

39 : 4-129

LEGISLATIVE HISTORY CHECKLIST

WASA 39:4-129; 39:5-30 (Hit-run violations and death by auto--penalties)

LAWS OF 1979 CHAPTER 463

Bill No. S3185

Sponsor(s) Orechio and others

Date Introduced April 26, 1979

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 3, 1980

Senate May 21, 1979

Date of approval Feb. 27, 1980

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 Yes

Hearings Yes

974.90 New Jersey. Legislature. Assembly. Legislative  
A939 Oversight Committee.  
1980c Review of the implementation of P.L. 1979  
c.463...May 19, 1980.

Public hearings held May 1, 1979, were not transcribed. (Contact Legislative Services, Arthur Applebaum, 292-4661 or Sam Alito, 292-3565)

EJ 2/1/73

[OFFICIAL COPY REPRINT]

SENATE, No. 3185

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Senators ORECHIO, FORAN, GRAVES, DORSEY  
and RODGERS

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and amending R. S. 39:4-129  
and R. S. 39:5-30.

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

1 1. R. S. 39:4-129 is amended to read as follows:

2 39:4-129. (a) The driver of any vehicle, knowingly involved in  
3 an accident resulting in injury or death to any person shall imme-  
4 diately stop the vehicle at the scene of the accident or as close  
5 thereto as possible but shall then forthwith return to and in every  
6 event shall remain at the scene until he has fulfilled the require-  
7 ments of subsection (c) of this section. Every such stop shall be  
8 made without obstructing traffic more than is necessary. Any per-  
9 son who shall violate this subsection shall be fined [in the sum of]  
10 *not less than \$100.00[,] nor more than \$1,000.00* or be imprisoned  
11 for a period of 30 days, or both, for the first offense, and for a  
12 subsequent offense shall be fined [in the sum of] *not less than*  
13 *\$500.00[, or] nor more than \$2,000.00, and* be imprisoned for a  
14 period of [6 months, or both] *not less than 3 months nor more than*  
15 *6 months.*

16 *In addition, any person convicted under this subsection shall*  
17 *forfeit his right to operate a motor vehicle over the highways of*  
18 *this State for a period of not less than 6 months from the date of*  
19 *his conviction for the first offense and for a subsequent offense shall*  
20 *thereafter forfeit his right to operate a motor vehicle over the*  
21 *highways of this State.*

22 (b) The driver of any vehicle knowingly involved in an accident  
23 resulting only in damage to a vehicle, including his own vehicle, or  
24 other property which is attended by any person shall immediately  
25 stop his vehicle at the scene of such accident or as close thereto as

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

26 possible, but shall then forthwith return to and in every event shall  
27 remain at the scene of such accident until he has fulfilled the re-  
28 quirements of subsection (c) of this section. Every such stop shall  
29 be made without obstructing traffic more than is necessary. Any  
30 person who shall violate this subsection shall be fined not less  
31 than \$25.00 nor more than \$100.00, or be imprisoned for a period  
32 of not more than 30 days, or both, for the first offense, and for a  
33 subsequent offense, shall be fined not less than \$100.00 nor more  
34 than \$200.00, or be imprisoned for a period of not less than 30 days  
35 nor more than 90 days or both.

36 (c) The driver of any vehicle knowingly involved in an accident  
37 resulting in injury or death to any person or damage to any vehicle  
38 or property shall give his name and address and exhibit his opera-  
39 tor's license and registration certificate of his vehicle to the person  
40 injured or whose vehicle or property was damaged and to any police  
41 officer or witness of the accident, and to the driver or occupants of  
42 the vehicle collided with and render to a person injured in the  
43 accident reasonable assistance, including the carrying of that per-  
44 son to a hospital or a physician for medical or surgical treatment,  
45 if it is apparent that the treatment is necessary or is requested by  
46 the injured person.

47 In the event that none of the persons specified are in condition  
48 to receive the information to which they otherwise would be en-  
49 titled under this subsection, and no police officer is present, the  
50 driver of any vehicle involved in such accident after fulfilling all  
51 other requirements of subsections (a) and (b) of this section,  
52 insofar as possible on his part to be performed, shall forthwith  
53 report such accident to the nearest office of the local police depart-  
54 ment or of the county police of the county or of the State Police  
55 and submit thereto the information specified in this subsection.

56 (d) The driver of any vehicle which knowingly collides with or is  
57 knowingly involved in an accident with any vehicle or other prop-  
58 erty which is unattended resulting in any damage to such vehicle  
59 or other property shall immediately stop and shall then and there  
60 locate and notify the operator or owner of such vehicle or other  
61 property of the name and address of the driver and owner of the  
62 vehicle striking the unattended vehicle or other property or, in the  
63 event an unattended vehicle is struck and the driver or owner  
64 thereof cannot be immediately located, shall attach securely in a  
65 conspicuous place in or on such vehicle a written notice giving the  
66 name and address of the driver and owner of the vehicle doing the  
67 striking or, in the event other property is struck and the owner

68 thereof cannot be immediately located, shall notify the nearest  
69 office of the local police department or of the county police of the  
70 county or of the State Police and in addition shall notify the owner  
71 of the property as soon as the owner can be identified and located.  
72 Any person who violates this subsection shall be punished as pro-  
73 vided in subsection (b) of this section.

