

39:4-14.4 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

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NJSA 39:4-14.4 to 39:4-14.9

Laws of 1975 Chapter 328

Bill No. A1288

Sponsor(s) Gallagher & 27 others

Date Introduced March 18, 1974

Committee: Assembly Transportation & Public Utilities

Senate Transportation & Communications

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of passage: Assembly April 21, 1975; re-enacted Jan. 8, 1976

Senate May 5, 1975; re-enacted Jan. 8, 1976

Date of approval Feb. 27, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note  No

Veto message Yes

Message on signing  No

Following were printed:

Reports  No

Hearings  No

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10/4/76  
MAY 1977

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1288

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen GALLAGHER, VAN WAGNER, FLORIO,  
GORMAN, KOZLOSKI, DEVERIN, DOYLE, JACKMAN,  
STEWART, SINSIMER, BATE, BARBOUR, SNEDEKER,  
Assemblywoman TOTARO, Assemblymen SCHUCK, SWEENEY,  
FITZPATRICK, Assemblywoman BERMAN, Assemblymen  
HAWKINS, FORAN, Assemblywoman CROCE, Assemblymen  
KARCHER, CODEY, SHELTON, WORTHINGTON, PERSKIE,  
EWING and Assemblywoman CURRAN

Referred to Committee on Transportation and Public Utilities

AN ACT requiring certain safety equipment on bicycles before the  
sale or rental of such bicycles, and providing penalties for the  
violation thereof.

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

1 1. No person shall sell or offer to sell, or rent or offer to rent,  
2 whether it be by retail, wholesale or by auction, any bicycle  
3 *\*\*manufactured on or after the effective date of this act\*\** unless  
3A such bicycle is equipped with \***[**the following:

4 a. A lamp on the front which shall emit a white light visible  
5 from a distance of at least 500 feet to the front;

6 b. A lamp on the rear which shall emit a red light visible from a  
7 distance of at least 500 feet to the rear;

8 c. A front-facing colorless reflector mounted to follow the steer-  
9 ing action of the front wheel which shall be visible under illumina-  
10 tion from the upper head lamps of a motor vehicle from a distance  
11 of at least 500 feet;

12 d. A rear-facing red reflector mounted to the frame of the  
13 bicycle and aligned within 5 degrees of the alignment of the bicycle  
14 when the bicycle wheels are tracking in a straight line, which shall

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

15 be visible under illumination from the upper head lamps of a  
16 motor vehicle from a distance of at least 500 feet;

17 e. A colorless or amber reflector located on both the front and  
18 rear surfaces of each pedal, which reflectors shall be visible under  
19 illumination from the upper head lamps of a motor vehicle from a  
20 distance of at least 500 feet;

21 f. A reflector located on each side of each tire or mounted on the  
22 wheel spokes within 3 inches of the outside diameter of each wheel  
23 rim, which reflectors shall be red or white on the rear wheel and  
24 amber or white on the front wheel, and shall be visible under  
25 illumination from the upper head lamps of a motor vehicle from a  
26 distance of at least 500 feet.】\* \*front, rear and pedal reflectors and  
27 either (a) side reflectors; or (b) retroreflective tire sidewalls which  
28 shall form a continuous circle on each sidewall, in order to permit  
29 recognition and identification under illumination from motor ve-  
30 hicle headlamps. Such front, rear, pedal and side reflectors shall  
31 be colored and mounted in conformity with \*\*\*【the following  
32 specifications:】\*\*\* \*\*\*regulations promulgated by the Director of  
32A the Division of Consumer Affairs.\*\*\*

33 \*\*\*【(1) Front, rear, and pedal reflectors. There shall be an essen-  
34 tially colorless front-facing reflector, essentially colorless or amber  
35 pedal reflectors, and a red rear-facing reflector.

36 (2) Side reflectors. There shall be retroreflective tire sidewalls  
37 or, alternatively, reflectors mounted on the spokes of each wheel;  
38 the center of spoke-mounted reflectors shall be within 3 inches (76  
39 millimeters) of the inside of the rim. Spoke-mounted reflectors  
40 shall be visible on each side of the wheel.

