

39:4-66 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-66 et al (Motor vehicles-- clarifies right of way in certain circumstances)

LAWS OF: 1989 **CHAPTER:** 147

BILL NO: S2599

SPONSOR(S): O' Connor

Date Introduced: May 26, 1988

Committee: **Assembly:** Transportation and Communications
Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** June 29, 1989
Senate: October 24, 1988

Date of Approval: August 9, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

RDV

[FIRST REPRINT]
SENATE, No. 2599

STATE OF NEW JERSEY

INTRODUCED MAY 26, 1988

By Senator O'CONNOR

1 AN ACT concerning the operation of certain vehicles and
motorized bicycles, ¹[and]¹ amending R.S.39:4-66 and
3 P.L.1951, c.23 ¹and supplementing chapter 4 of Title 39 of the
Revised Statutes¹.

5

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

1. R.S.39:4-66 is amended to read as follows:

9 39:4-66. a. The operator of a vehicle¹[, or motorized
bicycle,]¹ emerging from an alley, driveway [or] , garage, or
11 private road or driveway, shall stop the vehicle¹[, or motorized
bicycle,]¹ immediately prior to driving upon the sidewalk, and
13 shall proceed to enter the sidewalk only after yielding the right
of way to a pedestrian on the sidewalk, if the pedestrian is so
15 close as to constitute an immediate hazard.

b. In addition to any duty imposed under subsection a. of this
17 section, the operator of a vehicle¹[, or motorized bicycle,]¹
emerging from an alley, driveway, garage, or private road or
19 driveway, shall stop the vehicle¹[, or motorized bicycle,]¹
immediately prior to entering or crossing a highway, and shall
21 proceed to enter or cross the highway only after yielding the
right of way to the traffic on the highway, if the traffic is so
23 close as to constitute an immediate hazard.

(cf: R.S.39:4-66)

25 2. Section 48 of P.L.1951, c.23 (C.39:4-66.1) is amended to
read as follows:

27 48. When the driver of a vehicle, [about to enter a highway
from a private road or driveway or] ¹[or a motorized bicycle,]¹
29 about to enter [a] an alley, driveway, garage, or private road or
driveway from a highway, shall find it necessary to drive upon the
31 sidewalk, he first shall yield the right of way to all pedestrians on
the sidewalk, if the pedestrians are so close as to constitute an
33 immediate hazard.

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 Senate SLP committee amendments adopted September 19, 1988.

1 [The driver of a vehicle about to enter or cross a highway from
2 a private road or driveway shall yield the right of way to all
3 vehicles approaching on said highway.]

(cf: P.L.1951, c.23, s.48)

5 13. (New section) An operator of a motorized bicycle who is
6 convicted of a violation of R.S.39:4-66 concerning the operation
7 of a vehicle when emerging from an alley, driveway, garage, or
8 private road or driveway or section 48 of P.L.1951, c.23
9 (C.39:4-66.1) concerning the operation of a vehicle when entering
10 an alley, driveway, garage, or private road or driveway from a
11 highway shall be subject to the penalties set forth in
12 R.S.39:4-203.¹

13 ¹[3.] 4.¹ This act shall take effect on the 90th day after
14 enactment.

15

MOTOR VEHICLES

17

Highways and Roads

19 Requires certain changes to the rights of way laws concerning the
20 manner in which vehicles and motorized bicycles drive over
21 sidewalks, and enter and exit highways.

1 vehicles approaching on said highway.]

(cf: P.L. 1951, c. 23, s. 48)

3 3. This act shall take effect on the 90th day after enactment.

5 STATEMENT

7 This bill would make changes to the law concerning the manner
of operation of vehicles and motorized bicycles when emerging
9 from and entering into alleys, driveways, garages, and private
roads and highways.

