

ASSEMBLY, No. 2228

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblyman AZZOLINA

1 AN ACT concerning certain motor vehicle accidents and amending
2 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 an
9 accident resulting in injury or death to any person shall immediately
10 stop the vehicle at the scene of the accident or as close thereto as
11 possible but shall then forthwith return to and in every event shall
12 remain at the scene until he has fulfilled the requirements of subsection
13 (c) of this section. Every such stop shall be made without obstructing
14 traffic more than is necessary. Any person who shall violate this
15 subsection shall be fined not less than \$500 nor more than \$1,000 or
16 be imprisoned for a period of 180 days, or both, for the first offense,
17 and for a subsequent offense shall be fined not less than \$1,000 nor
18 more than \$2,000, or be imprisoned for a period of 180 days, or both.
19 The term of imprisonment required by this subsection shall be imposed
20 only if the accident resulted in death or injury to a person other than
21 the driver convicted of violating this section.

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

28 (b) The driver of any vehicle knowingly involved in an accident
29 resulting only in damage to a vehicle, including his own vehicle, or
30 other property which is attended by any person shall immediately stop
31 his vehicle at the scene of such accident or as close thereto as possible,
32 but shall then forthwith return to and in every event shall remain at the
33 scene of such accident until he has fulfilled the requirements of
34 subsection (c) of this section. Every such stop shall be made without

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 obstructing traffic more than is necessary. Any person who shall
2 violate this subsection shall be fined not less than \$200 nor more than
3 \$400, or be imprisoned for a period of not more than 30 days, or both,
4 for the first offense, and for a subsequent offense, shall be fined not
5 less than \$400 nor more than \$600, or be imprisoned for a period of
6 not less than 30 days nor more than 90 days or both.

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

11 (c) The driver of any vehicle knowingly involved in an accident
12 resulting in injury or death to any person or damage to any vehicle or
13 property shall give his name and address and exhibit his operator's
14 license and registration certificate of his vehicle to the person injured
15 or whose vehicle or property was damaged and to any police officer
16 or witness of the accident, and to the driver or occupants of the
17 vehicle collided with and render to a person injured in the accident
18 reasonable assistance, including the carrying of that person to a
19 hospital or a physician for medical or surgical treatment, if it is
20 apparent that the treatment is necessary or is requested by the injured
21 person.

22 In the event that none of the persons specified are in condition to
23 receive the information to which they otherwise would be entitled
24 under this subsection, and no police officer is present, the driver of any
25 vehicle involved in such accident after fulfilling all other requirements
26 of subsections (a) and (b) of this section, insofar as possible on his part
27 to be performed, shall forthwith report such accident to the nearest
28 office of the local police department or of the county police of the
29 county or of the State Police and submit thereto the information
30 specified in this subsection.

31 (d) The driver of any vehicle which knowingly collides with or is
32 knowingly involved in an accident with any vehicle or other property
33 which is unattended resulting in any damage to such vehicle or other
34 property shall immediately stop and shall then and there locate and
35 notify the operator or owner of such vehicle or other property of the
36 name and address of the driver and owner of the vehicle striking the
37 unattended vehicle or other property or, in the event an unattended
38 vehicle is struck and the driver or owner thereof cannot be
39 immediately located, shall attach securely in a conspicuous place in or
40 on such vehicle a written notice giving the name and address of the
41 driver and owner of the vehicle doing the striking or, in the event
42 other property is struck and the owner thereof cannot be immediately
43 located, shall notify the nearest office of the local police department
44 or of the county police of the county or of the State Police and in
45 addition shall notify the owner of the property as soon as the owner
46 can be identified and located. Any person who violates this subsection

1 shall be punished as provided in subsection (b) of this section.

2 (e) The driver of any motor vehicle involved in an accident
3 resulting in injury or death to any person or damage in the amount of
4 \$250.00 or more to any vehicle or property shall be presumed to have
5 knowledge that he was involved in such accident, and such
6 presumption shall be rebuttable in nature.

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

11 (f) There shall be a presumption that a vehicle, other than a leased
12 vehicle, which was operated in violation of this section, was operated
13 by the registered owner of the vehicle, and there shall be a
14 presumption that a leased vehicle operated in violation of this section
15 was operated by the lessee.

16 (cf: P.L.1994, c.183, 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 establishes a presumption that the registered owner of a
24 vehicle, or lessee in the case of leased vehicle, which violates
25 R.S.39:4-129 by leaving the scene of an accident was the person who
26 left the scene.

27 Eyewitnesses often are only able to get the motor vehicle license
28 plate number of hit-and-run drivers. As a result, while law
29 enforcement officers are able to locate the vehicle involved, they may
30 encounter difficulty in identifying the person actually responsible for
31 the violation. With a presumption proviso in the statute, the owner or
32 lessee, as the case may be, of a vehicle would be compelled to reveal
33 who was driving the vehicle.

34 The presumption established by this bill is patterned after that
35 incorporated into the statute setting forth the duties of a motorist
36 approaching or overtaking a school bus, i.e., that the owner of a motor
37 vehicle illegally approaching or overtaking a school bus is the operator
38 of the vehicle.

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43 Establishes presumption that owner of vehicle involved in hit and run
44 was driver at time of accident.