

# 39:4-36.2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 86

**NJSA:** 39:4-36.2 (Increases penalties for failing to yield at crosswalk by \$50)

**BILL NO:** A2605 (Substituted for S2099)

**SPONSOR(S):** Stender and others

**DATE INTRODUCED:** March 15, 2004

**COMMITTEE:** **ASSEMBLY:** Transportation  
**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** November 15, 2004

**SENATE:** March 21, 2005

**DATE OF APPROVAL:** May 4, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

### A2605

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

### S2099

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 5/24/07

P.L. 2005, CHAPTER 86, *approved May 4, 2005*  
Assembly, No. 2605 (*First Reprint*)

1 **AN ACT** concerning penalties for motorists who fail to yield to  
2 pedestrians, amending R.S.39:4-36 and supplementing chapter 4 of  
3 Title 39 of the Revised Statutes.

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

7  
8 1. (New section) There is created in the Division of Highway and  
9 Traffic Safety in the Department of Law and Public Safety a  
10 nonlapsing revolving fund to be known as the "Pedestrian Safety  
11 Enforcement and Education Fund." This fund shall be a repository for  
12 moneys provided pursuant to subsection c. of R.S.39:4-36 and shall be  
13 administered by the Division of Highway and Traffic Safety. Moneys  
14 deposited in the fund, and any interest earned thereon, shall be used  
15 for the purpose of making grants to municipalities <sup>1</sup>and counties <sup>1</sup>with  
16 pedestrian safety problems. <sup>1</sup>Priority in awarding grants shall be given  
17 to municipalities and counties requesting funds in order to take  
18 remedial steps for intersections that have been identified as  
19 demonstrating pedestrian safety problems in accordance with P.L. ,  
20 c. (C. ) (now pending before the Legislature as Senate Bill No.  
21 251(2R)).<sup>1</sup>

22  
23 2. R.S.39:4-36 is amended to read as follows:

24 39:4-36. a. The driver of a vehicle shall yield the right-of-way to  
25 a pedestrian crossing the roadway within a marked crosswalk or within  
26 any unmarked crosswalk at an intersection, except at crosswalks when  
27 the movement of traffic is being regulated by police officers or traffic  
28 control signals, or where otherwise prohibited by municipal, county,  
29 or State regulation, and except where a pedestrian tunnel or overhead  
30 pedestrian crossing has been provided, but no pedestrian shall  
31 suddenly leave a curb or other place of safety and walk or run into the  
32 path of a vehicle which is so close that it is impossible for the driver  
33 to yield. Nothing contained herein shall relieve a pedestrian from  
34 using due care for his safety.

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

38 Every pedestrian upon a roadway at any point other than within a  
39 marked crosswalk or within an unmarked crosswalk at an intersection

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ATR committee amendments adopted September 30, 2004.

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

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

4 b. A person violating this section shall, upon conviction thereof,  
5 pay a fine to be imposed by the court in the amount of \$100. The court  
6 may also impose a term of imprisonment not to exceed 15 days.

7 c. Of each fine imposed and collected pursuant to subsection b. of  
8 this section, \$50 shall be forwarded to the State Treasurer who shall  
9 annually deposit the moneys into the "Pedestrian Safety Enforcement  
10 and Education Fund" created by section 1 of P.L. , c. (C. )(now  
11 pending before the Legislature as this bill).

12 (cf: P.L.1981, c.220, s.3)

13

14 3. This act shall take effect the first day of the sixth month  
15 following enactment.

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20 \_\_\_\_\_  
21 Increases penalties for failing to yield at crosswalks by \$50; dedicates  
extra money to DL&PS pedestrian safety program.

# ASSEMBLY, No. 2605

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 15, 2004

**Sponsored by:**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Increases penalties for failing to yield at crosswalks by \$50; dedicates extra money to DL&PS pedestrian safety program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/24/2004)**

1 AN ACT concerning penalties for motorists who fail to yield to  
2 pedestrians, amending R.S.39:4-36 and supplementing chapter 4 of  
3 Title 39 of the Revised Statutes.

