

ASSEMBLY, No. 3984

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED DECEMBER 6, 2001

Sponsored by:
Assemblyman RICK MERKT
District 25 (Morris)

SYNOPSIS

Regulates operation of electric personal assistance mobility devices.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

7
8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system of less than 750 watts (one horsepower), whose
12 maximum speed on a paved level surface, when powered solely by
13 such a propulsion system while operated by a person weighing 170
14 pounds is less than 20 miles per hour. The device shall not be
15 considered a motorized bicycle, motorcycle, motorized scooter,
16 motorized skateboard, vehicle or motor vehicle.

17 b. An electric personal assistive mobility device may be operated
18 on the public highways, sidewalks and bicycle paths of the State.
19 Every person operating such a device shall be granted all of the rights
20 and be subject to all of the duties applicable to the driver of a bicycle
21 by chapter four of Title 39 of the Revised Statutes except as to those
22 provisions thereof which by their nature can have no application.

23 c. The operator of an electric personal assistive mobility device
24 shall not be required to obtain a license therefor or to register the
25 device. The operator shall not be required to furnish proof of having
26 liability insurance for the device or other proof of financial
27 responsibility.

28 d. The governing body of any municipality may, by ordinance,
29 regulate the operation of electric personal assistive mobility device
30 upon the roadways and public properties under municipal jurisdiction
31 and may prohibit their operation on its public highways where the
32 speed limit is greater than 25 miles per hour.

33
34 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
35 as follows:

36 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
37 sell or distribute roller skates **[or]**, skateboards or electric personal
38 assistive mobility devices unless such roller skates **[or]** , skateboards
39 or electric personal assistive mobility devices contain a warning notice
40 consistent with the requirements of this section.

41 b. The warning notice required by subsection a. of this section shall
42 be placed in at least one of the following locations and shall be clearly
43 visible to the consumer: (1) on one roller skate in each pair of roller

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 skates or on the skateboard; (2) on the outside of the box or other
2 container in which the roller skates [or the], skateboard or electric
3 personal assistive mobility device are offered for sale at retail; or (3)
4 on any user's guide or instruction manual provided with the roller
5 skates [or the], skateboard or electric personal assistive mobility
6 device.

7 c. The warning notice required by subsection a. of this section must
8 be printed in clear and conspicuous type and be substantially similar to
9 the following notice: "WARNING! REDUCE THE RISK OF
10 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
11 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
12 PADS AND KNEE PADS."

13 d. A person, firm, corporation or other legal entity regularly
14 engaged in the business of manufacturing or assembling roller skates
15 [or], skateboards or electric personal assistive mobility devices who
16 complies with the requirements of this section shall not be liable in a
17 civil action for damages for any physical injury sustained by a user of
18 roller skates [or], a skateboard or an electric personal assistive
19 mobility device as a result of that user's failure to wear a helmet in
20 accordance with the provisions of this act.

21 (cf: P.L.1997, c.411, s.4)

22

23 3. (New section) An operator who fails to comply with the
24 requirements of this act shall receive a warning for the first offense.
25 For a second offense, the operator shall be fined \$10. For a
26 subsequent offense, the device shall be impounded for not more than
27 30 days. A person who fails to comply with the requirements
28 governing warning notices shall be fined not less than \$100 or more
29 than \$1,000 for each violation.

30

31 4. This act shall take effect on the first day of the sixth month after
32 enactment.

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STATEMENT

36

37 This bill provides a regulatory structure for the introduction of a
38 new transportation technology that is not currently defined in New
39 Jersey motor vehicle law.

40 The bill defines this technology, the Electric Personal Assistive
41 Mobility Device (EPAMD), as a self-balancing non-tandem two
42 wheeled device designed to transport only one person. It has an
43 electric propulsion system of less than 750 watts (one horsepower). Its
44 maximum speed on a paved level surface, when powered solely by
45 such a propulsion system with a rider of 170 pounds or less, is less
46 than 20 mph.

A3984 MERKT

1 The bill generally permits the operation of the EPAMD on the
2 streets, sidewalks and bike paths of this State. The bill permits
3 municipalities, however, to prohibit the use of an EPAMD on streets
4 having a speed limit of greater than 25 mph. The bill requires all
5 EPAMD users to obey speed limits and to yield the right of way at all
6 times. An EPAMD would not be required to have a license plate or
7 to be registered with the Division of Motor Vehicles. However, since
8 it must be operated under all the pertinent rules applicable to bicycles,
9 an EPAMD must be operated at night with headlight and operator
10 reflectors. Insurance would not be required. A warning notice must
11 be provided to the consumer, alerting him of the risk of serious injury
12 without the use of full protective gear: helmet, wrist guards, elbow
13 pads and knee pads.

