39:4-36

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 312

NJSA: 39:4-36 (Increases penalties for failing to yield to pedestrian when pedestrian is seriously injured)

BILL NO: S2479 (Substituted for A1728)

SPONSOR(S) Kean and others

DATE INTRODUCED: January 13, 2009

COMMITTEE: ASSEMBLY: Transportation, Public Works and Independent Authorities

SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: January 11, 2010

SENATE: December 10, 2009

DATE OF APPROVAL: January 18, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S2479

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)

Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes 4-29-09

1-15-10

A1728

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)

Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes 12-5-08

1-15-10

(continued)

	VETO MESSAGE:	No		
	GOVERNOR'S PRESS RELEASE ON SIGNING:	No		
FOLLO	OLLOWING WERE PRINTED: To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or mailto:refdesk@njstatelib.org			
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	NEWSPAPER ARTICLES:	No		

LAW/RWH

[First Reprint]

SENATE, No. 2479

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

Assemblywoman NANCY F. MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblywoman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Co-Sponsored by:

Senator Van Drew and Assemblyman Conners

SYNOPSIS

Increases penalties for failing to yield to pedestrian when pedestrian is seriously injured.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on May 7, 2009, with amendments.

(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning pedestrian safety and amending R.S.39:4-36.

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

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

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

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.

- b. A person violating this section shall, upon conviction thereof, pay a fine to be imposed by the court in the amount of \$100. The court may also impose a term of imprisonment not to exceed 15 days. If the violation results in serious bodily injury to a pedestrian, the person convicted of the violation ¹ [may be sentenced shall be subject to a fine of not less than \$100 or more than \$500, and may additionally be subject to a sentence of imprisonment not to exceed 25 days, ¹or a¹ license suspension not to exceed six months, or ¹[any combination thereof] both, in the discretion of the court¹. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of
- N.J.S.2C:11-1. 39 c. Of each fine imposed and collected pursuant to subsection b. 40 of this section, \$50 shall be forwarded to the State Treasurer who 41 shall annually deposit the moneys into the "Pedestrian Safety

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

S2479 [1R] T. KEAN, SARLO 3

- Enforcement and Education Fund" created by section 1 of P.L.2005, 1
- 2 c.84 (C.39:4-36.2)
- (cf: P.L.2005, c.86, s.2)

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5 2. This act shall take effect immediately.

SENATE, No. 2479

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by: Senator THOMAS H. KEAN, JR. District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Increases penalties for failing to yield to pedestrian when pedestrian is seriously injured.

CURRENT VERSION OF TEXT

As introduced.



AN ACT concerning pedestrian safety and amending R.S.39:4-36.

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

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

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

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.

- b. A person violating this section shall, upon conviction thereof, pay a fine to be imposed by the court in the amount of \$100. The court may also impose a term of imprisonment not to exceed 15 days. If the violation results in serious bodily injury to a pedestrian, the person convicted of the violation may be sentenced to a fine of not less than \$100 or more than \$500, imprisonment not to exceed 25 days, license suspension not to exceed six months, or any combination thereof. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.
- c. Of each fine imposed and collected pursuant to subsection b. of this section, \$50 shall be forwarded to the State Treasurer who shall annually deposit the moneys into the "Pedestrian Safety Enforcement and Education Fund" created by section 1 of P.L.2005, c.84 (C.39:4-36.2)

2. This act shall take effect immediately.

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

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

S2479 T. KEAN

STATEMENT

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3 This bill would increase the penalty for a driver who fails to 4 yield to a pedestrian in a crosswalk if the violation results in serious 5 bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 6 7 days, or both. This bill would increase the penalties to a fine of up 8 to \$500, imprisonment for up to 25 days, license suspension for up 9 to six months or any combination thereof in the event a pedestrian 10 sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness or any 11 12 impairment of physical condition which creates a substantial risk of 13 death or which causes serious, permanent disfigurement, or 14 protracted loss or impairment of the function of any bodily member or organ.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2479

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 2009

The Senate Transportation Committee reports favorably Senate Bill No. 2479 with committee amendments.

This amended bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the fine from \$100 to up to \$500, and permit the court in its discretion to impose a sentence of imprisonment not to exceed 25 days, or a license suspension not to exceed six months, or both, in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The committee amended the bill to make the imposition of a fine of not less than \$100 or more than \$500 mandatory rather than discretionary in "serious bodily injury" cases.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[First Reprint] **SENATE, No. 2479**

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Senate Bill No. 2479(1R).

