

CHAPTER 312

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:

Driver to yield to pedestrian, exceptions; violations, penalties.

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 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, or a license suspension not to exceed six months, or both, in the discretion of the court. 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.86 (C.39:4-36.2).

2. This act shall take effect immediately.

Approved January 18, 2010.