# 2A:42A-2 et al LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF**: 2015 **CHAPTER**: 155

**NJSA:** 2A:42A-2 et al (Revises definition of all-terrain vehicles.)

BILL NO: A4361 (Substituted for S2891)

SPONSOR(S) Johnson, Gordon M., and others

**DATE INTRODUCED:** May 7, 2015

**COMMITTEE:** ASSEMBLY: Commerce and Economic Development

Transportation and Independent Authorities

SENATE: ---

AMENDED DURING PASSAGE: No

**DATE OF PASSAGE:** ASSEMBLY: 6/25/2015

**SENATE**: 6/29/2015

**DATE OF APPROVAL:** November 9, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:** 

FINAL TEXT OF BILL (Introduced bill enacted)

Yes

A4361

INTRODUCED BILL: (Includes sponsor(s) statement)

Yes

**COMMITTEE STATEMENT:** ASSEMBLY: Yes Commerce & E. Dev.

Transp & In. Auth.

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2891

INTRODUCED BILL: (Includes sponsor(s) statement)

Yes

COMMITTEE STATEMENT: ASSEMBLY: No

**SENATE:** Yes Transportation

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
FOLLOWING WERE PRINTED:  To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or mailto:refdesign.	k@njstatelib.org
REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

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### P.L.2015, CHAPTER 155, approved November 9, 2015 Assembly No. 4361

1 **AN ACT** concerning all-terrain vehicles and amending P.L.1968, c.73, P.L.1991, c.496, and P.L.1973, c.307.

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

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- 1. Section 1 of P.L.1968, c.73 (C.2A:42A-2) is amended to read as follows:
- 9 1. As used in [this act "sport and recreational activities" means 10 and includes: hunting, fishing, trapping, horseback riding, training 11 of dogs, hiking, camping, picnicking, swimming, skating, skiing, 12 sledding, tobogganing, operating or riding snowmobiles, all-terrain 13 vehicles or dirt bikes, and any other outdoor sport, game and 14 recreational activity including practice and instruction in any 15 thereof. For purposes of P.L.1968, c.73 (C.2A:42A-2 et seq.) ["all-terrain vehicle"]: 16
  - "All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile"].
  - "Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.
  - "Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles].
- "Sport and recreational activities" means and includes: hunting; fishing; trapping; horseback riding; training of dogs; hiking; camping; picnicking; swimming; skating; skiing; sledding; tobogganing; operating or riding snowmobiles, all-terrain vehicles or dirt bikes; and any other outdoor sport, game and recreational activity including practice and instruction in any of these activities. (cf: P.L.1991, c.496, s.1)

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

- 1 2. Section 5 of P.L.1991, c.496 (C.2A:42A-6.1) is amended to 2 read as follows:
- 5. For purposes of P.L.1985, c.431 (C.2A:42A-6 et seq.) ["all-terrain vehicle"] :
  - "All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile"].
    - "Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles ].

24 (cf: P.L.1991, c.496, s.5)

- 3. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read as follows:
  - 1. As used in P.L.1973, c.307 (C.39:3C-1 et seq.):

"All-terrain vehicle" means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 760 cubic centimeters], but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle
Commission established by section 4 of P.L.2003, c.13 (C.39:2A-42 4).

"Commissioner" means the Commissioner of Environmental 44 Protection.

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"Dirt bike" means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

"Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

"Emergency service organization" means a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district, or duly incorporated volunteer first aid, emergency, or volunteer ambulance or rescue squad association.

"Natural resource" means all land, fish, shellfish, wildlife, biota, air, waters, and other such resources owned, managed, held in trust, or otherwise controlled by the State.

"Public land" means all land owned, operated, managed, maintained, or under the jurisdiction of the Department of Environmental Protection, including any and all land owned, operated, managed, maintained, or purchased jointly by the Department of Environmental Protection with any other party and any land so designated by municipal or county ordinance. Public land shall also mean any land used for conservation purposes, including, but not limited to, beaches, forests, greenways, natural areas, water resources, wildlife preserves, land used for watershed protection, or biological or ecological studies, and land exempted from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

"Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

39 (cf: P.L.2013, c.135, s.1)

4. This act shall take effect immediately.

44 STATEMENT

This bill revises the statutory definitions for all-terrain vehicles (ATVs).

