

CHAPTER 11

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

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

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

C.39:4-92.4 Motor vehicles overtaking certain pedestrians, persons operating bicycles, personal conveyances; definitions.

1. a. As used in this section:

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

"Pedestrian" shall include, but not be limited to, a pedestrian as defined in R.S.39:1-1 or any other person who is upon the roadway and outside of a motor vehicle for work, emergency response, or recreation.

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

b. The operator of a motor vehicle shall approach a pedestrian or a person operating a bicycle or personal conveyance located or operating in an area designated for pedestrians, bicycles, or personal conveyances on the roadways of this State with due caution and absent any other direction by a law enforcement officer, proceed as follows:

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

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

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

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

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

2. This act shall take effect immediately.

Approved May 2, 2024.