

39:4-34 -- 39:4-36

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-34 - 39:4-36 (Pedestrians - right of way within crosswalks at intersections)
LAWS 1981 'CHAPTER 220

Bill No. A1399 (A593)

Sponsor(s) Weidel

Date Introduced April 14, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly Dec. 8, 1980

Re-enacted 6-11-81

Senate March 23, 1981

Re-enacted 6-22-81

Date of approval July 20, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsor's statement:

This bill provides that pedestrians crossing intersections within crosswalks, whether marked or unmarked, shall have the right-of-way. In addition, this bill directs the Office of Highway Safety to conduct a public information campaign and a study to determine the most effective manner of implementation of the bill.

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220 LAWS OF N. J. 1981
2-20-81

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1399

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblyman WEIDEL

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the right-of-way of pedestrians, amending sections 39:4-34, 39:4-35, and 39:4-36 of the Revised Statutes, and directing the Office of Highway Safety to conduct a public information campaign and a study to determine the most effective manner of implementation of this act.

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

1 1. R. S. 39:4-34 is amended to read as follows:

2 39:4-34. Where traffic is not controlled and directed either by a
3 police officer or a traffic control signal, pedestrians shall cross the
4 roadway within a crosswalk or, in the absence of a crosswalk, and
5 where not otherwise prohibited, at right angles to the roadway~~],~~
6 and when crossing at a point other than at a crosswalk shall yield the
7 right-of-way to all vehicles on the roadway~~].~~ It shall be unlawful
8 for a pedestrian to cross any highway having roadways separated
9 by a medial barrier, except where provision is made for pedestrian
10 crossing. On all highways where there are no sidewalks or paths
11 provided for pedestrian use, pedestrians shall, when practicable,
12 walk only on the extreme left side of the roadway or its shoulder
13 facing approaching traffic.

14 Where sidewalks are provided it shall be unlawful for any pedes-
15 trian to walk along and upon an adjacent roadway.

1 2. R. S. 39:4-35 is amended to read as follows:

2 39:4-35. No operator of a vehicle shall fail to give the right-of-
3 way to a pedestrian at a crosswalk, *whether marked or unmarked,*
4 where the pedestrian having started to cross with the proper
5 signal finds himself still within the intersection when the signal
6 changes.

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1399

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

This bill provides that pedestrians crossing intersections within crosswalks, whether marked or unmarked, shall have the right-of-way. In addition, this bill directs the Office of Highway Safety to conduct a public information campaign and a study to determine the most effective manner of implementation of the bill.

Testimony from the Office of Highway Safety at the committee meeting indicated that approximately 300 pedestrians are killed annually in New Jersey and thousands are injured. New Jersey has a higher percentage of pedestrian deaths than the national average. The reasons why are not clear. Therefore, the Division of Motor Vehicles endorses the bill.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 8, 1981

ASSEMBLY BILL NO. 1399

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 1399, with my objections for reconsideration.

This bill provides that pedestrians crossing intersections within crosswalks, whether marked or unmarked, shall have the right-of-way. In addition, this bill directs the Office of Highway Safety to conduct a public information campaign and a study to determine the most effective manner of implementation of the bill. Under present law, only pedestrians in marked crosswalks have the right-of-way.

Certain aspects of drivers and pedestrians responsibilities remain unclear in this bill.

Accordingly, I herewith return Assembly Bill No. 1399 for reconsideration and recommend that it be amended as follows:

Page 2, Section 3, Line 10: After "yield." insert

"Nothing contained herein shall relieve a pedestrian from using due care for his safety."

Page 2, Section 3, After Line 14: Add two new paragraphs

"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.

"Nothing contained herein shall relieve a driver from the duty to exercise due care for the safety of any pedestrian upon a roadway."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY