

ASSEMBLY, No. 5487

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Chaparro

SYNOPSIS

Increases certain penalties for leaving scene of motor vehicle accident resulting in death or injury.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning knowingly leaving the scene of a motor vehicle
2 accident resulting in death or injury and amending R.S.39:4-129.

3

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

6

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
9 an accident resulting in injury or death to any person shall
10 immediately stop the vehicle at the scene of the accident or as close
11 thereto as possible but shall then forthwith return to and in every
12 event shall remain at the scene until he has fulfilled the
13 requirements of subsection (c) of this section. Every such stop shall
14 be made without obstructing traffic more than is necessary. Any
15 person who shall violate this subsection shall be fined not less than
16 **[\$2,500]** \$5,000 nor more than **[\$5,000]** \$10,000, or be imprisoned
17 for a period of 180 days, or both. The term of imprisonment
18 required by this subsection shall be imposed only if the accident
19 resulted in death or injury to a person other than the driver
20 convicted of violating this section.

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

27 (b) The driver of any vehicle knowingly involved in an accident
28 resulting only in damage to a vehicle, including his own vehicle, or
29 other property which is attended by any person shall immediately
30 stop his vehicle at the scene of such accident or as close thereto as
31 possible, but shall then forthwith return to and in every event shall
32 remain at the scene of such accident until he has fulfilled the
33 requirements of subsection (c) of this section. Every such stop shall
34 be made without obstructing traffic more than is necessary. Any
35 person who shall violate this subsection shall be fined not less than
36 \$200 nor more than \$400, or be imprisoned for a period of not more
37 than 30 days, or both, for the first offense, and for a subsequent
38 offense, shall be fined not less than \$400 nor more than \$600, or be
39 imprisoned for a period of not less than 30 days nor more than 90
40 days or both.

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

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 (c) The driver of any vehicle knowingly involved in an accident
2 resulting in injury or death to any person or damage to any vehicle
3 or property shall give his name and address and exhibit his
4 operator's license and registration certificate of his vehicle to the
5 person injured or whose vehicle or property was damaged and to
6 any police officer or witness of the accident, and to the driver or
7 occupants of the vehicle collided with and render to a person
8 injured in the accident reasonable assistance, including the carrying
9 of that person to a hospital or a physician for medical or surgical
10 treatment, if it is apparent that the treatment is necessary or is
11 requested by the injured person.

12 In the event that none of the persons specified are in condition to
13 receive the information to which they otherwise would be entitled
14 under this subsection, and no police officer is present, the driver of
15 any vehicle involved in such accident after fulfilling all other
16 requirements of subsections (a) and (b) of this section, insofar as
17 possible on his part to be performed, shall forthwith report such
18 accident to the nearest office of the local police department or of
19 the county police of the county or of the State Police and submit
20 thereto the information specified in this subsection.

21 (d) The driver of any vehicle which knowingly collides with or
22 is knowingly involved in an accident with any vehicle or other
23 property which is unattended resulting in any damage to such
24 vehicle or other property shall immediately stop and shall then and
25 there locate and notify the operator or owner of such vehicle or
26 other property of the name and address of the driver and owner of
27 the vehicle striking the unattended vehicle or other property or, in
28 the event an unattended vehicle is struck and the driver or owner
29 thereof cannot be immediately located, shall attach securely in a
30 conspicuous place in or on such vehicle a written notice giving the
31 name and address of the driver and owner of the vehicle doing the
32 striking or, in the event other property is struck and the owner
33 thereof cannot be immediately located, shall notify the nearest
34 office of the local police department or of the county police of the
35 county or of the State Police and in addition shall notify the owner
36 of the property as soon as the owner can be identified and located.
37 Any person who violates this subsection shall be punished as
38 provided in subsection (b) of this section.

39 (e) There shall be a permissive inference that the driver of any
40 motor vehicle involved in an accident resulting in injury or death to
41 any person or damage in the amount of \$250.00 or more to any
42 vehicle or property has knowledge that he was involved in such
43 accident.

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

1 There shall be a permissive inference that the registered owner of
2 the vehicle which was involved in an accident subject to the
3 provisions of this section was the person involved in the accident;
4 provided, however, if that vehicle is owned by a rental car company
5 or is a leased vehicle, there shall be a permissive inference that the
6 renter or authorized driver pursuant to a rental car contract or the
7 lessee, and not the owner of the vehicle, was involved in the
8 accident, and the requirements and penalties imposed pursuant to
9 this section shall be applicable to that renter or authorized driver or
10 lessee and not the owner of the vehicle.

11 Any person who suppresses, by way of concealment or
12 destruction, any evidence of a violation of this section or who
13 suppresses the identity of the violator shall be subject to a fine of
14 not less than \$250 or more than \$1,000.
15 (cf: P.L.2007, c.266, s.1)

16

17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill increases the penalties for leaving the scene of a motor
23 vehicle accident resulting in death or injury.

24 Under current law, a driver who knowingly leaves the scene of
25 an accident resulting in death or injury is subject to a fine of
26 between \$2,500 to \$5,000, or imprisonment for 180 days, or both.
27 This bill would increase the fine for any driver who knowingly
28 leaves the scene of an accident resulting in death or injury to
29 between \$5,000 to \$10,000.