[First Reprint]

ASSEMBLY, No. 1329

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:
Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblyman JOHN S. WISNIEWSKI
District 19 (Middlesex)
Assemblyman JON M. BRAMNICK
District 21 (Essex, Morris, Somerset and Union)
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)
Assemblyman THOMAS P. GIBLIN
District 34 (Essex and Passaic)

Co-Sponsored by:
Assemblyman Rumpf, Assemblywoman Evans, Assemblymen Chivukula, Conners and Assemblywoman Wagner

SYNOPSIS

Revises laws concerning pedestrian safety and traffic control; requires drivers to stop and remain stopped for pedestrians under certain conditions.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation, Public Works and Independent Authorities Committee on March 6, 2008, with amendments.

(Sponsorship Updated As Of: 5/22/2009)

AN ACT concerning pedestrian safety and traffic control and amending R.S.39:4-32, R.S.39:4-36, R.S.39:4-115, and R.S.39:4-144, and repealing R.S.39:4-35.

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

1. R.S.39:4-32 is amended to read as follows:

39:4-32. On highways where traffic **[**at intersections**]** is controlled by a traffic control signal or by traffic or police officers [1]**[**, pedestrians**]**:

a. Pedestrians[1] shall not cross a roadway against the "stop" or red signal at a crosswalk, whether marked or unmarked, unless otherwise specifically directed to go by a traffic or police officer, or official traffic control device.

[1]b.[1] No driver of a vehicle shall fail to stop and remain stopped for a pedestrian crossing a roadway at a crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning during the “go” or green signal. [1]As used in this subsection, "half of the roadway" means all traffic lanes conveying traffic in one direction of travel, and includes the entire width of a one-way roadway.

c.[1] A pedestrian crossing or starting across the intersection on a **[**"Go"**]** “go” or green signal, but who is still within the crosswalk when the signal changes, shall have the right of way **[**over all vehicles, including those making turns,**]** until **[**he**]** the pedestrian has reached the opposite curb or place of safety **[**, and no operator of a vehicle shall fail to yield the right of way to him**]**. [1]**[**As used in this section, "half of the roadway" means all traffic lanes conveying traffic in one direction of travel, and includes the entire width of a one-way roadway.**]**[1]

[1]d.[1] No pedestrian shall [1]**[**suddenly**]**[1] leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield or stop.

[1]**[**Nothing herein shall relieve a pedestrian from using due care for his safety.**]**[1]

[1]e.[1] Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

[1]f.[1] Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an

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:
[1]Assembly ATR committee amendments adopted March 6, 2008.

intersection shall yield the right-of-way to all vehicles upon the roadway.

[1]g.[1] Nothing contained herein shall relieve a driver from the duty to exercise due care for the safety of any pedestrian upon a roadway. [1]Nothing herein shall relieve a pedestrian from using due care for his safety.

h.[1] In the event of a collision between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there shall be a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

(cf: P.L.1951, c.23, s.22)

2. R.S.39:4-36 is amended to read as follows:

39:4-36. a. **[**The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within any unmarked crosswalk at an intersection, except**]** Except at crosswalks when the movement of traffic is being regulated by police officers or traffic control signals, or where otherwise **[**prohibited**]** regulated by municipal, county, or State regulation, and except where a pedestrian tunnel or overhead pedestrian crossing has been provided [1]**[**,**]**[1] **[**but no**]** [1]**[**the**]** :

(1) The[1] driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within a marked crosswalk, or at an unmarked crosswalk at an intersection, when the pedestrian is upon, or within one lane of, the half of the roadway, upon which the vehicle is traveling or onto which it is turning. As used in this [1]**[**section**]** paragraph[1] , "half of the roadway" means all traffic lanes conveying traffic in one direction of travel, and includes the entire width of a one-way roadway.

[1](2)[1] No pedestrian shall [1]**[**suddenly**]**[1] leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield or stop.

[1]**[**Nothing contained herein shall relieve a pedestrian from using due care for his safety.**]**

(3)[1] Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

[1](4)[1] Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

[1](5)[1] Nothing contained herein shall relieve a driver from the duty to exercise due care for the safety of any pedestrian upon a roadway. [1]Nothing contained herein shall relieve a pedestrian from using due care for his safety.[1]

b. A person violating ⁅any paragraph of subsection a. of⁆ this section shall, upon conviction thereof, pay a fine to be imposed by the court in the amount of [$100] $200. The court may also impose ⁅upon⁆ a ⁅[term of imprisonment] person violating any paragraph of subsection a. of this section, a penalty of community service⁆ not to exceed 15 days ⁅in such form and on such terms as the court shall deem appropriate⁆ .

c. Of each fine imposed and collected pursuant to subsection b. of this section, [$50] $100 shall be forwarded to the State Treasurer who shall annually deposit the moneys into the "Pedestrian Safety Enforcement and Education Fund" created by section 1 of P.L.2005, c.86 (C.39:4-36.2).

d. In the event of a collision between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there shall be a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

(cf: P.L.2005, c.86, s.2)

3. R.S.39:4-115 is amended to read as follows:

39:4-115. The driver of a vehicle or the motorman of a streetcar: a. intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a traffic or police officer, shall proceed to make either turn with proper care to avoid accidents and, except as provided in b. below, only upon the ["Go"] "go" signal unless otherwise directed by a traffic or police officer, an official sign or special signal; or b. intending to turn right at an intersection where traffic is controlled by a traffic control signal shall, unless an official sign of the State, municipality, or county authority having jurisdiction over the intersection prohibits the same, proceed to make the turn upon a ["Stop"] "stop" or ["Caution"] "caution" signal with proper care to avoid accidents after coming to a full stop, observing traffic in all directions [and], yielding to [all pedestrians and] other vehicular traffic traveling in a direction in which the turn will be made, and stopping and remaining stopped for pedestrians crossing the roadway within a marked crosswalk, or at an unmarked crosswalk, into which the driver is turning. Both the approach for and the turn shall be made as close as practicable to the right-hand curb or edge of the roadway, unless such intersection is otherwise posted.

(cf: P.L.1976, c.46, s.1)

4. R.S.39:4-144 is amended to read as follows:

39:4-144. No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "stop" sign unless [he] ⁅[the] :

a. The⁆ driver has first brought [his] the vehicle or street car to

a complete stop at a point within [5] five feet of the nearest crosswalk or stop line marked upon the pavement at the near side of the intersecting street and shall proceed only after yielding the right of way to all vehicular traffic on the intersecting street which is so close as to constitute an immediate hazard.

[1]b.[1] No driver of a vehicle or street car shall enter upon or cross an intersecting street marked with a "yield right of way" sign without first slowing to a reasonable speed for existing conditions and visibility, stopping if necessary, and the driver shall yield the right of way to all vehicular traffic on the intersecting street which is so close as to constitute an immediate hazard; unless, in either case, [he] the driver is otherwise directed to proceed by a traffic or police officer or traffic control signal , or as provided in [1][section] R.S.[1] 39:4-145 [1][of this Title][1].

[1]c.[1] No driver of a vehicle or street car shall turn right at an intersecting street marked with a "stop" sign or "yield right of way" sign unless the driver stops and remains stopped for pedestrians crossing the roadway within a marked crosswalk, or at an unmarked crosswalk, into which the driver is turning.

(cf: P.L.1958, c.114, s.4)

5. R.S.39:4-35 is repealed.

6. This act shall take effect on the first day of the third month after enactment, but such anticipatory administrative action may be taken in advance thereof as shall be necessary for the implementation of this act.