41 (3) Front reflector. The reflector or mount shall not contact the  
42 ground plane when the bicycle is resting on that plane in any orien-  
43 tation. The optical axis of the reflector shall be directed forward  
44 within 5 degrees of the horizontal-vertical alignment of the bicycle  
45 when the wheels are tracking in a straight line.

46 (4) Rear reflector. The reflector or mount shall not contact the  
47 ground plane when the bicycle is resting on that plane in any  
48 orientation. The reflectors shall be mounted such that it is to the  
49 rear of the seat with the top of the reflector at least 3 inches (76  
50 millimeters) below the point on the seat surface that is intersected  
51 by the line of the seat post. The optical axis of the reflector shall  
52 be directed rearward within 5 degrees of the horizontal-vertical  
53 alignment of the bicycle when the wheels are traveling in a straight  
54 line.

55 (5) Pedal reflectors. Each pedal shall have reflectors located  
56 on the front and rear surfaces of the pedal. The reflector elements

57 may be either integral with the construction of the pedal or me-  
 58 chanically attached, but shall be sufficiently recessed from the edge  
 59 of the pedal, or of the reflector housing, to prevent contact of the  
 60 reflector element with a flat surface placed in contact with the edge  
 61 of the pedal.

62 (6) Side reflectors. Reflectors affixed to the wheel spokes shall  
 63 be mounted either flat on the spokes or within the spoke cage such  
 64 that the angle between the optical axis and the normal to the plane  
 65 of the wheel shall not exceed the angle of the spokes with the  
 66 plane of the wheel. The reflectors shall not interfere with any  
 67 wheel adjustments. The side-mounted reflector devices shall be  
 68 essentially colorless or amber on the front wheel and essentially  
 69 colorless or red on the rear wheel.\*]\*\*\*

1 2. As used in this act "bicycle" means any two-wheeled vehicle  
 2 having a rear drive wheel which is solely human-powered and  
 3 having a seat height of \*[24]\* \*25\* inches or greater when the  
 4 seat is in the lowest adjustable position.

1 3. This act shall not apply to the sale or rental of a bicycle by  
 2 any person who is not regularly engaged in the business of selling  
 3 or renting bicycles and where such bicycle was obtained by the  
 4 person making the sale or rental for his own use.

1 4. The Director of the Division of \*[Motor Vehicles]\* \*Con-  
 2 sumer Affairs\* in the Department of Law and Public Safety is  
 3 authorized and empowered to adopt rules and regulations covering  
 4 the types of equipment and the specifications therefor\*\*\*, includ-  
 5 ing the color and mounting thereof,\*\*\* which \*[meet the  
 5A requirements as established in section 1]\* \*shall be in  
 6 accordance with Federal standards regulating bicycles pro-  
 7 mulgated by the Consumer Product Safety Commission entitled  
 8 "Requirements For Bicycles" (16 CFR Part 1512) and pursuant  
 9 to the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.)  
 10 and any amendatory or supplemental acts or regulations  
 11 promulgated thereto\*.

1 5. Any person who shall violate any of the provisions of this act  
 2 shall be subject to a fine of not more than \$50.00 for a first offense  
 3 and a fine of \$100.00 for each subsequent offense.

1 6. The enforcement of this act shall be vested in the Director  
 2 of the Division of \*[Motor Vehicles]\* \*Consumer Affairs\* of the  
 3 Department of Law and Public Safety, the inspectors appointed  
 4 under his authority, and the police or peace officers of, or inspec-  
 5 tors duly appointed for that purpose by, any municipality or  
 6 county or by the State. Jurisdiction of proceedings to collect the  
 7 penalties prescribed by this act is vested in the County Court, the

8 county district court and the municipal court in any county or  
9 municipality where the defendant may be apprehended or where  
10 he may reside. Process shall be either a summons or warrant  
11 and shall be prosecuted in a summary manner pursuant to the  
12 Penalty Enforcement Law (N. J. S. 2A :58-1 et seq.).

1 7. This act shall take effect 90 days following the enactment  
2 thereof.

