

[First Reprint]

ASSEMBLY, No. 1329

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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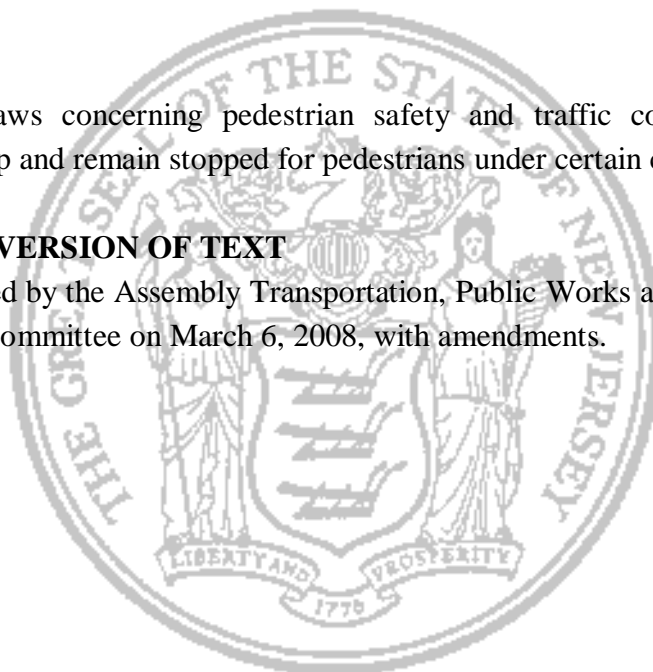
Assemblyman Rumpf

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: 3/7/2008)

1 AN ACT concerning pedestrian safety and traffic control and
2 amending R.S.39:4-32, R.S.39:4-36, R.S.39:4-115, and R.S.39:4-
3 144, and repealing R.S.39:4-35.

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

7
8 1. R.S.39:4-32 is amended to read as follows:

9 39:4-32. On highways where traffic **[at intersections]** is
10 controlled by a traffic control signal or by traffic or police officers
11 **'[, pedestrians]**:

12 a. Pedestrians¹ shall not cross a roadway against the "stop" or
13 red signal at a crosswalk, whether marked or unmarked, unless
14 otherwise specifically directed to go by a traffic or police officer, or
15 official traffic control device.

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

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

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

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

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

41 'f.¹ Every pedestrian upon a roadway at any point other than
42 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:

¹Assembly ATR committee amendments adopted March 6, 2008.

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

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

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

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

12

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

14 39:4-36. a. **【The driver of a vehicle shall yield the right-of-way**
15 **to a pedestrian crossing the roadway within a marked crosswalk or**
16 **within any unmarked crosswalk at an intersection, except】 Except**
17 **at crosswalks when the movement of traffic is being regulated by**
18 **police officers or traffic control signals, or where otherwise**
19 **【prohibited】 regulated by municipal, county, or State regulation,**
20 **and except where a pedestrian tunnel or overhead pedestrian**
21 **crossing has been provided ¹【,】 ¹【but no】 ¹【the】 :**

22 ¹(1) The driver of a vehicle shall stop and remain stopped to
23 allow a pedestrian to cross the roadway within a marked crosswalk,
24 or at an unmarked crosswalk at an intersection, when the pedestrian
25 is upon, or within one lane of, the half of the roadway, upon which
26 the vehicle is traveling or onto which it is turning. As used in this
27 ¹【section】 paragraph¹ , "half of the roadway" means all traffic lanes
28 conveying traffic in one direction of travel, and includes the entire
29 width of a one-way roadway.

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

33 ¹**【Nothing contained herein shall relieve a pedestrian from using**
34 **due care for his safety.】**

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

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

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

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

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

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

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

18
19 3. R.S.39:4-115 is amended to read as follows:

20 39:4-115. The driver of a vehicle or the motorman of a streetcar:
21 a. intending to turn to the right or left at an intersection where
22 traffic is controlled by traffic control signals or by a traffic or police
23 officer, shall proceed to make either turn with proper care to avoid
24 accidents and, except as provided in b. below, only upon the
25 **["Go"]** "go" signal unless otherwise directed by a traffic or police
26 officer, an official sign or special signal; or b. intending to turn
27 right at an intersection where traffic is controlled by a traffic
28 control signal shall, unless an official sign of the State,
29 municipality, or county authority having jurisdiction over the
30 intersection prohibits the same, proceed to make the turn upon a
31 **["Stop"]** "stop" or **["Caution"]** "caution" signal with proper care to
32 avoid accidents after coming to a full stop, observing traffic in all
33 directions **[and]**, yielding to **[all pedestrians and]** other vehicular
34 traffic traveling in a direction in which the turn will be made, and
35 stopping and remaining stopped for pedestrians crossing the
36 roadway within a marked crosswalk, or at an unmarked crosswalk,
37 into which the driver is turning. Both the approach for and the turn
38 shall be made as close as practicable to the right-hand curb or edge
39 of the roadway, unless such intersection is otherwise posted.

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

41
42 4. R.S.39:4-144 is amended to read as follows:

43 39:4-144. No driver of a vehicle or street car shall enter upon or
44 cross an intersecting street marked with a "stop" sign unless **[he]**
45 **'[the]** :

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

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

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

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

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

21

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

23

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