#### A4361

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Under current laws, ATVs are a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain cubic centimeter size. The bill amends existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires, and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill.

Specifically, the bill revises the definition of an ATV in P.L.1968, c.73 (C.2A:42A-2 et seq.) concerning premises used for sport and recreational activities; P.L.1985, c.431 (C.2A:42A-6 et seq.) concerning liability of an owner, lessee or occupant of agricultural or horticultural land who allows certain off-road vehicles to be operated on the land; and P.L.1973, c.307 (C.39:3C-1 et seq.) regulating the operation and use of ATVs. The definition of an ATV is also changed by reference in the "State Park and Forestry Resources Act," P.L.1983, c.324 (C.13:1L-1 et seq.) and sections 33 and 34 of P.L.2009, c.275 (C.39:3C-33 and C.39:3C-34) concerning penalties for operating an off-road vehicle on public lands.

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Revises definition of all-terrain vehicles.

# ASSEMBLY, No. 4361

# STATE OF NEW JERSEY

## 216th LEGISLATURE

INTRODUCED MAY 7, 2015

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman ANTHONY M. BUCCO

**District 25 (Morris and Somerset)** 

Assemblyman CARMELO G. GARCIA

**District 33 (Hudson)** 

Assemblyman SEAN T. KEAN

**District 30 (Monmouth and Ocean)** 

Senator PETER J. BARNES, III

**District 18 (Middlesex)** 

Senator ANTHONY R. BUCCO

**District 25 (Morris and Somerset)** 

**Co-Sponsored by:** 

**Senator Oroho** 

#### **SYNOPSIS**

Revises definition of all-terrain vehicles.

### **CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/30/2015)

AN ACT concerning all-terrain vehicles and amending P.L.1968, c.73, P.L.1991, c.496, and P.L.1973, c.307.

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

- 1. Section 1 of P.L.1968, c.73 (C.2A:42A-2) is amended to read as follows:
- 1. As used in [this act "sport and recreational activities" means and includes: hunting, fishing, trapping, horseback riding, training of dogs, hiking, camping, picnicking, swimming, skating, skiing, sledding, tobogganing, operating or riding snowmobiles, all-terrain vehicles or dirt bikes, and any other outdoor sport, game and recreational activity including practice and instruction in any thereof. For purposes of P.L.1968, c.73 (C.2A:42A-2 et seq.) ["all-terrain vehicle"]:
  - <u>"All-terrain vehicle"</u> means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile"].
  - "Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.
  - "Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles ].
  - "Sport and recreational activities" means and includes: hunting; fishing; trapping; horseback riding; training of dogs; hiking; camping; picnicking; swimming; skating; skiing; sledding; tobogganing; operating or riding snowmobiles, all-terrain vehicles or dirt bikes; and any other outdoor sport, game and recreational activity including practice and instruction in any of these activities. (cf: P.L.1991, c.496, s.1)

2. Section 5 of P.L.1991, c.496 (C.2A:42A-6.1) is amended to read as follows:

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

5. For purposes of P.L.1985, c.431 (C.2A:42A-6 et seq.) ["all-terrain vehicle"]:

"All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile"].

"Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles ].

22 (cf: P.L.1991, c.496, s.5)

- 3. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read as follows:
  - 1. As used in P.L.1973, c.307 (C.39:3C-1 et seq.):

"All-terrain vehicle" means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 760 cubic centimeters], but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle
Commission established by section 4 of P.L.2003, c.13 (C.39:2A-40 4).

"Commissioner" means the Commissioner of Environmental 42 Protection.

"Department" means the Department of Environmental 44 Protection.

"Dirt bike" means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply

### A4361 JOHNSON, A.M.BUCCO

with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

"Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

"Emergency service organization" means a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district, or duly incorporated volunteer first aid, emergency, or volunteer ambulance or rescue squad association.

"Natural resource" means all land, fish, shellfish, wildlife, biota, air, waters, and other such resources owned, managed, held in trust, or otherwise controlled by the State.

"Public land" means all land owned, operated, managed, maintained, or under the jurisdiction of the Department of Environmental Protection, including any and all land owned, operated, managed, maintained, or purchased jointly by the Department of Environmental Protection with any other party and any land so designated by municipal or county ordinance. Public land shall also mean any land used for conservation purposes, including, but not limited to, beaches, forests, greenways, natural areas, water resources, wildlife preserves, land used for watershed protection, or biological or ecological studies, and land exempted from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

"Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

(cf: P.L.2013, c.135, s.1)

4. This act shall take effect immediately.

#### **STATEMENT**

This bill revises the statutory definitions for all-terrain vehicles (ATVs).

Under current laws, ATVs are a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain cubic centimeter size. The bill amends

### A4361 JOHNSON, A.M.BUCCO

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existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires, and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill.

5 6 Specifically, the bill revises the definition of an ATV in 7 P.L.1968, c.73 (C.2A:42A-2 et seq.) concerning premises used for sport and recreational activities; P.L.1985, c.431 (C.2A:42A-6 et 8 9 seq.) concerning liability of an owner, lessee or occupant of 10 agricultural or horticultural land who allows certain off-road 11 vehicles to be operated on the land; and P.L.1973, c.307 (C.39:3C-1 et seq.) regulating the operation and use of ATVs. The definition of 12 13 an ATV is also changed by reference in the "State Park and Forestry 14 Resources Act," P.L.1983, c.324 (C.13:1L-1 et seq.) and sections 33 15 and 34 of P.L.2009, c.275 (C.39:3C-33 and C.39:3C-34) concerning 16 penalties for operating an off-road vehicle on public lands.

# ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE

### STATEMENT TO

### ASSEMBLY, No. 4361

## STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 4361.

This bill amends the definition of the term "all-terrain vehicle" (ATV) in three sections of law to provide that an ATV is a motor vehicle designed to travel over any terrain with between three and six non-highway tires. Two sections of current law, Section 1 of P.L.1968, c.73 (C.2A:42A-2) and Section 5 of P.L.1991, c.496 (C.2A:42A-6.1), provide that an ATV must have a gasoline engine not exceeding 600 cubic centimeters. A third section of current law, Section 1 of P.L.1973, c.307 (C.39:3C-1), provides that an ATV must be powered by a gasoline engine not exceeding 760 cubic centimeters. The bill removes the references to engine size from all three sections. The bill also specifies that tires must be "non-highway" tires rather than "rubber" tires. The bill retains language in all three sections which exclude golf carts from the definition of an ATV.

P.L.1968, c.73(C.2A:42A-2etswq.) and P.L.1991, c.496 (C.2A:42-6.1 et al.) are bodies of law which limit the liability of landowners to sport and recreational users of their property in order to induce landowners to permit others to use their properties for sport and recreational activities. These provisions were extended to apply to operators of all-terrain vehicles in 1991. P.L.1973, c.307 (c.39.3C-1 et seq.) is the body of law governing the registration and regulation of ATVs. The definition of an ATV is also changed by reference in the "State Park and Forestry Resources Act," P.L.1983, c.324 (C.13:1L-1 et seq.)

Sections 1 and 2 of the bill also make technical changes to current law to correctly alphabetize the definitions set forth in those sections and to replace outdated references to the Division of Motor Vehicles in those sections with the entity's correct name, the New Jersey Motor Vehicle Commission.

# ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES COMMITTEE

### STATEMENT TO

### ASSEMBLY, No. 4361

## STATE OF NEW JERSEY

**DATED: JUNE 18, 2015** 

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 4361.

As reported, this bill revises the statutory definitions for all-terrain vehicles (ATVs).

Under current laws, ATVs are defined as a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain size as measured in cubic centimeters. The bill removes reference in the definitions to being powered by a gasoline engine of a certain size and specifies that the vehicle has between three and six non-highway tires rather than requiring rubber tires.