14 The EPAMD will introduce a clean fuel and quiet technology into
15 the State's public transportation system. The EPAMD serves as an
16 assistive device for the elderly and disabled, as a transportation option
17 for delivery services, and as a personal vehicle for a variety of other
18 purposes.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3984

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3984.

Assembly Bill No. 3984 provides a regulatory structure for the introduction of a new transportation technology that is not currently defined in New Jersey motor vehicle law.

As amended by the committee, the bill defines this technology, the Electric Personal Assistive Mobility Device (EPAMD), as a self-balancing non-tandem two wheeled device designed to transport only one person. The EPAMD uses an electric propulsion system with an average power of 750 watts (one horsepower). Its maximum speed on a paved level surface, when powered solely by such a propulsion system with a rider of 170 pounds or less, is less than 20 mph.

The bill generally permits the operation of the EPAMD on the streets, sidewalks and bike paths of this State. The bill permits municipalities, however, to prohibit the use of an EPAMD on streets having a speed limit of greater than 25 mph. The bill requires all EPAMD users to obey speed limits and to yield the right of way at all times. An EPAMD would not be required to have a license plate or to be registered with the Division of Motor Vehicles. However, since it must be operated under all the pertinent rules applicable to bicycles, an EPAMD must be operated at night with headlight and operator reflectors. Insurance would not be required. A warning notice must be provided to the consumer, alerting him of the risk of serious injury without the use of full protective gear: helmet, wrist guards, elbow pads and knee pads.

The EPAMD will introduce a clean fuel and quiet technology into the State's public transportation system. The EPAMD serves as an assistive device for the elderly and disabled, as a transportation option for delivery services, and as a personal vehicle for a variety of other purposes.

The committee amended the bill to provide that manufacturers, assemblers, sellers or distributors of these EPAMDs who fail to comply with the warning requirements concerning protective gear which are required under the bill are to be fined not more than \$100

for each violation. The bill had provided for a fine of not less than \$100 or more than \$1,000.

The committee also amended the bill to clarify that the State or the governing body of any county or municipality may prohibit the operation of EPAMDs on any public highways under its jurisdiction if the speed limit on the highway is over 25 miles per hour.

The bill specifies that the device is not to be considered a motorized bicycle, motorcycle, motorized scooter, motorized skateboard, vehicle or motor vehicle. The committee amended the bill to expand this list to include a motorized wheelchair.

The committee also made technical amendments to the bill.

[First Reprint]

ASSEMBLY, No. 3984

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED DECEMBER 6, 2001

Sponsored by:
Assemblyman RICK MERKT
District 25 (Morris)

SYNOPSIS

Regulates operation of electric personal assistance mobility devices.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on December 13, 2001, with amendments.



1 AN ACT concerning electric personal assistive mobility devices,
 2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
 3 of the Revised Statutes.

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

7
 8 1. (New section) a. As used in this act, "electric personal assistive
 9 mobility device" means a self-balancing non-tandem two wheeled
 10 device designed to transport one person which uses an electric
 11 propulsion system ¹[of less than] with average power of¹ 750 watts
 12 (one horsepower), whose maximum speed on a paved level surface,
 13 when powered solely by such a propulsion system while operated by
 14 a person weighing 170 pounds is less than 20 miles per hour. The
 15 device shall not be considered a motorized bicycle, motorcycle,
 16 motorized scooter, motorized skateboard, ¹motorized wheelchair,¹
 17 vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
 19 on the public highways, sidewalks and bicycle paths of the State.
 20 Every person operating such a device shall be granted all of the rights
 21 and be subject to all of the duties applicable to the driver of a bicycle
 22 by chapter four of Title 39 of the Revised Statutes except as to those
 23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
 25 shall not be required to obtain a ¹driver's¹ license therefor or to
 26 register the device. The operator shall not be required to furnish proof
 27 of having liability insurance for the device or other proof of financial
 28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
 30 regulate the operation of electric personal assistive mobility ¹[device]
 31 devices¹ upon the roadways and public properties under municipal
 32 jurisdiction ¹[and] . The State or the governing body of any county
 33 or municipality¹ may prohibit their operation on ¹[its] any¹ public
 34 ¹[highways] highway under its jurisdiction¹ where the speed limit is
 35 greater than 25 miles per hour.