11 Under current motor vehicle laws, the operator of a vehicle
emerging from an alley, driveway or garage, is required to stop
13 the vehicle immediately before driving across the sidewalk. A
driver who crosses a sidewalk while attempting to enter a
15 highway from a private road or driveway, or a private road or
driveway from a highway, is required to yield the right of way to
17 pedestrians on the sidewalk. Persons driving onto or crossing a
public highway from a private road or driveway, shall yield the
19 right of way to approaching vehicles.

This bill would require a driver of a vehicle or motorized
21 bicycle emerging from an alley, driveway, garage, or private road
or driveway to stop before entering the sidewalk, yielding to
23 pedestrians who may be on the sidewalk nearby; and to stop
before entering a highway, yielding to nearby traffic on the
25 highway. This bill also requires the drivers of vehicles and
motorized bikes to first yield to nearby pedestrians on the
27 sidewalk before driving over that sidewalk while attempting to
enter an alley, driveway, garage, or private road or driveway
29 from a highway.

The purpose of these changes to the current law is to ensure
31 that drivers will take greater care in making entrances into and
exits from small private or public access roads, thereby reducing
33 the potentiality of serious injuries to property or persons.

35 MOTOR VEHICLES
Highways and Roads

37 Requires certain changes to the rights of way laws concerning the
39 manner in which vehicles and motorized bicycles drive over
sidewalks, and enter and exit highways.

S2599

ASSEMBLY TRANSPORTATION
AND COMMUNICATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2599

STATE OF NEW JERSEY

DATED: JANUARY 23, 1989

The Assembly Transportation and Communications Committee reports favorably Senate Bill No. 2599 (1R).

This bill specifically clarifies the duties and responsibilities of operators of vehicles and motorized bicycles when emerging from or entering alleys, driveways, garages, or private roads and driveways.

Under current law, the operator of a vehicle emerging from an alley, driveway or garage, is required to stop the vehicle immediately before crossing the sidewalk. An operator entering a highway from a private road or driveway or entering such a road or driveway from a highway is required to yield the right of way to pedestrians on a sidewalk which he must cross with his vehicle. In addition, and when entering or crossing a highway, the operator is required to yield the right of way to traffic.

The bill would require an operator of a vehicle or motorized bicycle emerging from a private road or driveway, as well as an alley, driveway or garage, to stop before crossing the sidewalk, yield to pedestrians who may be on the sidewalk, and stop and yield to traffic before entering a highway. This bill also requires operators to yield to pedestrians before crossing a sidewalk to enter an alley, driveway, garage, or private road or driveway from a highway.

The bill also creates a new section for allocation to the section of Title 39 of the Revised Statutes which deals specifically with motorized bicycles. A motorized bicycle operator who violates the sections of this bill will be subject to the same penalties as an operator of a motor vehicle.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 2599

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1988

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 2599 with amendments.

As amended, this bill specifically clarifies the duties and responsibilities of operators of vehicles and motorized bicycles when emerging from or entering alleys, driveways, garages, or private roads and driveways.

Under current law, the operator of a vehicle emerging from an alley, driveway or garage, is required to stop the vehicle immediately before crossing the sidewalk. An operator entering a highway from a private road or driveway or entering such a road or driveway from a highway is required to yield the right of way to pedestrians on a sidewalk which he must cross with his vehicle. In addition, and when entering or crossing a highway, the operator is required to yield the right of way to traffic.

This bill would require an operator of a vehicle or motorized bicycle emerging from a private road or driveway, as well as an alley, driveway or garage, to stop before crossing the sidewalk, yield to pedestrians who may be on the sidewalk, and stop and yield to traffic before entering a highway. This bill also requires operators to yield to pedestrians before crossing a sidewalk to enter an alley, driveway, garage, or private road or driveway from a highway.

The purpose of these changes to the current law is to ensure that drivers will take greater care in making entrances into and exits from small private or public access roads, thereby reducing the potential for serious injuries to property or persons.

The committee amended the bill to create a new section for allocation to the section of Title 39 of the Revised Statutes which deals specifically with motorized bicycles. A motorized bicycle operator who violates the sections of this bill will be subject to the same penalties as an operator of a motor vehicle.