74 (e) The driver of any motor vehicle involved in an accident  
75 resulting in injury or death to any person or damage in the amount  
76 of \$250.00 or more to any vehicle or property shall be presumed  
77 to have knowledge that he was involved in such accident, and such  
78 presumption shall be rebuttable in nature.

1 2. R. S. 39:5-30 is amended to read as follows:

2 39:5-30. a. Every registration certificate and every license  
3 certificate to drive motor vehicles may be suspended or revoked,  
4 and any person may be prohibited from obtaining a driver's license  
5 or a registration certificate, and the reciprocity privilege of any  
6 nonresident may be suspended or revoked by the [commissioner]  
7 *director* for a violation of any of the provisions of this Title or on  
8 any other reasonable grounds, after due notice in writing of such  
9 proposed suspension, revocation or prohibition and the ground  
10 thereof.

11 He may also summon witnesses to appear before him at his office  
12 or at any other place he designates, to give testimony in a hearing  
13 which he holds looking toward a revocation of a license or registra-  
14 tion certificate issued by or under his authority. The summons shall  
15 be served at least 5 days before the return date, either by registered  
16 mail or personal service. A person who fails to obey the summons  
17 shall be subject to a penalty not exceeding \$100.00, to be recovered  
18 with costs in an action at law, prosecuted by the Attorney-General,  
19 and in addition the vehicle registration or driver's license, or both,  
20 as the case may be, shall forthwith be revoked. The fee for wit-  
21 nesses required to attend before the [commissioner] *director* shall  
22 be \$1.00 for each day's attendance and \$0.03 for every mile of  
23 travel by the nearest generally traveled route in going to and from  
24 the place where the attendance of the witness is required. These  
25 fees shall be paid when the witness is excused from further attend-  
26 ance, and the disbursements made from payment of the fees shall  
27 be audited and paid in the manner provided for expenses of the  
28 department. The actual conduct of said hearing may be delegated  
29 by the [commissioner] *director* to such departmental employees  
30 as he may designate, in which case the said employees shall recom-  
31 mend to the [commissioner] *director* in writing, whether the said  
32 licenses or certificates shall or shall not be suspended or revoked.

33 b. Whenever a matter \***[involving an alleged violation of R. S.**  
34 *39:4-50, R. S. 39:4-96, R. S. 39:4-98 where such vehicle is alleged*  
35 *to have been travelling in excess of 20 miles per hour over the rate*  
36 *of speed authorized by such section, or R. S. 39:4-129 of this title,*  
37 *having resulted in the death of another is presented to the director,*  
38 *he shall forthwith issue, upon notice, a preliminary suspension of a*  
39 *license certificate or of a reciprocity privilege of any nonresident*  
40 *or a temporary order prohibiting an individual from obtaining a*  
41 *license to operate a motor vehicle in this State. Such preliminary*  
42 *suspension or temporary order shall be issued upon a determina-*  
43 *tion by the director that the individual has been charged with a*  
44 *violation of the section or sections enumerated above.]* \* *is pre-*  
45 *sented to the director involving an alleged violation of*

46 (1) *R. S. 39:4-98, where an excess of 20 miles per hour over the*  
47 *authorized speed limit is alleged;*

48 (2) *R. S. 39:4-50;*

49 (3) *R. S. 39:4-96; or*

50 (4) *R. S. 39:4-129*

51 *wherein the death of another occurred, the director shall issue*  
52 *a proposed notice of suspension or revocation of any license*  
53 *certificate or any nonresident reciprocity privileges held by the*  
54 *individual charged or issue a temporary order prohibiting the*  
55 *individual from obtaining any license to operate any motor vehicle*  
56 *in this State. A preliminary hearing shall be held on the matter*  
57 *within 15 days of the date that the summons was issued or the*  
58 *arrest was made. Adjournment of such hearing upon motion by*  
59 *the individual charged shall be given only for good cause shown.*  
60 *The administrative law judge hearing such matter shall determine*  
61 *at such hearing whether there is probable cause to believe that*  
62 *grounds exist for suspension or revocation of the individual's*  
63 *license certificate. If, from the evidence, the administrative law*  
64 *judge determines that such grounds exist, he shall immediately*  
65 *issue a preliminary suspension of any license certificate or any non-*  
66 *resident reciprocity privileges held by the individual charged or*  
67 *issue a temporary order prohibiting the individual from obtaining*  
68 *any license to operate any motor vehicle in this State. After con-*  
69 *cluding the proceeding the administrative law judge shall transmit*  
70 *his findings to the director. Whether or not a preliminary finding*  
71 *of probable cause was made at a preliminary hearing, a hearing*  
72 *shall be held on the matter within 45 days of the date that the*  
73 *summons was issued or arrest was made. Adjournment of such*  
74 *hearing upon motion by the individual charged shall be given only*