36
 37 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
 38 as follows:

39 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
 40 sell or distribute roller skates [or] , skateboards or electric personal
 41 assistive mobility devices unless such roller skates [or] , skateboards

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted December 13, 2001.

1 or electric personal assistive mobility devices contain a warning notice
2 consistent with the requirements of this section.

3 b. The warning notice required by subsection a. of this section shall
4 be placed in at least one of the following locations and shall be clearly
5 visible to the consumer: (1) on one roller skate in each pair of roller
6 skates or on the skateboard; (2) on the outside of the box or other
7 container in which the roller skates ~~[or the]~~, skateboard or electric
8 personal assistive mobility device are offered for sale at retail; or (3)
9 on any user's guide or instruction manual provided with the roller
10 skates ~~[or the]~~, skateboard or electric personal assistive mobility
11 device.

12 c. The warning notice required by subsection a. of this section must
13 be printed in clear and conspicuous type and be substantially similar to
14 the following notice: "WARNING! REDUCE THE RISK OF
15 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
16 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
17 PADS AND KNEE PADS."

18 d. A person, firm, corporation or other legal entity regularly
19 engaged in the business of manufacturing or assembling roller skates
20 ~~[or]~~, skateboards or electric personal assistive mobility devices who
21 complies with the requirements of this section shall not be liable in a
22 civil action for damages for any physical injury sustained by a user of
23 roller skates ~~[or]~~, a skateboard or an electric personal assistive
24 mobility device as a result of that user's failure to wear a helmet in
25 accordance with the provisions of this act.

26 (cf: P.L.1997, c.411, s.4)

27

28 3. (New section) An operator who fails to comply with the
29 requirements of this act shall receive a warning for the first offense.
30 For a second offense, the operator shall be fined \$10. For a
31 subsequent offense, the device shall be impounded for not more than
32 30 days. A person who fails to comply with the requirements
33 governing warning notices shall be fined not ¹~~[less]~~ more¹ than \$100
34 ¹~~[or more than \$1,000]~~¹ for each violation.

35

36 4. This act shall take effect ¹~~[on the first day of the sixth month~~
37 ~~after enactment]~~ immediately¹.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3984

with Assembly Floor Amendments
(Proposed By Assemblyman MERKT)

ADOPTED: DECEMBER 17, 2001

This bill provides a regulatory structure for the introduction of a new transportation technology known as the Electric Personal Assistive Mobility Device (EPAMD).

These Assembly amendments require operators of these EPAMDs to wear a helmet while operating the device and be 16 years of age or older, except for operators with mobility-related disabilities. The amendments also limit use of the EPAMDs to government employees, employees of commercial establishments while performing their assigned duties and operators with mobility-related disabilities. There is also a technical amendment.

These Assembly amendments make this bill identical to Senate Bill No. 2759 (1R).

[Second Reprint]

ASSEMBLY, No. 3984

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED DECEMBER 6, 2001

Sponsored by:

Assemblyman RICK MERKT

District 25 (Morris)

Co-Sponsored by:

Senators Kyrillos and Vitale

SYNOPSIS

Regulates operation of electric personal assistance mobility devices.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 17, 2001.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

7
8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system ¹[of less than] with average power of¹ 750 watts
12 (one horsepower), whose maximum speed on a paved level surface,
13 when powered solely by such a propulsion system while operated by
14 a person weighing 170 pounds is less than 20 miles per hour. The
15 device shall not be considered a ²motorized wheelchair,² motorized
16 bicycle, motorcycle, motorized scooter, motorized skateboard,
17 ²¹motorized wheelchair,¹² vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
25 shall not be required to obtain a ¹driver's¹ license therefor or to
26 register the device. The operator shall not be required to furnish proof
27 of having liability insurance for the device or other proof of financial
28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
30 regulate the operation of electric personal assistive mobility ¹[device]
31 devices¹ upon the roadways and public properties under municipal
32 jurisdiction ¹[and]. The State or the governing body of any county or
33 municipality¹ may prohibit their operation on ¹[its] any¹ public
34 ¹[highways] highway under its jurisdiction¹ where the speed limit is
35 greater than 25 miles per hour.

36 ²e. Notwithstanding the other provisions of this section, an
37 operator of an electric personal assistive mobility device shall:

38 (1) wear a helmet while operating that device;

39 (2) be 16 years of age or older, except for an operator with a
40 mobility-related disability; and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted December 13, 2001.

