

39:4-129

LEGISLATIVE HISTORY CHECKLIST
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(Motor vehicle accident--
leaving scene)

NJSA: 39:4-129

LAWS OF: 1994 CHAPTER: 183

BILL NO: S313

SPONSOR(S): Girgenti

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: November 14, 1994

SENATE: March 31, 1994

DATE OF APPROVAL: December 23, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: ~~No~~ YES

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

1 AN ACT increasing the penalties for leaving the scene of a motor
2 vehicle accident, amending R.S.39:4-129 and R.S.39:4-130.

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

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

7 39:4-129. (a) The driver of any vehicle, knowingly involved in
8 an accident resulting in injury or death to any person shall
9 immediately stop the vehicle at the scene of the accident or as
10 close thereto as possible but shall then forthwith return to and in
11 every event shall remain at the scene until he has fulfilled the
12 requirements of subsection (c) of this section. Every such stop
13 shall be made without obstructing traffic more than is necessary.
14 Any person who shall violate this subsection shall be fined not
15 less than [~~\$100.00~~] \$500 nor more than [~~\$1,000.00~~ or] \$1,000 or be
16 imprisoned for a period of [~~30 days~~] 180 days, or both, for the
17 first offense, and for a subsequent offense shall be fined not less
18 than [~~\$500.00~~] \$1,000 nor more than [~~\$2,000.00~~] \$2,000, [and] or
19 be imprisoned for a period of [not less than 3 months nor more
20 than 6 months] 180 days, or both. The term of imprisonment
21 required by this subsection shall be imposed only if the accident
22 resulted in death or injury to a person other than the driver
23 convicted of violating this section.

24 In addition, any person convicted under this subsection shall
25 forfeit his right to operate a motor vehicle over the highways of
26 this State for a period of [not less than 6 months] one year from
27 the date of his conviction for the first offense and for a
28 subsequent offense shall thereafter permanently forfeit his right
29 to operate a motor vehicle over the highways of this State.

30 (b) The driver of any vehicle knowingly involved in an accident
31 resulting only in damage to a vehicle, including his own vehicle,
32 or other property which is attended by any person shall
33 immediately stop his vehicle at the scene of such accident or as
34 close thereto as possible, but shall then forthwith return to and in
35 every event shall remain at the scene of such accident until he
36 has fulfilled the requirements of subsection (c) of this section.
37 Every such stop shall be made without obstructing traffic more
38 than is necessary. Any person who shall violate this subsection
39 shall be fined not less than [~~\$25.00~~] \$200 nor more than [~~\$100.00~~]
40 \$400, or be imprisoned for a period of not more than 30 days, or
41 both, for the first offense, and for a subsequent offense, shall be
42 fined not less than [~~\$100.00~~] \$400 nor more than [~~\$200.00~~] \$600,
43 or be imprisoned for a period of not less than 30 days nor more

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

Matter underlined thus is new matter.

1 than 90 days or both.

2 In addition, a person who violates this subsection shall, for a
3 first offense, forfeit the right to operate a motor vehicle in this
4 State for a period of six months from the date of conviction, and
5 for a period of one year from the date of conviction for any
6 subsequent offense.

7 (c) The driver of any vehicle knowingly involved in an accident
8 resulting in injury or death to any person or damage to any
9 vehicle or property shall give his name and address and exhibit his
10 operator's license and registration certificate of his vehicle to
11 the person injured or whose vehicle or property was damaged and
12 to any police officer or witness of the accident, and to the driver
13 or occupants of the vehicle collided with and render to a person
14 injured in the accident reasonable assistance, including the
15 carrying of that person to a hospital or a physician for medical or
16 surgical treatment, if it is apparent that the treatment is
17 necessary or is requested by the injured person.

18 In the event that none of the persons specified are in condition
19 to receive the information to which they otherwise would be
20 entitled under this subsection, and no police officer is present,
21 the driver of any vehicle involved in such accident after fulfilling
22 all other requirements of subsections (a) and (b) of this section,
23 insofar as possible on his part to be performed, shall forthwith
24 report such accident to the nearest office of the local police
25 department or of the county police of the county or of the State
26 Police and submit thereto the information specified in this
27 subsection.

28 (d) The driver of any vehicle which knowingly collides with or
29 is knowingly involved in an accident with any vehicle or other
30 property which is unattended resulting in any damage to such
31 vehicle or other property shall immediately stop and shall then
32 and there locate and notify the operator or owner of such vehicle
33 or other property of the name and address of the driver and
34 owner of the vehicle striking the unattended vehicle or other
35 property or, in the event an unattended vehicle is struck and the
36 driver or owner thereof cannot be immediately located, shall
37 attach securely in a conspicuous place in or on such vehicle a
38 written notice giving the name and address of the driver and
39 owner of the vehicle doing the striking or, in the event other
40 property is struck and the owner thereof cannot be immediately
41 located, shall notify the nearest office of the local police
42 department or of the county police of the county or of the State
43 Police and in addition shall notify the owner of the property as
44 soon as the owner can be identified and located. Any person who
45 violates this subsection shall be punished as provided in
46 subsection (b) of this section.