# **SENATE, No. 2891**

# STATE OF NEW JERSEY

## 216th LEGISLATURE

INTRODUCED MAY 14, 2015

**Sponsored by:** 

Senator PETER J. BARNES, III

**District 18 (Middlesex)** 

Senator ANTHONY R. BUCCO

**District 25 (Morris and Somerset)** 

**Co-Sponsored by:** 

**Senator Oroho** 

#### **SYNOPSIS**

Revises definition of all-terrain vehicles.

### **CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/12/2015)

1 AN ACT concerning all-terrain vehicles and amending P.L.1968, 2 c.73, P.L.1991, c.496, and P.L.1973, c.307.

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

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- 1. Section 1 of P.L.1968, c.73 (C.2A:42A-2) is amended to read as follows:
- 9 1. As used in [this act "sport and recreational activities" means 10 and includes: hunting, fishing, trapping, horseback riding, training 11 of dogs, hiking, camping, picnicking, swimming, skating, skiing, 12 sledding, tobogganing, operating or riding snowmobiles, all-terrain 13 vehicles or dirt bikes, and any other outdoor sport, game and 14 recreational activity including practice and instruction in any thereof. For purposes of P.L.1968, c.73 (C.2A:42A-2 et seq.) 15 16 ["all-terrain vehicle"]:
  - "All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile" ].
  - "Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.
  - "Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles ].
  - "Sport and recreational activities" means and includes: hunting; fishing; trapping; horseback riding; training of dogs; hiking; camping; picnicking; swimming; skating; skiing; sledding; tobogganing; operating or riding snowmobiles, all-terrain vehicles or dirt bikes; and any other outdoor sport, game and recreational activity including practice and instruction in any of these activities.

42 (cf: P.L.1991, c.496, s.1)

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44 2. Section 5 of P.L.1991, c.496 (C.2A:42A-6.1) is amended to read as follows:

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

5. For purposes of P.L.1985, c.431 (C.2A:42A-6 et seq.) ["all-terrain vehicle"]:

"All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 600 cubic centimeters], but shall not include golf carts [; "snowmobile"].

"Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle [; "dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Division of Motor Vehicles ].

22 (cf: P.L.1991, c.496, s.5)

- 3. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read as follows:
  - 1. As used in P.L.1973, c.307 (C.39:3C-1 et seq.):

"All-terrain vehicle" means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six [rubber] non-highway tires [and powered by a gasoline engine not exceeding 760 cubic centimeters], but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle
Commission established by section 4 of P.L.2003, c.13 (C.39:2A-40 4).

41 "Commissioner" means the Commissioner of Environmental 42 Protection.

"Department" means the Department of Environmental 44 Protection.

"Dirt bike" means any two-wheeled motorcycle that is designedand manufactured for off-road use only and that does not comply

### S2891 P.BARNES, III, A.R.BUCCO

with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

"Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

"Emergency service organization" means a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district, or duly incorporated volunteer first aid, emergency, or volunteer ambulance or rescue squad association.

"Natural resource" means all land, fish, shellfish, wildlife, biota, air, waters, and other such resources owned, managed, held in trust, or otherwise controlled by the State.

"Public land" means all land owned, operated, managed, maintained, or under the jurisdiction of the Department of Environmental Protection, including any and all land owned, operated, managed, maintained, or purchased jointly by the Department of Environmental Protection with any other party and any land so designated by municipal or county ordinance. Public land shall also mean any land used for conservation purposes, including, but not limited to, beaches, forests, greenways, natural areas, water resources, wildlife preserves, land used for watershed protection, or biological or ecological studies, and land exempted from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

"Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

(cf: P.L.2013, c.135, s.1)

4. This act shall take effect immediately.

#### **STATEMENT**

This bill revises the statutory definitions for all-terrain vehicles (ATVs).

Under current laws, ATVs are a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain cubic centimeter size. The bill amends

### S2891 P.BARNES, III, A.R.BUCCO

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existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires, and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill.

