

39:3-18 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-18 et al (Moped - regulates)

LAWS OF: 1983

CHAPTER: 105

Bill No: A130/162/1073/1440/1826

Sponsor(s): Weidel

Date Introduced: Pre-filed

Committee: Assembly: Transportation and Communications

Senate: Law, Public Safety and Defense

Amended during passage: Yes // Assembly committee substitute (OCR) enacted. Substituted for S2034 (attached). Original bills for A130, A162, A1073, A1440, A1826 (attached)

Date of Passage: Assembly: Dec. 6, 1982

Senate: Dec. 20, 1982

Date of Approval: March 14, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: Yes //

Following were printed:

Reports: /// No

Hearings: Yes //

(over)

DO NOT WRITE IN THESE SPACES

974.90 New Jersey. Legislature. General Assembly.  
R311 Transportation and Communications Committee.  
1982c Public hearing, held 8-10-82, Trenton, 1982.

See newspaper clipping file "N.J.- Bicycles - 1982 and 1983" in New Jersey Reference section.

3-14-83

[OFFICIAL COPY REPRINT]  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
 ASSEMBLY, Nos. 130, 162, 1073, 1440 and 1826  
**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 29, 1982

AN Act concerning motorized bicycles \***[and amending R. S. 39:3-18, R. S. 39:10-2, and P. L. 1982, c. 43, supplementing chapter 4 of Title 39 of the Revised Statutes]**\* *\*revising part of the statutory law\**, and making an appropriation **\*[therefor]\***.

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

1 1. R. S. 39:3-18 is amended to read as follows:

2 39:3-18. A manufacturer of motor vehicles, motor-drawn  
 3 vehicles, motor vehicle bodies, *motorized bicycles*, or **[motor cycles]**  
 4 *motorcycles* doing business in this State may, with regard to motor  
 5 or motor-drawn vehicles, *motorized bicycles*, or **[cycles]** *motor-*  
 6 *cycles* owned or controlled by him, obtain general registration and  
 7 registration plates therefor of the style and kind provided for in  
 8 this subtitle, with the letter "D" stated thereon. Such plates can be  
 9 placed on any vehicle or cycle owned or controlled by such manu-  
 10 facturer, but only if it is operated only for shop, demonstration or  
 11 delivery purposes.

12 A bona fide converter of commercial motor vehicles, motor-drawn  
 13 vehicle or motor vehicle chassis doing business in this State may,  
 14 with regard to motor or motor-drawn vehicles owned or controlled  
 15 by him, obtain general registration and registration plates therefor  
 16 of the style and kind provided for in this subtitle, with the letter  
 17 "D" stated thereon. Such plates can be placed on any vehicles  
 18 owned or controlled by such converter, but only if such vehicles are  
 19 operated for shop, demonstration or delivery purposes.

20 A bona fide dealer in motor vehicles, motor-drawn vehicles or  
 21 motorcycles doing business in this State and having a license to

**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.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted December 20, 1982.

22 do business as such issued by the director may, with regard to  
23 motor or motor-drawn vehicles or cycles owned by him, obtain  
24 general registration and registration plates therefor of the style  
25 and kind provided for in this subtitle, with the letter "D" stated  
26 thereon. Such plates shall only be placed on any vehicle or cycle  
27 owned by such dealer; and provided, such vehicle is not used for  
28 hire. Any person who shall be convicted of a violation of this  
29 paragraph shall be subject to a fine not exceeding \$100.00.

30 *A bona fide dealer in motorized bicycles, as defined in R. S.*  
31 *39:1-1, who has an established place of business in this State may,*  
32 *with regard to motorized bicycles owned by him, obtain general*  
33 *registration and registration plates therefor of the style and kind*  
34 *provided for in this subtitle, with the letter "D" stated thereon.*  
35 *The plates can be placed on a motorized bicycle by the dealer, but*  
36 *only if the motorized bicycle is operated only for shop, demonstra-*  
37 *tion, or delivery purposes.*

38 Any person engaged in the business of financing the purchase of  
39 motor or motor-drawn vehicles *or motorized bicycles* or lending  
40 money thereon may, with regard to motor or motor-drawn vehicles  
41 *or motorized bicycles* owned or controlled by him, obtain general  
42 registration and registration plates therefor of the style and kind  
43 provided for in this subtitle, with the word "temporary" stated  
44 thereon. Such plates can be placed on any such vehicle only when  
45 it is being transported from the place where it has been kept by the  
46 purchaser or borrower to the place where it is to be kept by the  
47 repossessor, or when the repossessor desires to operate it for the  
48 purpose of demonstration for sale.

49 Any corporation engaged in the business of insuring motor  
50 vehicles, *motorized bicycles*, or motor-drawn vehicles against theft  
51 may, with regard to vehicles owned or controlled by it, obtain  
52 general registration and registration plates therefor of the style  
53 and kind provided for in this subtitle, with the word "temporary"  
54 stated thereon. Such plates can be placed on any such vehicle, if  
55 ownership or control thereof has been obtained by virtue of the  
56 terms of an insurance against theft contract made by such corpora-  
57 tion, and only when the vehicle is to be transported for delivery to  
58 the owner thereof from the place where it has been abandoned by  
59 or seized from a thief.

60 Any person, partnership or corporation engaged in the business  
61 of transporting motor or motor-drawn vehicles *or motorized*  
62 *bicycles* from the place of manufacture for delivery to dealers,  
63 may, with regard to such vehicles, obtain general registration and  
64 registration plates therefor of the kind and style provided for in

65 this subtitle, with the word "temporary" stated thereon, but only  
66 if the director is satisfied as to the financial responsibility of such  
67 person, partnership or corporation to meet any claim for damages  
68 arising out of any automobile accident and satisfactory evidence of  
69 such responsibility has been filed with him.

70 Any person engaged in the business of renting or leasing motor  
71 vehicles, *motorized bicycles*, or motor-drawn vehicles may, with  
72 regard to said motor vehicles\*, *motorized bicycles*\*, or motor-drawn  
73 vehicles owned by him, obtain general registration and registration  
74 plates therefor, provided for in this subtitle, with the word "tem-  
75 porary" stated thereon. Said registration plates may be placed on  
76 any motor vehicle, *motorized bicycle*, or motor-drawn vehicle owned  
77 by such person while said vehicle is not individually registered and  
78 not in use as a rented or leased vehicle.

79 A bona fide dealer in "nonconventional" type motor vehicles, as  
80 defined in R. S. 39:10-2, who has an established place of business  
81 in this State, may, with regard to "nonconventional" type motor  
82 vehicles owned by him, obtain general registration and registration  
83 plates therefor of the style and kind provided for in this subtitle,  
84 with the letter "D" stated thereon. Such plates can be placed on  
85 any "nonconventional" type motor vehicle by such dealer, but only  
86 if such "nonconventional" type motor vehicle is operated only for  
87 shop, demonstration or delivery purposes.

88 Any person, partnership or corporation engaged in the business  
89 of conducting a wholesale automobile auction block in this State  
90 for duly licensed dealers only, at least once each week, may, with  
91 regard to vehicles controlled by it, obtain general registration and  
92 registration plates therefor of the style and kind provided for in  
93 this subtitle with the word "temporary" stated thereon. Such  
94 plates can be placed on any vehicle controlled by the auction block  
95 which is to be transported from the place where stored by the  
96 owner to the auction block. Such plates may not be displayed on  
97 a vehicle sold at the auction block for delivery to the purchaser.  
98 Application for such plates shall be approved only if the director  
99 is satisfied as to the financial responsibility of such person, partner-  
100 ship or corporation to meet any claim for damages arising out of  
101 any automobile accident and satisfactory proof of such respon-  
102 sibility has been filed with him.

103 Registration plates issued pursuant to this section shall be a  
104 single plate and shall be issued in sets of five and shall bear the  
105 letter "D" or the word "temporary" and shall bear a number cor-  
106 responding to the number on the certificate of registration. The  
107 single registration plate shall be displayed in accordance with the  
108 provisions of R. S. 39:3-33.

109 The annual fee for the issuance of a certificate of registration,  
 110 four duplicates thereof and one set of five single "D" or "tem-  
 111 porary" plates bearing a number corresponding to the number on  
 112 the certificate of registration shall be \$100.00; but the annual fee  
 113 for the issuance of a certificate of registration for motorcycles\**or*  
 114 *motorized bicycles\**, two duplicates thereof and one set of three  
 115 single "D" plates bearing a number on the certificate of registra-  
 116 tion shall be \$20.00\***]; and the annual fee for issuance of a**  
 117 *certificate of registration for motorized bicycles, two duplicates*  
 118 *thereof and one set of three single "D" plates bearing a number on*  
 119 *the certificate of registration shall be \$20.00]\**.

1 \*2. R. S. 39:3-31 is amended to read as follows:

2 39:3-31. The commissioner, upon presentation of a statement  
 3 duly sworn to, stating that the original registration certificate,  
 4 *original motorized bicycle registration certificate* or driver's license  
 5 has been destroyed, lost or stolen, may, if he is satisfied that the  
 6 facts as set forth in the statement are substantially true, issue a  
 7 duplicate registration certificate, *motorized bicycle registration*  
 8 *certificate*, or driver's license to the original holder thereof, upon  
 9 the payment to the commissioner of a fee of \$3.00 for each duplicate  
 10 registration certificate, *motorized bicycle registration certificate*, or  
 11 driver's license so issued.

1 3. R. S. 39:3-36 is amended to read as follows:

2 39:3-36. The registered owner of a motor vehicle *or a motorized*  
 3 *bicycle* and a licensed operator shall notify the commissioner, in  
 4 writing, of a change in his residence within one week after the  
 5 change is made. A person who violates this section shall be subject  
 6 to a penalty of not more than ten dollars.\*

1 \***[2.]**\* \*4.\* R. S. 39:10-2 is amended to read as follows:

2 39:10-2. As used in this chapter unless other meaning is clearly  
 3 apparent from the language or context, or unless inconsistent with  
 4 the manifest intention of the Legislature:

5 "New motor vehicle" means only a newly manufactured motor  
 6 vehicle, except a nonconventional type motor vehicle, and includes  
 7 all such vehicles propelled otherwise than by muscular power, and  
 8 motorcycles, *motorized bicycles*, trailers and tractors, excepting  
 9 such vehicles as run only upon rails or tracks.

10 "Used motor vehicle" means every motor vehicle *and motorized*  
 11 *bicycle* except a nonconventional type motor vehicle, title to, or  
 12 possession of, which has been transferred from the person who  
 13 first acquired it from the manufacturer or dealer, and so used as to  
 14 become what is commonly known as "secondhand" within the  
 15 ordinary meaning thereof, and includes every motor vehicle *and*

16 *motorized bicycle* other than a “new motor vehicle” or a “non-  
17 conventional type motor vehicle.”

18 “Any motor vehicle,” “every motor vehicle,” or similar term,  
19 means both new and used motor vehicles, except a “nonconventional  
20 type motor vehicle.”

21 “Nonconventional type motor vehicle” means every vehicle not  
22 designed or used primarily for the transportation of persons or  
23 property and only incidentally operated or moved over a highway,  
24 including, but not limited to ditch-digging apparatus, well-boring  
25 apparatus, road and general purpose construction and maintenance  
26 machinery, asphalt spreaders, bituminous mixers, bucket loaders,  
27 ditchers, leveling graders, finishing machines, motor graders, road  
28 rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,  
29 drag lines, self-propelled cranes, earth-moving equipment, trailers  
30 and semitrailers which weigh less than 2,500 pounds, except that  
31 no mobile home or travel trailer shall be classified as a nonconven-  
32 tional type motor vehicle, motorized wheel chairs, motorized lawn  
33 mowers, bogies, farm equipment having a factory shipping weight  
34 of less than 1,500 pounds, whether or not motorized, including farm  
35 tractors within said weight limitation, industrial tractors, \***[motor**  
36 **bicycles,]**\* scooters, go-carts, gas buggies and golf carts. The  
37 Director of the Division of Motor Vehicles shall have power to  
38 make, amend and repeal regulations, not inconsistent with the  
39 provisions of this paragraph, prescribing what further vehicles or  
40 types of vehicles, not specified in this paragraph, shall be included  
41 in the category of nonconventional type motor vehicles.

42 “Motor vehicles which constitute inventory held for sale” means  
43 new motor vehicles and used motor vehicles held for the purpose of  
44 sale by dealers and used motor vehicles held for the purpose of  
45 sale by used motor vehicle dealers, and excludes motor vehicles held  
46 for the purpose of lease or rental by a person engaged in the motor  
47 vehicle leasing or rental business.

48 “Manufacturer’s or importer’s certificate of origin” means the  
49 original written instrument or document required to be executed  
50 and delivered by the manufacturer to his agent or a dealer, or a  
51 person purchasing direct from the manufacturer, certifying the  
52 origin of the vehicle.

53 “Certificate of ownership” means the document issued in con-  
54 formance with this chapter, certifying ownership of a motor vehicle,  
55 other than manufacturer’s or importer’s certificate of origin.

56 “Assignment” means the execution of a prescribed form trans-  
57 ferring ownership of a motor vehicle from the person named therein  
58 to the purchaser.

59 "Contract" means conditional sale agreement, bailment, lease,  
60 chattel mortgage, trust receipt or any other form of security or  
61 possession agreement executed prior to January 1, 1963, wherein  
62 and whereby possession of a motor vehicle is delivered to the  
63 buyer and title therein is to vest in the buyer at a subsequent time  
64 upon the payment of part or all of the price, or upon the perfor-  
65 mance of any other condition or happening of any contingency, or  
66 upon the payment of a sum substantially equivalent to the value  
67 of the motor vehicle, by which contract it is agreed that the buyer  
68 is bound to become, or has the option of becoming, the owner of  
69 the motor vehicle upon full compliance with the terms of the  
70 contract.

71 "Abstract" means the duplicate copy of the original certificate of  
72 ownership recording any encumbrance or upon which the existence  
73 of a security interest is noted.

74 "Title papers" means any instrument or document that is evi-  
75 dence of ownership of a vehicle.

76 "Director" means the Director of Motor Vehicles, his deputy or  
77 duly authorized agent.

78 "Manufacturer" means the person who originally manufactured  
79 the motor vehicle.

80 "Dealer" means the agent, distributor or authorized dealer of  
81 the manufacturer of the new motor vehicle, and who has an  
82 established place of business.

83 "Used motor vehicle dealer" means a person engaged in the  
84 business of selling, buying or dealing in used motor vehicles, and  
85 who has an established place of business.

86 "Person" includes natural persons, firms or copartnerships,  
87 corporations, associations, or other artificial bodies, receivers,  
88 trustees, common law or statutory assignees, executors, admin-  
89 istrators, sheriffs, constables, marshals, or other persons in repre-  
90 sentative or official capacity, and members, officers, agents, em-  
91 ployees, or other representatives of those hereinbefore enumerated.

