

39:1-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:1-1 et al (Motor-cycles - definition)

LAWS OF: 1984 CHAPTER: 33

Bill No: S833

Sponsor(s): Cowan

Date Introduced: Pre-filed

Committee: Assembly: /////

Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: March 15, 1984

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Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

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LEGISLATIVE HISTORY  
S833

CHAPTER 33 LAWS OF N. J. 1984  
APPROVED 4-19-84

SENATE, No. 833

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator COWAN

AN ACT concerning certain three-wheeled motor vehicles, amending  
R. S. 39:1-1, R. S. 39:3-10, and P. L. 1967, c. 237.

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

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

2 39:1-1. As used in this subtitle, unless other meaning is clearly  
3 apparent from the language or context, or unless inconsistent with  
4 the manifest intention of the Legislature:

5 "Alley" means a public highway wherein the roadway does not  
6 exceed 12 feet in width.

7 "Authorized emergency vehicles" means vehicles of the fire de-  
8 partment, police vehicles and such ambulances and other vehicles  
9 as are approved by the Director of the Division of Motor Vehicles  
10 in the Department of Law and Public Safety when operated in  
11 response to an emergency call.

12 "Automobile" includes all motor vehicles except motorcycles.

13 "Berm" means that portion of the highway exclusive of roadway  
14 and shoulder, bordering the shoulder but not to be used for vehic-  
15 ular travel.

16 "Business district" means that portion of a highway and the  
17 territory contiguous thereto, where within any 600 feet along such  
18 highway there are buildings in use for business or industrial pur-  
19 poses, including but not limited to hotels, banks, office buildings,  
20 railroad stations, and public buildings which occupy at least 300  
21 feet of frontage on one side or 300 feet collectively on both sides  
22 of the roadway.

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 printed in italics *thus* is new matter.

23 "Carpool" means two or more persons commuting on a daily  
24 basis to and from work by means of a vehicle with a seating capacity  
25 of nine passengers or less.

26 "Commercial motor vehicle" includes every type of motor-driven  
27 vehicle used for commercial purposes on the highways, such as the  
28 transportation of goods, wares and merchandise, excepting such  
29 vehicles as are run only upon rails or tracks and vehicles of the  
30 passenger car type used for touring purposes or the carrying of  
31 farm products and milk, as the case may be.

32 "Commissioner" means the Director of the Division of Motor  
33 Vehicles in the Department of Law and Public Safety of this State.

34 "Commuter van" means a motor vehicle having a seating capa-  
35 city of not less than eight nor more than 15 adult passengers, in  
36 which eight or more persons commute on a daily basis to and from  
37 work and which vehicle may also be operated by the driver or other  
38 designated persons for their personal use.

39 "Crosswalk" means that part of a highway at an intersection  
40 included within the connections of the lateral lines of the sidewalks  
41 on opposite sides of the highway measured from the curbs or, in the  
42 absence of curbs, from the edges of the shoulder or, if none, from  
43 the edges of the roadway; also, any portion of a highway at an  
44 intersection or elsewhere distinctly indicated for pedestrian cross-  
45 ing by lines or other marking on the surface.

46 "Dealer" includes every person actively engaged in the business  
47 of buying, selling or exchanging motor vehicles or motorcycles and  
48 who has an established place of business.

49 "Department" means the Division of Motor Vehicles in the De-  
50 partment of Law and Public Safety of this State acting directly or  
51 through its duly authorized officers or agents.

52 "Deputy commissioner" means deputy director of the Division  
53 of Motor Vehicles in the Department of Law and Public Safety.

54 "Deputy director" means deputy director of the Division of Motor  
55 Vehicles in the Department of Law and Public Safety.

56 "Director" means the Director of the Division of Motor Vehicles  
57 in the Department of Law and Public Safety.

58 "Division" means the Division of Motor Vehicles in the Depart-  
59 ment of Law and Public Safety acting directly or through its duly  
60 authorized officers or agents.

61 "Driver" means the rider or driver of a horse, bicycle or motor-  
62 cycle or the driver or operator of a motor vehicle, unless otherwise  
63 specified.

64 "Explosives" means any chemical compound or mechanical  
65 mixture that is commonly used or intended for the purpose of pro-

66 ducing an explosion and which contains any oxidizing and con-  
67 bustive units or other ingredients in such proportions, quantities  
68 or packing that an ignition by fire, friction, by concussion, by  
69 percussion, or by detonator of any part of the compound or mixture  
70 may cause such a sudden generation of highly heated gases that the  
71 resultant gaseous pressures are capable of producing destructive  
72 effects on contiguous objects or of destroying life or limb.

73 "Farm tractor" means every motor vehicle designed and used  
74 primarily as a farm implement for drawing plows, mowing  
75 machines, and other implements of husbandry.

76 "Flammable liquid" means any liquid having a flash point below  
77 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

78 "Gross weight" means the combined weight of a vehicle and a  
79 load thereon.

80 "Highway" means the entire width between the boundary lines  
81 of every way publicly maintained when any part thereof is open to  
82 the use of the public for purposes of vehicular travel.

83 "Horse" includes mules and all other domestic animals used as  
84 draught animals or beasts of burden.

85 "Inside lane" means the lane nearest the center line of the road-  
86 way.

87 "Intersection" means the area embraced within the prolongation  
88 of the lateral curb lines or, if none, the lateral boundary lines of two  
89 or more highways which join one another at an angle, whether or  
90 not one such highway crosses another.

91 "Laned roadway" means a roadway which is divided into two  
92 or more clearly marked lanes for vehicular traffic.

93 "Limited-access highway" means every highway, street, or road-  
94 way in respect to which owners or occupants of abutting lands and  
95 other persons have no legal right of access to or from the same  
96 except at such points only and in such manner as may be determined  
97 by the public authority having jurisdiction over such highway,  
98 street, or roadway; and includes any highway designated as a "free-  
99 way" or "parkway" by authority of law.

100 "Local authorities" means every county, municipal and other  
101 local board or body having authority to adopt local police regula-  
102 tions under the Constitution and laws of this State, including every  
103 county board of chosen freeholders with relation to county roads.

104 "Magistrate" means any municipal court, county district court,  
105 criminal judicial district court, and the Superior Court, and any  
106 officer having the powers of a committing magistrate and the  
107 Director of the Division of Motor Vehicles in the Department of  
108 Law and Public Safety.

109 "Manufacturer" means a person engaged in the business of  
110 manufacturing or assembling motor vehicles, who will, under normal  
111 business conditions during the year, manufacture or assemble at  
112 least 10 new motor vehicles.

113 "Metal tire" means every tire the surface of which in contact  
114 with the highway is wholly or partly of metal or other hard non-  
115 resilient material.

116 "Motorized bicycle" means a pedal bicycle having a helper motor  
117 characterized in that either the maximum piston displacement is  
118 less than 50 cc. or said motor is rated at no more than 1.5 brake  
119 horsepower and said bicycle is capable of a maximum speed of no  
120 more than 25 miles per hour on a flat surface.

121 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
122 motor attached and all motor-operated vehicles of the bicycle or  
123 tricycle type, except motorized bicycles as defined in this section  
124 whether the motive power be a part thereof or attached thereto  
125 and having a saddle or seat with driver sitting astride or upon it  
126 or a platform on which the driver stands. ["Motorcycle" shall not  
127 include any three-wheeled motor vehicle equipped with a cab en-  
128 closing the occupant, seats similar to those of a passenger vehicle  
129 or truck, seat belts, automotive steering and two rear wheels.]

130 "Motor-drawn vehicle" includes trailers, semitrailers, or any  
131 other type of vehicle drawn by a motor-driven vehicle.

132 "Motor vehicle" includes all vehicles propelled otherwise than  
133 by muscular power, excepting such vehicles as run only upon rails  
134 or tracks and motorized bicycles.

135 "Noncommercial truck" means every motor vehicle designed  
136 primarily for transportation of property, and which is not a "com-  
137 mercial vehicle."

138 "Official traffic control devices" means all signs, signals, mark-  
139 ings, and devices not inconsistent with this subtitle placed or erected  
140 by authority of a public body or official having jurisdiction for the  
141 purpose of regulating, warning, or guiding traffic.

142 "Omnibus" includes all motor vehicles used for the transportation  
143 of passengers for hire, except commuter vans and vehicles used  
144 in ridesharing arrangements and school buses if the same are not  
145 otherwise used in the transportation of passengers for hire.

146 "Operator" means a person who is in actual physical control of a  
147 vehicle or street car.

148 "Outside lane" means the lane nearest the curb or outer edge of  
149 the roadway.

150 "Owner" means a person who holds the legal title of a vehicle, or  
151 if a vehicle is the subject of an agreement for the conditional sale or

152 lease thereof with the right of purchase upon performance of the  
153 conditions stated in the agreement and with an immediate right of  
154 possession vested in the conditional vendee or lessee, or if a  
155 mortgagor of a vehicle is entitled to possession, then the conditional  
156 vendee, lessee or mortgagor shall be deemed the owner for the  
157 purpose of this subtitle.

158 "Parking" means the standing or waiting on a street, road or  
159 highway of a vehicle not actually engaged in receiving or discharg-  
160 ing passengers or merchandise, unless in obedience to traffic regu-  
161 lations or traffic signs or signals.

162 "Passenger automobile" means all automobiles used and designed  
163 for the transportation of passengers, other than omnibuses and  
164 school buses.

165 "Pedestrian" means a person afoot.

166 "Person" includes natural persons, firms, copartnerships, asso-  
167 ciations, and corporations.

168 "Pneumatic tire" means every tire in which compressed air is  
169 designed to support the load.

170 "Pole trailer" means every vehicle without motive power designed  
171 to be drawn by another vehicle and attached to the towing vehicle  
172 by means of a reach, or pole, or by being boomed or otherwise  
173 secured to the towing vehicle, and ordinarily used for transporting  
174 long or irregularly shaped loads such as poles, pipes, or structural  
175 members capable, generally, of sustaining themselves as beams  
176 between the supporting connections.

177 "Private road or driveway" means every road or driveway not  
178 open to the use of the public for purposes of vehicular travel.

179 "Railroad train" means a steam engine, electric or other motor,  
180 with or without cars coupled thereto, operated upon rails, except  
181-182 street cars.

183 "Residence district" means that portion of a highway and the  
184 territory contiguous thereto, not comprising a business district,  
185 where within any 600 feet along such highway there are buildings in  
186 use for business or residential purposes which occupy 300 feet or  
187 more of frontage on at least one side of the highway.

188 "Ridesharing" means the transportation of persons in a motor  
189 vehicle, with a maximum carrying capacity of not more than 15  
190 passengers, including the driver, where such transportation is in-  
191 cidental to the purpose of the driver. The term shall include such  
192 ridesharing arrangements known as carpools and vanpools.

193 "Right-of-way" means the privilege of the immediate use of the  
194 highway.

195 "Road tractor" means every motor vehicle designed and used

196 for drawing other vehicles and not so constructed as to carry any  
197 load thereon either independently or any part of the weight of a  
198 vehicle or load so drawn.

199 "Roadway" means that portion of a highway improved, designed,  
200 or ordinarily used for vehicular travel, exclusive of the berm or  
201 shoulder. In the event a highway includes two or more separate  
202 roadways the term "roadway" as used herein shall refer to any such  
203 roadway separately, but not to all such roadways, collectively.

204 "Safety zone" means the area or space officially set aside within  
205 a highway for the exclusive use of pedestrians, which is so plainly  
206 marked or indicated by proper signs as to be plainly visible at all  
207 times while set apart as a safety zone.

208 "School bus" means every motor vehicle operated by, or under  
209 contract with, a public or governmental agency, or religious or  
210 other charitable organization or corporation, or privately operated  
211 for compensation for the transportation of children to or from  
212 school for secular or religious education which complies with the  
213 regulations of the Department of Education affecting school buses  
214 including "School Vehicle Type I" and "School Vehicle Type II"  
215 as defined below:

216 "School Vehicle Type I" means any vehicle with a seating capacity  
217 of 17 or more, used to transport enrolled children, and adults only  
218 when serving as chaperones, to or from a school, school connected  
219 activity, day camp, summer day camp, nursery school, child care  
220 center, preschool center or other similar places of education. Such  
221 vehicle shall comply with the regulations of the Division of Motor  
222 Vehicles and either the Department of Education or the Department  
223 of [Institutions and Agencies] *Human Services* whichever is the  
224 appropriate supervising agency.

225 "School Vehicle Type II" means any vehicle with a seating  
226 capacity of 16 or less, used to transport enrolled children, and adults  
227 only when serving as chaperones, to or from a school, school con-  
228 nected activity, day camp, summer day camp, nursery school, child  
229 care center, preschool center or other similar places of education.  
230 Such vehicle shall comply with the regulations of the Division of  
231 Motor Vehicles and either the Department of Education or the  
232 Department of [Institutions and Agencies] *Human Services* which-  
233 ever is the appropriate supervising agency.

234 "School zone" means that portion of a highway which is either  
235 contiguous to territory occupied by a school building or is where  
236 school crossings are established in the vicinity of a school, upon  
237 which are maintained appropriate "school signs" in accordance with  
238 specifications adopted by the director and in accordance with law.

239 "School crossing" means that portion of a highway where school  
240 children are required to cross the highway in the vicinity of a school.

241 "Semitrailer" means every vehicle with or without motive power,  
242 other than a pole trailer, designed for carrying persons or property  
243 and for being drawn by a motor vehicle and so constructed that  
244 some part of its weight and that of its load rests upon or is carried  
245 by another vehicle.

246 "Shoulder" means that portion of the highway, exclusive of and  
247 bordering the roadway, designed for emergency use but not ordi-  
248 narily to be used for vehicular travel.

249 "Sidewalk" means that portion of a highway intended for the  
250 use of pedestrians, between the curb line or the lateral line of a  
251 shoulder, or if none, the lateral line of the roadway, and the adjacent  
252 right-of-way line.

253 "Sign." See "Official traffic control devices."

254 "Slow-moving vehicle" means a vehicle run at a speed less than  
255 the maximum speed then and there permissible.

256 "Solid tire" means every tire of rubber or other resilient ma-  
257 terial which does not depend upon compressed air for the support  
258 of the load.

259 "Street" means the same as highway.

260 "Street car" means a car other than a railroad train for trans-  
261 porting persons or property and operated upon rails principally  
262 within a municipality.

263 "Stop," when required, means complete cessation from move-  
264 ment.

265 "Stopping or standing," when prohibited, means any cessation  
266 of movement of a vehicle, whether occupied or not, except when  
267 necessary to avoid conflict with other traffic or in compliance with  
268 the directions of a police officer or traffic control sign or signal.

269 "Through highway" means every highway or portion thereof at  
270 the entrances to which vehicular traffic from intersecting highways  
271 is required by law to stop before entering or crossing the same and  
272 when stop signs are erected as provided in this chapter.

273 "Trackless trolley" means every motor vehicle which is propelled  
274 by electric power obtained from overhead trolley wires but not  
275 operated upon rails.

276 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
277 street cars, and other conveyances either singly, or together, while  
278 using any highway for purposes of travel.

279 "Traffic control signal" means a device whether manually,  
280 electrically, mechanically, or otherwise controlled by which traffic  
281 is alternately directed to stop and to proceed.



282 "Trailer" means every vehicle with or without motive power,  
283 other than a pole trailer, designed for carrying persons or property  
284 and for being drawn by a motor vehicle and so constructed that no  
285 part of its weight rests upon the towing vehicle.

286 "Truck" means every motor vehicle designed, used, or maintained  
287 primarily for the transportation of property.