ASSEMBLY, No. 1288

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen GALLAGHER, VAN WAGNER, FLORIO, GORMAN, KOZLOSKI, DEVERIN, DOYLE, JACKMAN, STEWART, SINSIMER, BATE, BARBOUR, SNEDEKER, Assemblywoman TOTARO, Assemblymen SCHUCK, SWEENEY, FITZPATRICK, Assemblywoman BERMAN, Assemblymen HAWKINS, FORAN, Assemblywoman CROCE, Assemblymen KARCHER, CODEY, SHELTON, WORTHINGTON, PERSKIE, EWING and Assemblywoman CURRAN

Referred to Committee on Transportation and Public Utilities

AN ACT requiring certain safety equipment on bicycles before the sale or rental of such bicycles, and providing penalties for the violation thereof.

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

1 1. No person shall sell or offer to sell, or rent or offer to rent,  
2 whether it be by retail, wholesale or by auction, any bicycle unless  
3 such bicycle is equipped with the following:

4 a. A lamp on the front which shall emit a white light visible  
5 from a distance of at least 500 feet to the front;

6 b. A lamp on the rear which shall emit a red light visible from a  
7 distance of at least 500 feet to the rear;

8 c. A front-facing colorless reflector mounted to follow the steer-  
9 ing action of the front wheel which shall be visible under illumina-  
10 tion from the upper head lamps of a motor vehicle from a distance  
11 of at least 500 feet;

12 d. A rear-facing red reflector mounted to the frame of the  
13 bicycle and aligned within 5 degrees of the alignment of the bicycle  
14 when the bicycle wheels are tracking in a straight line, which shall  
15 be visible under illumination from the upper head lamps of a  
16 motor vehicle from a distance of at least 500 feet;

17 e. A colorless or amber reflector located on both the front and  
18 rear surfaces of each pedal, which reflectors shall be visible under

19 illumination from the upper head lamps of a motor vehicle from a  
20 distance of at least 500 feet ;

21 f. A reflector located on each side of each tire or mounted on the  
22 wheel spokes within 3 inches of the outside diameter of each wheel  
23 rim, which reflectors shall be red or white on the rear wheel and  
24 amber or white on the front wheel, and shall be visible under  
25 illumination from the upper head lamps of a motor vehicle from a  
26 distance of at least 500 feet.

1 2. As used in this act "bicycle" means any two-wheeled vehicle  
2 having a rear drive wheel which is solely human-powered and  
3 having a seat height of 24 inches or greater when the seat is in  
4 the lowest adjustable position.

1 3. This act shall not apply to the sale or rental of a bicycle by  
2 any person who is not regularly engaged in the business of selling  
3 or renting bicycles and where such bicycle was obtained by the  
4 person making the sale or rental for his own use.

1 4. The Director of the Division of Motor Vehicles in the Depart-  
2 ment of Law and Public Safety is authorized and empowered to  
3 adopt rules and regulations covering the types of equipment and  
4 the specifications therefor which meet the requirements as estab-  
5 lished in section 1.

1 5. Any person who shall violate any of the provisions of this act  
2 shall be subject to a fine of not more than \$50.00 for a first offense  
3 and a fine of \$100.00 for each subsequent offense.

1 6. The enforcement of this act shall be vested in the Director  
2 of the Division of Motor Vehicles of the Department of Law and  
3 Public Safety, the inspectors appointed under his authority, and  
4 the police or peace officers of, or inspectors duly appointed for  
5 that purpose by, any municipality or county or by the State. Juris-  
6 diction of proceedings to collect the penalties prescribed by this  
7 act is vested in the County Court, the county district court and  
8 the municipal court in any county or municipality where the  
9 defendant may be apprehended or where he may reside. Process  
10 shall be either a summons or warrant and shall be prosecuted in a  
11 summary manner pursuant to the Penalty Enforcement Law  
12 (N. J. S. 2A:58-1 et seq.).

1 7. This act shall take effect 90 days following the enactment  
2 thereof.

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#### STATEMENT

There has been a tragic increase in the number of collisions between automobiles and bicycles in recent years as more and more

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3

children and adults turn to bicycles for recreation as well as for an economical, nonpolluting and healthful means of transportation. The national death toll for bicyclists in 1973 was over 1,100. In New Jersey, 22 bicyclists were killed in 1972 and 30 in 1973.