92 "Buyer" includes purchaser, debtor, lessee, bailee, transferee, and  
93 any person buying, attempting to buy, or receiving a motor vehicle,  
94 subject to a security interest, lease, bailment or transfer agreement,  
95 and their legal successors in interest.

96 "Seller" means manufacturer, dealer, lessor, bailor, transferor  
97 with or without a security interest, and any other person selling,  
98 attempting to sell, or delivering a motor vehicle, and their legal  
99 successors in interest.

100 The terms "sell" or "sale" or "purchase" and any form thereof  
101 include absolute or voluntary sales and purchases, agreements to

102 sell and purchase, bailments, leases, security agreements whereby  
 103 any motor vehicles are sold and purchased, or agreed to be sold and  
 104 purchased, involuntary, statutory and judicial sales, inheritance,  
 105 devise, or bequest, gift or any other form or manner of sale or  
 106 agreement of sale thereof, or the giving or transferring possession  
 107 of a motor vehicle to a person for a permanent use; continued  
 108 possession for 60 days or more is to be construed as permanent use.

109 "Manufacturer's number" means the original manufacturer's  
 110 vehicle identification number die stamped upon the body, or frame  
 111 or either or both of them, of a motor vehicle or the original manu-  
 112 facturer's number die stamped upon, the engine or motor of a  
 113 motor vehicle.

114 "Purchaser" means a person who takes possession of a motor  
 115 vehicle by transfer of ownership, either for use or resale, except  
 116 a dealer when he takes possession through a certificate of origin.

117 "Debtor" means the person who owes payment or other perform-  
 118 ance of the obligation secured by a security interest in a motor  
 119 vehicle.

120 "Security interest" means an interest in a motor vehicle which  
 121 secures payment or other performance of an obligation.

122 "Security agreement" means an agreement which creates or pro-  
 123 vides for a security interest in a motor vehicle.

124 "Secured party" means a lender, seller or other person in whose  
 125 favor there is a security interest.

1 \*5. Section 2 of P. L. 1969, c. 301 (C. 39:3-4c) is amended to  
 2 read as follows:

3 2. The director may prescribe rules and regulations governing  
 4 the issuance of temporary registration certificates and temporary  
 5 plates by *motor vehicle* dealers, *motorized bicycle* dealers, and the  
 6 division of motor vehicles and may require security in sufficient  
 7 amount to guarantee payment of all fees and moneys to the State  
 8 of New Jersey and if he finds that any abuse has been practiced by  
 9 any licensed motor vehicle or *motorized bicycle* dealer he shall  
 10 have the right to suspend his privilege or franchise to issue such  
 11 temporary registration certificates and plates. The director shall  
 12 also annually determine the fee to be charged and paid pursuant  
 13 to this act, except that no such fee shall exceed the actual cost to  
 14 the State of New Jersey of implementing and enforcing the terms  
 15 and provisions of this act. All moneys received by such licensed  
 16 dealers for temporary registrations, certificates and plates granted  
 17 under the provisions of this act shall forthwith be deposited as  
 18 received with the State Treasurer.

1 6. Section 1 of P. L. 1961, c. 77 (C. 39:3-31.1) is amended to  
 2 read as follows:

3 1. The Director of the Division of Motor Vehicles, upon presenta-  
 4 tion of a statement by the holder of an original registration certifi-  
 5 cate that he requires a duplicate registration certificate for use by  
 6 members of his family, shall issue a duplicate original registration  
 7 certificate to the holder of the original registration certificate upon  
 8 the payment to the director of a fee of \$3.00.

9 Any such duplicate original registration certificate may be used  
 10 in the same manner and for the same purpose as the original regis-  
 11 tration certificate but may be used only by the holder of the original  
 12 registration certificate or a member of his family. Any reference  
 13 to the original registration certificate in the chapter to which this  
 14 act is supplementary or in Title 39 of the Revised Statutes as  
 15 amended and supplemented, shall be deemed to include any and  
 16 all duplicate original registration certificates issued pursuant to  
 17 this act and, in the event that the holder of the original registration  
 18 certificate shall be required to surrender the same by virtue of the  
 19 provisions of any law, he shall also be required to surrender the  
 20 duplicate original registration certificate if he shall have had such  
 21 duplicate original registration certificate issued to him. The said  
 22 director shall make and promulgate such rules and regulations as  
 23 may be necessary to effectuate the purposes of this act.

24 *This section shall also apply to registration certificates for*  
 25 *motorized bicycles.*

1 7. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is amended to  
 2 read as follows:

3 2. a. Motorized bicycles shall not be operated upon interstate  
 4 highways or upon public highways divided by a grass or concrete  
 5 median or highways with posted speed limits in excess of 50 miles  
 6 per hour or upon the railroad or right-of-way of an operating  
 7 railroad within the State of New Jersey or upon any public land  
 8 where expressly prohibited by the governing body, department or  
 9 agency having jurisdiction thereof.

10 The Director of *the Division of Motor Vehicles* is authorized to  
 11 adopt regulations either prohibiting the operation of motorized  
 12 bicycles on any public road or highway with a speed limit in excess  
 13 of 40 miles per hour which in his discretion are hazardous for the  
 14 operation of motorized bicycles or permitting the operation of  
 15 motorized bicycles on any public road or highway, upon which the  
 16 operation of motorized bicycles is otherwise prohibited by the  
 17 provisions of this section, which in his discretion are safe for the  
 18 operation of motorized bicycles. In no case, however, shall the  
 19 director adopt a regulation permitting motorized bicycles to be  
 20 operated on any highway with a posted speed in excess of 50 miles  
 21 per hour.

22 b. No municipality shall limit or otherwise restrict the opera-  
23 tion of motorized bicycles on any public roads or highways under  
24 its jurisdiction in contravention of the provisions of this act or  
25 any regulations adopted by the director pursuant thereto.

26 c. Motorized bicycles shall not be operated by a person under  
27 15 years of age.

28 d. No person shall operate a motorized bicycle unless he is in  
29 possession of a valid driver's license of any class or a motorized  
30 bicycle license which shall be issued by the director to any person  
31 15 years of age or older after he has passed a satisfactory examina-  
32 tion as to his ability as an operator. Such examination shall include  
33 a test of the applicant's knowledge of such portions of the mech-  
34 anism of motorized bicycles as is necessary to insure their safe  
35 operation and of the laws and ordinary usages of the road and a  
36 demonstration of his ability to operate a motorized bicycle.

37 The demonstration of an applicant's ability to operate a motor-  
38 ized bicycle shall be administered at such municipalities that the  
39 director shall designate under the supervision of the director, or  
40 an officer, employee, or authorized agent of the Division of Motor  
41 Vehicles in accordance with rules and regulations promulgated by  
42 the division.

43 The director may, in his discretion, issue a learner's permit to a  
44 person 15 years of age or older allowing such person, for the pur-  
45 pose of fitting himself to become a motorized bicycle driver, to  
46 operate a motorized bicycle during daylight hours without super-  
47 vision for a period not to exceed 45 days. The permit shall be  
48 sufficient license for the person to operate a motorized bicycle. No  
49 permit shall be issued unless the person applying therefor shall pay  
50 the sum of \$5.00 to the director, or an officer, employee or agent  
51 of the division.

52 e. The valid driver's license, *the insurance identification card,*  
53 *and the registration certificate* shall be in the possession of the  
54 operator at all times when he is operating a motorized bicycle with  
55 motor engaged on the highways of this State. The operator shall  
56 exhibit his driver's license when requested to do so by any police  
57 officer or magistrate, while in the performance of the duties of his  
58 office and shall write his name in the presence of the officer, so  
59 that the officer may thereby determine the identity of the licensee  
60 *and at the same time determine the correctness of the registration*  
61 *certificate as it relates to the registration number and number*  
62 *plates of the motorized bicycle for which it was issued and the*  
63 *correctness of the evidence of a policy of insurance, as it relates to*  
64 *the coverage of the motorized bicycle for which it was issued. Any*

65 person violating this subsection shall be subject to a fine not  
66 exceeding \$50.00.

67 *If a person charged with a violation of this subsection can exhibit*  
68 *his valid driver's license, insurance identification card, and regis-*  
69 *tration certificate, which were valid on the day he was charged, to*  
70 *the judge of the municipal court before whom he is summoned to*  
71 *answer to the charge, the judge may dismiss the charge; however,*  
72 *the judge may impose court costs.*

73 f. Unless otherwise determined by the director, statutes, rules  
74 and regulations applicable to bicycles shall apply whenever a  
75 motorized bicycle is operated upon any highway or upon any  
76 public land.

77 Every person operating a motorized bicycle upon a public road  
78 or highway shall be subject to all the duties applicable to the  
79 driver of a vehicle by chapter 4 of Title 39 and N. J. S. [2A:113-9]  
80 2C:11-5 and all amendments and supplements thereto.\*

1 \***[3.]**\* \*8.\* Section 1 of P. L. 1982, c. 43 (C. 39:5-30.5) is amended  
2 to read as follows:

3 1. The Director of the Division of Motor Vehicles shall have the  
4 authority, pursuant to the "Administrative Procedure Act," P. L.  
5 1968, c. 410 (C. 52:14B-1 et seq.), to continue to adopt rules and  
6 regulations to determine the motor vehicle offenses for which  
7 penalty points may be assessed under this act, and the amount of  
8 points to be assessed for each offense *\*and to adopt rules and*  
9 *regulations to determine the motorized bicycle offenses for which*  
10 *penalty points may be assessed and the number of points to be*  
11 *assessed for each offense*\*. \***[For purposes of this section, "motor**  
12 *vehicle offenses" includes but shall not be limited to motorized*  
13 *bicycle offenses.]*\*

1 \***[4.** (New section) a. Except as provided in this section, no  
2 motorized bicycle shall be operated on the public highways or  
3 public lands of this State unless registered by the owner thereof as  
4 provided herein.

5 b. The director is authorized to register motorized bicycles upon  
6 written application and payment of the appropriate fee in accor-  
7 dance with the following schedule:

8 (1) For each resident registration, \$8.00 initially for each  
9 motorized bicycle and \$5.00 for each renewal thereof;

10 (2) For each nonresident registration, \$10.00 for each motorized  
11 bicycle;

12 (3) For replacement of a lost, mutilated or destroyed registra-  
13 tion, \$3.00;

14 (4) For a duplicate registration, \$3.00.

15 c. Each registration shall expire on the last day of the 11th  
16 calendar month following the calendar month in which the registra-  
17 tion was issued.

18 d. The form and content of the registration and application  
19 therefor shall be prescribed by the director.】\*

1 \*【5. (New section) The registration provisions of this act shall  
2 not apply to a nonresident motorized bicycle owner who has  
3 complied with the registration and licensing laws of his state of  
4 residence, if the motorized bicycle is appropriately identified in  
5 accordance with the laws of his state of residence. Nothing in this  
6 section shall authorize the operation of a motorized bicycle contrary  
7 to the provisions of this act, P. L. 1975, c. 250 (C. 39:4-14.3) and  
8 P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).】\*

1 \*【6. (New section) At the time of the original sale of a motorized  
2 bicycle in this State, a motorized bicycle dealer shall complete in  
3 triplicate a form prescribed by the director, which shall contain the  
4 following information:

5 a. The year of manufacture, make, model, color, and the manu-  
6 facturer's shipping weight of the motorized bicycle;

7 b. The United States Department of Transportation head tag  
8 serial number of the motorized bicycle;

9 c. The name and street address of the purchaser;

10 d. The business name and address of the motorized bicycle  
11 dealer;

12 e. The purchase price and the amount of State sales tax collected  
13 by the motorized bicycle dealer;

14 f. The motorized bicycle dealer's State sales tax authorization  
15 number;

16 g. Signatures of the motorized bicycle dealer and the purchaser;

17 h. The month, day and year of sale.

18 The motorized bicycle dealer shall retain one copy of the form  
19 and present the other two to the purchaser. The form shall con-  
20 stitute temporary registration for the vehicle for a period of 20  
21 days from the date of purchase. Within the 20 days the purchaser  
22 shall register the motorized bicycle by presenting one copy of the  
23 form to the division, together with any additional information  
24 required by this act or the director, and paying the prescribed fee.】\*

1 \*【7. (New section) a. The director shall promulgate regulations  
2 requiring manufacturers or distributors to certify in writing to the  
3 division the make and model numbers of motorized bicycles which  
4 they sell or distribute in this State.

5 b. The director shall compile and maintain a list of approved  
6 motorized bicycles and shall only permit approved makes and

7 models of motorized bicycles which are sold or distributed in this  
8 State after the effective date of this act to be registered pursuant  
9 thereto.

10 c. Nothing contained herein, however, shall preclude registration  
11 of a motorized bicycle pursuant to this act where the registrant  
12 of the motorized bicycle establishes with reasonable specificity that  
13 the motorized bicycle conforms to the definition in R. S. 39:1-1  
14 and the requirements of section 2 of P. L. 1975, c. 250 (C. 39:4-14.3)  
15 and P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).】\*

1 \*【8. (New section) Whenever ownership is transferred or the use  
2 of a motorized bicycle for which a registration certificate has  
3 already been issued is discontinued, the old registration shall be  
4 properly signed and executed by the owner, showing that the  
5 ownership of the motorized bicycle has been transferred or its use  
6 discontinued.

7 Whenever the use of a motorized bicycle for which a registration  
8 certificate has already been issued is discontinued, the signed and  
9 executed registration shall be returned to the director within 10  
10 days of the discontinuance of its use.

11 Whenever there is a transfer of ownership of a motorized bicycle  
12 for which a registration certificate has been previously issued, the  
13 owner shall sign over the registration to the purchaser. The new  
14 owner shall apply for a new registration certificate within 10 days  
15 of purchase and submit the original registration along with the  
16 application. He shall pay the regular fee for registering the  
17 motorized bicycle.】\*

1 \*【9. (New section) In registering any motorized bicycle as pro-  
2 vided by this act, the director shall accept as proof of ownership a  
3 bona fide bill of sale or receipt for purchase of the vehicle, as well as  
4 any other reasonable proof of ownership which he may accept in  
5 accordance with rules and regulations which he may promulgate  
6 from time to time.

