

# ASSEMBLY, No. 5367

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 8, 2023

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Concerns motor vehicles overtaking certain pedestrians and persons operating bicycles and personal conveyances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motor vehicles overtaking certain pedestrians  
2 and persons operating bicycles and personal conveyances and  
3 amending P.L.2021, c.194.

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

7  
8 1. Section 1 of P.L.2021, c.194 (C.39:4-92.4) is amended to  
9 read as follows:

10 1. a. As used in this section:

11 "Bicycle" shall have the same meaning as set forth in [R.S.39:4-  
12 14.5] section 2 of P.L.1975, c.328 (C.39:4-14.5).

13 ["Low-speed electric bicycle" shall have the same meaning as  
14 set forth in R.S.39:1-1.

15 "Low-speed electric scooter" shall have the same meaning as set  
16 forth in R.S.39:1-1.]

17 "Pedestrian" shall include, but not be limited to, a pedestrian as  
18 defined in R.S.39:1-1[, a person in a wheelchair or motorized  
19 wheelchair as defined in R.S.39:1-1, a person employed by or who  
20 contracts with any public utility company in this State, a property  
21 maintenance worker,] or any other person who is [permitted by law  
22 to be] upon the roadway and outside of a motor vehicle for work,  
23 emergency response, or recreation.

24 "Personal conveyance" shall include, but not be limited to, a  
25 low-speed electric bicycle as defined in R.S.39:1-1, a low-speed  
26 electric scooter as defined in R.S.39:1-1, a manual wheelchair, a  
27 motorized wheelchair as defined in R.S.39:1-1 or a similar mobility  
28 assisting device used by persons with physical disabilities or by  
29 persons whose ambulatory mobility has been impaired by age or  
30 illness, an electric personal assistive mobility device as defined in  
31 section 1 of P.L.2001, c.430 (C.39:4-14.10), a motorized scooter as  
32 defined in R.S.39:1-1, a skateboard as referenced in section 1 of  
33 P.L.1997, c.411 (C.39:4-10.5), a motorized skateboard as defined in  
34 R.S.39:1-1, roller skates as defined in section 1 of P.L.1997, c.411  
35 (C.39:4-10.5), or any other device used by a person for  
36 transportation.

37 b. The operator of a motor vehicle [approaching] shall  
38 approach a pedestrian [,] or a person operating a bicycle [, low-  
39 speed electric bicycle, low-speed electric scooter,] or [any other  
40 lawful] personal conveyance located or operating in an area  
41 designated for pedestrians, bicycles, or [those] personal  
42 conveyances [, as appropriate,] on the roadways of this State [shall  
43 approach] with due caution and [shall,] absent any other direction  
44 by a law enforcement officer, proceed as follows:

45 (1) when possible under existing safety and traffic conditions,  
46 make a lane change into a lane not adjacent to the pedestrian or the

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 person operating a bicycle or personal conveyance;

2 (2) if a lane change cannot be made pursuant to paragraph (1) of  
3 this subsection, leave a reasonable and safe distance of not less than  
4 four feet while approaching the pedestrian or the person operating a  
5 bicycle or personal conveyance and maintain a distance of at least  
6 four feet until the motor vehicle has safely passed the pedestrian or  
7 person operating the bicycle or personal conveyance; or

8 (3) if it is **【not possible】** impossible, prohibited by law, or  
9 unsafe to make a lane change pursuant to paragraph (1) of this  
10 subsection or to leave a reasonable and safe distance of not less than  
11 four feet pursuant to paragraph (2) of this subsection, the motor  
12 vehicle operator shall reduce the speed of the motor vehicle to 25  
13 miles per hour or a lower posted speed and be prepared to stop; the  
14 operator may pass the pedestrian or person operating a bicycle or  
15 personal conveyance only if, considering the size and speed of the  
16 motor vehicle, traffic conditions, weather, visibility, and the surface  
17 and width of the roadway, passing does not endanger the safety of a  
18 pedestrian, operator of the bicycle or personal conveyance, or any  
19 other person on the roadway.

20 c. A person who commits a violation of the provisions of this  
21 section which results in bodily injury as defined in N.J.S.2C:11-1  
22 shall be fined \$500 and assessed two motor vehicle penalty points;  
23 if no bodily injury results, the violator shall be fined \$100 and shall  
24 not be assessed any penalty points.

25 d. Nothing in this section shall be construed to preclude or  
26 limit a prosecution or conviction for a violation of any offense  
27 defined by the laws of this State or for any violation of Title 39 of  
28 the Revised Statutes.

29 (cf: P.L.2021, c.194, s.1)

30

31 2. This act shall take effect immediately.

32

33

#### 34 STATEMENT

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36 This bill concerns motor vehicles overtaking certain pedestrians  
37 and persons operating bicycles and personal conveyances.

38 Under current law, the operator of a motor vehicle is required to  
39 take certain actions when approaching a pedestrian, bicycle, low-speed  
40 electric bicycle, low-speed electric scooter, or any other lawful  
41 personal conveyance on the roadways of this State.

42 Additionally, current law does not define “personal conveyance.”  
43 Under this bill, “personal conveyance” includes, but is not limited to, a  
44 low-speed electric bicycle, a low-speed electric scooter, a manual  
45 wheelchair, a motorized wheelchair or a similar mobility assisting  
46 device used by persons with physical disabilities or by persons whose  
47 ambulatory mobility has been impaired by age or illness, an electric  
48 personal assistive mobility device, a motorized scooter, a skateboard, a

1     motorized skateboard, roller skates, or any other device used by a  
2     person for transportation.

3         In addition, this bill makes clarifying changes to the current  
4     definition of “pedestrian.” Under the bill, “pedestrian” includes, but is  
5     not limited to, a pedestrian as defined under current law or any other  
6     person who is upon the roadway and outside of a motor vehicle for  
7     work, emergency response, or recreation.