As reported, this bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the fine from \$100 to up to \$500; and permit the court in its discretion to impose a sentence of imprisonment not to exceed 25 days, or a license suspension not to exceed six months, or both, in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness, or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

As reported, Senate Bill No. 2479(1R) is identical to Assembly Bill No. 1728, as amended, which was also released by the committee on this date.

FISCAL NOTE SENATE, No. 2479 STATE OF NEW JERSEY 213th LEGISLATURE

DATED: APRIL 29, 2009

SUMMARY

Synopsis: Increases penalties for failing to yield to pedestrian when pedestrian is

seriously injured.

Type of Impact: Minimal General Fund expenditure.

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3	
State Cost	Minimal - See comments below			
State Revenue	e Minimal - See comments below			

- The Office of Legislative Services **concurs** with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill.
- The bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian.
- The Administrative Office of the Courts states that the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

BILL DESCRIPTION

Senate Bill No. 2479 of 2009 would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the penalties to a fine of up to \$500, imprisonment for up to 25 days, license suspension for up to six months or any combination thereof in the event a pedestrian sustains serious bodily injury as a result of the violation.



FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts states that a review of statistical data within its Municipal case tracking system, ATS/ACS, shows that there are very few convictions for violation of the current offense of failing to yield to a pedestrian, of which this new penalty would constitute a subset since it would only occur if the victim suffers "serious bodily injury." More specifically, there were 34 convictions in 2005, 25 in 2006, 28 in 2007 and 15 in 2008 for failure to yield to a pedestrian generally. As such, the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill.

Section: Judiciary

Analyst: Anne Raughley

Principal Fiscal Analyst

Approved: David J. Rosen

Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

FISCAL NOTE

[First Reprint]

SENATE, No. 2479 STATE OF NEW JERSEY 213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

Synopsis: Increases penalties for failing to yield to pedestrian when pedestrian is

seriously injured.

Type of Impact: Minimal General Fund expenditure.

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost		Minimal - See comments belo	W
State Revenue		Minimal - See comments belo	W
Local Cost		Minimal - See comments belo	W

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill. The OLS also notes that if an individual is incarcerated for up to 25 days, the cost of incarceration would be borne by the county jails.
- The bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian.
- The Administrative Office of the Courts states that the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

BILL DESCRIPTION

Senate Bill No. 2479 (1R) of 2008 would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the fine from \$100 to up to \$500; and permit the court in its discretion to impose a sentence of imprisonment not to exceed 25 days, or a license



suspension not to exceed six months, or both, in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness, or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts states that a review of statistical data within its municipal case tracking system, ATS/ACS, shows that there are very few convictions for violation of the current offense of failing to yield to a pedestrian, of which this new penalty would constitute a subset since it would only occur if the victim suffers "serious bodily injury." More specifically, there were 34 convictions in 2005, 25 in 2006, 28 in 2007 and 15 in 2008 for failure to yield to a pedestrian generally. As such, the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill. The OLS also notes that if an individual is incarcerated for up to 25 days, the cost of incarceration would be borne by the county jails.

Section: Judiciary

Analyst: Anne Raughley

Principal Fiscal Analyst

Approved: David J. Rosen

Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

ASSEMBLY, No. 1728

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ
District 21 (Essex, Morris, Somerset and Union)
Assemblyman ERIC MUNOZ
District 21 (Essex, Morris, Somerset and Union)
Assemblyman VINCENT PRIETO
District 32 (Bergen and Hudson)
Assemblywoman CONNIE WAGNER
District 38 (Bergen)

SYNOPSIS

Increases penalties for failing to yield to pedestrian when pedestrian is seriously injured.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/5/2010)

1 AN ACT concerning pedestrian safety and amending R.S.39:4-36.

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

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

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

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

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.

- b. A person violating this section shall, upon conviction thereof, pay a fine to be imposed by the court in the amount of \$100. The court may also impose a term of imprisonment not to exceed 15 days. If the violation results in serious bodily injury to a pedestrian, the person convicted of the violation may be sentenced to a fine of not less than \$100 or more than \$500, imprisonment not to exceed 25 days, license suspension not to exceed six months, or any combination thereof. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.
- c. Of each fine imposed and collected pursuant to subsection b. 38 of this section, \$50 shall be forwarded to the State Treasurer who 39 shall annually deposit the moneys into the "Pedestrian Safety 40 Enforcement and Education Fund" created by section 1 of P.L.2005, c.84 (C.39:4-36.2)
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- 42 (cf: P.L.2005, c.86, s.2)

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2. This act shall take effect immediately.