7 With respect to motorized bicycles purchased prior to the effec-  
8 tive date of this act, and for which no bill of sale or other formal  
9 proof of ownership is available, the director may accept as proof  
10 of ownership a sworn affidavit from the owner, setting forth with  
11 reasonable specificity, facts regarding the acquisition of ownership  
12 of the motorized bicycle, together with any supporting documents,  
13 as proof of ownership of the motorized bicycle prior to his issuance  
14 of a title for the respective motorized bicycle.】\*

1 \*【10. (New section) A person who knowingly submits a false bill  
2 of sale, false receipt for purchase, or any other false proof of  
3 ownership, or who knowingly submits any false affidavit or false

4 supporting document regarding proof of ownership of a motorized  
5 bicycle, commits a crime of the fourth degree.】\*

1 \*【11. (New section) The registration certificate, or a duplicate  
2 thereof, shall be in the possession of the operator when the vehicle  
3 is in operation. Every person operating a motorized bicycle regis-  
4 tered or transferred in accordance with any of the provisions of  
5 this act shall upon demand of any peace officer, law enforcement  
6 officer, or police officer produce for inspection the certificate of  
7 registration for the motorized bicycle and shall furnish to the  
8 officer any information necessary for the identification of the  
9 motorized bicycle and its owner.】\*

1 \*12. (New section) It shall be the duty of every owner holding a  
2 certificate of registration to notify the division, in writing, of any  
3 change of his residence within 7 days after the change occurs.】\*

1 \*【13. (New section) Every owner of a motorized bicycle regis-  
2 tered pursuant to this act shall notify the division in writing of the  
3 destruction, theft, or permanent removal from the State of the  
4 motorized bicycle, within 10 days thereafter; and where the motor-  
5 ized bicycle is destroyed or stolen, the owner shall surrender the  
6 certificate of registration with that notice.】\*

1 \*【14. (New section) At the time of issuance of the registration of  
2 the motorized bicycle, the director shall also issue to the registrant,  
3 at no additional cost, a motorized bicycle license plate to be  
4 attached to the bicycle by the registrant. Each plate shall contain a  
5 clearly visible license number to be assigned by the director and  
6 shall bear the insignia "MOPED" in clear lettering. The license  
7 plate number shall be contained on the certificate of registration.】\*

1 \*【15. (New section) No person may operate a motorized bicycle in  
2 this State unless a license plate is displayed in accordance with the  
3 provisions of R. S. 39:3-33 applicable to motorcycles.】\*

1 \*【16. (New section) Upon the sale or transfer of ownership of a  
2 motorized bicycle, the person conveying ownership shall, within 10  
3 days, return the motorized bicycle license plate to the director, along  
4 with the registration certificate as provided in this act.】\*

1 \*【17. (New section) The owner of any motorized bicycle, who  
2 acquired ownership prior to the effective date of this act, shall have  
3 90 days from the effective date to comply with the registration,  
4 certificate of title and license plate requirements contained  
5 herein.】\*

1 \*【18. (New section) No person shall operate a motorized bicycle  
2 unless he wears a protective helmet of a type approved by the  
3 director.】\*

1 \*9. (New section) In addition to the requirements of section 2 of

2 P. L. 1975, c. 250 (C. 39:4-14.3) and P. L. 1977, c. 267 (C. 39:4-14.3a  
3 et seq.), no motorized bicycle as defined by R. S. 39:1-1 shall be  
4 operated on the public highways or on public lands of this State  
5 unless registered by the owner thereof as provided by this act. The  
6 Director of the Division of Motor Vehicles in the Department of  
7 Law and Public Safety is authorized to grant a registration to the  
8 owner of a motorized bicycle who is at least 15 years of age, pro-  
9 vided that the application for registration has been properly made,  
10 the registration fee has been paid, and the motorized bicycle is of a  
11 type approved by the director.

12 The form and contents of the registration certificate shall be  
13 prescribed by the director. The director shall maintain a record of  
14 all registration certificates issued and their contents.

15 The registration shall expire and the registration certificate shall  
16 become void on the last day of the 11th calendar month following  
17 the calendar month in which the certificate was issued, except that  
18 the director may suspend or revoke a registration for any violation  
19 of this act or of any of the rules promulgated hereunder.

20 The director shall issue registration certificates for the following  
21 registration period, on and after the first day of the calendar month  
22 immediately preceding the commencement of the registration  
23 period, the registration certificates to be effective immediately.

24 Application forms for all renewals of registrations for motorized  
25 bicycles shall be mailed by the director from the division to the last  
26 address of the owner of a motorized bicycle as it appears on the  
27 records of the division.

1 10. (New section) At the time of original sale of a motorized  
2 bicycle in this State, a motorized bicycle dealer shall complete a  
3 form, of a kind to be approved by the director, which shall contain  
4 the following information:

5 a. The year of manufacture, make, model, color, and unladen  
6 weight of the motorized bicycle;

7 b. The United States Department of Transportation head tag  
8 serial number of the motorized bicycle;

9 c. The name, street address, and age of the purchaser of the  
10 motorized bicycle;

11 d. The business name and address of the motorized bicycle dealer  
12 from whom the bicycle was purchased;

13 e. The amount of New Jersey sales tax collected by the dealer;

14 f. The motorized bicycle dealer's New Jersey sales tax authoriza-  
15 tion number;

16 g. Signatures of both the motorized bicycle dealer and the  
17 purchaser;

18 *h. The month, day and year of sale;*

19 *i. The name of the insurer of the motorized bicycle and the policy*  
20 *number;*

21 *j. Any other information required by the director.*

22 *The dealer shall retain one copy of the form and present the*  
23 *other two to the purchaser. The form shall constitute temporary*  
24 *registration for the vehicle for a period of 20 days from the date of*  
25 *purchase; provided, however, that the purchaser shall comply with*  
26 *all other laws, rules and regulations regarding operation of motor-*  
27 *ized bicycles.*

28 *The dealer shall issue the purchaser temporary license plates to*  
29 *be displayed on the motorized bicycle until permanent registration*  
30 *is completed and a motorized bicycle license plate is issued.*

31 *Within 20 days the purchaser shall present one copy of the form*  
32 *to the Division of Motor Vehicles, together with any additional*  
33 *information which the director may require, pay the requisite fee*  
34 *and register the motorized bicycle in the manner provided in this*  
35 *act.*

36 *The fee for the initial registration of a motorized bicycle by a*  
37 *given owner shall be \$8.00. The yearly fee for each renewal of*  
38 *registration shall be \$5.00.*

1 *11. (New section) At the time of issuance of the registration of*  
2 *the motorized bicycle, the director shall also issue to the registrant,*  
3 *at no additional cost, a motorized bicycle license plate to be attached*  
4 *to the bicycle by the registrant. Each plate shall contain a clearly*  
5 *visible license number to be assigned by the director and shall bear*  
6 *the insignia "MOPED" in clear lettering. The license plate number*  
7 *shall be contained on the certificate of registration.*

1 *12. (New section) Whenever a motorized bicycle for which a*  
2 *registration certificate has been issued has been permanently*  
3 *removed from the State, the owner shall notify the director in*  
4 *writing within 10 days.*

5 *Whenever a motorized bicycle for which a registration certificate*  
6 *has been issued has been destroyed, stolen, or whenever its use has*  
7 *been discontinued, the owner shall notify the director in writing,*  
8 *sign and execute the registration certificate, and return it to the*  
9 *director within 10 days.*

10 *Whenever there is a transfer of ownership of a motorized bicycle*  
11 *for which a registration certificate has been issued, the owner shall*  
12 *sign over the registration to the purchaser.*

13 *The new owner shall apply to the director for a new registration*  
14 *certificate and license plate and submit the original registration*  
15 *certificate and license plate with the application. The new owner*

16 shall not operate the motorized bicycle until the new registration is  
17 complete.

18 The application form for registering a motorized bicycle whose  
19 ownership has been transferred shall contain the same information  
20 contained in the application completed by a motorized bicycle dealer  
21 at the time of original sale, with modifications made by the director.

22 The new owner shall pay the fees for registering the motorized  
23 bicycle established pursuant to section 10 of this act.

1 13. (New section) No person shall operate a motorized bicycle in  
2 this State unless a license plate is displayed in accordance with the  
3 provisions of R. S. 39:3-33 applicable to motorcycles.

1 14. (New section) a. The director shall promulgate rules and  
2 regulations pursuant to the "Administrative Procedure Act,"  
3 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), requiring manufacturers or  
4 distributors to certify in writing to the division the make and model  
5 numbers of motorized bicycles which they sell or distribute in this  
6 State.

7 b. The director shall compile and maintain a list of approved  
8 motorized bicycles and shall only permit approved makes and  
9 models of motorized bicycles which are sold or distributed in this  
10 State after the effective date of this act to be registered pursuant  
11 thereto.

12 c. Nothing contained herein, however, shall preclude registration  
13 of a motorized bicycle pursuant to this act where the registrant of  
14 the motorized bicycle establishes with reasonable specificity that  
15 the motorized bicycle conforms to the definition in R. S. 39:1-1 and  
16 the requirements of section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) and  
17 P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).

1 15. (New section) The registration provisions governing motor-  
2 ized bicycles shall not apply to a nonresident motorized bicycle  
3 owner who has complied with the registration and licensing laws of  
4 his state of residence, if the motorized bicycle is appropriately  
5 identified in accordance with the laws of his state of residence.  
6 Nothing in this section shall authorize the operation of a motorized  
7 bicycle contrary to the provisions of this act, P. L. 1975, c. 250  
8 (C. 39:4-14.3) and P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).

1 16. (New section) With respect to motorized bicycles purchased  
2 prior to the effective date of this act, and for which no bill of sale  
3 or other formal proof of ownership is available, the director may  
4 accept as proof of ownership a sworn affidavit from the owner,  
5 setting forth with reasonable specificity, facts regarding the ac-  
6 quisition of ownership of the motorized bicycle, together with any  
7 supporting documents, as proof of ownership of the motorized  
8 bicycle.

9     *A person who knowingly submits a false bill of sale, false receipt*  
 10 *for purchase, or any other false proof of ownership, or who know-*  
 11 *ingly submits any false affidavit or false supporting document*  
 12 *regarding proof of ownership of a motorized bicycle, commits a*  
 13 *crime of the fourth degree.*

1     17. (New section) *No person shall operate a motorized bicycle*  
 2 *unless he wears a protective helmet of a type approved by the*  
 3 *director.*

1     18. (New section) *Requiring a motorized bicycle dealer to be*  
 2 *licensed as a motor vehicle dealer under R. S. 39:10-19 for the*  
 3 *purposes of this act shall not mean that he is a motor vehicle dealer*  
 4 *for the purpose of meeting any restrictions or regulations contained*  
 5 *in a planning or zoning ordinance under the "Municipal Land Use*  
 6 *Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.).*

1     19. (New section) *The director shall have the authority to*  
 2 *promulgate rules and regulations pursuant to the "Administrative*  
 3 *Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to effectuate*  
 4 *the purposes of this act.*

1     20. (New section) *Except as otherwise provided by this act, a*  
 2 *person who violates any of the provisions of this act or any rule or*  
 3 *regulation promulgated pursuant to this act shall be subject to a*  
 4 *fine of not more than \$100.00 for each offense.*

1     21. (New section) *The owner of a motorized bicycle who acquired*  
 2 *ownership prior to the effective date of this act shall have 90 days*  
 3 *from the effective date to comply with the registration, titling, and*  
 4 *license plate requirements contained herein.*

1     22. (New section) *The director shall establish a fund not to*  
 2 *exceed \$50,000.00 per year for the purpose of providing an educa-*  
 3 *tional program for the safe operation of motorized bicycles.*

1     23. (New section) *The fees collected pursuant to this act shall be*  
 2 *appropriated to the Division of Motor Vehicles.\**

1     \***[19. (New section) Unless otherwise provided by this act, a**  
 2 **person who violates any of the provisions of this act or any rule or**  
 3 **regulation promulgated pursuant thereto shall be subject to a fine**  
 4 **of not more than \$100.00 for each offense.]\***

1     \***[20. (New section) The director shall have the authority to**  
 2 **promulgate rules and regulations, pursuant to the "Administrative**  
 3 **Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to effec-**  
 4 **tuate the purposes of this act.]\***

1     \***[21. (New section) The fees established hereinabove are appro-**  
 2 **priated to the Division of Motor Vehicles.]\***

1     \***[22. (New section) From the fees collected hereinabove there**  
 2 **shall be a fund established by the division not to exceed \$50,000.00**

3 per year for the purpose of providing an educational and safety  
4 program as regards the operation of motorized bicycles.]\*

1 \*~~[23]~~\* \*24.\* In addition to the \*~~[moneys]~~\* \*monies\* appro-  
2 priated \*~~[hereinabove, the sum of]~~\* \*hereinabove,\* \$300,000.00 is  
3 appropriated from the General Fund to the Division of Motor  
4 Vehicles for the purposes of implementing this act, which sum shall  
5 be repaid to the General Fund as soon as possible from the fees  
6 collected pursuant to this act.

1 \*~~[24.]~~\* \*25.\* This act shall take effect on the \*~~[ninetieth]~~\*  
2 \*90th\* day following enactment \*,\* except that section \*~~[18]~~\* \*17\*  
3 of this act shall take effect on the \*~~[thirtieth]~~\* \*30th\* day following  
4 enactment.

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ASSEMBLY, No. 162

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman RILEY

AN ACT concerning motorized bicycles, amending R. S. 39:3-18, supplementing P. L. 1975, c. 250 (C. 39:4-14.3) and making an appropriation therefor.

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

1 1. R. S. 39:3-18 is amended to read as follows:

2 39:3-18. A manufacturer of motor vehicles, motor-drawn  
3 vehicles, motor vehicle bodies, *motorized bicycles* or **[motor cycles]**  
4 *motorcycles* doing business in this State may, with regard to motor  
5 or motor-drawn vehicles, *motorized bicycles* or **[cycles]** *motorcycles*  
6 owned or controlled by him, obtain general registration and  
7 registration plates therefor of the style and kind provided for in  
8 this subtitle, with the letter "D" stated thereon. Such plates can  
9 be placed on any vehicle or **[cycle]** *motorcycle* owned or controlled  
10 by such manufacturer, but only if it is operated only for shop,  
11 demonstration or delivery purposes.

12 A bona fide converter of commercial motor vehicles, motor-drawn  
13 vehicle or motor vehicle chassis doing business in this State may,  
14 with regard to motor or motor-drawn vehicles owned or controlled  
15 by him, obtain general registration and registration plates therefor  
16 of the style and kind provided for in this subtitle, with the letter  
17 "D" stated thereon. Such plates can be placed on any vehicles  
18 owned or controlled by such converter, but only if such vehicles are  
19 operated for shop, demonstration or delivery purposes.

20 A bona fide dealer in motor vehicles, motor-drawn vehicles or  
21 **[motor cycles]** *motorcycles* doing business in this State and having  
22 a license to do business as such issued by the director may, with  
23 regard to motor or motor-drawn vehicles or **[cycles]** *motorcycles*  
24 owned by him obtain general registration and registration plates  
25 therefor of the style and kind provided for in this subtitle, with the  
26 letter "D" stated thereon. Such plates shall only be placed on any

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill  
is not enacted and is intended to be omitted in the law.

