

SENATE, No. 3544

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 30, 2023

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2023)

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.

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 N.J.S.39:1-1, a manual wheelchair, a
27 motorized wheelchair as defined in N.J.S.39:1-1 or a similar
28 mobility assisting device used by persons with physical disabilities
29 or by persons whose ambulatory mobility has been impaired by age
30 or illness, an electric personal assistive mobility device as defined
31 in section 1 of P.L.2001, c.430 (C.39:4-14.10), a motorized scooter
32 as defined in N.J.S.39:1-1, a skateboard as referenced in section 1
33 of P.L.1997, c.411 (C.39:4-10.5), a motorized skateboard as defined
34 in N.J.S.39:1-1, roller skates as defined in section 1 of P.L.1997,
35 c.411 (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, a person operating a bicycle[, low-speed
39 electric bicycle, low-speed electric scooter,] or **[any other lawful]**
40 personal conveyance located or operating in an area designated for
41 pedestrians, bicycles, or **[those]** personal conveyances[, as
42 appropriate,] on the roadways of this State **[shall approach]** with
43 due caution and **[shall,]** absent any other direction by a law
44 enforcement officer, proceed as follows:

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 (1) when possible under existing safety and traffic conditions,
2 make a lane change into a lane not adjacent to the pedestrian or the
3 person operating a bicycle or personal conveyance;

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

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

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

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

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

32
33 2. This act shall take effect immediately.
34
35

36 STATEMENT

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

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

44 Current law does not define “personal conveyance.” Under this
45 bill, “personal conveyance” includes, but is not limited to, a low-
46 speed electric bicycle, a low-speed electric scooter, a manual
47 wheelchair, a motorized wheelchair or a similar mobility assisting
48 device used by persons with physical disabilities or by persons

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1 whose ambulatory mobility has been impaired by age or illness, an
2 electric personal assistive mobility device, a motorized scooter, a
3 skateboard, a motorized skateboard, roller skates, and any other
4 device used by a person for transportation.

5 In addition, under current law, the term “pedestrian” includes,
6 but is not limited to, a pedestrian as defined under current law, a
7 person in a wheelchair or motorized wheelchair, a person employed
8 by or who contracts with any public utility company in this State, a
9 property maintenance worker, or any other person who is permitted
10 by law to be upon the roadway. This bill makes clarifying changes
11 to this definition. Under the bill, “pedestrian” includes, but is not
12 limited to, a pedestrian as defined under current law or any other
13 person who is upon the roadway and outside of a motor vehicle for
14 work, emergency response, or recreation.