This bill requires that a bicycle be equipped at the time of sale or rental with a head light, tail light, and front, rear, side and pedal reflectors sufficient to alert motorists as to the presence of a bicycle for a distance of at least 500 feet. These requirements are patterned after bicycle standards proposed by the Food and Drug Administration pursuant to the Federal Hazardous Substances Act.

ASSEMBLY TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1288**

with Assembly Committee Amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 13, 1975

There has been a tragic increase in the number of collisions between automobiles and bicycles in recent years as more and more children and adults turn to bicycles for recreation as well as for an economical, nonpolluting and healthful means of transportation. The national death toll for bicyclists in 1973 was over 1,100. In New Jersey, 22 bicyclists were killed in 1972 and 30 in 1973.

This bill requires that a bicycle be equipped at the time of sale or rental with front, rear and pedal reflectors and either side reflectors or retroreflective tire sidewalls. Such equipment shall permit recognition and identification of the bicycle under illumination from motor vehicle headlamps. This bill has been amended by the committee so that the requirements for such equipment conform with the standards promulgated by the Federal Consumer Product Safety Commission.

SENATE TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1288**

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—◆—  
**STATE OF NEW JERSEY**  
—◆—

DATED: APRIL 24, 1975

There has been a tragic increase in the number of collisions between automobiles and bicycles in recent years as more and more children and adults turn to bicycles for recreation as well as for an economical, nonpolluting and healthful means of transportation. The national death toll for bicyclists in 1973 was over 1,100. In New Jersey, 22 bicyclists were killed in 1972 and 30 in 1973.

This bill requires that a bicycle be equipped at the time of sale or rental with front, rear and pedal reflectors and either side reflectors or retroflective tire sidewalls. Such equipment shall permit recognition and identification of the bicycle under illumination from motor vehicle headlamps. The Director of the Division of Consumer Affairs is empowered to regulate this equipment in accordance with standards promulgated by the Federal Consumer Product Safety Commission.

The committee amended the bill to provide that these standards shall apply to bicycles manufactured on or after the effective date of this act.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 15, 1975

ASSEMBLY BILL NO. 1288 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I hereby return Assembly Bill No. 1288 (2nd OCR), with my objections, for reconsideration.

Assembly Bill No. 1288 (2nd OCR) requires that bicycles sold or rented in this State by any person regularly engaged in the business of selling or renting bicycles must carry specified types of safety equipment, including front, rear and pedal reflectors and either side reflectors or retro-reflective tire sidewalls. Regulatory and enforcement authority is conferred on the Director of the Division of Consumer Affairs.

I am in complete agreement with the intent of this legislation. At a time when more and more of our citizens are using bicycles for both transportation and recreation, we must provide for their safety and easy visibility. There has been recognition of this need on the federal level and the Consumer Product Safety Committee has promulgated extensive regulations governing safety equipment on bicycles intended for use by children. Assembly Bill No. 1288 (2nd OCR) specifically provides that the regulations promulgated by the Director of the Division of Consumer Affairs shall be in accord with these regulations.

However, Assembly Bill No. 1288 (2nd OCR) would also enact those sections of the federal regulations which deal with the color and mounting of front, rear, side and pedal reflectors as laws of the State of New Jersey. This does not permit the degree of flexibility which I feel is necessary to accommodate new bicycle designs and models and new, developing safety techniques. Enactment of the specific standards governing reflectors as regulations would protect the important public interest involved and enable the enforcing agency to respond quickly and efficiently to new technology.

Accordingly, I herewith return Assembly Bill No. 1288 (2nd OCR) without my approval and recommend the following changes:

Page 2, Section 1, Lines 31-32: Delete "the following specifications:"  
insert "regulations promulgated by the  
Director of the Division of Consumer  
Affairs."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

-2-

Pages 2-3, Section 1, Lines 33-69: Delete entirely

Page 3, Section 4, Line 4: After "therefor" insert ", including  
the color and mounting thereof,"

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Respectfully,

/s/ Frank J. Dodd

President of the Senate  
ACTING GOVERNOR

[seal]

Attest:

/s/ Charles C. Carella

EXECUTIVE SECRETARY TO THE GOVERNOR