

SENATE, No. 2106

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1997

By Senator O'CONNOR

1 AN ACT concerning motor vehicle accidents and reports and amending
2 R.S.39:4-129 and R.S.39:4-130.

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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] the scene. In every
12 event, the driver and, if present at the scene of the accident, the owner
13 of the vehicle shall remain at the scene until [he has] they have fulfilled
14 the requirements of subsection (c) of this section. Every such stop
15 shall be made without obstructing traffic more than is necessary. Any
16 person who shall violate this subsection shall be fined not less than
17 \$500 nor more than \$1,000 or be imprisoned for a period of 180 days,
18 or both, for the first offense, and for a subsequent offense shall be
19 fined not less than \$1,000 nor more than \$2,000, or be imprisoned for
20 a period of 180 days, or both. The term of imprisonment required by
21 this subsection shall be imposed only if the accident resulted in death
22 or injury to a person other than the driver or owner convicted of
23 violating this section.

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

30 (b) The driver of any vehicle knowingly involved in an accident
31 resulting only in damage to a vehicle, including his own vehicle, or
32 other property which is attended by any person shall immediately stop
33 his vehicle at the scene of such accident or as close thereto as possible,
34 but shall then forthwith return to [and in] the scene. In every event,

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 the driver and, if present at the scene of the accident, the owner of the
2 vehicle shall remain at the scene of such accident until [he has] they
3 have fulfilled the requirements of subsection (c) of this section. Every
4 such stop shall be made without obstructing traffic more than is
5 necessary. Any person who shall violate this subsection shall be fined
6 not less than \$200 nor more than \$400, or be imprisoned for a period
7 of not more than 30 days, or both, for the first offense, and for a
8 subsequent offense, shall be fined not less than \$400 nor more than
9 \$600, or be imprisoned for a period of not less than 30 days nor more
10 than 90 days or both.

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

15 (c) The driver of any vehicle knowingly involved in an accident
16 resulting in injury or death to any person or damage to any vehicle or
17 property and, if present at the scene of the accident, the owner of the
18 vehicle shall give [his name and address] their respective names and
19 addresses and, when applicable, exhibit [his] an operator's license and
20 registration certificate [of his] for the vehicle to the person injured or
21 whose vehicle or property was damaged and to any police officer or
22 witness of the accident, and to the driver or occupants of the vehicle
23 collided with, [and] The driver shall render to a person injured in the
24 accident reasonable assistance, including the carrying of that person to
25 a hospital or a physician for medical or surgical treatment, if it is
26 apparent that the treatment is necessary or is requested by the injured
27 person.

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

38 If the owner is a passenger in the vehicle at the time of the accident,
39 but is unable to remain at the scene due to the driver's failure to
40 comply with subsection (a) or (b) of this section, or if the owner was
41 not present at the scene of the accident, but subsequently learns of the
42 accident, the owner shall report the accident and submit the
43 information specified in this subsection as soon as practicable to the
44 nearest office of the local police department, county police department
45 or State police.

46 (d) The driver of any vehicle which knowingly collides with or is

1 knowingly involved in an accident with any vehicle or other property
2 which is unattended resulting in any damage to such vehicle or other
3 property shall immediately stop [and] at the scene of the accident.
4 The driver and, if present at the scene of the accident, the owner shall
5 then and there locate and notify the operator or owner of such vehicle
6 or other property of the name and address of the driver and owner of
7 the vehicle striking the unattended vehicle or other property or, in the
8 event an unattended vehicle is struck and the driver or owner thereof
9 cannot be immediately located, shall attach securely in a conspicuous
10 place in or on such vehicle a written notice giving the name and
11 address of the driver and owner of the vehicle doing the striking or, in
12 the event other property is struck and the owner thereof cannot be
13 immediately located, shall notify the nearest office of the local police
14 department or of the county police of the county or of the State Police
15 and in addition shall notify the owner of the property as soon as the
16 owner can be identified and located. Any person who violates this
17 subsection shall be punished as provided in subsection (b) of this
18 section.

19 (e) The driver and owner of any motor vehicle involved in an
20 accident resulting in injury or death to any person or damage in the
21 amount of \$250.00 or more to any vehicle or property shall be
22 presumed to have knowledge [that he was involved] of the vehicle's
23 involvement in such accident, and such presumption shall be rebuttable
24 in nature.

25 For purposes of this section, it shall not be a defense that the
26 operator or owner of the motor vehicle was unaware of the existence
27 or extent of personal injury or property damage caused by the accident
28 as long as the operator or owner was aware that [he] the vehicle was
29 involved in an accident.

30 (f) For purposes of this section, "owner" means an owner as defined
31 in R.S.39:1-1.

