

# 39:4-129

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007

**CHAPTER:** 266

**NJSA:** 39:4-129 (Establishes owners responsibility to provide information relating to certain motor vehicle accidents)

**BILL NO:** S721 (Substituted for A2144)

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

**DATE INTRODUCED:** January 10, 2006

**COMMITTEE:** **ASSEMBLY:** Law and Public Safety  
Judiciary

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** January 7, 2008

**SENATE:** March 20, 2006

**DATE OF APPROVAL:** January 13, 2008

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

**S721**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 5 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes [3-5-07 \(L & PS\)](#)  
[6-14-07 \(Judiciary\)](#)

**[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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A2144**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 5 of original bill) [Yes](#)

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

**[SENATE:](#)** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**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 5/30/08

P.L. 2007, CHAPTER 266, *approved January 13, 2008*  
Senate, No. 721

1 **AN ACT** concerning the responsibility of motor vehicle owners in  
2 certain cases and 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 State*  
5 *of New Jersey:*

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

8 39:4-129. (a) The driver of any vehicle, knowingly involved in  
9 an accident resulting in injury or death to any person shall  
10 immediately stop the vehicle at the scene of the accident or as close  
11 thereto as possible but shall then forthwith return to and in every  
12 event shall remain at the scene until he has fulfilled the  
13 requirements of subsection (c) of this section. Every such stop shall  
14 be made without obstructing traffic more than is necessary. Any  
15 person who shall violate this subsection shall be fined not less than  
16 \$2,500 nor more than \$5,000, or be imprisoned for a period of 180  
17 days, or both. The term of imprisonment required by this  
18 subsection shall be imposed only if the accident resulted in death or  
19 injury to a person other than the driver convicted of violating this  
20 section.

21 In addition, any person convicted under this subsection shall  
22 forfeit his right to operate a motor vehicle over the highways of this  
23 State for a period of one year from the date of his conviction for the  
24 first offense and for a subsequent offense shall thereafter  
25 permanently forfeit his right to operate a motor vehicle over the  
26 highways of this State.

27 (b) The driver of any vehicle knowingly involved in an accident  
28 resulting only in damage to a vehicle, including his own vehicle, or  
29 other property which is attended by any person shall immediately  
30 stop his vehicle at the scene of such accident or as close thereto as  
31 possible, but shall then forthwith return to and in every event shall  
32 remain at the scene of such accident until he has fulfilled the  
33 requirements of subsection (c) of this section. Every such stop shall  
34 be made without obstructing traffic more than is necessary. Any  
35 person who shall violate this subsection shall be fined not less than  
36 \$200 nor more than \$400, or be imprisoned for a period of not more  
37 than 30 days, or both, for the first offense, and for a subsequent  
38 offense, shall be fined not less than \$400 nor more than \$600, or be  
39 imprisoned for a period of not less than 30 days nor more than 90  
40 days or both.

41 In addition, a person who violates this subsection shall, for a first  
42 offense, forfeit the right to operate a motor vehicle in this State for  
43 a period of six months from the date of conviction, and for a period  
44 of one year from the date of conviction for any subsequent offense.

45 (c) The driver of any vehicle knowingly involved in an accident

**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 resulting in injury or death to any person or damage to any vehicle  
2 or property shall give his name and address and exhibit his  
3 operator's license and registration certificate of his vehicle to the  
4 person injured or whose vehicle or property was damaged and to  
5 any police officer or witness of the accident, and to the driver or  
6 occupants of the vehicle collided with and render to a person  
7 injured in the accident reasonable assistance, including the carrying  
8 of that person to a hospital or a physician for medical or surgical  
9 treatment, if it is apparent that the treatment is necessary or is  
10 requested by the injured person.

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

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

38 (e) ~~【The】~~ There shall be a permissive inference that the driver  
39 of any motor vehicle involved in an accident resulting in injury or  
40 death to any person or damage in the amount of \$250.00 or more to  
41 any vehicle or property ~~【shall be presumed to have】~~ has knowledge  
42 that he was involved in such accident ~~【, and such presumption shall~~  
43 ~~be rebuttable in nature】~~.

44 For purposes of this section, it shall not be a defense that the  
45 operator of the motor vehicle was unaware of the existence or  
46 extent of personal injury or property damage caused by the accident  
47 as long as the operator was aware that he was involved in an

1 accident.

2 There shall be a permissive inference that the registered owner of  
3 the vehicle which was involved in an accident subject to the  
4 provisions of this section was the person involved in the accident;  
5 provided, however, if that vehicle is owned by a rental car company  
6 or is a leased vehicle, there shall be a permissive inference that the  
7 renter or authorized driver pursuant to a rental car contract or the  
8 lessee, and not the owner of the vehicle, was involved in the  
9 accident, and the requirements and penalties imposed pursuant to  
10 this section shall be applicable to that renter or authorized driver or  
11 lessee and not the owner of the vehicle.

12 Any person who suppresses, by way of concealment or  
13 destruction, any evidence of a violation of this section or who  
14 suppresses the identity of the violator shall be subject to a fine of  
15 not less than \$250 or more than \$1,000.

16 (cf: P.L.2003, c.55, s.1)

17

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

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

46 Whenever the driver of a vehicle is physically incapable of  
47 giving immediate notice or making a written report of an accident  
48 as required in this section and there was another occupant in the

1 vehicle at the time of the accident capable of giving notice or  
2 making a report, such occupant shall make or cause to be made said  
3 notice or report not made by the driver.

4 Whenever the driver is physically incapable of making a written  
5 report of an accident as required by this section and such driver is  
6 not the owner of the vehicle, then the owner of the vehicle involved  
7 in such accident shall make such report not made by the driver.

8 In those cases where a driver knowingly violates the provisions  
9 of this section by failing to make a written report of an accident,  
10 there shall be a permissive inference that the registered owner of the  
11 vehicle which was involved in that accident was the person  
12 involved in the accident; provided, however, if that vehicle is  
13 owned by a rental car company or is a leased vehicle, there shall be  
14 a permissive inference that the renter or authorized driver pursuant  
15 to a rental car contract or the lessee, and not the owner of the  
16 vehicle, was the person involved in the accident, and the  
17 requirements and penalties imposed pursuant to this section shall be  
18 applicable to that renter or authorized driver or lessee and not the  
19 owner of the vehicle.

20 Any person who suppresses, by way of concealment or  
21 destruction, any evidence of a violation of this section or who  
22 suppresses the identity of the violator shall be subject to a fine of  
23 not less than \$250 or more than \$1,000.

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

27 **[Any]** Except as otherwise provided in this section, a person  
28 who knowingly violates this section shall be fined not less than \$30  
29 or more than \$100.

30 The director may revoke or suspend the operator's license  
31 privilege and registration privilege of a person who violates this  
32 section.

33 For purposes of this section, it shall not be a defense that the  
34 operator of the motor vehicle was unaware of the existence or  
35 extent of personal injury or property damage caused by the accident  
36 as long as the operator was aware that he was involved in an  
37 accident.

38 (cf: P.L.1994, c.183, s.2)

39

40 3. This act shall take effect immediately.

41

42

43

44

45 Establishes owners responsibility to provide information relating  
46 to certain motor vehicle accidents.

# SENATE, No. 721

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Establishes owners responsibility to provide information relating to certain motor vehicle accidents.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning the responsibility of motor vehicle owners in  
2 certain cases and amending R.S.39:4-129 and R.S.39:4-130.

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

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

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9 an accident resulting in injury or death to any person shall  
10 immediately stop the vehicle at the scene of the accident or as close  
11 thereto as possible but shall then forthwith return to and in every  
12 event shall remain at the scene until he has fulfilled the  
13 requirements of subsection (c) of this section. Every such stop shall  
14 be made without obstructing traffic more than is necessary. Any  
15 person who shall violate this subsection shall be fined not less than  
16 \$2,500 nor more than \$5,000, or be imprisoned for a period of 180  
17 days, or both. The term of imprisonment required by this  
18 subsection shall be imposed only if the accident resulted in death or  
19 injury to a person other than the driver convicted of violating this  
20 section.

21 In addition, any person convicted under this subsection shall  
22 forfeit his right to operate a motor vehicle over the highways of this  
23 State for a period of one year from the date of his conviction for the  
24 first offense and for a subsequent offense shall thereafter  
25 permanently forfeit his right to operate a motor vehicle over the  
26 highways of this State.

27 (b) The driver of any vehicle knowingly involved in an accident  
28 resulting only in damage to a vehicle, including his own vehicle, or  
29 other property which is attended by any person shall immediately  
30 stop his vehicle at the scene of such accident or as close thereto as  
31 possible, but shall then forthwith return to and in every event shall  
32 remain at the scene of such accident until he has fulfilled the  
33 requirements of subsection (c) of this section. Every such stop shall  
34 be made without obstructing traffic more than is necessary. Any  
35 person who shall violate this subsection shall be fined not less than  
36 \$200 nor more than \$400, or be imprisoned for a period of not more  
37 than 30 days, or both, for the first offense, and for a subsequent  
38 offense, shall be fined not less than \$400 nor more than \$600, or be  
39 imprisoned for a period of not less than 30 days nor more than 90  
40 days or both.

41 In addition, a person who violates this subsection shall, for a first  
42 offense, forfeit the right to operate a motor vehicle in this State for  
43 a period of six months from the date of conviction, and for a period  
44 of one year from the date of conviction for any subsequent offense.

**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.**



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

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

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

39 (e) [The] There shall be a permissive inference that the driver of  
40 any motor vehicle involved in an accident resulting in injury or  
41 death to any person or damage in the amount of \$250.00 or more to  
42 any vehicle or property [shall be presumed to have] has knowledge  
43 that he was involved in such accident [, and such presumption shall  
44 be rebuttable in nature].

45 For purposes of this section, it shall not be a defense that the  
46 operator of the motor vehicle was unaware of the existence or

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1 extent of personal injury or property damage caused by the accident  
2 as long as the operator was aware that he was involved in an  
3 accident.

4 There shall be a permissive inference that the registered owner of  
5 the vehicle which was involved in an accident subject to the  
6 provisions of this section was the person involved in the accident;  
7 provided, however, if that vehicle is owned by a rental car company  
8 or is a leased vehicle, there shall be a permissive inference that the  
9 renter or authorized driver pursuant to a rental car contract or the  
10 lessee, and not the owner of the vehicle, was involved in the  
11 accident, and the requirements and penalties imposed pursuant to  
12 this section shall be applicable to that renter or authorized driver or  
13 lessee and not the owner of the vehicle.

14 Any person who suppresses, by way of concealment or  
15 destruction, any evidence of a violation of this section or who  
16 suppresses the identity of the violator shall be subject to a fine of  
17 not less than \$250 or more than \$1,000.

18 (cf: P.L.2003, c.55, s.1)

19

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

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

48 Whenever the driver of a vehicle is physically incapable of

1 giving immediate notice or making a written report of an accident  
2 as required in this section and there was another occupant in the  
3 vehicle at the time of the accident capable of giving notice or  
4 making a report, such occupant shall make or cause to be made said  
5 notice or report not made by the driver.

6 Whenever the driver is physically incapable of making a written  
7 report of an accident as required by this section and such driver is  
8 not the owner of the vehicle, then the owner of the vehicle involved  
9 in such accident shall make such report not made by the driver.

10 In those cases where a driver knowingly violates the provisions  
11 of this section by failing to make a written report of an accident,  
12 there shall be a permissive inference that the registered owner of the  
13 vehicle which was involved in that accident was the person  
14 involved in the accident; provided, however, if that vehicle is  
15 owned by a rental car company or is a leased vehicle, there shall be  
16 a permissive inference that the renter or authorized driver pursuant  
17 to a rental car contract or the lessee, and not the owner of the  
18 vehicle, was the person involved in the accident, and the  
19 requirements and penalties imposed pursuant to this section shall be  
20 applicable to that renter or authorized driver or lessee and not the  
21 owner of the vehicle.

22 Any person who suppresses, by way of concealment or  
23 destruction, any evidence of a violation of this section or who  
24 suppresses the identity of the violator shall be subject to a fine of  
25 not less than \$250 or more than \$1,000.

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

29 [Any] Except as otherwise provided in this section, a person who  
30 knowingly violates this section shall be fined not less than \$30 or  
31 more than \$100.

32 The director may revoke or suspend the operator's license  
33 privilege and registration privilege of a person who violates this  
34 section.

35 For purposes of this section, it shall not be a defense that the  
36 operator of the motor vehicle was unaware of the existence or  
37 extent of personal injury or property damage caused by the accident  
38 as long as the operator was aware that he was involved in an  
39 accident.

40 (cf: P.L.1994, c.183, s.2)

41

42 3. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 This bill establishes a permissive inference that in cases where a

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1 driver fails or refuses to report his involvement in an accident, it  
2 may be inferred that the registered owner of the vehicle was driving  
3 the vehicle at the time of the accident.

4 Under current law, drivers are required to report their  
5 involvement in any accident resulting in a death, injury or property  
6 damage in excess of \$500. In certain "hit and run" situations,  
7 victims of motor vehicle accidents have been able to identify the  
8 vehicle, but not the driver of that vehicle. Since the statutory  
9 reporting obligation is on drivers and not owners, there is no  
10 mechanism to obtain the identity of the responsible driver,  
11 especially if an owner refuses to disclose any information to his  
12 insurers or the police. Assigning responsibility to the owner may  
13 encourage owners to cooperate in accident investigations.

14 The bill provides that in cases where the vehicle is owned by a  
15 rental car company or leased, the permissive inference applies to the  
16 renter, authorized driver or lessee, not the owner. The bill also  
17 provides that any person who suppresses, conceals or destroys any  
18 evidence relating to a reportable motor vehicle accident or who  
19 suppresses the identity of a driver involved in a reportable motor  
20 vehicle accident is subject to a fine of not less than \$250 or more  
21 than \$1,000.

22 The provisions of the bill are consistent with State v. Walten,  
23 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable  
24 presumption in R.S.39:4-129 offended constitutional principles of  
25 due process by improperly shifting the burden to prove knowledge  
26 to the defendant, and that a court could afford the statutory  
27 presumption no greater weight than that of a permissive inference.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 721

# STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 721.

Senate Bill No. 721 establishes a permissive inference that in cases where a driver fails or refuses to report his involvement in an accident, it may be inferred that the registered owner of the vehicle was driving the vehicle at the time of the accident.

Under current law, drivers are required to report their involvement in any accident resulting in a death, injury or property damage in excess of \$500. In certain "hit and run" situations, victims of motor vehicle accidents have been able to identify the vehicle, but not the driver of that vehicle. Since the statutory reporting obligation is on drivers and not owners, there is no mechanism to obtain the identity of the responsible driver, especially if an owner refuses to disclose any information to his insurers or the police. Assigning responsibility to the owner may encourage owners to cooperate in accident investigations.

The bill provides that in cases where the vehicle is owned by a rental car company or leased, the permissive inference applies to the renter, authorized driver or lessee, not the owner. The bill also provides that any person who suppresses, conceals or destroys any evidence relating to a reportable motor vehicle accident or who suppresses the identity of a driver involved in a reportable motor vehicle accident is subject to a fine of not less than \$250 or more than \$1,000.

The provisions of the bill are consistent with State v. Walten, 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable presumption in R.S.39:4-129 offended constitutional principles of due process by improperly shifting the burden to prove knowledge to the defendant, and that a court could afford the statutory presumption no greater weight than that of a permissive inference.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 721

# STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Assembly Judiciary Committee reports favorably Senate Bill No. 721.

This bill amends R.S.39:4-129 and R.S.39:4-130 to establish a permissive inference, in cases where a driver fails or refuses to report his involvement in an accident, that the registered owner of the vehicle was the person involved in the accident.

Under R.S.39:4-130, drivers are required to report their involvement in any accident resulting in a death, injury or property damage in excess of \$500. In certain "hit and run" situations, victims of motor vehicle accidents have been able to identify the vehicle, but not the driver of that vehicle. Since the statutory reporting obligation is on drivers and not owners, there is no mechanism to obtain the identity of the responsible driver, especially if an owner refuses to disclose any information to his insurers or the police. Assigning responsibility to the owner may encourage owners to cooperate in accident investigations.

R.S.39:4-129 provides that the driver of a motor vehicle involved in an accident "shall be presumed to have knowledge that he was involved in such accident, and such presumption shall be rebuttable in nature." This bill amends this section to provide that there shall be a permissive inference that the driver of any motor vehicle 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 has knowledge that he was involved in such accident. R.S.39:4-130 is also amended to provide for the permissive inference.

In addition, this bill amends R.S.39:4-129 and R.S.39:4-130 to provide that in cases where the vehicle is owned by a rental car company or leased, the permissive inference applies to the renter, authorized driver or lessee, not the owner.

The bill would also provide that any person who suppresses, conceals or destroys any evidence relating to a reportable motor vehicle accident or who suppresses the identity of a driver involved in a reportable motor vehicle accident is subject to a fine of not less than \$250 or more than \$1,000.

The provisions of the bill are consistent with State v. Walten, 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable presumption in R.S.39:4-129 offended constitutional principles of due process by improperly shifting the burden to prove knowledge to the defendant, and that a court could afford the statutory presumption no

greater weight than that of a permissive inference.  
This bill is identical to Assembly Bill No.2144.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 721**

**STATE OF NEW JERSEY**

DATED: MARCH 2, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 721.

This bill establishes a permissive inference that in cases where a driver fails or refuses to report his involvement in an accident, it may be inferred that the registered owner of the vehicle was driving the vehicle at the time of the accident.

Under current law, drivers are required to report their involvement in any accident resulting in a death, injury or property damage in excess of \$500. In certain "hit and run" situations, victims of motor vehicle accidents have been able to identify the vehicle, but not the driver of that vehicle. Since the statutory reporting obligation is on drivers and not owners, there is no mechanism to obtain the identity of the responsible driver, especially if an owner refuses to disclose any information to his insurers or the police. Assigning responsibility to the owner may encourage owners to cooperate in accident investigations.

The bill provides that in cases where the vehicle is owned by a rental car company or leased, the permissive inference applies to the renter, authorized driver or lessee, not the owner. The bill also provides that any person who suppresses, conceals or destroys any evidence relating to a reportable motor vehicle accident or who suppresses the identity of a driver involved in a reportable motor vehicle accident is subject to a fine of not less than \$250 or more than \$1,000.

The provisions of the bill are consistent with State v. Walten, 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable presumption in R.S.39:4-129 offended constitutional principles of due process by improperly shifting the burden to prove knowledge to the defendant, and that a court could afford the statutory presumption no greater weight than that of a permissive inference.

This bill was pre-filed for introduction in the 2006 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# ASSEMBLY, No. 2144

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes owners responsibility to provide information relating to certain motor vehicle accidents.

**CURRENT VERSION OF TEXT**

As introduced.



A2144 GREENSTEIN

2

1 AN ACT concerning the responsibility of motor vehicle owners in  
2 certain cases and 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 State  
5 of New Jersey:

6

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

8 39:4-129. (a) The driver of any vehicle, knowingly involved in  
9 an accident resulting in injury or death to any person shall  
10 immediately stop the vehicle at the scene of the accident or as close  
11 thereto as possible but shall then forthwith return to and in every  
12 event shall remain at the scene until he has fulfilled the  
13 requirements of subsection (c) of this section. Every such stop shall  
14 be made without obstructing traffic more than is necessary. Any  
15 person who shall violate this subsection shall be fined not less than  
16 \$2,500 nor more than \$5,000, or be imprisoned for a period of 180  
17 days, or both. The term of imprisonment required by this  
18 subsection shall be imposed only if the accident resulted in death or  
19 injury to a person other than the driver convicted of violating this  
20 section.

21 In addition, any person convicted under this subsection shall  
22 forfeit his right to operate a motor vehicle over the highways of this  
23 State for a period of one year from the date of his conviction for the  
24 first offense and for a subsequent offense shall thereafter  
25 permanently forfeit his right to operate a motor vehicle over the  
26 highways of this State.

27 (b) The driver of any vehicle knowingly involved in an accident  
28 resulting only in damage to a vehicle, including his own vehicle, or  
29 other property which is attended by any person shall immediately  
30 stop his vehicle at the scene of such accident or as close thereto as  
31 possible, but shall then forthwith return to and in every event shall  
32 remain at the scene of such accident until he has fulfilled the  
33 requirements of subsection (c) of this section. Every such stop shall  
34 be made without obstructing traffic more than is necessary. Any  
35 person who shall violate this subsection shall be fined not less than  
36 \$200 nor more than \$400, or be imprisoned for a period of not more  
37 than 30 days, or both, for the first offense, and for a subsequent  
38 offense, shall be fined not less than \$400 nor more than \$600, or be  
39 imprisoned for a period of not less than 30 days nor more than 90  
40 days or both.

41 In addition, a person who violates this subsection shall, for a first  
42 offense, forfeit the right to operate a motor vehicle in this State for  
43 a period of six months from the date of conviction, and for a period  
44 of one year from the date of conviction for any subsequent offense.

45 (c) The driver of any vehicle knowingly involved in an accident

**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 resulting in injury or death to any person or damage to any vehicle  
2 or property shall give his name and address and exhibit his  
3 operator's license and registration certificate of his vehicle to the  
4 person injured or whose vehicle or property was damaged and to  
5 any police officer or witness of the accident, and to the driver or  
6 occupants of the vehicle collided with and render to a person  
7 injured in the accident reasonable assistance, including the carrying  
8 of that person to a hospital or a physician for medical or surgical  
9 treatment, if it is apparent that the treatment is necessary or is  
10 requested by the injured person.