27 vehicle or **[cycle]** *motorcycle* owned by such dealer; and provided,  
28 such vehicle is not used for hire. Any person who shall be convicted  
29 of a violation of this paragraph shall be subject to a fine not exceed-  
30 ing \$100.00.

31 *A bona fide dealer in motorized bicycles who has an established*  
32 *place of business in this State, may, with regard to motorized*  
33 *bicycles owned by him, obtain general registration and registration*  
34 *plates therefor of the style and kind provided for in this subtitle,*  
35 *with the letter "D" stated thereon. The plates can be placed on any*  
36 *motorized bicycle owned by the dealer, if the dealer operates the*  
37 *motorized bicycle for shop, demonstration or delivery purposes*  
38 *only.*

39 Any person engaged in the business of financing the purchase of  
40 motor or motor-drawn vehicles, *or motorized bicycles* or lending  
41 money thereon may, with regard to motor or motor-drawn vehicles,  
42 *or motorized bicycles* owned or controlled by him, obtain general  
43 registration and registration plates therefor of the style and kind  
43A provided for in this subtitle, with the word "temporary" stated  
44 thereon. Such plates can be placed on any such vehicle *or motorized*  
45 *bicycle* only when it is being transported from the place where  
45A it has been kept by the purchaser or borrower to the place where  
46 it is to be kept by the repossessor, or when the repossessor desires  
47 to operate it for the purpose of demonstration for sale.

48 Any corporation engaged in the business of insuring motor  
49 vehicles, *motorized bicycles* or motor-drawn vehicles against theft  
50 may, with regard to vehicles *or motorized bicycles* owned or con-  
51 trolled by it, obtain general registration and registration plates  
52 therefor of the style and kind provided for in this subtitle, with the  
53 word "temporary" stated thereon. Such plates can be placed on any  
54 such vehicle *or motorized bicycle*, if ownership or control thereof  
55 has been obtained by virtue of the terms of an insurance against  
56 theft contract made by such corporation, and only when the vehicle  
57 *or motorized bicycle* is to be transported for delivery to the owner  
58 thereof from the place where it has been abandoned by or seized  
59 from a thief.

60 Any person, partnership or corporation engaged in the business  
61 of transporting motor or motor-drawn vehicles, *or motorized*  
62 *bicycles* from the place of manufacture for delivery to dealers, may,  
63 with regard to such vehicles *or motorized bicycles*, obtain general  
64 registration and registration plates therefor of the kind and style  
65 provided for in this subtitle, with the word "temporary" stated  
66 thereon, but only if the director is satisfied as to the financial  
67 responsibility of such person, partnership or corporation to meet

68 any claim for damages arising out of any automobile accident and  
69 satisfactory evidence of such responsibility has been filed with him.

70 Any person engaged in the business of renting or leasing motor  
71 vehicles, *motorized bicycles* or motor-drawn vehicles may with  
72 regard to said motor vehicles, *motorized bicycles* or motor-drawn  
73 vehicles owned by him, obtain general registration and registration  
74 plates therefor, provided for in this subtitle, with the word  
75 "temporary" stated thereon. Said registration plates may be placed  
76 on any motor vehicle, *motorized bicycle* or motor-drawn vehicle  
77 owned by such person while said vehicle *or motorized bicycle* is not  
78 individually registered and not in use as a rented or leased vehicle  
79 *or motorized bicycle*.

80 A bona fide dealer in "nonconventional" type motor vehicles, as  
81 defined in R. S. 39:10-2, who has an established place of business  
82 in this State, may, with regard to "nonconventional" type motor  
83 vehicles owned by him, obtain general registration and registration  
84 plates therefor of the style and kind provided for in this subtitle,  
85 with the letter "D" stated thereon. Such plates can be placed on  
86 any "nonconventional" type motor vehicle by such dealer, but only  
87 if such "nonconventional" type motor vehicle is operated only for  
88 shop, demonstration or delivery purposes.

89 Any person, partnership or corporation engaged in the business  
90 of conducting a wholesale automobile auction block in this State  
91 for duly licensed dealers only, at least once each week, may, with  
92 regard to vehicles controlled by it, obtain general registration and  
93 registration plates therefor of the style and kind provided for in  
94 this subtitle with the word "temporary" stated thereon. Such  
95 plates can be placed on any vehicle controlled by the auction block  
96 which is to be transported from the place where stored by the owner  
97 to the auction block. Such plates may not be displayed on a vehicle  
98 sold at the auction block for delivery to the purchaser. Application  
99 for such plates shall be approved only if the director is satisfied as  
100 to the financial responsibility of such person, partnership or  
101 corporation to meet any claim for damages arising out of any auto-  
102 mobile accident and satisfactory proof of such responsibility has  
103 been filed with him.

104 Registration plates issued pursuant to this section shall be a  
105 single plate and shall be issued in sets of five and shall bear the  
106 letter "D" or the word "temporary" and shall bear a number  
107 corresponding to the number on the certificate of registration. The  
108 single registration plate shall be displayed in accordance with the  
109 provisions of R. S. 39:3-33.

110 The annual fee for the issuance of a certificate of registration,  
111 four duplicates thereof and one set of five single "D" or "tem-

112 porary" plates bearing a number corresponding to the number on  
 113 the certificate of registration shall be \$100.00; but the annual fee  
 114 for the issuance of a certificate of registration for motorcycles or  
 115 *motorized bicycles*, two duplicates thereof and one set of three single  
 116 "D" plates bearing a number on the certificate of registration shall  
 117 be \$20.00.

1 2. (New section) a. Except as provided in section 3 of this act,  
 2 no motorized bicycle shall be operated on the public highways or  
 3 public lands of this State unless registered by the owner thereof  
 4 as provided herein.

5 b. The director is authorized to register motorized bicycles upon  
 6 written application and payment of the appropriate fee in accor-  
 7 dance with the following schedule:

8 (1) For each resident registration, \$5.00 for each motorized  
 9 bicycle;

10 (2) For each nonresident registration, \$7.00 for each motorized  
 11 bicycle;

12 (3) For replacement of a lost, mutilated or destroyed registra-  
 13 tion, \$3.00;

14 (4) For a duplicate registration, \$1.00.

15 c. Each registration shall expire on the last day of the twelfth  
 16 calendar month following the calendar month in which the registra-  
 17 tion was issued.

18 d. The form and content of the registration and application  
 19 therefor shall be prescribed by the director.

1 3. (New section) The registration provisions of this act shall not  
 2 apply to a nonresident motorized bicycle owner who has complied  
 3 with the registration and licensing laws of his state of residence, if  
 4 the motorized bicycle is appropriately identified in accordance with  
 5 the laws of his state of residence. Nothing in this section shall  
 6 authorize the operation of a motorized bicycle contrary to the pro-  
 7 visions of this act, P. L. 1975, c. 250 (C. 39:4-14.3) and P. L. 1977,  
 8 c. 267 (C. 39:4-14.3a et seq.).

1 4. (New section) a. Except as otherwise provided in this act, each  
 2 person required to register a motorized bicycle under this act shall  
 3 be subject to all of the duties applicable to persons registering  
 4 motor vehicles and the provisions for noncompliance therewith  
 5 under chapter 3 of Title 39 of the Revised Statutes.

6 b. Except as otherwise provided in this act, the duties of the  
 7 director concerning the application process, issuance, renewal and  
 8 recording of motor vehicle registration certificates and license  
 9 plates under chapter 3 of Title 39 shall be applicable to registrations  
 10 and license plates for motorized bicycles.

11

1 5. (New section) At the time of the original sale of a motorized  
 2 bicycle in this State, a motorized bicycle dealer shall complete in  
 3 triplicate a form prescribed by the director, which shall contain the  
 4 following information:

- 5 a. The year of manufacture, make, model, color, and the manu-  
 6 facturer's shipping weight of the motorized bicycle;
- 7 b. The United States Department of Transportation head tag  
 8 serial number of the motorized bicycle;
- 9 c. The name and street address of the purchaser;
- 10 d. The business name and address of the motorized bicycle  
 11 dealer;
- 12 e. The purchase price and the amount of State sales tax collected  
 13 by the motorized bicycle dealer;
- 14 f. The motorized bicycle dealer's State sales tax authorization  
 15 number;
- 16 g. Signatures of the motorized bicycle dealer and the purchaser;
- 17 h. The month, day and year of sale.

18 The motorized bicycle dealer shall retain one copy of the form  
 19 and present the other two to the purchaser. The form shall con-  
 20 stitute temporary registration for the vehicle for a period of 14  
 21 days from the date of purchase. Within the 14 days the purchaser  
 22 shall register the motorized bicycle by presenting one copy of the  
 23 form to the division, together with any additional information  
 24 required by this act or the director, and paying the prescribed fee.

1 6. (New section) Upon the transfer of ownership or the destruc-  
 2 tion of a motorized bicycle its registration shall become void. If the  
 3 motorized bicycle is sold, the original owner shall remove the license  
 4 plate therefrom, and within 48 hours, notify the director of the  
 5 name and address of the purchaser.

6 The original owner may, by proper sworn application on a form  
 7 to be furnished by the division, register another motorized bicycle  
 8 for the unexpired portion of the registration period of the original  
 9 motorized bicycle upon payment of a fee of \$1.00. Unless the  
 10 original license plate has been destroyed, the owner shall be  
 11 assigned the license number previously issued to him and shall  
 12 receive a new registration. If the original license plate has been  
 13 destroyed, replacement of the plate will be made under the pro-  
 14 visions of R. S. 39:3-32.

1 7. (New section) An applicant for registration of a motorized  
 2 bicycle shall provide proof of ownership. The director shall accept  
 3 as proof of ownership a bona fide bill of sale for or receipt of  
 4 purchase of the motorized bicycle. For motorized bicycles pur-  
 5 chased prior to the effective date of this act and for which no bill

6 of sale or receipt of purchase is available, the director may accept  
7 as proof of ownership a sworn affidavit from the owner, setting  
8 forth facts regarding the acquisition of ownership of the motorized  
9 bicycle, together with any supporting documents.

1 8. (New section) The registration or a duplicate thereof shall be  
2 in the possession of the operator whenever a motorized bicycle is in  
3 operation on the public highways or public lands of this State. A  
4 person operating a motorized bicycle shall exhibit his registration  
5 when requested to do so by any magistrate or police officer, while in  
6 the performance of the duties of his office, and shall furnish to the  
7 magistrate or police officer any other information necessary for  
8 the identification of the motorized bicycle and its owner.

1 9. (New section) The owner of a motorized bicycle registered pur-  
2 suant to this act shall notify the division in writing of the theft or  
3 permanent removal from the State of the motorized bicycle within  
4 10 days thereafter and shall surrender the registration and license  
5 plate with that notice. The division shall return the registration  
6 and license plate to an owner who has regained possession of his  
7 motorized bicycle.

1 10. (New section) a. The director shall promulgate rules and  
2 regulations requiring manufacturers and distributors of motorized  
3 bicycles to certify in writing to the division the make and model  
4 numbers of motorized bicycles which they sell or distribute in this  
5 State.

6 b. The director shall compile and maintain a list of approved  
7 motorized bicycles and shall only permit approved makes and  
8 models to be registered. An unapproved motorized bicycle, how-  
9 ever, may be registered where the registrant establishes that the  
10 motorized bicycle conforms to the definition of "motorized bicycle"  
11 in R. S. 39:1-1 and the requirements of this act.

1 11. (New section) No person shall operate a motorized bicycle on  
2 the public highways or public lands of this State unless a clearly  
3 visible license plate is displayed thereon in accordance with rules  
4 and regulations promulgated by the director.

1 12. (New section) At the time of issuance of a registration for  
2 a motorized bicycle, the director shall also issue to the registrant,  
3 at no additional cost, a license plate to be attached to the motorized  
4 bicycle by the registrant. Each plate shall contain a license number  
5 to be assigned by the director and shall bear the insignia  
6 "M O P E D" in clear lettering. The license plate number shall be  
7 contained on the registration.

1 13. (New section) The owner of a motorized bicycle who acquired  
2 ownership prior to the effective date of this act shall have 90 days

3 from the effective date to comply with the registration and license  
4 plate requirements contained herein.

1 14. (New section) A motorized bicycle shall not be manufactured,  
2 sold, offered for sale or operated unless its engine is equipped with  
3 a governor which limits the maximum speed of the motorized  
4 bicycle to 25 miles per hour on a flat surface. A person violating  
5 this section shall be subject to a fine not exceeding \$500.00 for each  
6 offense.

1 15. (New section) No person engaged in the business of selling  
2 motorized bicycles at retail shall modify or offer to modify a  
3 motorized bicycle engine so that its maximum speed exceeds 25  
4 miles per hour on a flat surface. A person violating this section  
5 shall be subject to a fine not exceeding \$500.00 for each offense.

1 16. (New section) Inspections of motorized bicycles shall occur  
2 annually in the manner and according to the procedures established  
3 under chapter 8 of Title 39 of the Revised Statutes.

1 17. (New section) No person shall operate a motorized bicycle  
2 unless the person wears a protective helmet of a type approved by  
3 the director. The director is authorized to adopt rules and regula-  
4 tions covering the types of approved helmets and the specifications  
5 therefor and to establish and maintain a list of approved helmets.  
6 A person violating this section shall be subject to a fine not exceed-  
7 ing \$25.00 for each offense.

1 18. (New section) Unless otherwise provided by this act, a person  
2 who violates any of the provisions of this act or any rule or regula-  
3 tion promulgated pursuant thereto shall be subject to a fine of not  
4 more than \$100.00 for each offense.

1 19. (New section) The director shall promulgate rules and regula-  
2 tions pursuant to the "Administrative Procedure Act," P. L. 1968,  
3 c. 410 (C. 52:14B-1 et seq.) to effectuate the purposes of sections 2  
4 through 21 of this act.

1 20. There is appropriated \$16,000.00 from the General State  
2 Fund to the Department of Law and Public Safety, Division of  
3 Motor Vehicles to effectuate the purposes of this act.

1 21. This act shall take effect on the 90th day following enactment.

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### SPONSOR'S STATEMENT

Motorized bicycles or "mopeds" are rapidly increasing in popu-  
larity in the State, especially among the young. This bill requires  
mopeds to be furnished with speed control devices, or governors,  
and makes helmets a requisite piece of safety equipment. It also  
requires mopeds to be annually registered and inspected by the  
Division of Motor Vehicles and to display license plates.

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ASSEMBLY, No. 1073

**STATE OF NEW JERSEY**

INTRODUCED MARCH 8, 1982

By Assemblyman KERN

Referred to Committee on Transportation and Communications

AN ACT concerning motor vehicles and motorized bicycles, amend-  
ing R. S. 39:3-4 and providing for an appropriation in connection  
therewith.

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

1 1. R. S. 39:3-4 is amended to read as follows:

2 Registration of automobiles **[and]**, motorcycles *and motorized*  
3 *bicycles*; application, liability insurance, registration certificates,  
4 expiration, issuance; penalties.

5 39:3-4. Except as hereinafter provided, every resident of this  
6 State and every nonresident whose automobile **[or]**, motorcycle  
7 *or motorized bicycle* shall be driven in this State shall before using  
8 such vehicles *or motorized bicycles* on the public highways, regis-  
9 ter the same, and no automobile **[or]**, motorcycle *or motorized*  
10 *bicycle* shall be driven unless so registered.

11 Such registration shall be made in the following manner: An  
12 application in writing, signed by the applicant or by an agent or  
13 officer in case the applicant is a corporation, shall be made to the  
14 director or his lawful agent, on forms prepared and supplied by  
15 the director, containing the name, address and age of the owner,  
16 together with a description of the character of the automobile  
17 **[or]**, motorcycle *or motorized bicycle*, including the name of the  
18 maker and the manufacturer's number or the motor number, or  
19 both, and any other statement that may be required by the director.  
20 If the vehicle *or motorized bicycle* is insured by **[motor vehicle]**  
21 liability insurance as, required by law the application shall contain

**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.

22 the name of the insurer of said vehicle *or motorized bicycle* and  
23 the policy number.

24 Thereupon the director shall have the power to grant a regis-  
25 tration certificate to the owner of any motor vehicle, if over 17  
26 years of age, *or to the owner of any motorized bicycle, if 15 years*  
27 *of age or older*, application for the registration having been prop-  
28 erly made and the fee therefor paid, and the vehicle *or motorized*  
29 *bicycle* being of a type that complies with the requirements of this  
30 subtitle. The form and contents of the registration certificate to  
31 be issued shall be prescribed by the director. The director shall  
32 maintain a record of all registration certificates issued, and of the  
33 contents thereof.

34 Every registration shall expire and the certificate thereof become  
35 void on the last day of the twelfth calendar month following the  
36 calendar month in which the certificate was issued; provided, how-  
37 ever, that the director may, at his discretion and for good cause  
38 shown, require registrations which shall expire, and issue certifi-  
39 cates thereof which shall become void, on a date fixed by him, which  
40 date shall not be sooner than 3 months nor later than 16 months  
41 after the date of issuance of such certificates, and the fees for such  
42 registrations shall be fixed by the director in amounts proportion-  
43 ately less or greater than the fees established in this Title.

44 The director shall issue registration certificates for the following  
45 registration period, on and after the first day of the calendar month  
46 immediately preceding the commencement of such registration  
47 period, such registration certificates to be effective immediately.

48 Application forms for all renewals of registrations for passen-  
49 ger automobiles *and motorized bicycles* shall be mailed by the di-  
50 rector from the central office of the division to the last addresses  
51 of owners of motor vehicles [and], motorcycles *and motorized bi-*  
52 *cycles*, as they appear on the records of the division.

53 No person owning or having control over any unregistered motor  
54 vehicle *or motorized bicycle* shall permit the same to be parked or  
55 to stand on a public highway.

56 Any motor vehicle inspector or police officer is authorized to  
57 remove any such unregistered vehicle *or motorized bicycle* from  
58 the public highway to a storage space or garage, the expense in-  
59 volved in such removal and storing of said motor vehicle *or motor-*  
60 *ized bicycle* to be borne by the owner of such vehicle.

61 Any person violating the provisions of this section shall be sub-  
62 ject to a fine not exceeding \$100.00, except that for the misstatement  
63 of any fact in the application required to be made by the director,

64 the person making such statement shall be subject to the penalties  
65 provided in section 39:3-37 of this Title.

66 Nothing in this section shall be construed to alter or extend the  
67 expiration date of any registration certificate issued prior to March  
68 1, 1956.

1 2. (New section) The Legislature shall appropriate all funds  
2 necessary to reimburse the Division of Motor Vehicles for expenses  
3 incurred in the effectuation of this act.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill requires the registration of "mopeds" which are more particularly referred to as "motorized bicycles" in Title 39 of the Revised Statutes. The registration would involve the issuance of a license plate similar to a motorcycle license plate. There is a need, because of the abundance of mopeds on our highways, to be able to identify the operator of a moped; this is often impossible without identifying plates.

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ASSEMBLY, No. 1440

**STATE OF NEW JERSEY**

INTRODUCED MAY 17, 1982

By Assemblyman D. GALLO and Assemblywoman BROWN

AN ACT concerning the registration and operation of motorized bicycles, amending R. S. 39:3-18, supplementing chapter 4 of Title 39 of the Revised Statutes, and making an appropriation.

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

1 1. R. S. 39:3-18 is amended to read as follows:

2 39:3-18. A manufacturer of motor vehicles, motor-drawn vehicles,  
3 motor vehicle bodies, *motorized bicycles*, or **motorcycles** *motor-*  
4 *cycles* doing business in this State may, with regard to motor or  
5 motor-drawn vehicles, *motorized bicycles*, or **cycles** *motorcycles*  
6 owned or controlled by him, obtain general registration and regis-  
7 tration plates therefor of the style and kind provided for in this  
8 subtitle, with the letter "D" stated thereon. Such plates can be  
9 placed on any vehicle or cycle owned or controlled by such manu-  
10 facturer, but only if it is operated only for shop, demonstration or  
11 delivery purposes.

12 A bona fide converter of commercial motor vehicles, motor-drawn  
13 vehicle or motor vehicle chassis doing business in this State may,  
14 with regard to motor or motor-drawn vehicles owned or controlled  
15 by him, obtain general registration and registration plates therefor  
16 of the style and kind provided for in this subtitle, with the letter  
17 "D" stated thereon. Such plates can be placed on any vehicles  
18 owned or controlled by such converter, but only if such vehicles are  
19 operated for shop, demonstration or delivery purposes.

20 A bona fide dealer in motor vehicles, motor-drawn vehicles or  
21 motorcycles doing business in this State and having a license to

**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.**

22 do business as such issued by the director may, with regard to  
23 motor or motor-drawn vehicles or cycles owned by him, obtain  
24 general registration and registration plates therefor of the style  
25 and kind provided for in this subtitle, with the letter "D" stated  
26 thereon. Such plates shall only be placed on any vehicle or cycle  
27 owned by such dealer; and provided, such vehicle is not used for  
28 hire. Any person who shall be convicted of a violation of this  
29 paragraph shall be subject to a fine not exceeding \$100.00.

30 *A bona fide dealer in motorized bicycles, as defined in R. S. 39:1-1,*  
31 *who has an established place of business in this State may, with*  
32 *regard to motorized bicycles owned by him, obtain general registra-*  
33 *tion and registration plates therefor of the style and kind provided*  
34 *for in this subtitle, with the letter "D" stated thereon. Such plates*  
35 *can be placed on any such motorized bicycle by such dealer, but*  
36 *only if such motorized bicycle is operated only for shop, demon-*  
37 *stration, or delivery purposes.*

38 Any person engaged in the business of financing the purchase  
39 of motor or motor-drawn vehicles *or motorized bicycles* or lending  
40 money thereon may, with regard to motor or motor-drawn vehicles  
41 *or motorized bicycles* owned or controlled by him, obtain general  
42 registration and registration plates therefor of the style and kind  
43 provided for in this subtitle, with the word "temporary" stated  
44 thereon. Such plates can be placed on any such vehicle only when  
45 it is being transported from the place where it has been kept by the  
46 purchaser or borrower to the place where it is to be kept by the  
47 repossessor, or when the repossessor desires to operate it for the  
48 purpose of demonstration for sale.

49 Any corporation engaged in the business of insuring motor  
50 vehicles, *motorized bicycles*, or motor-drawn vehicles against theft  
51 may, with regard to vehicles owned or controlled by it, obtain  
52 general registration and registration plates therefor of the style  
53 and kind provided for in this subtitle, with the word "temporary"  
54 stated thereon. Such plates can be placed on any such vehicle, if  
55 ownership or control thereof has been obtained by virtue of the  
56 terms of an insurance against theft contract made by such corpo-  
57 ration, and only when the vehicle is to be transported for delivery  
58 to the owner thereof from the place where it has been abandoned  
59 by or seized from a thief.

60 Any person, partnership or corporation engaged in the business  
61 of transporting motor or motor-drawn vehicles *or motorized bi-*  
62 *cycles* from the place of manufacture for delivery to dealers, may,  
63 with regard to such vehicles, obtain general registration and regi-

64 stration plates therefor of the kind and style provided for in this  
65 subtitle, with the word "temporary" stated thereon, but only if the  
66 director is satisfied as to the financial responsibility of such person,  
67 partnership or corporation to meet any claim for damages arising  
68 out of any automobile accident and satisfactory evidence of such  
69 responsibility has been filed with him.

70 Any person engaged in the business of renting or leasing motor  
71 vehicles, *motorized bicycles*, or motor-drawn vehicles may, with  
72 regard to said motor vehicles or motor-drawn vehicles owned by  
73 him, obtain general registration and registration plates therefor,  
74 provided for in this subtitle, with the word "temporary" stated  
75 thereon. Said registration plates may be placed on any motor  
76 vehicle, *motorized bicycle*, or motor-drawn vehicle owned by such  
77 person while said vehicle is not individually registered and not in  
78 use as a rented or leased vehicle.

79 A bona fide dealer in "nonconventional" type motor vehicles,  
80 as defined in R. S. 39:10-2, who has an established place of business  
81 in this State, may, with regard to "nonconventional" type motor  
82 vehicles owned by him, obtain general registration and registration  
83 plates therefor of the style and kind provided for in this subtitle,  
84 with the letter "D" stated thereon. Such plates can be placed on  
85 any "nonconventional" type motor vehicle by such dealer, but only  
86 if such "nonconventional" type motor vehicle is operated only for  
87 shop, demonstration or delivery purposes.

88 Any person, partnership or corporation engaged in the business  
89 of conducting a wholesale automobile auction block in this State  
90 for duly licensed dealers only, at least once each week, may, with  
91 regard to vehicles controlled by it, obtain general registration and  
92 registration plates therefor of the style and kind provided for in  
93 this subtitle with the word "temporary" stated thereon. Such  
94 plates can be placed on any vehicle controlled by the auction block  
95 which is to be transported from the place where stored by the  
96 owner to the auction block. Such plates may not be displayed on  
97 a vehicle sold at the auction block for delivery to the purchaser.  
98 Application for such plates shall be approved only if the director  
99 is satisfied as to the financial responsibility of such person, partner-  
100 ship or corporation to meet any claim for damages arising out of  
101 any automobile accident and satisfactory proof of such respon-  
102 sibility has been filed with him.

103 Registration plates issued pursuant to this section shall be a  
104 single plate and shall be issued in sets of five and shall bear the  
105 letter "D" or the word "temporary" and shall bear a number

106 corresponding to the number on the certificate of registration. The  
 107 single registration plate shall be displayed in accordance with the  
 108 provisions of R. S. 39:3-33.

109 The annual fee for the issuance of a certificate of registration,  
 110 four duplicates thereof and one set of five single "D" or "tem-  
 111 porary" plates bearing a number corresponding to the number on  
 112 the certificate of registration shall be \$100.00; but the annual fee  
 113 for the issuance of a certificate of registration for motorcycles, two  
 114 duplicates thereof and one set of three single "D" plates bearing  
 115 a number on the certificate of registration shall be \$20.00.

1 2. (New section) In addition to the requirements of section 2 of  
 2 P. L. 1975, c. 250 (C. 39:4-14.3) and P. L. 1977, c. 267 (C. 39:4-14.3a  
 3 et seq.), no motorized bicycle as defined by R. S. 39:1-1 shall be  
 4 operated on the public highways or on public lands of this State  
 5 unless registered by the owner thereof as provided by this act.  
 6 The Director of the Division of Motor Vehicles in the Department  
 7 of Law and Public Safety is authorized to register motorized  
 8 bicycles upon applications and payment of the appropriate fee  
 9 in accordance with the following schedule:

- 10 a. For each individual resident registration, \$5.00;  
 11 b. For each individual nonresident registration, \$7.00;  
 12 c. For replacement of lost, mutilated or destroyed registration  
 13 certificate, \$3.00;  
 14 d. For a duplicate registration, \$1.00 at the time of issuance.

15 The registration certificates shall be valid for the period of time  
 16 that the registrant owns the motorized bicycle, except that the  
 17 director may suspend or revoke a registration for any violation  
 18 of this act or for the rules promulgated hereunder.

19 Registrations shall be in such form as the director shall pre-  
 20 scribe. No registration shall be required for a motorized bicycle  
 21 operated exclusively on private property. The owner of any regis-  
 22 tration certificate issued under this act may obtain a duplicate  
 23 from the division upon application and payment of the fee pre-  
 24 scribed.

1 3. (New section) a. The director shall promulgate regulations  
 2 requiring manufacturers or distributors to certify in writing to the  
 3 division the make and model numbers of motorized bicycles which  
 4 they sell or distribute in this State.

5 b. The director shall compile and maintain a list of approved  
 6 motorized bicycles and shall only permit approved makes and  
 7 models of motorized bicycles which are sold or distributed in this  
 8 State after the effective date of this act to be registered pursuant  
 9 thereto.

10 c. Nothing contained herein, however, shall preclude registration  
 11 of a motorized bicycle pursuant to this act where the registrant  
 12 of the motorized bicycle establishes with reasonable specificity that  
 13 the motorized bicycle conforms to the definition in R. S. 39:1-1  
 14 and the requirements of section 2 of P. L. 1975, c. 250 (C. 39:4-14.3)  
 15 and P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).

1 4. (New section) Whenever ownership is transferred or the use  
 2 of a motorized bicycle for which a registration certificate has  
 3 already been issued is discontinued, the old registration shall be  
 4 properly signed and executed by the owner, showing that the  
 5 ownership of the motorized bicycle has been transferred or its use  
 6 discontinued.

7 Whenever the use of a motorized bicycle for which a registration  
 8 certificate has already been issued is discontinued, the signed and  
 9 executed registration shall be returned to the director within 10  
 10 days of the discontinuance of its use.

11 Whenever there is a transfer of ownership of a motorized bicycle  
 12 for which a registration certificate has been previously issued, the  
 13 owner shall sign over the registration to the purchaser. The new  
 14 owner shall apply for a new registration certificate within 10 days  
 15 of purchase and submit the original registration along with the  
 16 application. He shall pay the regular fee for registering the  
 17 motorized bicycle.

1 5. (New section) In registering any motorized bicycle as provided  
 2 by this act, the director shall accept as proof of ownership a bona  
 3 fide bill of sale or receipt for purchase of the vehicle, as well as any  
 4 other reasonable proof of ownership which he may accept in  
 5 accordance with rules and regulations which he may promulgate  
 6 from time to time.