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

7  
8 1. (New section) There is created in the Division of Highway and  
9 Traffic Safety in the Department of Law and Public Safety a  
10 nonlapsing revolving fund to be known as the "Pedestrian Safety  
11 Enforcement and Education Fund." This fund shall be a repository for  
12 moneys provided pursuant to subsection c. of R.S.39:4-36 and shall be  
13 administered by the Division of Highway and Traffic Safety. Moneys  
14 deposited in the fund, and any interest earned thereon, shall be used  
15 for the purpose of making grants to municipalities with pedestrian  
16 safety problems.

17  
18 2. R.S.39:4-36 is amended to read as follows:

19 39:4-36. a. The driver of a vehicle shall yield the right-of-way to  
20 a pedestrian crossing the roadway within a marked crosswalk or within  
21 any unmarked crosswalk at an intersection, except at crosswalks when  
22 the movement of traffic is being regulated by police officers or traffic  
23 control signals, or where otherwise prohibited by municipal, county,  
24 or State regulation, and except where a pedestrian tunnel or overhead  
25 pedestrian crossing has been provided, but no pedestrian shall  
26 suddenly leave a curb or other place of safety and walk or run into the  
27 path of a vehicle which is so close that it is impossible for the driver  
28 to yield. Nothing contained herein shall relieve a pedestrian from  
29 using due care for his safety.

30 Whenever any vehicle is stopped to permit a pedestrian to cross the  
31 roadway, the driver of any other vehicle approaching from the rear  
32 shall not overtake and pass such stopped vehicle.

33 Every pedestrian upon a roadway at any point other than within a  
34 marked crosswalk or within an unmarked crosswalk at an intersection  
35 shall yield the right-of-way to all vehicles upon the roadway.

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

38 b. A person violating this section shall, upon conviction thereof,  
39 pay a fine to be imposed by the court in the amount of \$100. The court  
40 may also impose a term of imprisonment not to exceed 15 days.

41 c. Of each fine imposed and collected pursuant to subsection b. of  
42 this section, \$50 shall be forwarded to the State Treasurer who shall  
43 annually deposit the moneys into the "Pedestrian Safety Enforcement

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

**Matter underlined thus is new matter.**

1 and Education Fund" created by section 1 of P.L. , c. (C. )(now  
2 pending before the Legislature as this bill).  
3 (cf: P.L.1981, c.220, s.3)

4

5 3. This act shall take effect the first day of the sixth month  
6 following enactment.

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STATEMENT

10

11 Under current law (R.S.39:4-36), a motorist must yield to a  
12 pedestrian crossing the roadway at an intersection. Failure to yield  
13 may result in a fine not to exceed \$50 (R.S.39:4-203).

14 This bill increases the fine to \$100 and dedicates \$50 of the fine to  
15 a fund created by the bill called the "Pedestrian Safety Enforcement  
16 and Education Fund" to be administered by the Division of Highway  
17 and Traffic Safety within the Department of Law and Public Safety.  
18 The fund will be used to augment the existing pedestrian safety grant  
19 program administered by the Division of Highway and Traffic Safety,  
20 which awards grants for pedestrian safety education and enforcement  
21 to municipalities with statistically-demonstrated pedestrian safety  
22 problems.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2605**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 30, 2004

The Assembly Transportation Committee reports favorably and with amendments Assembly Bill No. 2605.

Under current law (R.S.39:4-36), a motorist must yield to a pedestrian crossing the roadway at an intersection. Failure to yield may result in a fine not to exceed \$50 (R.S.39:4-203).

As reported, this amended bill increases the fine to \$100 and dedicates \$50 of the fine to a fund created by the bill called the "Pedestrian Safety Enforcement and Education Fund" to be administered by the Division of Highway and Traffic Safety within the Department of Law and Public Safety. The fund will be used to augment the existing pedestrian safety grant program administered by the Division of Highway and Traffic Safety. Priority in awarding grants will be given to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems in accordance with Senate Bill No. 251 (2R) of 2004 if that bill should become law.

#### COMMITTEE AMENDMENTS

The Committee amended the bill to provide that priority be given in awarding grants to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems in accordance with Senate Bill No. 251 (2R).



# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2605**

# **STATE OF NEW JERSEY**

DATED: JANUARY 31, 2005

The Senate Transportation Committee reports favorably Assembly Bill No. 2605 (1R).

Under current law (R.S.39:4-36), a motorist must yield to a pedestrian crossing the roadway at an intersection. Failure to yield may result in a fine not to exceed \$50 (R.S.39:4-203).