² Assembly floor amendments adopted December 17, 2001.

1 (3) only be a government employee or employee of a commercial
2 establishment performing his assigned duties or an operator with a
3 mobility-related disability.²

4
5 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
6 as follows:

7 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
8 sell or distribute roller skates [~~or~~], skateboards or electric personal
9 assistive mobility devices unless such roller skates [~~or~~], skateboards
10 or electric personal assistive mobility devices contain a warning notice
11 consistent with the requirements of this section.

12 b. The warning notice required by subsection a. of this section shall
13 be placed in at least one of the following locations and shall be clearly
14 visible to the consumer: (1) on one roller skate in each pair of roller
15 skates or on the skateboard; (2) on the outside of the box or other
16 container in which the roller skates [~~or the~~], skateboard or electric
17 personal assistive mobility device are offered for sale at retail; or (3)
18 on any user's guide or instruction manual provided with the roller
19 skates [~~or the~~], skateboard or electric personal assistive mobility
20 device.

21 c. The warning notice required by subsection a. of this section must
22 be printed in clear and conspicuous type and be substantially similar to
23 the following notice: "WARNING! REDUCE THE RISK OF
24 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
25 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
26 PADS AND KNEE PADS."

27 d. A person, firm, corporation or other legal entity regularly
28 engaged in the business of manufacturing or assembling roller skates
29 [~~or~~], skateboards or electric personal assistive mobility devices who
30 complies with the requirements of this section shall not be liable in a
31 civil action for damages for any physical injury sustained by a user of
32 roller skates [~~or~~], a skateboard or an electric personal assistive
33 mobility device as a result of that user's failure to wear a helmet in
34 accordance with the provisions of this act.

35 (cf: P.L.1997, c.411, s.4)

36
37 3. (New section) An operator who fails to comply with the
38 requirements of this act shall receive a warning for the first offense.
39 For a second offense, the operator shall be fined \$10. For a
40 subsequent offense, the device shall be impounded for not more than
41 30 days. A person who fails to comply with the requirements
42 governing warning notices shall be fined not ¹[~~less~~] more¹ than \$100
43 ¹[~~or more than \$1,000~~]¹ for each violation.

44
45 4. This act shall take effect ¹[~~on the first day of the sixth month~~
46 ~~after enactment~~] immediately¹.

SENATE, No. 2759

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 29, 2001

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.
District 13 (Middlesex and Monmouth)
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Regulates operation of electric personal assistance mobility devices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2001)

1 AN ACT concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

7
8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system of less than 750 watts (one horsepower), whose
12 maximum speed on a paved level surface, when powered solely by
13 such a propulsion system while operated by a person weighing 170
14 pounds is less than 20 miles per hour. The device shall not be
15 considered a motorized bicycle, motorcycle, motorized scooter,
16 motorized skateboard, vehicle or motor vehicle.

17 b. An electric personal assistive mobility device may be operated
18 on the public highways, sidewalks and bicycle paths of the State.
19 Every person operating such a device shall be granted all of the rights
20 and be subject to all of the duties applicable to the driver of a bicycle
21 by chapter four of Title 39 of the Revised Statutes except as to those
22 provisions thereof which by their nature can have no application.

23 c. The operator of an electric personal assistive mobility device
24 shall not be required to obtain a license therefor or to register the
25 device. The operator shall not be required to furnish proof of having
26 liability insurance for the device or other proof of financial
27 responsibility.

28 d. The governing body of any municipality may, by ordinance,
29 regulate the operation of electric personal assistive mobility device
30 upon the roadways and public properties under municipal jurisdiction
31 and may prohibit their operation on its public highways where the
32 speed limit is greater than 25 miles per hour.

33
34 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
35 as follows:

36 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
37 sell or distribute roller skates **[or]**, skateboards or electric personal
38 assistive mobility devices unless such roller skates **[or]**, skateboards
39 or electric personal assistive mobility devices contain a warning notice
40 consistent with the requirements of this section.

41 b. The warning notice required by subsection a. of this section shall
42 be placed in at least one of the following locations and shall be clearly
43 visible to the consumer: (1) on one roller skate in each pair of roller

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 skates or on the skateboard; (2) on the outside of the box or other
2 container in which the roller skates [or the], skateboard or electric
3 personal assistive mobility device are offered for sale at retail; or (3)
4 on any user's guide or instruction manual provided with the roller
5 skates [or the], skateboard or electric personal assistive mobility
6 device.