7 With respect to motorized bicycles purchased prior to the effec-  
 8 tive date of this act, and for which no bill of sale or other formal  
 9 proof of ownership is available, the director may accept as proof  
 10 of ownership a sworn affidavit from the owner, setting forth with  
 11 reasonable specificity, facts regarding the acquisition of ownership  
 12 of the motorized bicycle, together with any supporting documents,  
 13 as proof of ownership of the motorized bicycle.

1 6. (New section) A person who knowingly submits a false bill of  
 2 sale, false receipt for purchase, or any other false proof of owner-  
 3 ship, or who knowingly submits any false affidavit or false support-  
 4 ing document regarding proof of ownership of a motorized bicycle,  
 5 commits a crime of the fourth degree.

6 7. (New section) The registration provisions of this act shall not

2 apply to nonresident owners who have complied with the registra-  
3 tion and licensing laws of their state of residence, provided that  
4 the motorized bicycle is approximately identified in accordance with  
5 the laws of their state of residence. Nothing in this section shall  
6 be construed to authorize the operation of any motorized bicycle  
7 contrary to the provisions of this act.

1 8. (New section) The registration certificate, or a duplicate  
2 thereof, shall be in the possession of the operator when the vehicle  
3 is in operation. Every person operating a motorized bicycle regis-  
4 tered or transferred in accordance with any of the provisions of  
5 this act shall upon demand of any peace officer, law enforcement  
6 officer, or police officer produce for inspection the certificate of  
7 registration for the motorized bicycle and shall furnish to the  
8 officer any information necessary for the identification of the  
9 motorized bicycle and its owner.

1 9. (New section) It shall be the duty of every owner holding a  
2 certificate of registration to notify the division, in writing, of any  
3 change of his residence within 7 days after the change occurs.

1 10. (New section) Every owner of a motorized bicycle registered  
2 pursuant to this act shall notify the division in writing of the  
3 destruction, theft, or permanent removal from the State of the  
4 motorized bicycle, within 10 days thereafter; and where the motor-  
5 ized bicycle is destroyed or stolen, the owner shall surrender the  
6 certificate of registration with that notice.

1 11. (New section) No person shall operate a motorized bicycle  
2 unless he wears a protective helmet of a type and kind approved  
3 by the director.

1 12. (New section) At the time of issuance of the registration  
2 of the motorized bicycle, the director shall also issue to the  
3 registrant, at no additional cost, a motorized bicycle license plate  
4 to be attached to the bicycle by the registrant. Each plate shall  
5 contain a clearly visible license number to be assigned by the  
6 director and shall bear the insignia "MOPED" in clear lettering.  
7 The license plate number shall be contained on the certificate of  
8 registration.

1 13. (New section) No person may operate a motorized bicycle  
2 in this State unless a license plate is displayed in accordance  
3 with the provisions of R. S. 39:3-33 applicable to motorcycles.

1 14. (New section) Upon the sale or transfer of ownership  
2 of a motorized bicycle, the person conveying ownership shall,  
3 within 10 days, return the motorized bicycle license plate to the  
4 director, along with the registration certificate as provided in this  
5 act.

1 15. (New section) The owner of any motorized bicycle, who  
2 acquired ownership prior to the effective date of this act, shall  
3 have 90 days from the effective date to comply with the registration  
4 and license plate requirements contained herein.

1 16. (New section) Except as otherwise provided in section 2 of  
2 P. L. 1975, c. 250 (C. 39:4-14.3) and P. L. 1977, c. 267 (C. 39:4-14.3a  
3 et seq.) and section 6 of this act, a person who violates any provi-  
4 sions of this act or any rule or regulations promulgated pursuant  
5 to this act shall be subject to a fine of not more than \$100.00.

1 17. (New section) The director shall have the authority to pro-  
2 mulgate rules and regulations to effectuate the purposes of this act.

1 18. There is appropriated \$16,000.00 to effectuate the purposes  
2 of this act.

1 19. This act shall take effect on the ninetieth day next following  
2 enactment.

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#### STATEMENT

This bill would require the registration of motorized bicycles, or "mopeds," as they are popularly known. In addition, the bill would require protective helmets to be worn by the operators of motorized bicycles.

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SENATE, No. 2034

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1982

By Senators HURLEY, GRAVES, RODGERS, STOCKMAN,  
BASSANO, BUBBA and LASKIN

(Without Reference)

AN ACT concerning motorized bicycles, revising part of the statutory law and making an appropriation.

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

1 1. R. S. 39:3-18 is amended to read as follows:

2 39:3-18. A manufacturer of motor vehicles, motor-drawn vehi-  
3 cles, motor vehicle bodies, *motorized bicycles* or **[motor cycles]**  
4 *motorcycles* doing business in this State may, with regard to motor  
5 or motor-drawn vehicles, *motorized bicycles*, or **[cycles]** *motorcy-*  
6 *cles*, owned or controlled by him, obtain general registration and  
7 registration plates therefor of the style and kind provided for in this  
8 subtitle, with the letter "D" stated thereon. Such plates can be  
9 placed on any vehicle or cycle owned or controlled by such manu-  
10 facturer, but only if it is operated only for shop, demonstration  
11 or delivery purposes.

12 A bona fide converter of commercial motor vehicles, motor-drawn  
13 vehicle or motor vehicle chassis doing business in this State may,  
14 with regard to motor or motor-drawn vehicles owned or controlled  
15 by him, obtain general registration and registration plates therefor  
16 of the style and kind provided for in this subtitle, with the letter  
17 "D" stated thereon. Such plates can be placed on any vehicles  
18 owned or controlled by such converter, but only if such vehicles  
19 are operated for shop, demonstration or delivery purposes.

20 A bona fide dealer in motor vehicles, motor-drawn vehicles or  
21 motor cycles doing business in this State and having a license to  
22 do business as such issued by the director may, with regard to

**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 motor or motor-drawn vehicles or cycles owned by him, obtain  
24 general registration and registration plates therefor of the style  
25 and kind provided for in this subtitle, with the letter "D" stated  
26 thereon. Such plates shall only be placed on any vehicle or cycle  
27 owned by such dealer; and provided, such vehicle is not used for  
28 hire. Any person who shall be convicted of a violation of this  
29 paragraph shall be subject to a fine not exceeding \$100.00.

30 *A bona fide dealer in motorized bicycles, as defined in R. S. 39:1-1,*  
31 *who has an established place of business in this State may, with*  
32 *regard to motorized bicycles owned by him, obtain general regis-*  
33 *tration and registration plates therefor of the style and kind pro-*  
34 *vided for in this subtitle, with the letter "D" stated thereon. The*  
35 *plates can be placed on a motorized bicycle by the dealer, but only*  
36 *if the motorized bicycle is operated only for shop, demonstration,*  
37 *or delivery purposes.*

38 Any person engaged in the business of financing the purchase  
39 of motor or motor-drawn vehicles *or motorized bicycles* or lending  
40 money thereon may, with regard to motor or motor-drawn vehicles  
41 *or motorized bicycles* owned or controlled by him, obtain general  
42 registration and registration plates therefor of the style and kind  
43 provided for in this subtitle, with the word "temporary" stated  
44 thereon. Such plates can be placed on any such vehicle only when  
45 it is being transported from the place where it has been kept by  
46 the purchaser or borrower to the place where it is to be kept by the  
47 repossessor, or when the repossessor desires to operate it for the  
48 purpose of demonstration for sale.

49 Any corporation engaged in the business of insuring motor ve-  
50 hicles, *motorized bicycles*, or motor-drawn vehicles against theft  
51 may, with regard to vehicles owned or controlled by it, obtain  
52 general registration and registration plates therefor of the style  
53 and kind provided for in this subtitle, with the word "temporary"  
54 stated thereon. Such plates can be placed on any such vehicle, if  
55 ownership or control thereof has been obtained by virtue of the  
56 terms of an insurance against theft contract made by such corpo-  
57 ration, and only when the vehicle is to be transported for delivery  
58 to the owner thereof from the place where it has been abandoned  
59 by or seized from a thief.

60 Any person, partnership or corporation engaged in the business  
61 of transporting motor or motor-drawn vehicles *or motorized bicy-*  
62 *cles* from the place of manufacture for delivery to dealers, may,  
63 with regard to such vehicles, obtain general registration and reg-  
64 istration plates therefor of the kind and style provided for in this  
65 subtitle, with the word "temporary" stated thereon, but only if the

66 director is satisfied as to the financial responsibility of such person,  
67 partnership or corporation to meet any claim for damages arising  
68 out of any automobile accident and satisfactory evidence of such  
69 responsibility has been filed with him.

70 Any person engaged in the business of renting or leasing motor  
71 vehicles, *motorized bicycles*, or motor-drawn vehicles may, with  
72 regard to said motor vehicles, *motorized bicycles*, or motor-drawn  
73 vehicles owned by him, obtain general registration and registration  
74 plates therefor, provided for in this subtitle, with the word "tem-  
75 porary" stated thereon. Said registration plates may be placed on  
76 any motor vehicle, *motorized bicycle*, or motor-drawn vehicle owned  
77 by such person while said vehicle is not individually registered  
78 and not in use as a rented or leased vehicle.

79 A bona fide dealer in "nonconventional" type motor vehicles,  
80 as defined in R. S. 39:10-2, who has an established place of business  
81 in this State, may, with regard to "nonconventional" type motor  
82 vehicles owned by him, obtain general registration and registration  
83 plates therefor of the style and kind provided for in this subtitle,  
84 with the letter "D" stated thereon. Such plates can be placed on  
85 any "nonconventional" type motor vehicle by such dealer, but only  
86 if such "nonconventional" type motor vehicle is operated only for  
87 shop, demonstration or delivery purposes.

88 Any person, partnership or corporation engaged in the business  
89 of conducting a wholesale automobile auction block in this State  
90 for duly licensed dealers only, at least once each week, may, with  
91 regard to vehicles controlled by it, obtain general registration and  
92 registration plates therefor of the style and kind provided for in  
93 this subtitle with the word "temporary" stated thereon. Such  
94 plates can be placed on any vehicle controlled by the auction block  
95 which is to be transported from the place where stored by the  
96 owner to the auction block. Such plates may not be displayed on  
97 a vehicle sold at the auction block for delivery to the purchaser.  
98 Application for such plates shall be approved only if the director  
99 is satisfied as to the financial responsibility of such person, partner-  
100 ship or corporation to meet any claim for damages arising out of  
101 any automobile accident and satisfactory proof of such responsi-  
102 bility has been filed with him.

103 Registration plates issued pursuant to this section shall be a  
104 single plate and shall be issued in sets of five and shall bear the  
105 letter "D" or the word "temporary" and shall bear a number  
106 corresponding to the number on the certificate of registration. The  
107 single registration plate shall be displayed in accordance with the  
108 provisions of R. S. 39:3-33.

109 The annual fee for the issuance of a certificate of registration,  
 110 four duplicates thereof and one set of five single "D" or "tem-  
 111 porary" plates bearing a number corresponding to the number on  
 112 the certificate of registration shall be \$100.00; but the annual fee  
 113 for the issuance of a certificate of registration for motorcycles *or*  
 114 *motorized bicycles*, two duplicates thereof and one set of three  
 115 single "D" plates bearing a number on the certificate of registra-  
 116 tion shall be \$20.00.

1 2. R. S. 39:3-31 is amended to read as follows:

2 39:3-31. The commissioner, upon presentation of a statement  
 3 duly sworn to, stating that the original registration certificate,  
 4 *original motorized bicycle registration certificate*, or driver's license  
 5 has been destroyed, lost or stolen, may, if he is satisfied that the  
 6 facts as set forth in the statement are substantially true, issue a du-  
 7 plicate registration certificate, *motorized bicycle registration certifi-*  
 8 *cate*, or driver's license to the original holder thereof, upon the  
 9 payment to the commissioner of a fee of \$3.00 for each duplicate  
 10 registration certificate, *motorized bicycle registration certificate*, or  
 11 driver's license so issued.

1 3. R. S. 39:3-36 is amended to read as follows:

2 39:3-36. The registered owner of a motor vehicle *or a motorized*  
 3 *bicycle* and a licensed operator shall notify the commissioner, in  
 4 writing, of a change in his residence within one week after the  
 5 change is made. A person who violates this section shall be subject  
 6 to a penalty of not more than ten dollars.

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

2 39:10-2. As used in this chapter unless other meaning is clearly  
 3 apparent from the language or context, or unless inconsistent with  
 4 the manifest intention of the Legislature:

5 "New motor vehicle" means only a newly manufactured motor  
 6 vehicle, except a nonconventional type motor vehicle, and includes  
 7 all such vehicles propelled otherwise than by muscular power, and  
 8 motorcycles, *motorized bicycles*, trailer and tractors, excepting such  
 9 vehicles as run only upon rails or tracks.

10 "Used motor vehicle" means every motor vehicle *and motorized*  
 11 *bicycle* except a nonconventional type motor vehicle, title to, or  
 12 possession of, which has been transferred from the person who first  
 13 acquired it from the manufacturer or dealer, and so used as to  
 14 become what is commonly known as "secondhand" within the  
 15 ordinary meaning thereof, and includes every motor vehicle *and*  
 16 *motorized bicycle* other than a "new motor vehicle" or a "non-  
 17 conventional type motor vehicle."

18 "Any motor vehicle," "every motor vehicle," or similar term,

19 means both new and used motor vehicles, except a “nonconventional  
20 type motor vehicle.”

21 “Nonconventional type motor vehicle” means every vehicle not  
22 designed or used primarily for the transportation of persons or  
23 property and only incidentally operated or moved over a highway,  
24 including, but not limited to ditch-digging apparatus, well-boring  
25 apparatus, road and general purpose construction and maintenance  
26 machinery, asphalt spreaders, bituminous mixers, bucket loaders,  
27 ditchers, leveling graders, finishing machines, motor graders, road  
28 rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,  
29 drag lines, self-propelled cranes, earth-moving equipment, trailers  
30 and semitrailers which weigh less than 2,500 pounds, except that  
31 no mobile home or travel trailers shall be classified as a nonconven-  
32 tional type motor vehicle, motorized wheel chairs, motorized lawn  
33 mowers, bogies, farm equipment having a factory shipping weight  
34 of less than 1,500 pounds, whether or not motorized, including farm  
35 tractors within said weight limitation, industrial tractors, [motor  
36 bicycles,] scooters, go-carts, gas buggies and golf carts. The Di-  
37 rector of the Division of Motor Vehicles shall have power to make,  
38 amend and repeal regulations, not inconsistent with the provisions  
39 of this paragraph, prescribing what further vehicles or types of  
40 vehicles, not specified in this paragraph, shall be included in the  
41 category of nonconventional type motor vehicles.