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

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

38 (e) [The] There shall be a permissive inference that the driver of  
39 any motor vehicle involved in an accident resulting in injury or  
40 death to any person or damage in the amount of \$250.00 or more to  
41 any vehicle or property [shall be presumed to have] has knowledge  
42 that he was involved in such accident [, and such presumption shall  
43 be rebuttable in nature].

44 For purposes of this section, it shall not be a defense that the  
45 operator of the motor vehicle was unaware of the existence or  
46 extent of personal injury or property damage caused by the accident  
47 as long as the operator was aware that he was involved in an

1 accident.

2 There shall be a permissive inference that the registered owner  
3 of the vehicle which was involved in an accident subject to the  
4 provisions of this section was the person involved in the accident;  
5 provided, however, if that vehicle is owned by a rental car company  
6 or is a leased vehicle, there shall be a permissive inference that the  
7 renter or authorized driver pursuant to a rental car contract or the  
8 lessee, and not the owner of the vehicle, was involved in the  
9 accident, and the requirements and penalties imposed pursuant to  
10 this section shall be applicable to that renter or authorized driver or  
11 lessee and not the owner of the vehicle.

12 Any person who suppresses, by way of concealment or  
13 destruction, any evidence of a violation of this section or who  
14 suppresses the identity of the violator shall be subject to a fine of  
15 not less than \$250 or more than \$1,000.

16 (cf: P.L.2003, c.55, s.1)

17

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

19 39:4-130. The driver of a vehicle or street car involved in an  
20 accident resulting in injury to or death of any person, or damage to  
21 property of any one person in excess of \$500.00 shall by the  
22 quickest means of communication give notice of such accident to  
23 the local police department or to the nearest office of the county  
24 police of the county or of the State Police, and in addition shall  
25 within 10 days after such accident forward a written report of such  
26 accident to the division on forms furnished by it. Such written  
27 reports shall contain sufficiently detailed information with reference  
28 to a motor vehicle accident, including the cause, the conditions then  
29 existing, the persons and vehicles involved and such information as  
30 may be necessary to enable the director to determine whether the  
31 requirements for the deposit of security required by law are  
32 inapplicable by reason of the existence of insurance or other  
33 circumstances. The director may rely upon the accuracy of the  
34 information contained in any such report, unless he has reason to  
35 believe that the report is erroneous. The division may require  
36 operators involved in accidents to file supplemental reports of  
37 accidents upon forms furnished by it when in the opinion of the  
38 division, the original report is insufficient. The reports shall be  
39 without prejudice, shall be for the information of the division, and  
40 shall not be open to public inspection. The fact that the reports  
41 have been so made shall be admissible in evidence solely to prove a  
42 compliance with this section, but no report or any part thereof or  
43 statement contained therein shall be admissible in evidence for any  
44 other purpose in any proceeding or action arising out of the  
45 accident. Whenever the driver of a vehicle is physically incapable  
46 of giving immediate notice or making a written report of an  
47 accident as required in this section and there was another occupant  
48 in the vehicle at the time of the accident capable of giving notice or

1 making a report, such occupant shall make or cause to be made said  
2 notice or report not made by the driver.

3 Whenever the driver is physically incapable of making a written  
4 report of an accident as required by this section and such driver is  
5 not the owner of the vehicle, then the owner of the vehicle involved  
6 in such accident shall make such report not made by the driver.

7 In those cases where a driver knowingly violates the provisions  
8 of this section by failing to make a written report of an accident,  
9 there shall be a permissive inference that the registered owner of the  
10 vehicle which was involved in that accident was the person  
11 involved in the accident; provided, however, if that vehicle is  
12 owned by a rental car company or is a leased vehicle, there shall be  
13 a permissive inference that the renter or authorized driver pursuant  
14 to a rental car contract or the lessee, and not the owner of the  
15 vehicle, was the person involved in the accident, and the  
16 requirements and penalties imposed pursuant to this section shall be  
17 applicable to that renter or authorized driver or lessee and not the  
18 owner of the vehicle.