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

52 For purposes of this section, it shall not be a defense that the
53 operator of the motor vehicle was unaware of the existence or
54 extent of personal injury or property damage caused by the

1 accident as long as the operator was aware that he was involved
2 in an accident.

3 (cf: P.L.1979, c.463, s.1)

4 2. R.S.39:4-130 is amended to read as follows:

5 39:4-130. The driver of a vehicle or street car involved in an
6 accident resulting in injury to or death of any person, or damage
7 to property of any one person in excess of \$500.00 shall by the
8 quickest means of communication give notice of such accident to
9 the local police department or to the nearest office of the county
10 police of the county or of the State Police, and in addition shall
11 within 10 days after such accident forward a written report of
12 such accident to the division on forms furnished by it. Such
13 written reports shall contain sufficiently detailed information
14 with reference to a motor vehicle accident, including the cause,
15 the conditions then existing, the persons and vehicles involved
16 and such information as may be necessary to enable the director
17 to determine whether the requirements for the deposit of
18 security required by law are inapplicable by reason of the
19 existence of insurance or other circumstances. The director may
20 rely upon the accuracy of the information contained in any such
21 report, unless he has reason to believe that the report
22 iserroneous. The division may require operators involved in
23 accidents to file supplemental reports of accidents upon forms
24 furnished by it when in the opinion of the division, the original
25 report is insufficient. The reports shall be without prejudice,
26 shall be for the information of the division, and shall not be open
27 to public inspection. The fact that the reports have been so made
28 shall be admissible in evidence solely to prove a compliance with
29 this section, but no report or any part thereof or statement
30 contained therein shall be admissible in evidence for any other
31 purpose in any proceeding or action arising out of the accident.

32 Whenever the driver of a vehicle is physically incapable of
33 giving immediate notice or making a written report of an
34 accident as required in this section and there was another
35 occupant in the vehicle at the time of the accident capable of
36 giving notice or making a report, such occupant shall make or
37 cause to be made said notice or report not made by the driver.

38 Whenever the driver is physically incapable of making a written
39 report of an accident as required by this section and such driver
40 is not the owner of the vehicle, then the owner of the vehicle
41 involved in such accident shall make such report not made by the
42 driver.

43 A written report of an accident shall not be required by this
44 section if a law enforcement officer submits a written report of
45 the accident to the division pursuant to R.S.39:4-131.

46 Any person who knowingly violates this section shall be
47 [punished as provided in subsection (b) of section 39:4-129 of the
48 Revised Statutes] fined not less than \$30 or more than \$100.

49 The director may revoke or suspend the operator's license
50 privilege and registration privilege of a person who violates this
51 section.

52 For purposes of this section, it shall not be a defense that the
53 operator of the motor vehicle was unaware of the existence or
54 extent of personal injury or property damage caused by the

1 accident as long as the operator was aware that he was involved
2 in an accident.
3 (cf: P.L.1983, c.193, s.1)
4 3. This act shall take effect immediately.
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9 increases penalties for leaving the scene of motor vehicle
10 accident.

1 accident as long as the operator was aware that he was involved
2 in an accident.

3 (cf: P.L.1983, c.193, s.1)

4 3. This act shall take effect immediately.

5
6 SPONSORS STATEMENT

7
8 This bill changes current law in order to increase the penalties
9 for leaving the scene of a motor vehicle accident which results in
10 death, personal injury or property damage. The penalties are as
11 follows:

12 Subsection (a) of R.S.39:4-129 is amended to provide that the
13 penalty for leaving the scene of an accident which resulted in
14 death or personal injury would be, for the first offense, a fine of
15 \$500 to \$1,000 or imprisonment for 180 days, or both. (Currently
16 the fine ranges from \$100.00 to \$1000.00 and the term of
17 imprisonment is 30 days.) In addition, the driver's license of the
18 person would be suspended for one year. Currently the suspension
19 is for not less than 6 months. For a subsequent offense, the
20 penalty would be a fine of \$1,000 to \$2,000 or imprisonment for
21 180 days, or both. (Currently the fine ranges from \$500.00 to
22 \$2000.00 and the term of imprisonment ranges from 3 months to
23 6 months.) In addition, the driver's license of the person would
24 be suspended permanently.

25 The bill provides that the term of imprisonment shall be
26 imposed only if a person other than the driver was killed or
27 injured.

28 Subsection (b) of R.S.39:4-129 is amended to provide that the
29 penalty for leaving the scene of an accident which resulted in
30 property damage would be, for the first offense, a fine of \$200 to
31 \$400, imprisonment for up to 30 days or both, and a driver's
32 license suspension for six months. (Currently the fine ranges
33 from \$25.00 to \$100.00 and the term of imprisonment is the
34 same.) For a subsequent offense, the fine would be \$400 to \$600,
35 imprisonment for 30 to 90 days or both, and a driver's license
36 suspension for one year. (Currently the fine ranges from \$100.00
37 to \$200.00 and the term of imprisonment is the same.) The
38 license suspension provisions are added by the bill.