7 c. The warning notice required by subsection a. of this section must
8 be printed in clear and conspicuous type and be substantially similar to
9 the following notice: "WARNING! REDUCE THE RISK OF
10 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
11 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
12 PADS AND KNEE PADS."

13 d. A person, firm, corporation or other legal entity regularly
14 engaged in the business of manufacturing or assembling roller skates
15 [or], skateboards or electric personal assistive mobility devices who
16 complies with the requirements of this section shall not be liable in a
17 civil action for damages for any physical injury sustained by a user of
18 roller skates [or], a skateboard or an electric personal assistive
19 mobility device as a result of that user's failure to wear a helmet in
20 accordance with the provisions of this act.

21 (cf: P.L.1997, c.411, s.4)

22

23 3. (New section) An operator who fails to comply with the
24 requirements of this act shall receive a warning for the first offense.
25 For a second offense, the operator shall be fined \$10. For a
26 subsequent offense, the device shall be impounded for not more than
27 30 days. A person who fails to comply with the requirements
28 governing warning notices shall be fined not less than \$100 or more
29 than \$1,000 for each violation.

30

31 4. This act shall take effect on the first day of the sixth month after
32 enactment.

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34

35

STATEMENT

36

37 This bill provides a regulatory structure for the introduction of a
38 new transportation technology that is not currently defined in New
39 Jersey motor vehicle law.

40 The bill defines this technology, the Electric Personal Assistive
41 Mobility Device (EPAMD), as a self-balancing non-tandem two
42 wheeled device designed to transport only one person. It has an
43 electric propulsion system of less than 750 watts (one horsepower). Its
44 maximum speed on a paved level surface, when powered solely by
45 such a propulsion system with a rider of 170 pounds or less, is less
46 than 20 mph.

S2759 KYRILLOS, VITALE

4

1 The bill generally permits the operation of the EPAMD on the
2 streets, sidewalks and bike paths of this State. The bill permits
3 municipalities, however, to prohibit the use of an EPAMD on streets
4 having a speed limit of greater than 25 mph. The bill requires all
5 EPAMD users to obey speed limits and to yield the right of way at all
6 times. An EPAMD would not be required to have a license plate or
7 to be registered with the Division of Motor Vehicles. However, since
8 it must be operated under all the pertinent rules applicable to bicycles,
9 an EPAMD must be operated at night with headlight and operator
10 reflectors. Insurance would not be required. A warning notice must
11 be provided to the consumer, alerting him of the risk of serious injury
12 without the use of full protective gear: helmet, wrist guards, elbow
13 pads and knee pads.

14 The EPAMD will introduce a clean fuel and quiet technology into
15 the State's public transportation system. The EPAMD serves as an
16 assistive device for the elderly and disabled, as a transportation option
17 for delivery services, and as a personal vehicle for a variety of other
18 purposes.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2759

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2759.

This bill, as amended by the committee, sets forth the rules for the operation of electronic personal assistance mobility devices on New Jersey's highways, sidewalks and bicycle paths and establishes the legal status of these devices. The bill defines an electric personal assistive mobility device (EPAMD) as a self-balancing non-tandem two wheeled device designed to transport only one person. It has an electric propulsion system with average power of 750 watts (one horsepower). Its maximum speed on a paved level surface, when powered solely by such a propulsion system with a rider of 170 pounds or less, is less than 20 mph. The bill specifically states that the device is not a motorized wheelchair, motorized bicycle, motorcycle, motorized scooter, motorized skateboard, vehicle or motor vehicle.

The bill permits the operation of the EPAMD on the streets, sidewalks and bike paths of this State. The bill permits a municipality, however, to regulate the operation of an EPAMD upon the roadways and public properties under municipal jurisdiction. The State, county or the governing body of any municipality may prohibit the use of an EPAMD on highways having a speed limit of greater than 25 mph. The bill provides that all EPAMD users be granted all the rights and be subject to all of the duties applicable to the driver of a bicycle by chapter four of Title 39 of the Revised Statutes, including requiring these users to obey speed limits and to yield the right of way at all times.

An operator of an EPAMD would not be required to have a driver's license or to register the device with the Division of Motor Vehicles. However, since it must be operated under all the pertinent rules applicable to bicycles, an EPAMD must be operated at night with headlight and operator reflectors. The operator of a EPAMD would not be required to furnish proof of liability insurance for the device or other proof of financial responsibility.

An operator of an EPAMD shall: wear a helmet while operating the device; be at least 16 years of age, except for an operator with a

mobility-related disability; and be a government employee or employee of a commercial establishment performing his assigned duties or an operator with a mobility-related disability.

