

[First Reprint]

SENATE, No. 3544

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 30, 2023

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District 18 (Middlesex)

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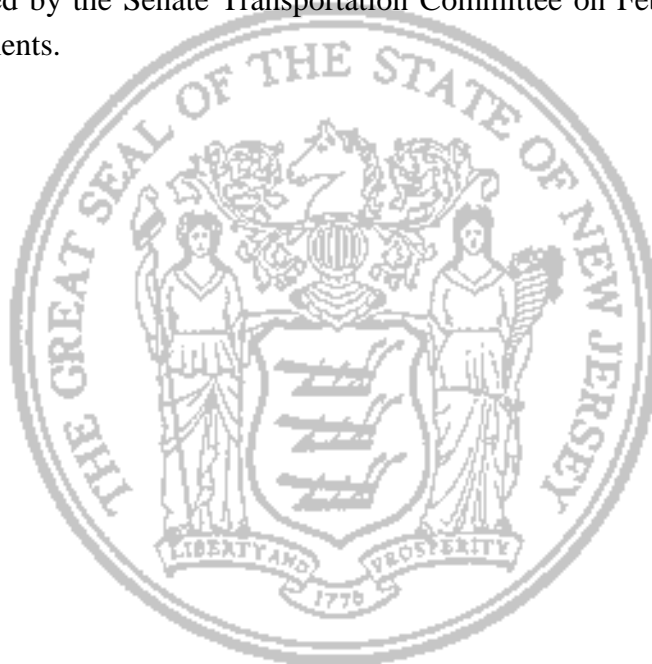
Senator Pou

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on February 9, 2023, with amendments.



(Sponsorship Updated As Of: 12/11/2023)

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
 12 ¹**[R.S.39:4-14.5]** section 2 of P.L.1975, c.328 (C.39:4-14.5)¹.

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 ¹**[N.J.S.39:1-1]** R.S.39:1-1¹, a manual
 27 wheelchair, a motorized wheelchair as defined in ¹**[N.J.S.39:1-1]**
 28 R.S.39:1-1¹ or a similar mobility assisting device used by persons
 29 with physical disabilities or by persons whose ambulatory mobility
 30 has been impaired by age or illness, an electric personal assistive
 31 mobility device as defined in section 1 of P.L.2001, c.430 (C.39:4-
 32 14.10), a motorized scooter as defined in ¹**[N.J.S.39:1-1]** R.S.39:1-
 33 1¹, a skateboard as referenced in section 1 of P.L.1997, c.411
 34 (C.39:4-10.5), a motorized skateboard as defined in ¹**[N.J.S.39:1-1]**
 35 R.S.39:1-1¹, roller skates as defined in section 1 of P.L.1997, c.411
 36 (C.39:4-10.5), or any other device used by a person for
 37 transportation.

38 b. The operator of a motor vehicle **[approaching]** shall
 39 approach a pedestrian ¹**[,]** or¹ a person operating a bicycle **[, low-**
 40 **speed electric bicycle, low-speed electric scooter,]** **[any other**
 41 **lawful]** personal conveyance located or operating in an area
 42 designated for pedestrians, bicycles, or **[those]** personal

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted February 9, 2023.

1 conveyances **【, as appropriate,】** on the roadways of this State **【shall**
2 **approach】** with due caution and **【shall,】** absent any other direction
3 by a law enforcement officer, proceed as follows:

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

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

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

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

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

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

35
36 2. This act shall take effect immediately.