owner of such vehicle or other property of the
45 name and address of the driver and owner of the vehicle striking the
46 unattended vehicle or other property or, in the event an unattended

1 vehicle is struck and the driver or owner thereof cannot be
2 immediately located, shall attach securely in a conspicuous place in or
3 on such vehicle a written notice giving the name and address of the
4 driver and owner of the vehicle doing the striking or, in the event
5 other property is struck and the owner thereof cannot be immediately
6 located, shall notify the nearest office of the local police department
7 or of the county police of the county or of the State Police and in
8 addition shall notify the owner of the property as soon as the owner
9 can be identified and located. Any person who violates this subsection
10 shall be punished as provided in subsection (b) of this section.

11 (e) The driver of any motor vehicle involved in an accident
12 resulting in injury or death to any person or damage in the amount of
13 \$250.00 or more to any vehicle or property shall be presumed to have
14 knowledge that he was involved in such accident, and such
15 presumption shall be rebuttable in nature.

16 (cf: P.L.1979, c.463, s.1)

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18 2. This act shall take effect immediately.

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STATEMENT

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23 This bill increases the penalties for leaving the scene of a motor
24 vehicle accident which results in death, personal injury or property
25 damage while the driver is under the influence of alcoholic beverages.

26 Under current law, the penalty for leaving the scene of an accident
27 which resulted in death or personal injury is a fine of not less than
28 \$100 or more than \$1,000 or imprisonment for 30 days, or both. In
29 addition, the driver's license of the person is suspended for not less
30 than six months. For a subsequent offense, the penalty is a fine of not
31 less than \$500 or more than \$2,000, or imprisonment between three
32 months and six months, or both. In addition, the driver's license of the
33 person is suspended permanently.

34 Under the provisions of this bill, if the person was operating the
35 motor vehicle with a blood alcohol concentration (BAC) of 0.10 % or
36 more, the person would be fined not less than \$1,500 or more than
37 \$2,500, or be imprisoned for 180 days, or both. In addition, for the
38 first offense, the driver's license suspension would be for a period of
39 one year.

40 Under current law, the penalty for leaving the scene of an accident
41 which resulted in property damage is, for the first offense, a fine not
42 less than \$25 or more than \$100, imprisonment for up to 30 days, or
43 both. For a subsequent offense, the fine would be not less than \$100
44 or more than \$200, imprisonment for between 30 and 90 days, or both.
45 Under the provisions of this bill, if the person was operating the motor
46 vehicle with a BAC of 0.10 % or more, the person would be fined not

- 1 less than \$250 or more than \$500, or be imprisoned for a period of not
- 2 less than 90 days, or both.
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- 5 _____
- 6
- 7 Increases penalties for leaving the scene of motor vehicle accident if
- 8 driver was intoxicated.