

39:4-129

LEGISLATIVE HISTORY CHECKLIST

(Drivers-Leaving scene of accident-- Restores requirement of knowledge-- establishes rebuttable presumptions)

WJSA 39:4-129

LAWS OF 1978

CHAPTER 180

Bill No. S592

Sponsor(s) Hamilton

Date Introduced Jan. 19, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage xxx Yes No

Date of Passage: Assembly Nov. 13, 1978

Senate April 20, 1978.

Date of approval Jan. 3, 1979

Following statements are attached if available:

Sponsor statement	Yes	<del>xxx</del> No
Committee Statement: Assembly	<del>xxxx</del> Yes	No
Senate	<del>xxxx</del> Yes	No
Fiscal Note	<del>xxxx</del> Yes	No
Veto Message	<del>xxxx</del> Yes	No
Message on signing	Yes	<del>xxx</del> No

Following were printed:

Reports	<del>xxxx</del> Yes	No
Hearings	<del>xxxx</del> Yes	No

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CHAPTER 180 LAWS OF N. J. 1978  
APPROVED 1-3-79

SENATE, No. 592

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1978

By Senator HAMILTON

Referred to Committee on Labor, Industry and Professions

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

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

1 I. 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 \$100.00, or be imprisoned for a period of 30 days, or both, for the  
11 first offense, and for a subsequent offense shall be fined in the sum  
12 of \$500.00, or be imprisoned for a period of 6 months, or both.

13 (b) The driver of any vehicle *knowingly* involved in an accident  
14 resulting only in damage to a vehicle, including his own vehicle, or  
15 other property which is attended by any person shall immediately  
16 stop his vehicle at the scene of such accident or as close thereto as  
17 possible, but shall then forthwith return to and in every event shall  
18 remain at the scene of such accident until he has fulfilled the re-  
19 quirements of subsection (c) of this section. Every such stop shall  
20 be made without obstructing traffic more than is necessary. Any  
21 person who shall violate this subsection shall be fined not less  
22 than \$25.00 nor more than \$100.00, or be imprisoned for a period  
23 of not more than 30 days, or both, for the first offense, and for a  
24 subsequent offense, shall be fined not less than \$100.00 nor more  
25 than \$200.00, or be imprisoned for a period of not less than 30 days  
26 nor more than 90 days, or both.

27 (c) The driver of any vehicle *knowingly* involved in an accident  
28 resulting in injury or death to any person or damage to any vehicle

29 or property shall give his name and address and exhibit his opera-  
30 tor's license and registration certificate of his vehicle to the person  
31 injured or whose vehicle or property was damaged and to any police  
32 officer or witness of the accident, and to the driver or occupants of  
33 the vehicle collided with and render to a person injured in the  
34 accident reasonable assistance, including the carrying of that per-  
35 son to a hospital or a physician for medical or surgical treatment,  
36 if it is apparent that the treatment is necessary or is requested by  
37 the injured person.

38 In the event that none of the persons specified are in condition  
39 to receive the information to which they otherwise would be en-  
40 titled under this subsection, and no police officer is present, the  
41 driver of any vehicle involved in such accident after fulfilling all  
42 other requirements of subsections (a) and (b) of this section,  
43 insofar as possible on his part to be performed, shall forthwith  
44 report such accident to the nearest office of the local police depart-  
45 ment or of the county police of the county or of the State Police  
46 and submit thereto the information specified in this subsection.

47 (d) The driver of any vehicle which *knowingly* collides with or is  
48 *knowingly* involved in an accident with any vehicle or other prop-  
49 erty which is unattended resulting in any damage to such vehicle  
50 or other property shall immediately stop and shall then and there  
51 locate and notify the operator or owner of such vehicle or other  
52 property of the name and address of the driver and owner of the  
53 vehicle striking the unattended vehicle or other property or, in the  
54 event an unattended vehicle is struck and the driver or owner  
55 thereof cannot be immediately located, shall attach securely in a  
56 conspicuous place in or on such vehicle a written notice giving the  
57 name and address of the driver and owner of the vehicle doing the  
58 striking or, in the event other property is struck and the owner  
59 thereof cannot be immediately located, shall notify the nearest  
60 office of the local police department or of the county police of the  
61 county or of the State Police and in addition shall notify the owner  
62 of the property as soon as the owner can be identified and located.  
63 Any person who violates this subsection shall be punished as pro-  
64 vided in subsection (b) of this section.

65 (e) *The driver of any motor vehicle involved in an accident*  
66 *resulting in injury or death to any person or damage in the amount*  
67 *of \$250.00 or more to any vehicle or property shall be presumed*  
68 *to have knowledge that he was involved in such accident, and such*  
69 *presumption shall be rebuttable in nature.*

1 2. This act shall take effect immediately.

## STATEMENT

N. J. S. 39:4-129 punishes a driver who leaves the scene of an accident without complying with certain statutory requirements. Although knowledge of a fact which requires the performance of a legal duty is an essential part of Due Process of Law, several years ago the word "knowingly" was deleted from this statute for unknown reasons. This bill would restore the statute to its prior form.

In addition, in order to conform to common experience and not impose an unreasonably heavy burden of proof on the prosecution, a rebuttable presumption of knowledge of the happening of the accident has been added. This which provides that for knowledge of an accident to be presumed, property damage in the amount of \$250.00 or more must have been caused by the accident.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 3, 1979

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills into law:

A-1564, sponsored by Assemblyman Raymond Lesniak (D-Union), which requires the Commissioner of Education to establish rules and regulations to monitor the incidence of violence in public schools and to establish a uniform record-keeping system to collect data on the incidence of violence and vandalism.

Under the bill, school employees observing or having direct knowledge of any act of violence or vandalism are required to file a report with the school principal and forward a copy of that report to the county office of education.

The principal is required to advise the county office of any further action taken concerning the incident.

The bill includes a June 30, 1981 sunset provision, and the Commissioner is required to submit a report to the Senate and Assembly Education Committees detailing the extent of the violence and vandalism and recommend ways to reduce it.

The Department of Education has already established a Task Force of violence and vandalism in the schools. The Task Force has designed a uniform reporting system which will be pilot tested this Spring.

A-426, sponsored by Assemblyman Charles L. Hardwick (R-Union), which requires the Division of Motor Vehicles to provide persons applying for or renewing drivers licenses with a card, which can be attached to the license, designating that the driver is a donor of any or all body organs pursuant to the "Uniform Anatomical Gift Act."

S-592, sponsored by Senator William J. Hamilton (D-Middlesex), which amends the "hit and run" section of the motor vehicle and traffic regulation statutes.

N.J.S. 39:4-129 provides punishment and/or fine for a driver who leaves the scene of an accident without complying with the statutory requirements to stop at the scene of the accident, give his name and address and exhibit his license and registration to the other party and the police, render reasonable assistance to anyone injured and report the accident.

Although knowledge of a fact which requires the performance of legal duty is an essential part of Due Process of Law, the word "knowingly" was deleted from this statute in 19967.

S-592 restores the statute to its prior form to include the word "knowingly" in regard to the occurrence of the accident.

In addition, the bill adds a provision that a driver involved in an accident resulting in injury or death to any person or damage in the amount of \$250 or more to any vehicle or property shall be presumed to have knowledge that he was involved in an accident. However, the defendant may attempt to rebut the presumption through affirmative testimony.

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