

SENATE, No. 825

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1996

By Senator KYRILLOS

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 is 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: 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.