5 6 Specifically, the bill revises the definition of an ATV in 7 P.L.1968, c.73 (C.2A:42A-2 et seq.) concerning premises used for sport and recreational activities; P.L.1985, c.431 (C.2A:42A-6 et 8 9 seq.) concerning liability of an owner, lessee or occupant of 10 agricultural or horticultural land who allows certain off-road 11 vehicles to be operated on the land; and P.L.1973, c.307 (C.39:3C-1 et seq.) regulating the operation and use of ATVs. The definition of 12 13 an ATV is also changed by reference in the "State Park and Forestry 14 Resources Act," P.L.1983, c.324 (C.13:1L-1 et seq.) and sections 33 15 and 34 of P.L.2009, c.275 (C.39:3C-33 and C.39:3C-34) concerning 16 penalties for operating an off-road vehicle on public lands.

### SENATE TRANSPORTATION COMMITTEE

### STATEMENT TO

### SENATE, No. 2891

# STATE OF NEW JERSEY

**DATED: JUNE 8, 2015** 

The Senate Transportation Committee reports favorably Senate Bill No. 2891.

As reported, this bill revises the statutory definitions for all-terrain vehicles (ATVs).

Under current law, ATVs are defined as a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain size as measured in cubic centimeters. The bill amends existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill.

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#### Governor Christie Takes Action On Pending Legislation

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Monday, November 9, 2015

Tags: Bill Action



Trenton, NJ — Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttle, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

- Enhanced Penalties For Domestic Violence. Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.
- Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence. The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole



ineligibility.

• Prioritizing Victims Who Seek Firearms For Protection. The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

#### **BILL SIGNINGS:**

S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin) - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale) - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

A-1029/S-274 (Benson, Vainieri Huttle, Jasey, Tucker, Wimberly/Greenstein, Ruiz) - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

A-1041/S-2676 (Schaer, Johnson, Vainieri Huttle, Eustace, Mazzeo,/Rumana, Gordon, Weinberg) - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

A-1102/S-1145 (Vainieri Huttle, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez) - Provides for licensure of dementia care homes by DOH

ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg) - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/ Weinberg) - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak) - Exempts certain offers and sales of securities from registration

A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey) - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer) - Establishes requirements for pharmacists to dispense biological products

A-2714/S-1993 (Giblin, Sumter/Barnes) - Requires continuing education for licensed practicing psychologists

A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors) - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

A-3012/S-2296 (Ciattarelli, Dancer/Bateman) - Criminalizes bestiality

A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCroce/Turner, Ruiz) - Prohibits administration of standardized assessments in kindergarten through second grade

A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach) - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer) - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Danielsen, Wimberly/Madden, Turner) - Prohibits sale of powdered alcohol

A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel) - Establishes crime-fraud exception to marital and civil union partnership privilege

A-3669/S-2655 (Mazzeo, Burzichelli/Whelan) - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

A-3807/S-2619 (Eustace, Greenwald/Whelan) - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges

A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg) – Upgrades violation of a stalking restraining order to a crime of the third degree

A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice) - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz) - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho) - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill) - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

A-4078/S-2686 (Vainieri Huttle, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck) - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer) - Revises certain provisions of dental service corporation law

A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriquez-Gregg, Gusciora, Mazzeo/Barnes, Addiego) - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack) — Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

A-4333/S-3020 (Singleton, Gill) - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco) - Revises definition of all-terrain

A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman) - Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning

A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner) - Prohibits withholding of State school aid based on student participation rate on State assessments

A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez) – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz) - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

#### BILLS VETOED:

S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty) – ABSOLUTE -Concerns certain workers' compensation supplemental benefits

A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco) - CONDITIONAL - Directs New Jersey Turnpike
Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of
rest areas and service plazas

A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice) – CONDITIONAL - Requires release of bid list prior to bid date under "Local Public Contracts Law"

A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz) – CONDITIONAL -Establishes Task Force on Engineering Curriculum and Instruction

A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttle, Wimberly/Gordon) – CONDITIONAL - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

floodplains

A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL - Requires Division of Local Government Services to include certain property tax information on division's web page

A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttle, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL - "Casino Property Taxation Stabilization Act"

A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL - Removes provisions of law relating to Atlantic City Alliance

A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE - Authorizes operation of lottery courier services

A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttle, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL - Revises certain laws concerning domestic violence and firearms

A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

A-4476/S-2876 (Conaway/Codey) - CONDITIONAL - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE - Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

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