39 The bill also provides that actual knowledge of the existence or
40 extent of the personal injury or property damage caused by an
41 accident in which an operator of a motor vehicle is knowingly
42 involved shall not be a defense. The purpose of this provision is
43 to encourage motorists to remain at the scene of an accident
44 regardless of how serious they perceive the accident to be, as
45 well as to facilitate the providing of information and assistance
46 to the accident victims and the police.

47 The bill also amends R.S.39:4-130 concerning reporting of an
48 accident to provide that a violation of that section shall result in
49 a fine of not less than \$30.00 nor more than \$100.00.

50
51
52
53 _____
54 Increases penalties for leaving the scene of motor vehicle
accident.

ASSEMBLY JUDICIARY LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 313

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 313.

This bill increases the penalties for leaving the scene of a motor vehicle accident which results in death, personal injury or property damage. The penalties are as follows:

Subsection (a) of R.S.39:4-129 is amended to provide that the penalty for leaving the scene of an accident which resulted in death or personal injury would be, for the first offense, a fine of \$500 to \$1,000 or imprisonment for 180 days, or both. Currently, the fine ranges from \$100 to \$1000 and the term of imprisonment is 30 days. In addition, the driver's license of the person would be suspended for one year. Currently, the suspension is for not less than six months. For a subsequent offense, the penalty would be a fine of \$1,000 to \$2,000 or imprisonment for 180 days, or both. Currently, the fine ranges from \$500 to \$2000 and the term of imprisonment ranges from three months to six months. In addition, the driver's license of the person would be suspended permanently. The bill provides that the terms of imprisonment shall be imposed only if a person other than the driver was killed or injured.

Subsection (b) of R.S.39:4-129 is amended to provide that the penalty for leaving the scene of an accident which resulted in property damage would be, for the first offense, a fine of \$200 to \$400, imprisonment for up to 30 days or both, and a driver's license suspension for six months. Currently, the fine ranges from \$25 to \$100 and the term of imprisonment is the same. For a subsequent offense, the fine would be \$400 to \$600, imprisonment for 30 to 90 days or both, and a driver's license suspension for one year. Currently, the fine ranges from \$100 to \$200 and the term of imprisonment is the same. The license suspension provisions are added by the bill.

The bill also provides that actual knowledge of the existence or extent of the personal injury or property damage caused by an accident in which an operator of a motor vehicle is knowingly involved would not be a defense. The purpose of this provision is to encourage motorists to remain at the scene of an accident regardless of how serious they perceive the accident to be, as well as to facilitate the providing of information and assistance to the accident victims and the police.

The bill also amends R.S.39:4-130 concerning the reporting of an accident to provide that a violation of that section would result in a fine of not less than \$30 or more than \$100.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 313

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 313.

This bill increases the penalties for leaving the scene of a motor vehicle accident which results in death, personal injury or property damage. The penalties are as follows:

Subsection (a) of R.S.39:4-129 is amended to provide that the penalty for leaving the scene of an accident which resulted in death or personal injury would be, for the first offense, a fine of \$500 to \$1,000 or imprisonment for 180 days, or both. Currently, the fine ranges from \$100 to \$1000 and the term of imprisonment is 30 days. In addition, the driver's license of the person would be suspended for one year. Currently, the suspension is for not less than six months. For a subsequent offense, the penalty would be a fine of \$1,000 to \$2,000 or imprisonment for 180 days, or both. Currently, the fine ranges from \$500 to \$2000 and the term of imprisonment ranges from three months to six months. In addition, the driver's license of the person would be suspended permanently.

The bill provides that the term of imprisonment shall be imposed only if a person other than the driver was killed or injured.

Subsection (b) of R.S.39:4-129 is amended to provide that the penalty for leaving the scene of an accident which resulted in property damage would be, for the first offense, a fine of \$200 to \$400, imprisonment for up to 30 days or both, and a driver's license suspension for six months. Currently, the fine ranges from \$25 to \$100 and the term of imprisonment is the same. For a subsequent offense, the fine would be \$400 to \$600, imprisonment for 30 to 90 days or both, and a driver's license suspension for one year. Currently, the fine ranges from \$100 to \$200 and the term of imprisonment is the same. The license suspension provisions are added by the bill.

The bill also provides that actual knowledge of the existence or extent of the personal injury or property damage caused by an accident in which an operator of a motor vehicle is knowingly involved would not be a defense. The purpose of this provision is to encourage motorists to remain at the scene of an accident regardless of how serious they perceive the accident to be, as well as to facilitate the providing of information and assistance to the accident victims and the police.

The bill also amends R.S.39:4-130 concerning the reporting of an accident to provide that a violation of that section would result in a fine of not less than \$30 or more than \$100.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.