75 for good cause shown. If the hearing is otherwise postponed or  
76 delayed solely at the instance of the individual charged, the admin-  
77 istrative law judge shall immediately issue a preliminary suspen-  
78 sion of any license certificate or any nonresident reciprocity  
79 privileges held by the individual charged or if any such preliminary  
80 suspension or order is in effect, he shall continue such suspension  
81 or order. Such preliminary suspension or temporary order shall  
82 be effective until the individual charged appears at a hearing on  
83 the matter.

84 In addition, the director shall require any person whose priv-  
85 ileges to operate a motor vehicle are suspended or against whom  
86 a temporary order is issued prohibiting the individual from obtain-  
87 ing a license, pursuant to this section, to be reexamined to deter-  
88 mine the ability of the person to safely operate a motor vehicle  
89 prior to regaining or obtaining any driving privileges in this State.

90 Any determination resulting from such hearing shall not be  
91 admissible at any criminal or quasi-criminal proceedings on the  
92 alleged violation or violations.\*

93 c. Whenever any other matter \***[involving an alleged violation of**  
94 **this title, having resulted in the death of another is presented to**  
95 **the director for which he determines immediate action is warranted,**  
96 **he may forthwith issue, upon notice, a preliminary suspension of a**  
97 **license certificate or of a reciprocity privilege of any nonresident**  
98 **or a temporary order prohibiting an individual from obtaining a**  
99 **license to operate a motor vehicle in this State. Such preliminary**  
100 **suspension or temporary order shall be issued upon a determination**  
101 **by the director that the individual charged with the violation of**  
102 **such section, based on his driving record or on the circumstances**  
103 **of the instant case as presented to the director, or both, is an**  
104 **immediate threat to the lives or safety of others.]**\* \*is presented  
105 to the director involving an alleged violation of this title wherein  
106 the death of another occurred and for which he determines imme-  
107 diate action is warranted, he may proceed in the manner prescribed  
108 in subsection b. above.\*

109 \***[d. Any such preliminary suspension or temporary order shall**  
110 **be issued for a period not to exceed 30 days unless such matter shall**  
111 **be formally adjudicated by hearing according to law. A prelim-**  
112 **inary suspension or temporary order issued pursuant to this**  
113 **section shall not be renewed at the request of the director unless**  
114 **a formal hearing has been scheduled according to law to be held**  
115 **within the dates provided in the preliminary suspension or tem-**  
116 **porary order and such hearing is postponed or otherwise delayed**  
117 **solely at the request of the individual charged.]**\*

118    *\*d. Whenever a fatal accident occurs in this State wherein any*  
119 *operator involved in the accident is charged with any of the offenses*  
120 *enumerated in subsection b. of this section, an investigation of the*  
121 *incident, whether performed by the State Police or by local police,*  
122 *shall be completed and forwarded to the director within 72 hours*  
123 *of the time of the accident.\**

1     3. This act shall take effect immediately.

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SENATE, No. 3185

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Senators ORECHIO, FORAN, GRAVES, DORSEY  
and RODGERS

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and amending R. S. 39:4-129  
and R. S. 39:5-30.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
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1 1. R. S. 39:4-129 is amended to read as follows:

2 39:4-129. (a) The driver of any vehicle, knowingly involved in  
3 an accident resulting in injury or death to any person shall imme-  
4 diately stop the vehicle at the scene of the accident or as close  
5 thereto as possible but shall then forthwith return to and in every  
6 event shall remain at the scene until he has fulfilled the require-  
7 ments of subsection (c) of this section. Every such stop shall be  
8 made without obstructing traffic more than is necessary. Any per-  
9 son who shall violate this subsection shall be fined [in the sum of]  
10 *not less than \$100.00[,] nor more than \$1,000.00* or be imprisoned  
11 for a period of 30 days, or both, for the first offense, and for a  
12 subsequent offense shall be fined [in the sum of] *not less than*  
13 *\$500.00[, or] nor more than \$2,000.00, and* be imprisoned for a  
14 period of [6 months, or both] *not less than 3 months nor more than*  
15 *6 months.*

16 *In addition, any person convicted under this subsection shall*  
17 *forfeit his right to operate a motor vehicle over the highways of*  
18 *this State for a period of not less than 6 months from the date of*  
19 *his conviction for the first offense and for a subsequent offense shall*  
20 *thereafter forfeit his right to operate a motor vehicle over the*  
21 *highways of this State.*