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

A1728 N. MUNOZ, E. MUNOZ

STATEMENT

This bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the penalties to a fine of up to \$500, imprisonment for up to 25 days, license suspension for up to six months or any combination thereof in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1728

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 1728.

As reported, this amended bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the fine from \$100 to up to \$500; and permit the court in its discretion to impose a sentence of imprisonment not to exceed 25 days, or a license suspension not to exceed six months, or both, in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness, or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

As reported, Assembly Bill No. 1728 as amended is identical to Senate Bill No. 2479(1R), which was also released by the committee on this date.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to make the imposition of a fine of not less than \$100 or more than \$500 mandatory rather than discretionary in "serious bodily injury" cases.

FISCAL NOTE ASSEMBLY, No. 1728 STATE OF NEW JERSEY 213th LEGISLATURE

DATED: DECEMBER 5, 2008

SUMMARY

Synopsis: Increases penalties for failing to yield to pedestrian when pedestrian is

seriously injured.

Type of Impact: Minimal General Fund expenditure.

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3	
State Cost	Minimal - See comments below			
State Revenue	e Minimal - See comments below			

- The Office of Legislative Services **concurs** with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill.
- The bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian.
- The Administrative Office of the Courts states that the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

BILL DESCRIPTION

Assembly Bill No. 1728 of 2008 would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the penalties to a fine of up to \$500, imprisonment for up to 25 days, license suspension for up to six months or any combination thereof in the event a pedestrian sustains serious bodily injury as a result of the violation.



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FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts states that a review of statistical data within its Municipal case tracking system, ATS/ACS, shows that there are very few convictions for violation of the current offense of failing to yield to a pedestrian, of which this new penalty would constitute a subset since it would only occur if the victim suffers "serious bodily injury." More specifically, there were 34 in 2005, 25 in 2006, and 28 in 2007 for failure to yield to a pedestrian generally. As such, the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill.

Section: Judiciary

Analyst: Anne Raughley

Principal Fiscal Analyst

Approved: David J. Rosen

Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

FISCAL NOTE

[First Reprint]

ASSEMBLY, No. 1728 STATE OF NEW JERSEY 213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

Synopsis: Increases penalties for failing to yield to pedestrian when pedestrian is

seriously injured.

Type of Impact: Minimal General Fund expenditure.

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost		Minimal - See comments below	v
State Revenue		Minimal - See comments below	v
Local Cost		Minimal - See comments below	V

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill. The OLS also notes that if an individual is incarcerated for up to 25 days, the cost of incarceration would be borne by the county jails.
- The bill would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian.
- The Administrative Office of the Courts states that the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

BILL DESCRIPTION

Assembly Bill No. 1728 (1R) of 2008 would increase the penalty for a driver who fails to yield to a pedestrian in a crosswalk if the violation results in serious bodily injury to the pedestrian. Currently, the penalties for failing to yield at a crosswalk are a fine of \$100, imprisonment for up to 15 days, or both. This bill would increase the fine from \$100 to up to \$500; and permit the court in its discretion to impose a sentence of imprisonment not to exceed



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25 days, or a license suspension not to exceed six months, or both, in the event a pedestrian sustains serious bodily injury as a result of the violation. As used in the bill, "serious bodily injury" means physical pain, illness, or any impairment of physical condition which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts states that a review of statistical data within its municipal case tracking system, ATS/ACS, shows that there are very few convictions for violation of the current offense of failing to yield to a pedestrian, of which this new penalty would constitute a subset since it would only occur if the victim suffers "serious bodily injury." More specifically, there were 34 convictions in 2005, 25 in 2006, 28 in 2007 and 15 in 2008 for failure to yield to a pedestrian generally. As such, the enactment of this bill would have no significant cost or revenue impact on the Judiciary.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds because of the increased fine, there would be an unknown, but minimal amount of revenue generated as a result of the enactment of this bill. The OLS also notes that if an individual is incarcerated for up to 25 days, the cost of incarceration would be borne by the county jails.

Section: Judiciary

Analyst: Anne Raughley

Principal Fiscal Analyst

Approved: David J. Rosen

Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).