32 (cf: P.L.1994, c.183, s.1)

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34 2. R.S.39:4-130 is amended to read as follows:

35 39:4-130. The driver of a vehicle or street car involved in an
36 accident resulting in injury to or death of any person, or damage to
37 property of any one person in excess of \$500.00 shall by the quickest
38 means of communication give notice of such accident to the local
39 police department or to the nearest office of the county police of the
40 county or of the State Police, and in addition shall within 10 days after
41 such accident forward a written report of such accident to the division
42 on forms furnished by it. Such written reports shall contain
43 sufficiently detailed information with reference to a motor vehicle
44 accident, including the cause, the conditions then existing, the persons
45 and vehicles involved and such information as may be necessary to
46 enable the director to determine whether the requirements for the

1 deposit of security required by law are inapplicable by reason of the
2 existence of insurance or other circumstances. The director may rely
3 upon the accuracy of the information contained in any such report,
4 unless he has reason to believe that the report is erroneous. The
5 division may require operators involved in accidents to file
6 supplemental reports of accidents upon forms furnished by it when in
7 the opinion of the division, the original report is insufficient. The
8 reports shall be without prejudice, shall be for the information of the
9 division, and shall not be open to public inspection. The fact that the
10 reports have been so made shall be admissible in evidence solely to
11 prove a compliance with this section, but no report or any part thereof
12 or statement contained therein shall be admissible in evidence for any
13 other purpose in any proceeding or action arising out of the accident.

14 Whenever the driver of a vehicle is physically incapable of giving
15 immediate notice or making a written report of an accident as required
16 in this section and there was another occupant in the vehicle at the
17 time of the accident capable of giving notice or making a report, such
18 occupant shall make or cause to be made [said] the notice or report
19 not made by the driver.

20 Whenever the driver is physically incapable of making, or otherwise
21 fails to make, a written report of an accident as required by this
22 section and such driver is not the owner of the vehicle, then the owner
23 of the vehicle involved in such accident shall make such report not
24 made by the driver.

25 A written report of an accident shall not be required by this section
26 if a law enforcement officer submits a written report of the accident to
27 the division pursuant to R.S.39:4-131.

28 Any person who knowingly violates this section shall be fined not
29 less than \$30 or more than \$100.

30 The director may revoke or suspend the operator's or owner's
31 license privilege and registration privilege of a person who violates this
32 section.

33 For purposes of this section, it shall not be a defense that the
34 operator or owner of the motor vehicle was unaware of the existence
35 or extent of personal injury or property damage caused by the accident
36 as long as the operator or owner was aware that [he] the vehicle was
37 involved in an accident.

38 (cf: P.L.1994, c.183, s.2)

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40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill amends the State's "hit-and-run" statute to impose upon
46 the owner of a vehicle involved in an accident the same notification

1 and reporting requirements imposed upon the driver of the vehicle.

2 Current law requires the driver of a vehicle involved in an accident
3 in which an injury, a death or property damage results to remain at the
4 scene of the accident, give his or her name and present the vehicle's
5 registration card and a driver's license to police officers, witnesses,
6 drivers and occupants of other vehicles involved in the accident, and
7 persons suffering injury and property damage. If no one at the scene
8 of the accident is capable of taking this information, the driver is
9 required to report the accident and submit the information to the
10 nearest office of the local police department or the State police as
11 soon as possible after the accident. If unattended property is damaged
12 in the accident, the driver must attempt to locate and give this
13 information to the property's owner. If the property owner cannot be
14 located, the driver must leave the information in a conspicuous place;
15 otherwise, the driver must submit it to the police.

16 This bill would require the owner of a vehicle who is present at the
17 scene of the accident, but who was not driving, such as in the case of
18 a passenger or eyewitness, to remain at the scene and provide the same
19 information to others at the scene that a driver is currently required to
20 provide. The owner must submit this information to the police if (1)
21 there is no one at the scene capable of receiving the information; (2)
22 the owner is a passenger in the vehicle when the accident occurs and
23 is unable to remain at the scene because the vehicle's driver leaves the
24 scene; (3) the owner of the vehicle is not present at the scene when the
25 accident occurs, but subsequently learns of it.

26 An owner who leaves the scene of an accident that results in injury
27 or death without complying with the provisions of this bill would be
28 subject, for the first offense, to a fine of not less than \$500 or more
29 than \$1,000, 180 days imprisonment, or both, and would forfeit the
30 right to operate a vehicle in this State for one year. For a subsequent
31 offense, the owner would be subject to a fine of not less than \$1,000
32 or more than \$2,000, 180 days imprisonment, or both, and would
33 permanently forfeit the right to drive. An owner who leaves the scene
34 of an accident that results in damage to a vehicle or other property
35 without complying with the bill's provisions would be subject, for the
36 first offense, to a fine of not less than \$200 or more than \$400, 30
37 days imprisonment, or both, and would forfeit the right to drive for six
38 months. For a subsequent offense, the owner would be fined not less
39 than \$400 or more than \$600, imprisoned for 30 to 90 days, or both,
40 and would forfeit the right to drive for one year.

41 The bill would also require owners to make a written accident
42 report when the driver fails to do so. An owner who fails to comply
43 would be subject to a fine of not less than \$30 or more than \$100 and
44 possible loss of driving privileges.

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3 Increases responsibility of vehicle owner in hit-and-run accidents.