22 (b) The driver of any vehicle knowingly involved in an accident  
23 resulting only in damage to a vehicle, including his own vehicle, or  
24 other property which is attended by any person shall immediately  
25 stop his vehicle at the scene of such accident or as close thereto as

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36 (c) The driver of any vehicle knowingly involved in an accident  
37 resulting in injury or death to any person or damage to any vehicle  
38 or property shall give his name and address and exhibit his opera-  
39 tor's license and registration certificate of his vehicle to the person  
40 injured or whose vehicle or property was damaged and to any police  
41 officer or witness of the accident, and to the driver or occupants of  
42 the vehicle collided with and render to a person injured in the  
43 accident reasonable assistance, including the carrying of that per-  
44 son to a hospital or a physician for medical or surgical treatment,  
45 if it is apparent that the treatment is necessary or is requested by  
46 the injured person.

47 In the event that none of the persons specified are in condition  
48 to receive the information to which they otherwise would be en-  
49 titled under this subsection, and no police officer is present, the  
50 driver of any vehicle involved in such accident after fulfilling all  
51 other requirements of subsections (a) and (b) of this section,  
52 insofar as possible on his part to be performed, shall forthwith  
53 report such accident to the nearest office of the local police depart-  
54 ment or of the county police of the county or of the State Police  
55 and submit thereto the information specified in this subsection.

56 (d) The driver of any vehicle which knowingly collides with or is  
57 knowingly involved in an accident with any vehicle or other prop-  
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63 event an unattended vehicle is struck and the driver or owner  
64 thereof cannot be immediately located, shall attach securely in a  
65 conspicuous place in or on such vehicle a written notice giving the  
66 name and address of the driver and owner of the vehicle doing the  
67 striking or, in the event other property is struck and the owner

68 thereof cannot be immediately located, shall notify the nearest  
69 office of the local police department or of the county police of the  
70 county or of the State Police and in addition shall notify the owner  
71 of the property as soon as the owner can be identified and located.  
72 Any person who violates this subsection shall be punished as pro-  
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74 (e) The driver of any motor vehicle involved in an accident  
75 resulting in injury or death to any person or damage in the amount  
76 of \$250.00 or more to any vehicle or property shall be presumed  
77 to have knowledge that he was involved in such accident, and such  
78 presumption shall be rebuttable in nature.

1 2. R. S. 39:5-30 is amended to read as follows:

2 39:5-30. a. Every registration certificate and every license  
3 certificate to drive motor vehicles may be suspended or revoked,  
4 and any person may be prohibited from obtaining a driver's license  
5 or a registration certificate, and the reciprocity privilege of any  
6 nonresident may be suspended or revoked by the **[commissioner]**  
7 *director* for a violation of any of the provisions of this Title or on  
8 any other reasonable grounds, after due notice in writing of such  
9 proposed suspension, revocation or prohibition and the ground  
10 thereof.

11 He may also summon witnesses to appear before him at his office  
12 or at any other place he designates, to give testimony in a hearing  
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14 tion certificate issued by or under his authority. The summons shall  
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16 mail or personal service. A person who fails to obey the summons  
17 shall be subject to a penalty not exceeding \$100.00, to be recovered  
18 with costs in an action at law, prosecuted by the Attorney-General,  
19 and in addition the vehicle registration or driver's license, or both,  
20 as the case may be, shall forthwith be revoked. The fee for wit-  
21 nesses required to attend before the **[commissioner]** *director* shall  
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23 travel by the nearest generally traveled route in going to and from  
24 the place where the attendance of the witness is required. These  
25 fees shall be paid when the witness is excused from further attend-  
26 ance, and the disbursements made from payment of the fees shall  
27 be audited and paid in the manner provided for expenses of the  
28 department. The actual conduct of said hearing may be delegated  
29 by the **[commissioner]** *director* to such departmental employees  
30 as he may designate, in which case the said employees shall recom-  
31 mend to the **[commissioner]** *director* in writing, whether the said  
32 licenses or certificates shall or shall not be suspended or revoked.

33     *b. Whenever a matter involving an alleged violation of R. S.*  
34 *39:4-50, R. S. 39:4-96, R. S. 39:4-98 where such vehicle is alleged*  
35 *to have been travelling in excess of 20 miles per hour over the rate*  
36 *of speed authorized by such section, or R. S. 39:4-129 of this title,*  
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44 *violation of the section or sections enumerated above.*

45     *c. Whenever any other matter involving an alleged violation of*  
46 *this title, having resulted in the death of another is presented to*  
47 *the director for which he determines immediate action is warranted,*  
48 *he may forthwith issue, upon notice, a preliminary suspension of a*  
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54 *such section, based on his driving record or on the circumstances*  
55 *of the instant case as presented to the director, or both, is an*  
56 *immediate threat to the lives or safety of others.*