As reported, this bill increases the fine to \$100 and dedicates \$50 of the fine to a fund created by the bill called the "Pedestrian Safety Enforcement and Education Fund" to be administered by the Division of Highway and Traffic Safety within the Department of Law and Public Safety. The fund will be used to augment the existing pedestrian safety grant program administered by the Division of Highway and Traffic Safety. Priority in awarding grants will be given to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems in accordance with Senate Bill No. 251 (2R) of 2004 if that bill should become law.

This bill is the same as S-2099 released by the committee on the same date.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2605

## STATE OF NEW JERSEY

## 211th LEGISLATURE

DATED: DECEMBER 13, 2004

### SUMMARY

- Synopsis:** Increases penalties for failing to yield at crosswalks by \$50; dedicates extra money to DL&PS pedestrian safety program.
- Type of Impact:** Revenue gain. Pedestrian Safety Enforcement and Education Enhancement Fund.
- Agencies Affected:** Department of Law and Public Safety; Division of Highway and Traffic Safety.

#### Office of Legislative Services Estimate

| <b>Fiscal Impact</b> | <b><u>FY 2005</u></b>            | <b><u>FY 2006</u></b> | <b><u>FY 2007</u></b> |
|----------------------|----------------------------------|-----------------------|-----------------------|
| <b>State Cost</b>    | Minimal- See Comments Below.     |                       |                       |
| <b>State Revenue</b> | An average of \$44,000 annually. |                       |                       |

- ! The Office of Legislative Services estimates a revenue increase as an impact of this bill.
- ! Requires a \$50 increase in fines for motorist failing to yield at crosswalks.
- ! Dedicates the new revenue to the Department of Law and Public Safety pedestrian safety program.

### BILL DESCRIPTION

Assembly Bill No. 2605 (1R) of 2004 would increase penalties for failing to yield at crosswalks by \$50 and dedicates the extra money to the Department of Law and Public Safety pedestrian safety program.

Under current law, a motorist must yield to a pedestrian crossing the roadway at an intersection. Failure to yield may result in a fine not to exceed \$50.

This bill increases the fine to \$100 and dedicates \$50 of the fine to a fund created by the bill called the "Pedestrian Safety Enforcement and Education Fund" to be administered by the Division of Highway and Traffic Safety within the Department of Law and Public Safety. This

fund will be used to augment the existing pedestrian safety grant program administered by the Division of Highway and Traffic Safety. Priority in awarding grants will be given to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates a revenue increase as an impact of this bill. This bill requires a \$50 increase in fines for motorist failing to yield at crosswalks and dedicates these additional funds to pedestrian safety programs across the State.

According to a spokesman with the Motor Vehicle Commission, in 2003, there were 887 successful prosecutions for violations. In 2002, there were 874. In 2001, there were 768 and in 2000, there were 944 violations. The additional funds would raise an average of \$44,000 annually for the pedestrian safety program.

There may be minimal cost to administer this fund; however, there are processes and procedures currently in place which administer federal funding for pedestrian safety programs.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 2099**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED DECEMBER 6, 2004

**Sponsored by:**  
**Senator JOSEPH CONIGLIO**  
**District 38 (Bergen)**

**SYNOPSIS**

Increases penalties for failing to yield at crosswalks by \$50; dedicates extra money to DL&PS pedestrian safety program.

**CURRENT VERSION OF TEXT**

As introduced.



S2099 CONIGLIO

2

1 AN ACT concerning penalties for motorists who fail to yield to  
2 pedestrians, amending R.S.39:4-36 and supplementing chapter 4 of  
3 Title 39 of the Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
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32 path of a vehicle which is so close that it is impossible for the driver  
33 to yield. Nothing contained herein shall relieve a pedestrian from  
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35 Whenever any vehicle is stopped to permit a pedestrian to cross the  
36 roadway, the driver of any other vehicle approaching from the rear  
37 shall not overtake and pass such stopped vehicle.

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

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

43 b. A person violating this section shall, upon conviction thereof,

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

**Matter underlined thus is new matter.**

1 pay a fine to be imposed by the court in the amount of \$100. The court  
2 may also impose a term of imprisonment not to exceed 15 days.

3 c. Of each fine imposed and collected pursuant to subsection b. of  
4 this section, \$50 shall be forwarded to the State Treasurer who shall  
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6 and Education Fund" created by section 1 of P.L. , c. (C. )(now  
7 pending before the Legislature as this bill).