A warning notice must be provided to the consumer, alerting him of the risk of serious injury without the use of full protective gear: helmet, wrist guards, elbow pads and knee pads. A manufacturer of EPAMDs who provides such warning notice would not be liable in a civil action for damages for any physical injury sustained by a user of an EPAMD as a result of that user's failure to wear a helmet.

An operator of an EPAMD who fails to comply with the requirements of this bill would be given a warning for a first offense, be subject to a fine of \$10 for a second offense and have his EPAMD impounded for not more than 30 days for a subsequent offense. A person who fails to comply with the requirement governing the application of warning notices would be subject to a fine of not more than \$100 for each violation.

The bill takes effect immediately.

[First Reprint]

SENATE, No. 2759

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 29, 2001

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator JOSEPH F. VITALE

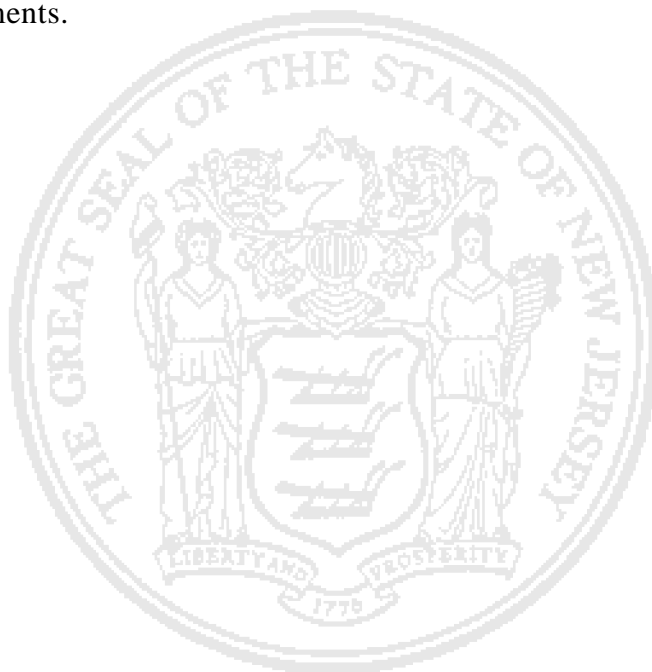
District 19 (Middlesex)

SYNOPSIS

Regulates operation of electric personal assistance mobility devices.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on December 13, 2001,
with amendments.



(Sponsorship Updated As Of: 12/19/2001)

1 AN ACT concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

7
8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system ¹[of less than] with average power of¹ 750 watts
12 (one horsepower), whose maximum speed on a paved level surface,
13 when powered solely by such a propulsion system while operated by
14 a person weighing 170 pounds is less than 20 miles per hour. The
15 device shall not be considered a ¹motorized wheelchair,¹ motorized
16 bicycle, motorcycle, motorized scooter, motorized skateboard, vehicle
17 or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
25 shall not be required to obtain a ¹driver's¹ license therefor or to
26 register the device. The operator shall not be required to furnish proof
27 of having liability insurance for the device or other proof of financial
28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
30 regulate the operation of electric personal assistive mobility ¹[device]
31 devices¹ upon the roadways and public properties under municipal
32 jurisdiction ¹[and] . The State, county or the governing body of any
33 municipality¹ may prohibit their operation on ¹[its] any¹ public
34 ¹[highways] highway under its jurisdiction¹ where the speed limit is
35 greater than 25 miles per hour.

36 ¹e. Notwithstanding the other provisions of this section, an
37 operator of an electric personal assistive mobility device shall;

38 (1) wear a helmet while operating that device;

39 (2) be 16 years of age or older, except for an operator with a
40 mobility-related disability; and

41 (3) only be a government employee or employee of a commercial

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted December 13, 2001.

1 establishment performing his assigned duties or an operator with a
2 mobility-related disability.¹

3

4 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
5 as follows:

6 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
7 sell or distribute roller skates [or], skateboards or electric personal
8 assistive mobility devices unless such roller skates [or], skateboards
9 or electric personal assistive mobility devices contain a warning notice
10 consistent with the requirements of this section.

11 b. The warning notice required by subsection a. of this section shall
12 be placed in at least one of the following locations and shall be clearly
13 visible to the consumer: (1) on one roller skate in each pair of roller
14 skates or on the skateboard; (2) on the outside of the box or other
15 container in which the roller skates [or the], skateboard or electric
16 personal assistive mobility device are offered for sale at retail; or (3)
17 on any user's guide or instruction manual provided with the roller
18 skates [or the], skateboard or electric personal assistive mobility
19 device.