57     *d. Any such preliminary suspension or temporary order shall be*  
58 *issued for a period not to exceed 30 days unless such matter shall*  
59 *be formally adjudicated by hearing according to law. A prelim-*  
60 *inary suspension or temporary order issued pursuant to this*  
61 *section shall not be renewed at the request of the director unless*  
62 *a formal hearing has been scheduled according to law to be held*  
63 *within the dates provided in the preliminary suspension or*  
64 *temporary order and such hearing is postponed or otherwise de-*  
65 *layed solely at the request of the individual charged.*

1     3. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to increase the penalties upon conviction for hit and run and to establish a procedure for temporary suspension of driving privileges, pending a hearing, by the Division of Motor Vehicles in cases where the division determines that an individual presents an immediate threat to the lives or safety of the public. Pursuant to this section, the director would be re-

quired to suspend driving privileges, pending a guaranteed hearing within 30 days, if the person has been charged with driving under the influence, reckless driving, speeding in excess of 20 miles per hour over the speed limit, or hit and run in conjunction with an incident wherein any person has sustained injuries resulting in his death.

In addition, the director is also given discretionary authority to immediately suspend anyone violating any section of this title arising out of an incident where a death occurs if the director determining that the person, based on the violation and their driving record, is an immediate threat to the lives and safety of others.

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[ASSEMBLY REPRINT]

## SENATE, No. 3185

with Assembly committee amendments adopted December 17, 1979

# STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Senators ORECHIO, FORAN, GRAVES, DORSEY  
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6 event shall remain at the scene until he has fulfilled the require-  
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8 made without obstructing traffic more than is necessary. Any per-  
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13 *\$500.00[, or] nor more than \$2,000.00, and* be imprisoned for a  
14 period of [6 months, or both] *not less than 3 months nor more than*  
15 *6 months.*

16 *In addition, any person convicted under this subsection shall*  
17 *forfeit his right to operate a motor vehicle over the highways of*  
18 *this State for a period of not less than 6 months from the date of*  
19 *his conviction for the first offense and for a subsequent offense shall*  
20 *thereafter forfeit his right to operate a motor vehicle over the*  
21 *highways of this State.*

22 (b) The driver of any vehicle knowingly involved in an accident  
23 resulting only in damage to a vehicle, including his own vehicle, or  
24 other property which is attended by any person shall immediately  
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37 resulting in injury or death to any person or damage to any vehicle  
38 or property shall give his name and address and exhibit his opera-  
39 tor's license and registration certificate of his vehicle to the person  
40 injured or whose vehicle or property was damaged and to any police  
41 officer or witness of the accident, and to the driver or occupants of  
42 the vehicle collided with and render to a person injured in the  
43 accident reasonable assistance, including the carrying of that per-  
44 son to a hospital or a physician for medical or surgical treatment,  
45 if it is apparent that the treatment is necessary or is requested by  
46 the injured person.

47 In the event that none of the persons specified are in condition  
48 to receive the information to which they otherwise would be en-  
49 titled under this subsection, and no police officer is present, the  
50 driver of any vehicle involved in such accident after fulfilling all  
51 other requirements of subsections (a) and (b) of this section,  
52 insofar as possible on his part to be performed, shall forthwith  
53 report such accident to the nearest office of the local police depart-  
54 ment or of the county police of the county or of the State Police  
55 and submit thereto the information specified in this subsection.

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57 knowingly involved in an accident with any vehicle or other prop-  
58 erty which is unattended resulting in any damage to such vehicle  
59 or other property shall immediately stop and shall then and there  
60 locate and notify the operator or owner of such vehicle or other  
61 property of the name and address of the driver and owner of the  
62 vehicle striking the unattended vehicle or other property or, in the  
63 event an unattended vehicle is struck and the driver or owner  
64 thereof cannot be immediately located, shall attach securely in a  
65 conspicuous place in or on such vehicle a written notice giving the  
66 name and address of the driver and owner of the vehicle doing the  
67 striking or, in the event other property is struck and the owner

68 thereof cannot be immediately located, shall notify the nearest  
69 office of the local police department or of the county police of the  
70 county or of the State Police and in addition shall notify the owner  
71 of the property as soon as the owner can be identified and located.  
72 Any person who violates this subsection shall be punished as pro-  
73 vided in subsection (b) of this section.

74 (e) The driver of any motor vehicle involved in an accident  
75 resulting in injury or death to any person or damage in the amount  
76 of \$250.00 or more to any vehicle or property shall be presumed  
77 to have knowledge that he was involved in such accident, and such  
78 presumption shall be rebuttable in nature.