8 (cf: P.L.1981, c.220, s.3)

9

10 3. This act shall take effect the first day of the sixth month  
11 following enactment.

12

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14

#### STATEMENT

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16 Under current law (R.S.39:4-36), a motorist must yield to a  
17 pedestrian crossing the roadway at an intersection. Failure to yield  
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22 and Traffic Safety within the Department of Law and Public Safety.  
23 The fund will be used to augment the existing pedestrian safety grant  
24 program administered by the Division of Highway and Traffic Safety.  
25 Priority in awarding grants will be given to municipalities and counties  
26 requesting funds in order to take remedial steps for intersections that  
27 have been identified as demonstrating pedestrian safety problems in  
28 accordance with Senate Bill No. 251 (2R) of 2004 if that bill should  
29 become law.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 2099**

# **STATE OF NEW JERSEY**

DATED: JANUARY 31, 2005

The Senate Transportation Committee reports favorably Senate Bill No. 2099.

Under current law (R.S.39:4-36), a motorist must yield to a pedestrian crossing the roadway at an intersection. Failure to yield may result in a fine not to exceed \$50 (R.S.39:4-203).

As reported, this bill increases the fine to \$100 and dedicates \$50 of the fine to a fund created by the bill called the "Pedestrian Safety Enforcement and Education Fund" to be administered by the Division of Highway and Traffic Safety within the Department of Law and Public Safety. The fund will be used to augment the existing pedestrian safety grant program administered by the Division of Highway and Traffic Safety. Priority in awarding grants will be given to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems in accordance with Senate Bill No. 251 (2R) of 2004 if that bill should become law.

This bill is the same as A-2605(1R) released by the committee on the same date.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2099**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: JANUARY 7, 2005

**SUMMARY**

**Synopsis:** Increases penalties for failing to yield at crosswalks by \$50; dedicates extra money to DLPS pedestrian safety program.

**Type of Impact:** Revenue gain. Pedestrian Safety Enforcement and Education Enhancement Fund.

**Agencies Affected:** Department of Law and Public Safety; Division of Highway and Traffic Safety.

**Office of Legislative Services Estimate**

| <b>Fiscal Impact</b> | <b><u>FY 2005</u></b>            | <b><u>FY 2006</u></b> | <b><u>FY 2007</u></b> |
|----------------------|----------------------------------|-----------------------|-----------------------|
| <b>State Cost</b>    | Minimal- See Comments Below.     |                       |                       |
| <b>State Revenue</b> | An average of \$44,000 annually. |                       |                       |

- ! The Office of Legislative Services estimates a revenue increase as an impact of this bill.
- ! Requires a \$50 increase in fines for motorist failing to yield at crosswalks.
- ! Dedicates the new revenue to the Department of Law and Public Safety pedestrian safety program.

**BILL DESCRIPTION**

Senate Bill No. 2099 of 2004 would increase penalties for failing to yield at crosswalks by \$50 and dedicates the extra money to the Department of Law and Public Safety pedestrian safety program.

Under current law, a motorist must yield to a pedestrian crossing the roadway at an intersection. Failure to yield may result in a fine not to exceed \$50.

This bill increases the fine to \$100 and dedicates \$50 of the fine to a fund created by the bill called the "Pedestrian Safety Enforcement and Education Fund" to be administered by the Division of Highway and Traffic Safety within the Department of Law and Public Safety. This fund will be used to augment the existing pedestrian safety grant program administered by the Division of Highway and Traffic Safety. Priority in awarding grants will be given to municipalities and counties requesting funds in order to take remedial steps for intersections that have been identified as demonstrating pedestrian safety problems.



## FISCAL ANALYSIS

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates a revenue increase as an impact of this bill. This bill requires a \$50 increase in fines for motorist failing to yield at crosswalks and dedicates these additional funds to pedestrian safety programs across the State.

According to a spokesman with the Motor Vehicle Commission, in 2003, there were 887 successful prosecutions for violations. In 2002, there were 874. In 2001, there were 768 and in 2000, there were 944 violations. The additional funds would raise an average of \$44,000 annually for the pedestrian safety program.

There may be minimal cost to administer this fund; however, there are processes and procedures currently in place which administer federal funding for pedestrian safety programs.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.