19 Any person who suppresses, by way of concealment or  
20 destruction, any evidence of a violation of this section or who  
21 suppresses the identity of the violator shall be subject to a fine of  
22 not less than \$250 or more than \$1,000.

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

26 [Any] Except as otherwise provided in this section, a person who  
27 knowingly violates this section shall be fined not less than \$30 or  
28 more than \$100.

29 The director may revoke or suspend the operator's license  
30 privilege and registration privilege of a person who violates this  
31 section.

32 For purposes of this section, it shall not be a defense that the  
33 operator of the motor vehicle was unaware of the existence or  
34 extent of personal injury or property damage caused by the accident  
35 as long as the operator was aware that he was involved in an  
36 accident.

37 (cf: P.L.1994, c.183, s.2)

38

39 3. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill establishes a permissive inference that in cases where a  
45 driver fails or refuses to report his involvement in an accident, it  
46 may be inferred that the registered owner of the vehicle was driving  
47 the vehicle at the time of the accident.

48 Under current law, drivers are required to report their

1 involvement in any accident resulting in a death, injury or property  
2 damage in excess of \$500.

3 It is the sponsor's understanding that, in certain "hit and run"  
4 situations, victims of motor vehicle accidents have been able to  
5 identify the vehicle, but not the driver of that vehicle. Since the  
6 statutory reporting obligation is on drivers and not owners, there is  
7 no mechanism to obtain the identity of the responsible driver,  
8 especially if an owner refuses to disclose any information to his  
9 insurers or the police. It is the sponsor's belief, that assigning  
10 responsibility to the owner will encourage owners to cooperate in  
11 accident investigations.

12 The bill provides that in cases where the vehicle is owned by a  
13 rental car company or leased, the permissive inference applies to the  
14 renter, authorized driver or lessee, not the owner.

15 The bill also provides that any person who suppresses, conceals  
16 or destroys any evidence relating to a reportable motor vehicle  
17 accident or who suppresses the identity of a driver involved in a  
18 reportable motor vehicle accident is subject to a fine of not less than  
19 \$250 or more than \$1,000.

20 The provisions of the bill are consistent with State v. Walten,  
21 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable  
22 presumption in R.S.39:4-129 offended constitutional principles of  
23 due process by improperly shifting the burden to prove knowledge  
24 to the defendant, and that a court could afford the statutory  
25 presumption no greater weight than that of a permissive inference.  
26 The amendment replaces the term "rebuttable presumption" with the  
27 term "permissive inference" throughout the bill.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2144

# STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Assembly Judiciary Committee reports favorably Assembly Bill No.2144.

This bill amends R.S.39:4-129 and R.S.39:4-130 to establish a permissive inference, in cases where a driver fails or refuses to report his involvement in an accident, that the registered owner of the vehicle was the person involved in the accident.

Under R.S.39:4-130, drivers are required to report their involvement in any accident resulting in a death, injury or property damage in excess of \$500. In certain "hit and run" situations, victims of motor vehicle accidents have been able to identify the vehicle, but not the driver of that vehicle. Since the statutory reporting obligation is on drivers and not owners, there is no mechanism to obtain the identity of the responsible driver, especially if an owner refuses to disclose any information to his insurers or the police. Assigning responsibility to the owner may encourage owners to cooperate in accident investigations.

R.S.39:4-129 provides that the driver of a motor vehicle involved in an accident "shall be presumed to have knowledge that he was involved in such accident, and such presumption shall be rebuttable in nature." This bill amends this section to provide that there shall be a permissive inference that the driver of any motor vehicle 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 has knowledge that he was involved in such accident. R.S.39:4-130 is also amended to provide for the permissive inference.

In addition, this bill amends R.S.39:4-129 and R.S.39:4-130 to provide that in cases where the vehicle is owned by a rental car company or leased, the permissive inference applies to the renter, authorized driver or lessee, not the owner.

The bill would also provide that any person who suppresses, conceals or destroys any evidence relating to a reportable motor vehicle accident or who suppresses the identity of a driver involved in a reportable motor vehicle accident is subject to a fine of not less than \$250 or more than \$1,000.

The provisions of the bill are consistent with State v. Walten, 241 N.J.Super. 529 (App. Div. 1990), which held that the rebuttable presumption in R.S.39:4-129 offended constitutional principles of due

process by improperly shifting the burden to prove knowledge to the defendant, and that a court could afford the statutory presumption no greater weight than that of a permissive inference.

This bill is identical to Senate Bill No.721.