42 “Motor vehicles which constitute inventory held for sale” means  
43 new motor vehicles and used motor vehicles held for the purpose  
44 of sale by dealers and used motor vehicles held for the purpose of  
45 sale by used motor vehicle dealers, and excludes motor vehicles  
46 held for the purpose of lease or rental by a person engaged in the  
47 motor vehicle leasing or rental business.

48 “Manufacturer’s or importer’s certificate of origin” means the  
49 original written instrument or document required to be executed  
50 and delivered by the manufacturer to his agent or a dealer, or a  
51 person purchasing direct from the manufacturer, certifying the  
52 origin of the vehicle.

53 “Certificate of ownership” means the document issued in con-  
54 formance with this chapter, certifying ownership of a motor vehicle,  
55 other than manufacturer’s or importer’s certificate of origin.

56 “Assignment” means the execution of a prescribed form trans-  
57 ferring ownership of a motor vehicle from the person named therein  
58 to the purchaser.

59 “Contract” means conditional sale agreement, bailment, lease,  
60 chattel mortgage, trust receipt or any other form of security or  
61 possession agreement executed prior to January 1, 1963, wherein

62 and whereby possession of a motor vehicle is delivered to the buyer  
63 and title therein is to vest in the buyer at a subsequent time upon  
64 the payment of part or all of the price, or upon the performance of  
65 any other condition or happening of any contingency, or upon the  
66 payment of a sum substantially equivalent to the value of the motor  
67 vehicle, by which contract it is agreed that the buyer is bound to  
68 become, or has the option of becoming, the owner of the motor  
69 vehicle upon full compliance with the terms of the contract.

70 "Abstract" means the duplicate copy of the original certificate  
71 of ownership recording any encumbrance or upon which the exist-  
72 tence of a security interest is noted.

73 "Title papers" means any instrument or document that is evi-  
74 dence of ownership of a vehicle.

75 "Director" means the Director of Motor Vehicles, his deputy or  
76 duly authorized agent.

77 "Manufacturer" means the person who originally manufactured  
78 the motor vehicle.

79 "Dealer" means the agent, distributor or authorized dealers of  
80 the manufacturer of the new motor vehicle, and who has an estab-  
81 lished place of business.

82 "Used motor vehicle dealer" means a person engaged in the  
83 business of selling, buying or dealing in used motor vehicles, and  
84 who has an established place of business.

85 "Person" includes natural persons, firms or copartnerships,  
86 corporations, associations, or other artificial bodies, receivers,  
87 trustees, common law or statutory assignees, executors, adminis-  
88 trators, sheriffs, constables, marshals, or other persons in repre-  
89 sentative or official capacity, and members, officers, agents, em-  
90 ployees, or other representatives of those hereinbefore enumerated.

91 "Buyer" includes purchaser, debtor, lessee, bailee, transferee,  
92 and any person buying, attempting to buy, or receiving a motor  
93 vehicle, subject to a security interest, lease, bailment or transfer  
94 agreement, and their legal successors in interest.

95 "Seller" means manufacturer, dealer, lessor, bailor, transferor  
96 with or without a security interest, and any other person selling,  
97 attempting to sell, or delivering a motor vehicle, and their legal  
98 successors in interest.

99 The terms "sell" or "sale" or "purchase" and any form thereof  
100 including absolute or voluntary sales and purchases, agreements  
101 to sell and purchase, bailments, leases, security agreements whereby  
102 any motor vehicles are sold and purchased, or agreed to be sold and  
103 purchased, involuntary, statutory and judiciary sales, inheritance,  
104 devise, or bequest, gift or any other form or manner of sale or

105 agreement of sale thereof, or the giving or transferring possession  
106 of a motor vehicle to a person for a permanent use; continued pos-  
107 session for 60 days or more is to be construed as permanent use.

108 "Manufacturer's number" means the original manufacturer's  
109 vehicle identification number die stamped upon the body, or frame  
110 or either or both of them, of a motor vehicle or the original manu-  
111 facturer's number die stamped upon, the engine or motor of a motor  
112 vehicle.

113 "Purchaser" means a person who takes possession of a motor  
114 vehicle by transfer of ownership, either for use or resale, except  
115 a dealer when he takes possession through a certificate of origin.

116 "Debtor" means the person who owes payment or other per-  
117 formance of the obligation secured by a security interest in a motor  
118 vehicle.

119 "Security interest" means an interest in a motor vehicle which  
120 secures payment or other performance of an obligation.

121 "Security agreement" means an agreement which creates or pro-  
122 vides for a security interest in a motor vehicle.

123 "Secured party" means a lender, seller or other person in whose  
123 favor there is a security interest.

1 5. Section 2 of P. L. 1969, c. 301 (C. 39:3-4c) is amended to read  
2 as follows:

3 2. The director may prescribe rules and regulations governing  
4 the issuance of temporary registration certificates and temporary  
5 plates by *motor vehicle* dealers, *motorized bicycle dealers*, and the  
6 division of motor vehicles and may require security in sufficient  
7 amount to guarantee payment of all fees and moneys to the State of  
8 New Jersey and if he finds that any abuse has been practiced by  
9 any licensed motor vehicle *or motorized bicycle* dealer he shall have  
10 the right to suspend his privilege or franchise to issue such  
11 temporary registration certificates and plates. The director shall  
12 also annually determine the fee to be charged and paid pursuant  
13 to this act, except that no such fee shall exceed the actual cost to  
14 the State of New Jersey of implementing and enforcing the terms  
15 and provisions of this act. All moneys received by such licensed  
16 dealers for temporary registrations, certificates and plates granted  
17 under the provisions of this act shall forthwith be deposited as  
18 received with the State Treasurer.

1 6. Section 1 of P. L. 1961, c. 77 (C. 39:3-31.1) is amended to read  
2 as follows:

3 1. The Director of the Division of Motor Vehicles, upon presenta-  
4 tion of a statement by the holder of an original registration certifi-  
5 cate that he requires a duplicate registration certificate for use by

6 members of his family, shall issue a duplicate original registration  
7 certificate to the holder of the original registration certificate upon  
8 the payment to the director of a fee of \$3.00.

9 Any such duplicate original registration certificate may be used  
10 in the same manner and for the same purpose as the original regis-  
11 tration certificate but may be used only by the holder of the original  
12 registration certificate or a member of his family. Any reference  
13 to the original registration certificate in the chapter to which this  
14 act is supplementary or in Title 39 of the Revised Statutes as  
15 amended and supplemented, shall be deemed to include any and  
16 all duplicate original registration certificates issued pursuant to  
17 this act and, in the event that the holder of the original registration  
18 certificate shall be required to surrender the same by virtue of the  
19 provisions of any law, he shall also be required to surrender the  
20 duplicate original registration certificate if he shall have had such  
21 duplicate original registration certificate issued to him. The said  
22 director shall make and promulgate such rules and regulations as  
23 may be necessary to effectuate the purposes of this act.

24 *This section shall also apply to registration certificates for motor-*  
25 *ized bicycles.*

1 7. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is amended to  
2 read as follows:

3 2. a. Motorized bicycles shall not be operated upon interstate  
4 highways or upon public highways divided by a grass or concrete  
5 median or highways with posted speed limits in excess of 50 miles  
6 per hour or upon the railroad or right-of-way of an operating  
7 railroad within the State of New Jersey or upon any public land  
8 where expressly prohibited by the governing body, department or  
9 agency having jurisdiction thereof.

10 The Director of *the Division of Motor Vehicles* is authorized to  
11 adopt regulations either prohibiting the operation of motorized  
12 bicycles on any public road or highway with a speed limit in excess  
13 of 40 miles per hour which in his discretion are hazardous for the  
14 operation of motorized bicycles or permitting the operation of  
15 motorized bicycles on any public road or highway, upon which the  
16 operation of motorized bicycles is otherwise prohibited by the pro-  
17 visions of this section, which in his discretion are safe for the  
18 operation of motorized bicycles. In no case, however, shall the  
19 director adopt a regulation permitting motorized bicycles to be  
20 operated on any highway with a posted speed in excess of 50 miles  
21 per hour.

22 b. No municipality shall limit or otherwise restrict the opera-  
23 tion of motorized bicycles on any public roads or highways under

24 its jurisdiction in contravention of the provisions of this act or  
25 any regulations adopted by the director pursuant thereto.

26 c. Motorized bicycles shall not be operated by a person under  
27 15 years of age.

28 d. No person shall operate a motorized bicycle unless he is in  
29 possession of a valid driver's license of any class or a motorized  
30 bicycle license which shall be issued by the director to any person  
31 15 years of age or older after he has passed a satisfactory examina-  
32 tion as to his ability as an operator. Such examination shall include  
33 a test of the applicant's knowledge of such portions of the mech-  
34 anism of motorized bicycles as is necessary to insure their safe  
35 operation and of the laws and ordinary usages of the road and a  
36 demonstration of his ability to operate a motorized bicycle.

37 The demonstration of an applicant's ability to operate a motor-  
38 ized bicycle shall be administered at such municipalities that the  
39 director shall designate under the supervision of the director, or  
40 an officer, employee, or authorized agent of the Division of Motor  
41 Vehicles in accordance with rules and regulations promulgated by  
42 the division.

43 The director may, in his discretion, issue a learner's permit to a  
44 person 15 years of age or older allowing such person, for the pur-  
45 pose of fitting himself to become a motorized bicycle driver, to  
46 operate a motorized bicycle during daylight hours without super-  
47 vision for a period not to exceed 45 days. The permit shall be  
48 sufficient license for the person to operate a motorized bicycle. No  
49 permit shall be issued unless the person applying therefor shall pay  
50 the sum of \$5.00 to the director, or an officer, employee or agent  
51 of the division.

52 e. The valid driver's license, *the insurance identification card,*  
53 *and the registration certificate* shall be in the possession of the  
54 operator at all times when he is operating a motorized bicycle with  
55 motor engaged on the highways of this State. The operator shall  
56 exhibit his driver's license when requested to do so by any police  
57 officer or magistrate, while in the performance of the duties of his  
58 office and shall write his name in the presence of the officer, so  
59 that the officer may thereby determine the identity of the licensee  
60 *and at the same time determine the correctness of the registration*  
61 *certificate as it relates to the registration number and number plates*  
62 *of the motorized bicycle for which it was issued and the correctness*  
63 *of the evidence of a policy of insurance, as it relates to the coverage*  
64 *of the motorized bicycle for which it was issued.* Any person violat-  
65 ing this subsection shall be subject to a fine not exceeding \$50.00.

66 *If a person charged with a violation of this subsection can exhibit*  
 67 *his valid driver's license, insurance identification card, and regis-*  
 68 *tration certificate, which were valid on the day he was charged, to*  
 69 *the judge of the municipal court before whom he is summoned to*  
 70 *answer to the charge, the judge may dismiss the charge; however,*  
 71 *the judge may impose court costs.*

72 f. Unless otherwise determined by the director, statutes, rules  
 73 and regulations applicable to bicycles shall apply whenever a  
 74 motorized bicycle is operated upon any highway or upon any public  
 75 land.

76 Every person operating a motorized bicycle upon a public road  
 77 or highway shall be subject to all of the duties applicable to the  
 78 driver of a vehicle by chapter 4 of Title 39 and N. J. S. [2A:113-9]  
 79 2C:11-5 and all amendments and supplements thereto.

1 8. Section 1 of P. L. 1982, c. 43 (C. 39:5-30.5) is amended to read  
 2 as follows:

3 1. The Director of the Division of Motor Vehicles shall have  
 4 the authority, pursuant to the "Administrative Procedure Act,"  
 5 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to continue to adopt rules  
 6 and regulations to determine the motor vehicle offenses for which  
 7 penalty points may be assessed under this act, and the amount of  
 8 points to be assessed for each offense *and to adopt rules and regula-*  
 9 *tions to determine the motorized bicycle offenses for which penalty*  
 10 *points may be assessed and the number of points to be assessed for*  
 11 *each offense.*

1 9. (New section) In addition to the requirements of section 2  
 2 of P. L. 1975, c. 250 (C. 39:4-14.3) and P. L. 1977, c. 267 (C.  
 3 39:4-14.3a et seq.), no motorized bicycle as defined by R. S. 39:1-1  
 4 shall be operated on the public highways or on public lands of this  
 5 State unless registered by the owner thereof as provided by this  
 6 act. The Director of the Division of Motor Vehicles in the Depart-  
 7 ment of Law and Public Safety is authorized to grant a registration  
 8 to the owner of a motorized bicycle who is at least 15 years of  
 9 age, provided that the application for registration has been prop-  
 10 erly made, the registration fee has been paid, and the motorized  
 11 bicycle is of a type approved by the director.

12 The form and contents of the registration certificate shall be  
 13 prescribed by the director. The director shall maintain a record  
 14 of all registration certificates issued and their contents.

15 The registration shall expire and the registration certificate shall  
 16 become void on the last day of the 11th calendar month following  
 17 the calendar month in which the certificate was issued, except that

18 the director may suspend or revoke a registration for any viola-  
19 tion of this act or of any of the rules promulgated hereunder.

20 The director shall issue registration certificates for the following  
21 registration period, on and after the first day of the calendar month  
22 immediately preceeding the commencement of the registration  
23 period, the registration certificates to be effective immediately.

24 Application forms for all renewals of registrations for motorized  
25 bicycles shall be mailed by the director from the division to the  
26 last address of the owner of a motorized bicycle as it appears on  
27 the records of the division.

1 10. (New section) At the time of original sale of a motorized  
2 bicycle in this State, a motorized bicycle dealer shall complete a  
3 form, of a kind to be approved by the director, which shall contain  
4 the following information.

5 a. The year of manufacture, make, model, color, and unladen  
6 weight of the motorized bicycle;

7 b. The United States Department of Transportation head tag  
8 serial number of the motorized bicycle;

9 c. The name, street address, and age of the purchaser of the  
10 motorized bicycle;

11 d. The business name and address of the motorized bicycle dealer  
12 from whom the bicycle was purchased;

13 e. The amount of New Jersey sales tax collected by the dealer;

14 f. The motorized bicycle dealer's New Jersey sales tax authori-  
15 zation number;

16 g. Signatures of both the motorized bicycle dealer and the  
17 purchaser;

18 h. The month, day and year of sale;

19 i. The name of the insurer of the motorized bicycle and the  
20 policy number;

21 j. Any other information required by the director.

22 The dealer shall retain one copy of the form and present the  
23 other two to the purchaser. The form shall constitute temporary  
24 registration for the vehicle for a period of 20 days from the date  
25 of purchase; provided, however, that the purchaser shall comply  
26 with all other laws, rules and regulations regarding operation of  
27 motorized bicycle.

28 The dealer shall issue the purchaser temporary license plates  
29 to be displayed on the motorized bicycle until permanent registra-  
30 tion is completed and a motorized bicycle license plate is issued.