1 2. R. S. 39:5-30 is amended to read as follows:

2 39:5-30. *a.* Every registration certificate and every license  
3 certificate to drive motor vehicles may be suspended or revoked,  
4 and any person may be prohibited from obtaining a driver's license  
5 or a registration certificate, and the reciprocity privilege of any  
6 nonresident may be suspended or revoked by the **[commissioner]**  
7 *director* for a violation of any of the provisions of this Title or on  
8 any other reasonable grounds, after due notice in writing of such  
9 proposed suspension, revocation or prohibition and the ground  
10 thereof.

11 He may also summon witnesses to appear before him at his office  
12 or at any other place he designates, to give testimony in a hearing  
13 which he holds looking toward a revocation of a license or registra-  
14 tion certificate issued by or under his authority. The summons shall  
15 be served at least 5 days before the return date, either by registered  
16 mail or personal service. A person who fails to obey the summons  
17 shall be subject to a penalty not exceeding \$100.00, to be recovered  
18 with costs in an action at law, prosecuted by the Attorney-General,  
19 and in addition the vehicle registration or driver's license, or both,  
20 as the case may be, shall forthwith be revoked. The fee for wit-  
21 nesses required to attend before the **[commissioner]** *director* shall  
22 be \$1.00 for each day's attendance and \$0.03 for every mile of  
23 travel by the nearest generally traveled route in going to and from  
24 the place where the attendance of the witness is required. These  
25 fees shall be paid when the witness is excused from further attend-  
26 ance, and the disbursements made from payment of the fees shall  
27 be audited and paid in the manner provided for expenses of the  
28 department. The actual conduct of said hearing may be delegated  
29 by the **[commissioner]** *director* to such departmental employees  
30 as he may designate, in which case the said employees shall recom-  
31 mend to the **[commissioner]** *director* in writing, whether the said  
32 licenses or certificates shall or shall not be suspended or revoked.

33 b. Whenever a matter \***[**involving an alleged violation of R. S.  
34 39:4-50, R. S. 39:4-96, R. S. 39:4-98 where such vehicle is alleged  
35 to have been travelling in excess of 20 miles per hour over the rate  
36 of speed authorized by such section, or R. S. 39:4-129 of this title,  
37 having resulted in the death of another is presented to the director,  
38 he shall forthwith issue, upon notice, a preliminary suspension of a  
39 license certificate or of a reciprocity privilege of any nonresident  
40 or a temporary order prohibiting an individual from obtaining a  
41 license to operate a motor vehicle in this State. Such preliminary  
42 suspension or temporary order shall be issued upon a determina-  
43 tion by the director that the individual has been charged with a  
44 violation of the section or sections enumerated above.]\* \*is pre-  
45 sented to the director involving an alleged violation of

46 (1) R. S. 39:4-98, where an excess of 20 miles per hour over the  
47 authorized speed limit is alleged;

48 (2) R. S. 39:4-50;

49 (3) R. S. 39:4-96; or

50 (4) R. S. 39:4-129

51 wherein the death of another occurred, the director shall issue  
52 a proposed notice of suspension or revocation of any license  
53 certificate or any nonresident reciprocity privileges held by the  
54 individual charged or issue a temporary order prohibiting the  
55 individual from obtaining any license to operate any motor vehicle  
56 in this State. A preliminary hearing shall be held on the matter  
57 within 15 days of the date that the summons was issued or the  
58 arrest was made. Adjournment of such hearing upon motion by  
59 the individual charged shall be given only for good cause shown.  
60 The administrative law judge hearing such matter shall determine  
61 at such hearing whether there is probable cause to believe that  
62 grounds exist for suspension or revocation of the individual's  
63 license certificate. If, from the evidence, the administrative law  
64 judge determines that such grounds exist, he shall immediately  
65 issue a preliminary suspension of any license certificate or any non-  
66 resident reciprocity privileges held by the individual charged or  
67 issue a temporary order prohibiting the individual from obtaining  
68 any license to operate any motor vehicle in this State. After con-  
69 cluding the proceeding the administrative law judge shall transmit  
70 his findings to the director. Whether or not a preliminary finding  
71 of probable cause was made at a preliminary hearing, a hearing  
72 shall be held on the matter within 45 days of the date that the  
73 summons was issued or arrest was made. Adjournment of such  
74 hearing upon motion by the individual charged shall be given only



75 for good cause shown. If the hearing is otherwise postponed or  
76 delayed solely at the instance of the individual charged, the admin-  
77 istrative law judge shall immediately issue a preliminary suspen-  
78 sion of any license certificate or any nonresident reciprocity  
79 privileges held by the individual charged or if any such preliminary  
80 suspension or order is in effect, he shall continue such suspension  
81 or order. Such preliminary suspension or temporary order shall  
82 be effective until the individual charged appears at a hearing on  
83 the matter.

84 In addition, the director shall require any person whose priv-  
85 ileges to operate a motor vehicle are suspended or against whom  
86 a temporary order is issued prohibiting the individual from obtain-  
87 ing a license, pursuant to this section, to be reexamined to deter-  
88 mine the ability of the person to safely operate a motor vehicle  
89 prior to regaining or obtaining any driving privileges in this State.