20 c. The warning notice required by subsection a. of this section must
21 be printed in clear and conspicuous type and be substantially similar to
22 the following notice: "WARNING! REDUCE THE RISK OF
23 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
24 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
25 PADS AND KNEE PADS."

26 d. A person, firm, corporation or other legal entity regularly
27 engaged in the business of manufacturing or assembling roller skates
28 [or], skateboards or electric personal assistive mobility devices who
29 complies with the requirements of this section shall not be liable in a
30 civil action for damages for any physical injury sustained by a user of
31 roller skates [or], a skateboard or an electric personal assistive
32 mobility device as a result of that user's failure to wear a helmet in
33 accordance with the provisions of this act.

34 (cf: P.L.1997, c.411, s.4)

35

36 3. (New section) An operator who fails to comply with the
37 requirements of this act shall receive a warning for the first offense.
38 For a second offense, the operator shall be fined \$10. For a
39 subsequent offense, the device shall be impounded for not more than
40 30 days. A person who fails to comply with the requirements
41 governing warning notices shall be fined not ¹~~[less]~~ more¹ than \$100
42 ¹~~[or more than \$1,000]~~¹ for each violation.

43

44 4. This act shall take effect ¹~~[on the first day of the sixth month~~
45 ~~after enactment]~~ immediately¹.

P.L. 2001, CHAPTER 430, *approved January 8, 2002*
Assembly, No. 3984 (*Second Reprint*)

1 **AN ACT** concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

7
8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system ¹[of less than] with average power of¹ 750 watts
12 (one horsepower), whose maximum speed on a paved level surface,
13 when powered solely by such a propulsion system while operated by
14 a person weighing 170 pounds is less than 20 miles per hour. The
15 device shall not be considered a ²motorized wheelchair,² motorized
16 bicycle, motorcycle, motorized scooter, motorized skateboard,
17 ²[¹motorized wheelchair, ¹]² vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
25 shall not be required to obtain a ¹driver's¹ license therefor or to
26 register the device. The operator shall not be required to furnish proof
27 of having liability insurance for the device or other proof of financial
28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
30 regulate the operation of electric personal assistive mobility ¹[device]
31 devices¹ upon the roadways and public properties under municipal
32 jurisdiction ¹[and]. The State or the governing body of any county or
33 municipality¹ may prohibit their operation on ¹[its] any¹ public
34 ¹[highways] highway under its jurisdiction¹ where the speed limit is
35 greater than 25 miles per hour.

36 ²e. Notwithstanding the other provisions of this section, an
37 operator of an electric personal assistive mobility device shall:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted December 13, 2001.

² Assembly floor amendments adopted December 17, 2001.

- 1 (1) wear a helmet while operating that device;
 2 (2) be 16 years of age or older, except for an operator with a
 3 mobility-related disability; and
 4 (3) only be a government employee or employee of a commercial
 5 establishment performing his assigned duties or an operator with a
 6 mobility-related disability.²

7
 8 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
 9 as follows:

10 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
 11 sell or distribute roller skates ~~[or],~~ skateboards ~~or electric personal~~
 12 ~~assistive mobility devices~~ unless such roller skates ~~[or],~~ skateboards
 13 ~~or electric personal assistive mobility devices~~ contain a warning notice
 14 consistent with the requirements of this section.

15 b. The warning notice required by subsection a. of this section shall
 16 be placed in at least one of the following locations and shall be clearly
 17 visible to the consumer: (1) on one roller skate in each pair of roller
 18 skates or on the skateboard; (2) on the outside of the box or other
 19 container in which the roller skates ~~[or the],~~ skateboard ~~or electric~~
 20 ~~personal assistive mobility device~~ are offered for sale at retail; or (3)
 21 on any user's guide or instruction manual provided with the roller
 22 skates ~~[or the],~~ skateboard ~~or electric personal assistive mobility~~
 23 ~~device.~~

24 c. The warning notice required by subsection a. of this section must
 25 be printed in clear and conspicuous type and be substantially similar to
 26 the following notice: "WARNING! REDUCE THE RISK OF
 27 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
 28 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
 29 PADS AND KNEE PADS."