31 Within 20 days the purchaser shall present one copy of the form  
32 to the Division of Motor Vehicles, together with any additional  
33 information which the director may require, pay the requisite fee

34 and register the motorized bicycle in the manner provided in this  
35 act.

36 The fee for the initial registration of a motorized bicycle by a  
37 given owner shall be \$8.00. The yearly fee for each renewal of  
38 registration shall be \$5.00.

1 11. (New section) At the time of issuance of the registration of  
2 the motorized bicycle, the director shall also issue to the registrant,  
3 at no additional cost, a motorized bicycle license plate to be attached  
4 to the bicycle by the registrant. Each plate shall contain a clearly  
5 visible license number to be assigned by the director and shall bear  
6 the insignia "MOPED" in clear lettering. The license plate number  
7 shall be contained on the certificate of registration.

1 12. (New section) Whenever a motorized bicycle for which a  
2 registration certificate has been issued has been permanently re-  
3 moved from the State, the owner shall notify the director in writing  
4 within 10 days.

5 Whenever a motorized bicycle for which a registration certificate  
6 has been issued has been destroyed, stolen, or whenever its use has  
7 been discontinued, the owner shall notify the director in writing,  
8 sign and execute the registration certificate, and return it to the  
9 director within 10 days.

10 Whenever there is a transfer of ownership of a motorized bicycle  
11 for which a registration certificate has been issued, the owner shall  
12 sign over the registration to the purchaser.

13 The new owner shall apply to the director for a new registration  
14 certificate and license plate and submit the original registration  
15 certificate and license plate with the application. The new owner  
16 shall not operate the motorized bicycle until the new registration  
17 is complete.

18 The application form for registering a motorized bicycle whose  
19 ownership has been transferred shall contain the same information  
20 contained in the application completed by a motorized bicycle  
21 dealer at the time of original sale, with modifications made by the  
22 director.

23 The new owner shall pay the fees for registering the motorized  
24 bicycle established pursuant to section 10 of this act.

1 13. (New section) No person shall operate a motorized bicycle  
2 in this State unless a license plate is displayed in accordance with  
3 the provisions of R. S. 39:3-33 applicable to motorcycles.

1 14. (New section) a. The director shall promulgate rules and  
2 regulations, pursuant to the "Administrative Procedure Act," P. L.  
3 1968, c. 410 (C. 52:14B-1 et seq.) requiring manufacturers or  
4 distributors to certify in writing to the division the make and  
5 model numbers of motorized bicycles which they sell or distribute  
6 in this State.

7 b. The director shall compile and maintain a list of approved  
8 motorized bicycles and shall only permit approved makes and  
9 models of motorized bicycles which are sold or distributed in this  
10 State after the effective date of this act to be registered pursuant  
11 thereto.

12 c. Nothing contained herein, however, shall preclude registration  
13 of a motorized bicycle pursuant to this act where the registrant of  
14 the motorized bicycle establishes with reasonable specificity that the  
15 motorized bicycle conforms to the definition in R. S. 39:1-1 and the  
16 requirements of section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) and  
17 P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).

18 15. (New section) The registration provisions governing motor-  
19 ized bicycles shall not apply to a nonresident motorized bicycle  
20 owner who has complied with the registration and licensing laws  
21 of this state of residence, if the motorized bicycle is appropriately  
22 identified in accordance with the laws of his state of residence.  
23 Nothing in this section shall authorize the operation of a motorized  
24 bicycle contrary to the provisions of this act, P. L. 1975, c. 250  
25 (C. 39:4-14.3) and P. L. 1977, c. 267 (C. 39:4-14.3a et seq.).

1 16. (New section) with respect to motorized bicycles purchased  
2 prior to the effective date of this act, and for which no bill of sale  
3 or other formal proof of ownership is available, the director may  
4 accept as proof of ownership a sworn affidavit from the owner,  
5 setting forth with reasonable specificity, facts regarding the acqui-  
6 sition of ownership of the motorized bicycle, together with any  
7 supporting documents, as proof of ownership of the motorized  
8 bicycle.

9 A person who knowingly submits a false bill of sale, false receipt  
10 for purchase, or any other false proof of ownership, or who  
11 knowingly submits any false affidavit or false supporting document  
12 regarding proof of ownership of a motorized bicycle, commits a  
13 crime of the fourth degree.

1 17. (New section) No person shall operate a motorized bicycle  
2 unless he wears a protective helmet of a type approved by the  
3 director.

1 18. (New section) Requiring a motorized bicycle dealer to be  
2 licensed as a motor vehicle dealer under R. S. 39:10-19 for the  
3 purposes of this act shall not mean that he is a motor vehicle  
4 dealer for the purpose of meeting any restrictions or regulations  
5 contained in a planning or zoning ordinance under the "Municipal  
6 Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.).

1 19. (New section) The director shall have the authority to pro-  
2 mulgate rules and regulations pursuant to the "Administrative

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3 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to effectuate the purposes of this act.

1 20. (New section) Except as otherwise provided by this act, a person who violates any of the provisions of this act or any rule or regulation pursuant to this act shall be subject to a fine of not more than \$100.00 for each offense.

1 21. (New section) The owner of a motorized bicycle who acquired ownership prior to the effective date of this act shall have 90 days from the effective date to comply with the registration, titling, and license plate requirements contained herein.

1 22. (New section) The director shall establish a fund not to exceed \$50,000.00 per year for the purpose of providing an educational program for the safe operation of motorized bicycles.

1 23. (New section) The fees collected pursuant to this act shall be appropriated to the Division of Motor Vehicles.

1 24. In addition to the monies appropriated herein above, \$300,000.00 is appropriated from the General Fund to the Division of Motor Vehicles for the purposes of implementing this act, which sum shall be repaid to the General Fund as soon as possible from the fees collected pursuant to this act.

1 25. This act shall take effect on the 90th day following enactment, except that section 17 of this act shall take effect on the 30th day following enactment.

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#### STATEMENT

The purpose of this bill is to provide for the registration and titling of motorized bicycles, or mopeds as they are popularly known, in order to decrease accidents involving mopeds and aid in the enforcement of laws dealing with mopeds.

The bill would require registration of motorized bicycles at a cost of \$8.00 for the initial registration of a moped by a given individual and a yearly renewal fee of \$5.00. It also would require license plates to be displayed on mopeds.

The bill permits a motorized bicycle dealer to issue a temporary registration, valid for 20 days, and temporary license plates. It also includes provisions for transferring the registration, and obtaining duplicate and family duplicate registration certificates.

The bill authorizes the Director of the Division of Motor Vehicles to assess points against moped operators for violation of the motor vehicle laws. It also contains a requirement that operators of motorized bicycles regardless of age wear a helmet of a type approved by the Director of the Division of Motor Vehicles.

The bill appropriates \$300,000.00 to the Division of Motor Vehicles to implement the act and requires that this money be repaid to the General Fund as soon as possible. Fees collected pursuant to the act are appropriated to the Division of Motor Vehicles.

The provisions of the bill would take effect on the 90th day following enactment, except for the section requiring that operators of motorized bicycles wear helmets, which would take effect on the thirtieth day following enactment.

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ASSEMBLY, No. 1826

**STATE OF NEW JERSEY**

INTRODUCED SEPTEMBER 20, 1982

By Assemblywoman OGDEN and Assemblyman FRANKS

A SUPPLEMENT to "An act concerning motorized bicycles, amending R. S. 39:1-1 and supplementing Title 39 of the Revised Statutes," approved October 31, 1975 (P. L. 1975, c. 250; C. 39:4-14.3 et seq.).

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

1 1. No person shall operate or ride upon a motorized bicycle  
2 unless he wears:

3 a. A protective helmet of a type approved by the Director of  
4 the Division of Motor Vehicles; and

5 b. Either a face shield of a type approved by the Director of  
6 the Division of Motor Vehicles or goggles of a type approved by  
7 the Director of the Division of Motor Vehicles. Any helmet  
8 approved by the Director of the Division of Motor Vehicles for  
9 use by the riders or operators of motorized bicycles pursuant to  
10 this act shall be equipped with either a neck or a chin strap and  
11 be reflectorized on all sides. The Director of the Division of Motor  
12 Vehicles, pursuant to the "Administrative Procedure Act," P. L.  
13 1968, c. 410 (C. 52:14B-1 et seq.), shall adopt regulations specify-  
14 ing the requirements for helmets, face shields and goggles  
15 approved pursuant to this act and containing a list of the helmets,  
16 goggles and face shields that meet the specifications.

1 2. This act shall take effect immediately.

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STATEMENT

This bill would require the operators and riders of motorized bicycles to wear reflectorized, protective helmets equipped with a neck or chin strap and to wear eye protection consisting of a face shield or goggles.

ASSEMBLY, No. 130

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman WEIDEL

AN ACT concerning motorized bicycles and supplementing Title 39  
of the Revised Statutes.

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

1 1. No person shall operate or ride upon a motorized bicycle  
2 unless he wears a protective helmet of a type approved by the  
3 Director of the Division of Motor Vehicles. The helmet shall be  
4 equipped with either a neck or chin strap and be reflectorized on  
5 both sides thereof. The director is authorized to adopt rules and  
6 regulations covering the types of helmets and the specifications  
7 therefor and to establish and maintain a list of approved helmets  
8 which meet the specifications as established hereunder.

1 2. This act shall take effect immediately.

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STATEMENT

The bill would require protective helmets to be worn by the  
operators and riders of motorized bicycles.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 130, 162, 1073, 1440 and 1826

**STATE OF NEW JERSEY**

DATED: NOVEMBER 29, 1982

The committee substitute includes the following provisions:

1. A registration requirement is established for motorized bicycles. The fee for the initial registration is \$8.00 and there is a fee of \$5.00 for each renewal. At the time of original sale of a motorized bicycle, a motorized bicycle dealer is permitted to complete the forms necessary for the purchaser to obtain a temporary registration for a 20 day period.

2. A requirement is established that the purchaser of a motorized bicycle obtain a title for the motorized bicycle. A certificate of ownership shall be issued by the Director of the Division of Motor Vehicles and delivered to the buyer, and the director shall collect a fee of \$5.00 for the issuance and filing thereof.

3. No person shall operate a motorized bicycle unless he wears a helmet of a type approved by the director.

4. In accordance with the provisions of P. L. 1982, c. 43 (C. 39:5-30.5 et seq.), the director is granted authority to determine the motorized bicycle offenses for which penalty points are assessed, and the amount of points to be assessed for each offense.

5. All the fees established in the bill are appropriated to the Division of Motor Vehicles.

6. The division shall establish a fund collected from the aforementioned fees which shall not exceed \$50,000.00 per year. This fund shall be used for the purpose of providing an educational and safety program as regards the operation of motorized bicycles.

7. The sum of \$300,000.00 is appropriated to the Division of Motor Vehicles for the purposes of implementing this act, which sum shall be repaid to the General Fund as soon as possible from the fees collected pursuant to this act.

8. The act shall take effect on the 90th day following enactment except for section 18 of this act which shall take effect on the 30th day following enactment. Section 18 provides that no person shall operate a motorized bicycle unless he wears a protective helmet of a type approved by the director.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 130, 162, 1073, 1440 and 1826**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1982

This bill, as amended by the committee, would provide for the registration and titling of motorized bicycles, or mopeds as they are popularly known, in order to decrease accidents involving mopeds and aid in the enforcement of laws dealing with mopeds.

The bill would require registration of motorized bicycles at a cost of \$8.00 for the initial registration of a moped by a given individual and a yearly renewal fee of \$5.00. It also would require license plates to be displayed on mopeds.

The bill permits a motorized bicycle dealer to issue a temporary registration, valid for 20 days, and temporary license plates. It also includes provisions for transferring the registration, and obtaining duplicate and family duplicate registration certificates.

The bill authorizes the Director of the Division of Motor Vehicles to assess points against moped operators for violation of the motor vehicle laws. It also contains a requirement that operators of motorized bicycles regardless of age wear a helmet of a type approved by the Director of the Division of Motor Vehicles.

The bill appropriates \$300,000.00 to the Division of Motor Vehicles to implement the act and requires that this money be repaid to the General Fund as soon as possible. Fees collected pursuant to the act are appropriated to the Division of Motor Vehicles.

The provisions of the bill would take effect on the ninetieth day following enactment, except for the section requiring that operators of motorized bicycles wear helmets, which would take effect on the thirtieth day following enactment.

The purpose of the committee's amendments is to make the Assembly Committee Substitute for Assembly Bill Nos. 130, 162, 1073, 1440, and 1826 identical to the Senate Committee Substitute for Senate Bill No. 1855 and to Senate Bill No. 2034.

FISCAL NOTE TO  
**ASSEMBLY, No. 1073**

**STATE OF NEW JERSEY**

DATED: JUNE 29, 1982

Assembly Bill No. 1073, of 1982, would require the registration of motorized bicycles (mopeds).

The Department of Law and Public Safety estimates the following net State revenues:

|                   | FY 1983   | FY 1984   | FY 1985   |
|-------------------|-----------|-----------|-----------|
| Revenues          | \$875,000 | \$892,500 | \$910,350 |
| Expenditures      | 59,760*   | 30,600    | 31,212    |
| Net State Revenue | \$815,240 | \$861,900 | \$879,138 |

\*includes first year, one-time data processing programming cost  
The Office of Legislative Services concurs.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

FROM THE OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: CARL GOLDEN

MONDAY, MARCH 14, 1983

Governor Thomas H. Kean today signed legislation requiring drivers of mopeds and their passengers to wear protective helmets as well as requiring that the vehicles be registered and titled.

The legislation, A-130, was sponsored by Assemblyman Karl Weidel, (R-Mercer), and the Senate version with which the Assembly bill was merged was sponsored by Senator James Hurley, (R-Cumberland).

The legislation requires annual registration of mopeds at a cost of \$8 for the first year and \$5 each year thereafter and stipulates that a license plate be displayed on the vehicle. The legislation is effective in 90 days, but the requirement for wearing safety helmets is effective in 30 days.

"The explosion in popularity of mopeds has, tragically, led to increased deaths and injuries," Kean said. "Of the ten persons killed in moped accidents in 1982, seven suffered fatal head injuries and of the 37 persons killed in accidents since 1976, 70 percent died from head injuries."

"There is no more compelling argument for requiring operators and riders to wear protective helmets than those statistics," the Governor said.

"Providing youngsters who operate mopeds with the highest possible degree of protection is the sole aim of this legislation," Kean said. "It establishes an educational program to instruct youngsters in the safe operation of mopeds and places the operators under the same motor vehicle laws as automobile drivers."

"With the Summer months rapidly approaching, we can expect to see increased moped traffic on our roads and, with the new regulations in this legislation, we can accomplish a great deal toward assuring their safe and fun-filled operation," Kean said.

Violation of the new law carries a fine of not more than \$100.

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