90 Any determination resulting from such hearing shall not be  
91 admissible at any criminal or quasi-criminal proceedings on the  
92 alleged violation or violations.\*

93 c. Whenever any other matter \***[involving an alleged violation of**  
94 **this title, having resulted in the death of another is presented to**  
95 **the director for which he determines immediate action is warranted,**  
96 **he may forthwith issue, upon notice, a preliminary suspension of a**  
97 **license certificate or of a reciprocity privilege of any nonresident**  
98 **or a temporary order prohibiting an individual from obtaining a**  
99 **license to operate a motor vehicle in this State. Such preliminary**  
100 **suspension or temporary order shall be issued upon a determination**  
101 **by the director that the individual charged with the violation of**  
102 **such section, based on his driving record or on the circumstances**  
103 **of the instant case as presented to the director, or both, is an**  
104 **immediate threat to the lives or safety of others.]**\* **\*is presented**  
105 **to the director involving an alleged violation of this title wherein**  
106 **the death of another occurred and for which he determines imme-**  
107 **diatate action is warranted, he may proceed in the manner prescribed**  
108 **in subsection b. above.\***

109 **\*[d. Any such preliminary suspension or temporary order shall**  
110 **be issued for a period not to exceed 30 days unless such matter shall**  
111 **be formally adjudicated by hearing according to law. A prelim-**  
112 **inary suspension or temporary order issued pursuant to this**  
113 **section shall not be renewed at the request of the director unless**  
114 **a formal hearing has been scheduled according to law to be held**  
115 **within the dates provided in the preliminary suspension or tem-**  
116 **porary order and such hearing is postponed or otherwise delayed**  
117 **solely at the request of the individual charged.]**\*

118 *\*d. Whenever a fatal accident occurs in this State wherein any*  
119 *operator involved in the accident is charged with any of the offenses*  
120 *enumerated in subsection b. of this section, an investigation of the*  
121 *incident, whether performed by the State Police or by local police,*  
122 *shall be completed and forwarded to the director within 72 hours*  
123 *of the time of the accident.\**

1 3. This act shall take effect immediately.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 3185**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 17, 1979

This bill would increase the penalties upon conviction for hit and run. It would also establish a procedure for temporary suspension of driving privileges following a preliminary "probable cause" hearing, in certain cases involving automobile fatalities, pending a full hearing by the Division of Motor Vehicles.

In certain specifically enumerated cases the preliminary suspension would be mandatory, including cases where the individual was charged with driving under the influence, reckless driving, speeding in excess of 20 miles per hour over the speed limit, or hit and run, arising out of the circumstances of the accident.

As originally written, the bill provided for immediate mandatory suspension upon being charged for any of the enumerated offenses.

The bill was amended by the Assembly Committee to provide that a preliminary suspension must be ordered by the administrative law judge if at a preliminary hearing to be held within 15 days, he finds probable cause to believe that grounds for suspension exist. A full hearing would be required within 45 days in such cases. Postponements of hearings could only be given for good cause shown.

In all other cases the director would have discretion to initiate a hearing to suspend where he determines immediate action is warranted.

The bill was also amended to provide that any persons suspended pursuant to this section must be retested.

Accident investigations would have to be performed quickly to facilitate the speedy hearing process, so the bill also requires 72 hour investigations in such cases.

Finally, the bill was amended to provide that determinations resulting from such convictions would not be admissible in any criminal or quasi criminal proceedings on the alleged violation. This section is intended to eliminate the possibility of collateral estoppel or double jeopardy issues being a factor during a court hearing on the charges.

ASSEMBLY COMMITTEE AMENDMENTS TO  
SENATE, No. 3185

STATE OF NEW JERSEY

ADOPTED DECEMBER 17, 1979

Amend page 4, section 2, line 33, after "matter", omit "involving an alleged violation of R. S.".

Amend page 4, section 2, lines 34 through 44, omit, insert "is presented to the director involving an alleged violation of

(1) R. S. 39:4-98, where an excess of 20 miles per hour over the authorized speed limit is alleged;

(2) R. S. 39:4-50;

