

1. Liability Injury due to Snow and Ice Accumulation and Other Dangerous Conditions in Abutting Sidewalks.

2. Recent cases: No jail for careless driving unless aggravating factors found.

State v Palma 219 NJ Super. 584 (App. Div 2014)

3. Failure to read refusal warnings not a defense to DWI State v Peralta 47 NJ Super. 570 (App.Div 2014)

4. Next Charity events

5. New Youtube educational videos

1. Liability of Owner of Commercial Property for Defects, Snow and Ice Accumulation and Other Dangerous Conditions in Abutting Sidewalks.

The law imposes upon the owner of commercial or business property the duty to use reasonable care to see to it that the sidewalks abutting the property are reasonably safe for members of the public who are using them. In other words, the law says that the owner of commercial property must exercise reasonable care to see to it that the condition of the abutting sidewalk is reasonably safe and does not subject pedestrians to an unreasonable risk of harm. The concept of reasonable care requires the owner of commercial property to take action with regard to conditions within a reasonable period of time after the owner becomes aware of the dangerous condition or, in the exercise of reasonable care, should have become aware of it.

If there was a condition of this sidewalk that was dangerous in that it created an unreasonable risk of harm for pedestrians, and if the owner knew of that condition or should have known of it but failed to take such reasonable action to correct or remedy the situation within a reasonable period of time thereafter as a reasonably prudent commercial or business owner would have done under the circumstances, then the owner is negligent.

No one plans on being injured in an accident, whether it is a car accident, fall down or other situation. Speak with a personal injury attorney immediately to retain all your rights. The stores are responsible for the maintenance of their premises, which are used by the public. It is the duty of the store to inspect and keep said premises in a safe condition and free from any and all pitfalls, obstacles or traps that would likely cause injury to persons lawfully

thereon.

If the unsafe condition is alleged to be snow and ice, N.J.S.A. 40:64-12 and any ordinance adopted by the municipality might be charged as a factor, the jury should consider the reasonableness of the time the defendant(s) has (have) waited to remove or reduce a snow or ice condition from the sidewalk.

What actions must the owner of commercial property take with regard to defects / snow / ice accumulation/ dangerous conditions? The action required by the law is action which a reasonably prudent person would take or should have taken in the circumstances present to correct the defect / snow / ice accumulation/ dangerous condition, to repair it/remove it or to take other actions to minimize the danger to pedestrians (for example, to give warning of it) within a reasonable period of time after notice thereof. The test is: did the commercial property owner take the action that a reasonably prudent person who knows or should have known of the condition would have taken in that circumstance? If he/she did, he/she is not negligent. If he/she did not, he/she is negligent.

If you are injured, after seeking medical treatment and advising the store/mall,

CALL KENNETH A. VERCAMMEN, ESQ. 732-572-0500 for an Appointment.

More info

at: http://www.njlaws.com/fall_down_injuries_on_snow.htm

Recent cases:

2. No jail for careless driving unless aggravating factors found. State v Palma 219 NJ Super. 584 (App. Div 2014)

The factors outlined by this Court in State v. Moran, 202 N.J. 311 (2010), should be followed by judges in the municipal court and Law Division when imposing sentences for careless driving.

3 . Failure to read refusal warnings not a defense to DWI State v Peralta 47 NJ Super. 570 (App.Div 2014)

In this appeal, defendant argued the police failure to read to him the standard statement referred to in N.J.S.A. 39:4 50.2(e) - which, in its current iteration, largely but not entirely advises of the

consequences of refusing to provide a breath sample - requires reversal of his DWI conviction based solely on an Alcotest reading. The court held this alleged failure was not fatal to the DWI conviction because defendant did not refuse to provide a breath sample.

4. Next Charity events:

1/31 RVRR Annual dinner Piscataway

2/1/15 Freehold Winter 5k 10:00am Sunday

**2/2 Rutgers Law School Newark Starting a Law practice class
3:55pm**

**2/8, 11 a.m. ORC Winter Series, Ocean County Park, Lakewood,
New Jersey**

2/21 Manasquan 2 mile beach run

**2/22 Sunday, February 22, 2, 4, 0r 6 Miles, 10:58 a.m. Train Run
Snowball Express, Asbury Park, New Jersey**

March 1 march with JSRC at Belmar St Patrick's Day Parade

5. New Youtube educational videos:

39:4-96. reckless driving

<https://www.youtube.com/watch?v=s2aYSEsIEKk>

39:4-144 Stopping or yielding right of way before entering stop
or yield intersections.39:4-144

<https://www.youtube.com/watch?v=szbadCbzbvE>

PTI Pre Trial Intervention for first offender criminal charges

<https://www.youtube.com/watch?v=z6jUhgjfF-E>

39:4-98 Speeding Law

https://www.youtube.com/watch?v=_xEUeGwXiK4

2C:12-3. Terroristic threats

https://www.youtube.com/watch?v=QSrRq_ga3bA

Wills & Estate Planning in NJ

<https://www.youtube.com/watch?v=rSk-hjZ-Ykk>

More at:

<https://www.youtube.com/user/kvercammen>

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