

CHAPTER 423

AN ACT concerning certain immunities for law enforcement officers and amending R.S.39:4-91 and N.J.S.59:5-2.

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

1. R.S.39:4-91 is amended to read as follows:

Right of way of emergency vehicles; liability of drivers.

39:4-91. a. The driver of a vehicle upon a highway shall yield the right of way to any authorized emergency vehicle when it is operated on official business, or in the exercise of the driver's profession or calling, in response to an emergency call or in the pursuit of an actual or suspected violator of the law and when an audible signal by bell, siren, exhaust whistle or other means is sounded from the authorized emergency vehicle and when the authorized emergency vehicle, except a police vehicle, is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of at least five hundred feet to the front of the vehicle.

b. This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others. Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law.

2. N.J.S.59:5-2 is amended to read as follows:

Parole or escape of prisoner; injuries between prisoners; pursuit for law enforcement purposes.

59:5-2. Parole or escape of prisoner; injuries between prisoners ; pursuit for law enforcement purposes.

Neither a public entity nor a public employee is liable for:

a. An injury resulting from the parole or release of a prisoner or from the terms and conditions of his parole or release or from the revocation of his parole or release;

b. any injury caused by:

- (1) an escaping or escaped prisoner;
- (2) an escaping or escaped person;
- (3) a person resisting arrest or evading arrest;
- (4) a prisoner to any other prisoner; or

c. any injury resulting from or caused by a law enforcement officer's pursuit of a person.

3. This act shall take effect immediately.

Approved January 19, 1998.