(3) R. S. 39:4-96; or

(4) R. S. 39:4-129

wherein the death of another occurred, the director shall issue a proposed notice of suspension or revocation of any license certificate or any nonresident reciprocity privileges held by the individual charged or issue a temporary order prohibiting the individual from obtaining any license to operate any motor vehicle in this State. A preliminary hearing shall be held on the matter within 15 days of the date that the summons was issued or the arrest was made. Adjournment of such hearing upon motion by the individual charged shall be given only for good cause shown. The administrative law judge hearing such matter shall determine at such hearing whether there is probable cause to believe that grounds exist for suspension or revocation of the individual's license certificate. If, from the evidence, the administrative law judge determines that such grounds exist, he shall immediately issue a preliminary suspension of any license certificate or any nonresident reciprocity privileges held by the individual charged or issue a temporary order prohibiting the individual from obtaining any license to operate any motor vehicle in this State. After concluding the proceeding the administrative law judge shall transmit his findings to the director. Whether or not a preliminary finding of probable cause was made at a preliminary hearing, a hearing shall be held on the matter within 45 days of the date that the summons was issued or arrest was made. Adjournment of such hearing upon motion by the individual charged shall be given only for good cause shown. If the hearing is otherwise postponed or delayed solely at the instance of the individual charged, the administrative law judge shall immediately

issue a preliminary suspension of any license certificate or any non-resident reciprocity privileges held by the individual charged or if any such preliminary suspension or order is in effect, he shall continue such suspension or order. Such preliminary suspension or temporary order shall be effective until the individual charged appears at a hearing on the matter.

In addition, the director shall require any person whose privileges to operate a motor vehicle are suspended or against whom a temporary order is issued prohibiting the individual from obtaining a license, pursuant to this section, to be reexamined to determine the ability of the person to safely operate a motor vehicle prior to regaining or obtaining any driving privileges in this State.

Any determination resulting from such hearing shall not be admissible at any criminal or quasi-criminal proceedings on the alleged violation or violations.”.

Amend page 4, section 2, line 45, after “matter”, omit “involving an alleged violation of”.

Amend page 4, section 2, lines 46 through 56, omit, insert “is presented to the director involving an alleged violation of this title wherein the death of another occurred and for which he determines immediate action is warranted, he may proceed in the manner prescribed in subsection b. above.”.

Amend page 4, section 2, lines 57 through 65, omit.

Amend page 4, section 2, after line 65, insert new subsection d. as follows:

“d. Whenever a fatal accident occurs in this State wherein any operator involved in the accident is charged with any of the offenses enumerated in subsection b. of this section, an investigation of the incident, whether performed by the State Police or by local police, shall be completed and forwarded to the director within 72 hours of the time of the accident.”.

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SENATE LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
SENATE, No. 3185

STATE OF NEW JERSEY

DATED: APRIL 26, 1979

This bill would increase the penalties upon conviction for hit and run. It would also establish a procedure for temporary suspension of driving privileges, in cases involving automobile fatalities pending a hearing by the Division of Motor Vehicles.

In certain specifically enumerated cases the suspension would be mandatory, including cases where the individual was charged with driving under the influence, reckless driving, speeding in excess of 20 miles per hour over the speed limit or hit and run, arising out of the circumstances of the accident.

In all other cases the director would have discretion to suspend where an individual, based on the circumstances or his driving record or both is an immediate threat to the lives or safety of others.

Pursuant to the bill the director, in either case, would be required to guarantee the person within 30 days of the suspension on the question of whether the suspension should be continued.

The genesis of this measure is an awareness on the part of the committee that administrative hearings on motor vehicle cases are often postponed for up to 2 years following the original incident because of the deferences given to criminal or quasi-criminal adjudication of any charges arising out of the accident. The anomaly that arises out of this system is that the more serious an offense a person is charged with the less likely he or she is to be administratively suspended within a reasonable period of time. For instance, a person charged with death by auto will be able to continue driving for up to two years or more and few such cases result in a criminal conviction. After such a long period of time it is then difficult to justify a long period of suspension. This bill is intended to more swiftly deal with such cases.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 28, 1980

KATHRYN FORSYTH/PATRICK SWEENEY

Governor Brendan Byrne today signed the following bills:

S-3185, sponsored by Senator Carmen Orechio (D-Essex) which increases the penalties for hit-and-run accidents.

The bill increases the penalties from a fine of \$100 to not less than \$100 or not more than \$1000 and/or imprisonment for 30 days for the first offense; and from a fine of \$500 to not less than three months or more than six months for a subsequent offense.

In addition, the bill requires that the license of a first offender will be suspended for not less than six months from the date of conviction for a first offense. For a subsequent offense, the driver's license will be suspended for good.

The bill also establishes a procedure for the temporary suspension of driving privileges in certain cases involving automobile fatalities following a preliminary "probable cause" hearing pending a full hearing by the Division of Motor Vehicles.

A-1535, sponsored by Assemblyman William L. Gormley (R-Atlantic), which imposes a strict prohibition against searches and seizures of a newsman's "work product" materials, except in specific situations.

The two narrow exceptions are: when there is probable cause to believe that the person possessing the materials has committed the offense for which the specific materials are sought; or when there is reason to believe that immediate seizure is necessary to prevent death or serious bodily injury.

The bill requires that all applications to the court for warrants authorizing the search of premises occupied by the news media must be approved in advance of their submission by either the Attorney General or a County Prosecutor.

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