288 "Truck tractor" means every motor vehicle designed and used  
289 primarily for drawing other vehicles and not so constructed as to  
290 carry a load other than a part of the weight of the vehicle and load  
291 so drawn.

292 "Van-pooling" means eight or more persons commuting on a daily  
293 basis to and from work by means of a vehicle with a seating arrange-  
294 ment designed to carry eight to 15 adult passengers.

295 "Vehicle" means every device in, upon or by which a person or  
296 property is or may be transported upon a highway, excepting  
297 devices moved by human power or used exclusively upon stationary  
298 rails or tracks or motorized bicycles.

1 2. R. S. 39:3-10 is amended to read as follows:

2 39:3-10. No person shall drive a motor vehicle on a public high-  
3 way in this State unless licensed to do so in accordance with this  
4 article. No person under 17 years of age shall be licensed to drive  
5 motor vehicles, nor shall a person be licensed until he has passed  
6 a satisfactory examination as to his ability as an operator. The  
7 examination shall include a test of the applicant's vision, his  
8 ability to understand traffic control devices, his knowledge of safe  
9 driving practices and of the effects that ingestion of alcohol or  
10 drugs has on a person's ability to operate a motor vehicle, his  
11 knowledge of such portions of the mechanism of motor vehicles as is  
12 necessary to insure the safe operation of a vehicle of the kind or  
13 kinds indicated by the applicant and of the laws and ordinary  
14 usages of the road and a demonstration of his ability to operate a  
15 vehicle of the class designated.

16 The director shall expand the driver's license examination by  
17 20%. The additional questions to be added shall consist solely of  
18 questions developed in conjunction with the State Department of  
19 Health concerning the use of alcohol or drugs as related to highway  
20 safety. The director shall develop in conjunction with the State  
21 Department of Health supplements to the driver's manual which  
22 shall include information necessary to answer any question on the  
23 driver's license examination concerning alcohol or drugs as related  
24 to highway safety.

25 Any person applying for a driver's license to operate a motor  
26 vehicle or motorized bicycle in this State shall surrender to the

27 director any current driver's license issued to him by another state  
28 upon his receipt of a driver's license for this State. The director  
29 shall refuse to issue a driver's license if the applicant fails to comply  
30 with this provision.

31 The director shall create classified licensing of drivers covering  
32 the following classifications:

33 a. Motorcycles, *except that for the purposes of this section motor-*  
34 *cycle shall not include any three-wheeled motor vehicle equipped*  
35 *with a single cab with glazing enclosing the occupant, seats similar*  
36 *to those of a passenger vehicle or truck, seat belts and automotive*  
37 *steering;*

38 b. Omnibuses as classified by R. S. 39:3-10.1 and school buses  
39 classified under N. J. S. 18A:39-1 et seq.;

40 c. Articulated vehicles means a combination of a commercial  
41 motor vehicle registered at a gross weight in excess of 18,000 pounds  
42 and one or more motor-drawn vehicles joined together by means of  
43 a coupling device;

44 d. All motor vehicles not included in classifications a., b. and c.  
45 A license issued pursuant to this classification d. shall be referred  
46 to as the "basic driver's license."

47 Every applicant for a license under classification b. or c. shall  
48 be a holder of a basic driver's license. Any issuance of a license  
49 under classification b. or c. shall be by endorsement on the basic  
50 driver's license.

51 A driver's license for motorcycles may be issued separately, but  
52 if issued to the holder of a basic driver's license, it shall be by  
53 endorsement on the basic driver's license.

54 The director, upon payment of the lawful fee and after he or a  
55 person authorized by him has examined the applicant and is satisfied  
56 of the applicant's ability as an operator, may, in his discretion,  
57 license the applicant to drive a motor vehicle. The license shall  
58 authorize him to drive any registered vehicle, of the kind or kinds  
59 indicated, and shall expire, except as otherwise provided, on the  
60 last day of the forty-eighth calendar month following the calendar  
61 month in which such license was issued.