30 d. A person, firm, corporation or other legal entity regularly
 31 engaged in the business of manufacturing or assembling roller skates
 32 ~~[or],~~ skateboards ~~or electric personal assistive mobility devices~~ who
 33 complies with the requirements of this section shall not be liable in a
 34 civil action for damages for any physical injury sustained by a user of
 35 roller skates ~~[or],~~ a skateboard ~~or an electric personal assistive~~
 36 ~~mobility device~~ as a result of that user's failure to wear a helmet in
 37 accordance with the provisions of this act.

38 (cf: P.L.1997, c.411, s.4)

39
 40 3. (New section) An operator who fails to comply with the
 41 requirements of this act shall receive a warning for the first offense.
 42 For a second offense, the operator shall be fined \$10. For a
 43 subsequent offense, the device shall be impounded for not more than
 44 30 days. A person who fails to comply with the requirements
 45 governing warning notices shall be fined not ¹[less] more¹ than \$100
 46 ¹[or more than \$1,000]¹ for each violation.

1 4. This act shall take effect ¹ [on the first day of the sixth month
2 after enactment] immediately¹.

3

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6

7 Regulates operation of electric personal assistance mobility devices.

CHAPTER 430

AN ACT concerning electric personal assistive mobility devices, amending P.L.1977, c.411 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-14.10 Electric personal assistive mobility device defined; regulations concerning.

1. a. As used in this act, "electric personal assistive mobility device" means a self-balancing non-tandem two wheeled device designed to transport one person which uses an electric propulsion system with average power of 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while operated by a person weighing 170 pounds is less than 20 miles per hour. The device shall not be considered a motorized wheelchair, motorized bicycle, motorcycle, motorized scooter, motorized skateboard, vehicle or motor vehicle.

b. An electric personal assistive mobility device may be operated on the public highways, sidewalks and bicycle paths of the State. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to the driver of a bicycle by chapter four of Title 39 of the Revised Statutes except as to those provisions thereof which by their nature can have no application.

c. The operator of an electric personal assistive mobility device shall not be required to obtain a driver's license therefor or to register the device. The operator shall not be required to furnish proof of having liability insurance for the device or other proof of financial responsibility.

d. The governing body of any municipality may, by ordinance, regulate the operation of electric personal assistive mobility devices upon the roadways and public properties under municipal jurisdiction. The State or the governing body of any county or municipality may prohibit their operation on any public highway under its jurisdiction where the speed limit is greater than 25 miles per hour.

e. Notwithstanding the other provisions of this section, an operator of an electric personal assistive mobility device shall;

- (1) wear a helmet while operating that device;
- (2) be 16 years of age or older, except for an operator with a mobility-related disability; and
- (3) only be a government employee or employee of a commercial establishment performing his assigned duties or an operator with a mobility-related disability.

2. Section 4 of P.L.1997, c.411 (C.39:4-10.8) is amended to read as follows:

C.39:4-10.8 Warning notice for roller skates, skateboards, electric personal assistive mobility devices; immunity from civil liability.

4. a. It shall be unlawful to manufacture, assemble, sell, offer to sell or distribute roller skates, skateboards or electric personal assistive mobility devices unless such roller skates, skateboards or electric personal assistive mobility devices contain a warning notice consistent with the requirements of this section.

b. The warning notice required by subsection a. of this section shall be placed in at least one of the following locations and shall be clearly visible to the consumer: (1) on one roller skate in each pair of roller skates or on the skateboard; (2) on the outside of the box or other container in which the roller skates, skateboard or electric personal assistive mobility device are offered for sale at retail; or (3) on any user's guide or instruction manual provided with the roller skates, skateboard or electric personal assistive mobility device.

c. The warning notice required by subsection a. of this section must be printed in clear and conspicuous type and be substantially similar to the following notice: "WARNING! REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS."

d. A person, firm, corporation or other legal entity regularly engaged in the business of manufacturing or assembling roller skates, skateboards or electric personal assistive mobility devices who complies with the requirements of this section shall not be liable in a civil action for damages for any physical injury sustained by a user of roller skates, a skateboard or an electric personal assistive mobility device as a result of that user's failure to wear a helmet in accordance with the provisions of this act.

C.39:4-14.11 Noncompliance with regulations on electric personal assistive mobility device operation, warning, fine.

3. An operator who fails to comply with the requirements of this act shall receive a warning for the first offense. For a second offense, the operator shall be fined \$10. For a subsequent offense, the device shall be impounded for not more than 30 days. A person who fails to comply with the requirements governing warning notices shall be fined not more than \$100 for each violation.

4. This act shall take effect immediately

Approved January 8, 2002.