

39:1-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:1-1 (Three-wheeled vehicles - certain - exclude from definition of "motorcycle")

LAWS 1982 CHAPTER 87

Bill No. A1648

Sponsor(s) Cowan, Jackman and Karcher

Date Introduced June 14, 1982

Committee: Assembly ---

Senate ---

Amended during passage Yes No Substituted for S1522 (not attached since identical to A1648)

Date of Passage: Assembly June 21, 1982

Senate June 24, 1982

Date of approval July 23, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsors' statement:

This bill would exempt three wheeled vehicles equipped with a cab, passenger seats, seat belts and automotive steering from the definition of "motorcycle."

6/22/81

PP

ASSEMBLY, No. 1648

STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1982

By Assemblymen COWAN, JACKMAN and KARCHER

AN ACT concerning the definition of motorcycles and amending
R. S. 39:1-1.

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

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

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

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

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

12 "Automobile" includes all motor vehicles except motorcycles.

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

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

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

23 "Carpool" means two or more persons commuting on a daily
24 basis to and from work by means of a vehicle with a seating capacity
25 of 9 passengers or less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165 "Pedestrian" means a person afoot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224 "School Vehicle Type II" means any vehicle with a seating
225 capacity of 16 or less, used to transport enrolled children, and
226 adults only when serving as chaperones, to or from a school, school
227 connected activity, day camp, summer day camp, nursery school,
228 child care center, preschool center or other similar places of edu-
229 cation. Such vehicle shall comply with the regulations of the Divi-
230 sion of Motor Vehicles and either the Department of Education or
231 the Department of Institutions and Agencies whichever is the
232 appropriate supervising agency.

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

- 239 "School crossing" means that portion of a highway where school
240 children are required to cross the highway in the vicinity of a school.
- 241 "Semitrailer" means every vehicle with or without motive power,
242 other than a pole trailer, designed for carrying persons or property
243 and for being drawn by a motor vehicle and so constructed that
244 some part of its weight and that of its load rests upon or is carried
245 by another vehicle.
- 246 "Shoulder" means that portion of the highway, exclusive of and
247 bordering the roadway, designed for emergency use but not ordi-
248 narily to be used for vehicular travel.
- 249 "Sidewalk" means that portion of a highway intended for the
250 use of pedestrians, between the curb line or the lateral line of a
251 shoulder, or if none, the lateral line of the roadway, and the adjacent
252 right-of-way line.
- 253 "Sign." See "Official traffic control devices."
- 254 "Slow-moving vehicle" means a vehicle run at a speed less than
255 the maximum speed then and there permissible.
- 256 "Solid tire" means every tire of rubber or other resilient ma-
257 terial which does not depend upon compressed air for the support
258 of the load.
- 259 "Street" means the same as highway.
- 260 "Street car" means a car other than a railroad train for trans-
261 porting persons or property and operated upon rails principally
262 within a municipality.
- 263 "Stop," when required, means complete cessation from move-
264 ment.
- 265 "Stopping or standing," when prohibited, means any cessation
266 of movement of a vehicle, whether occupied or not, except when
267 necessary to avoid conflict with other traffic or in compliance with
268 the directions of a police officer or traffic control sign or signal.
- 269 "Through highway" means every highway or portion thereof at
270 the entrances to which vehicular traffic from intersecting highways
271 is required by law to stop before entering or crossing the same and
272 when stop signs are erected as provided in this chapter.
- 273 "Trackless trolley" means every motor vehicle which is propelled
274 by electric power obtained from overhead trolley wires but not
275 operated upon rails.
- 276 "Traffic" means pedestrians, ridden or herded animals, vehicles,
277 street cars, and other conveyances either singly, or together, while
278 using any highway for purposes of travel.
- 279 "Traffic control signal" means a device whether manually,
280 electrically, mechanically, or otherwise controlled by which traffic
281 is alternately directed to stop and to proceed.

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

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

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

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

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

1 2. This act shall take effect immediately.

STATEMENT

This bill would exempt three wheeled vehicles equipped with a
cab, passenger seats, seat belts and automotive steering from the
definition of "motorecycle."

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: CARL GOLDEN

FRIDAY, JULY 23, 1982

Governor Thomas H. Kean today signed the following bills into law:

A-1755, sponsored by Assemblyman Martin A. Herman (D-Salem), provides a supplemental appropriation of \$472,368 for the Parole Board, to enable them to fulfill their responsibilities pursuant to the new County Parole Law and other initiatives contained in the Governor's Prison Overcrowding Package.

A-1366, sponsored by Speaker of the Assembly, Alan J. Karcher (D-Middlesex), requires that all State chartered credit unions be required to have insurance on shares and deposits in accordance with the Federal Credit Union Act, or that they obtain comparable insurance which must be approved by the Commissioner of Banking.

A-1648, sponsored by Assemblyman Thomas H. Cowan (D-Hudson), amends the definition of motorcycles to exclude three-wheeled vehicles. These vehicles are commonly used by parking garages and local police departments to inexpensively patrol parking areas. The bill enables operators and occupants to avoid the helmet requirement and the need to obtain a motorcycle license.

A-609, sponsored by Assemblyman John W. Markert (R-Bergen), allows policemen to be employed in liquor stores. Under current Alcoholic Beverage Control regulations, policemen are prohibited from working in liquor stores and bars in towns outside their municipality of employment if they handle or serve liquor. This bill abolishes those regulations.

A-1691, sponsored by Assemblyman Christopher Jackman, (D-Hudson), to provide that the Department of Insurance review, under the Plain Language Act, life and health insurance contracts.

A-764, sponsored by Assembly Speaker Alan Karcher, provides for a three-year suspension of driving privileges if a person loses his/her license three times in a three-year period.

S-1601, sponsored by Senator Laurence Weiss, (D-Middlesex), appropriating \$701.00 to pay claims made against the State.

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