62 The director may issue a renewal of a basic driver's license which  
63 does not bear a photograph, and which shall expire on the last day  
64 of the twenty-fourth calendar month following the calendar month  
65 in which such license was issued, to any person 60 years of age or  
66 older who makes application for such a license.

67 The director may, at his discretion and for good cause shown,  
68 issue licenses which shall expire on a date fixed by him. The fee for  
69 such licenses shall be fixed by the director in amounts proportion-  
70 ately less or greater than the fee herein established.

71 The required fee for a license for the 48-month period shall be  
 72 as follows:

73	Motorcycle license or endorsement .....	\$8.00
74	Omnibus or school bus endorsement .....	\$16.00
75	Articulated vehicle endorsement .....	\$8.00
76	Basic driver's license .....	\$16.00

77 The required fee for a basic driver's license for the 24-month  
 78 period shall be \$8.00.

79 The required fee for a license for the 36-month period shall be  
 80 as follows:

81	Motorcycle license or endorsement .....	\$6.00
82	Omnibus or school bus endorsement .....	\$12.00
83	Articulated vehicle endorsement .....	\$6.00
84	Basic driver's license .....	\$12.00

85 The director shall waive the payment of fees for issuance of  
 86 omnibus endorsements whenever an applicant establishes to the  
 87 director's satisfaction that said applicant will use the omnibus  
 88 endorsement exclusively for operating omnibuses owned by a  
 89 nonprofit organization duly incorporated under Title 15 or 16 of  
 90 the Revised Statutes or Title 15A of the New Jersey Statutes.

91 The driver's license shall have the legal name of the licensee  
 92 endorsed thereon in his own handwriting. For purposes of this  
 93 section, legal name shall mean the name recorded on a birth cer-  
 94 tificate unless otherwise changed by marriage, divorce or order of  
 95 court. The director may require that only the legal name be re-  
 96 corded on the driver's license. A licensee whose name is changed  
 97 due to marriage, divorce, or by judgment of the court, shall notify  
 98 the director of the change in name within two weeks after the change  
 99 is made. A person who violates this provision shall be subject to  
 100 a penalty of not more than \$10.00.

101 The director shall issue licenses for the following license period  
 102 on and after the first day of the calendar month immediately pre-  
 103 ceding the commencement of such period, such licenses to be effec-  
 104 tive immediately.

105 All applications for renewals of licenses shall be made on forms  
 106 prescribed by the director and in accordance with procedures  
 107 established by him.

108 The director in his discretion may refuse to grant a license to  
 109 drive motor vehicles to a person who is, in his estimation, not a  
 110 proper person to be granted such a license, but no defect of the  
 111 applicant shall debar him from receiving a license unless it can be  
 112 shown by tests approved by the Director of the Division of Motor

113 Vehicles that the defect incapacitates him from safely operating  
114 a motor vehicle.

115 A person violating this section shall be subject to a fine not ex-  
116 ceeding \$500.00 or imprisonment in the county jail for not more  
117 than 60 days, but if that person has never been licensed to drive in  
118 this State or any other jurisdiction, he shall be subject to a fine of  
119 not less than \$200.00 and, in addition, the court shall issue an order  
120 to the Director of the Division of Motor Vehicles requiring the  
121 director to refuse to issue a license to operate a motor vehicle to  
122 the person for a period of not less than 180 days. The penalties  
123 provided for by this paragraph shall not be applicable in cases  
124 where failure to have actual possession of the operator's license  
125 is due to an administrative or technical error by the Division of  
126 Motor Vehicles.

127 Nothing in this section shall be construed to alter or extend the  
128 expiration of any license issued prior to the date this amendatory  
129 and supplementary act becomes operative.

1 3. Section 6 of P. L. 1967, c. 237 (C. 39:3-76.7) is amended to read  
2 as follows:

3 6. No person shall operate or ride upon a motorcycle unless  
4 he wears a protective helmet of a type approved by the director.  
5 Such a helmet must be equipped with either a neck or chin strap and  
6 be reflectorized on both sides thereof. The director is authorized and  
7 empowered to adopt rules and regulations covering the types of  
8 helmets and the specifications therefor and to establish and maintain  
9 a list of approved helmets which meet the specifications as estab-  
10 lished hereunder. *For the purposes of this section, motorcycle shall*  
11 *not include any three-wheeled motor vehicle equipped with a single*  
12 *cab with glazing enclosing the occupant, seats similar to those of a*  
13 *passenger vehicle or truck, seat belts and automotive steering.*

1 4. Section 7 of P. L. 1967, c. 237 (C. 39:3-76.8) is amended to read  
2 as follows:

3 7. No person shall operate a motorcycle unless he wears goggles  
4 or a face shield of a type approved by the director. The director is  
5 authorized and empowered to adopt rules and regulations covering  
6 types of goggles and face shields and the specifications therefor  
7 and to establish and maintain a list of approved goggles and face  
8 shields which meet the specifications as established hereunder. *For*  
9 *the purposes of this section, motorcycle shall not include any three-*  
10 *wheeled motor vehicle equipped with a single cab with glazing en-*  
11 *closing the occupant, seats similar to those of a passenger vehicle or*  
12 *truck, seat belts and automotive steering.*

1 5. This act shall take effect on the thirtieth day after enactment.

## STATEMENT

Under the present statute three-wheeled vehicles equipped with a cab, passenger seats, seat belts and automotive steering are not considered to be motorcycles. This bill would include them as motorcycles and subject them to the requirements for motorcycles except for the requirements that the operator possess a motorcycle license pursuant to R. S. 39:3-10 and wear a helmet and goggles pursuant to sections 6 and 7 of P. L. 1967, c. 237 (C. 39:3-76.7 and 39:3-76.8). These exemptions are provided because three-wheeled vehicles are operated more like automobiles than motorcycles and because a helmet is not needed inside an enclosed cab.

S 833 (1984)

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 833**

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**STATE OF NEW JERSEY**

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DATED: JANUARY 30, 1984

In 1982, a law was enacted to remove three-wheeled vehicles equipped with a cab, passenger seats, seat belts and automotive steering from the category of motorcycles (P. L. 1982, c. 87). These vehicles are the three-wheeled Cushman motorcycles used by police and other municipal employees who ticket parking meter violators. The purpose of the 1982 law was to free the operators of these three-wheeled vehicles from certain requirements that resulted from the classification of the vehicles as motorcycles but that are unnecessary given the nature of the vehicles. Because these vehicles have a cab, passenger seats, and seat belts, the requirement that a motorcycle operator wear a helmet and goggles was unnecessary; because these vehicles have automotive steering, the requirement that operators of motorcycles possess a motorcycle operator's license was unnecessary.

A problem with the new law arose a few months after it was enacted. The Division of Motor Vehicles determined that the new law defined these three-wheeled vehicles as automobiles. But because they do not meet the specifications of an automobile, the Division of Motor Vehicles stopped registering and inspecting them. Consequently, they could not be operated in this State.

A lawsuit was filed by the manufacturer of the three-wheeled vehicle. A Superior Court judge has now made a temporary ruling that DMV shall continue to register and inspect the vehicles for 120 days or until the dispute can be resolved.

Senate No. 833 is an attempt to resolve the dispute by once again including these vehicles in the category of motorcycles but exempting operators from the requirement of possessing a motorcycle operator's license pursuant to R. S. 39:3-10 and the requirement of wearing a helmet and goggles pursuant to sections 6 and 7 of P. L. 1967, c. 237 (C. 39:3-76.7 and C. 39:3-76.8).

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 833**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 27, 1984

Under the present statute three-wheeled vehicles equipped with a cab, passenger seats, seat belts and automotive steering are not considered to be motorcycles. This bill would include them as motorcycles and subject them to the requirements for motorcycles except for the requirements that the operator possess a motorcycle license pursuant to R. S. 39:3-10 and wear a helmet and goggles pursuant to sections 6 and 7 of P. L. 1967, c. 237 (C. 39:3-76.7 and 39:3-76.8).

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