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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Matthew Fazelpoor, 'Scutari, as acting gov, signs pedicab alcohol consumption law', NJBIZ (online), 6 Jun 2022.

Brent Johnson - For The Star-Ledger, 'Scutari signs bill making it legal to drink in pedicabs', Star-Ledger, The (online),5 Jun 2022 002

Brent Johnson and Matt Arco - For The Star-Ledger, 'Scutari gets first crack as acting gov. today Gov. Phil Murph and Lt. Gov. Sheila Oliver will be out of state.', Star-Ledger, The (online), 4 Jun 2022 003

end

Title 39.
Chapter 4.
Article 5B. (New)
Pedicabs
§1
C.39:4-31.6

(CORRECTED COPY)

P.L. 2022, CHAPTER 16, *approved June 4, 2022*
Assembly, No. 462 (*First Reprint*)

1 AN ACT concerning pedicabs, amending R.S.39:1-1, and
2 supplementing Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) a. A pedicab operator shall be permitted to
8 operate a pedicab under the following conditions:

9 (1) operation of a pedicab is authorized by ordinance adopted by
10 the governing body of the municipality in which the pedicab
11 operates;

12 (2) the pedicab operator shall be at least 21 years of age and shall
13 possess a valid driver's license issued by New Jersey or another
14 state;

15 (3) the pedicab shall be equipped with seatbelts for all
16 passengers, seat backs, brakes, reflectors, a headlight, and grab
17 rails;

18 (4) the owner of the pedicab shall maintain a general liability
19 insurance policy in a minimum amount of \$500,000 of coverage per
20 accident;

21 (5) the pedicab operator shall not operate the pedicab on any
22 highway with a posted speed limit in excess of 30 miles per hour,
23 except to cross the highway at an intersection;

24 (6) the pedicab operator shall operate a pedicab as close as
25 practicable to the right-hand curb or edge of the roadway, except
26 when necessary to overtake another vehicle, to avoid a stationary
27 object, or when preparing to make a left turn; and

28 (7) the pedicab owner, pedicab operator, and pedicab meet any
29 other requirements as may be required by ordinance adopted by the
30 governing body of the municipality in which the pedicab operates ,
31 except that a municipality shall not restrict a pedicab operator from
32 permitting the consumption of alcoholic beverages in accordance
33 with subsection b. of this subsection.

34 b. A pedicab operator authorized to operate a pedicab in
35 accordance with subsection a. of this section may permit the
36 consumption of alcoholic beverages by passengers of the pedicab
37 under the following conditions:

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AOF committee amendments adopted March 7, 2022.

- 1 (1) the operator of the pedicab does not consume alcoholic
2 beverages while operating the pedicab;
- 3 (2) each passenger of the pedicab is at least 21 years of age;
- 4 (3) alcoholic beverages are limited to single-serving sealed
5 containers of: beer; wine; hard cider; mead; other malt beverages;
6 other fermented beverages, such as hard seltzer and hard tea; and
7 prepared mixed beverages made with spirits;
- 8 (4) the owner or operator of the pedicab does not sell or offer for
9 sale to passengers food, alcoholic beverages, or any other liquid
10 refreshments; and
- 11 (5) the pedicab is equipped with as many waste receptacles as
12 necessary to permit each passenger to reach a waste receptacle
13 while seated.

14

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

16 39:1-1. As used in this subtitle, unless other meaning is clearly
17 apparent from the language or context, or unless inconsistent with
18 the manifest intention of the Legislature:

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

21 "Authorized emergency vehicles" means vehicles of the fire
22 department, police vehicles and such ambulances and other vehicles
23 as are approved by the chief administrator when operated in
24 response to an emergency call.

25 "Autocycle" means a three-wheeled motorcycle designed to be
26 controlled with a steering wheel and pedals in which the operator
27 and passenger may ride in a completely or partially enclosed seating
28 area that is equipped with a roll cage or roll hoops, safety seat belts
29 for each occupant, and anti-lock brakes.

30 "Automobile" includes all motor vehicles except motorcycles.

31 "Berm" means that portion of the highway exclusive of roadway
32 and shoulder, bordering the shoulder but not to be used for
33 vehicular travel.

34 "Business district" means that portion of a highway and the
35 territory contiguous thereto, where within any 600 feet along such
36 highway there are buildings in use for business or industrial
37 purposes, including but not limited to hotels, banks, office
38 buildings, railroad stations, and public buildings which occupy at
39 least 300 feet of frontage on one side or 300 feet collectively on
40 both sides of the roadway.

41 "Car pool" means two or more persons commuting on a daily
42 basis to and from work by means of a vehicle with a seating
43 capacity of nine passengers or less.

44 "Chief Administrator" or "Administrator" means the Chief
45 Administrator of the New Jersey Motor Vehicle Commission.

46 "Commercial motor vehicle" includes every type of motor-driven
47 vehicle used for commercial purposes on the highways, such as the
48 transportation of goods, wares and merchandise, excepting such

1 vehicles as are run only upon rails or tracks and vehicles of the
2 passenger car type used for touring purposes or the carrying of farm
3 products and milk, as the case may be.

4 "Commission" means the New Jersey Motor Vehicle
5 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
6 4).

7 "Commissioner" means the Commissioner of Transportation of
8 this State.

9 "Commuter van" means a motor vehicle having a seating
10 capacity of not less than seven nor more than 15 adult passengers,
11 in which seven or more persons commute on a daily basis to and
12 from work and which vehicle may also be operated by the driver or
13 other designated persons for their personal use.

14 "Crosswalk" means that part of a highway at an intersection,
15 either marked or unmarked existing at each approach of every
16 roadway intersection, included within the connections of the lateral
17 lines of the sidewalks on opposite sides of the highway measured
18 from the curbs or, in the absence of curbs, from the edges of the
19 shoulder, or, if none, from the edges of the roadway; also, any
20 portion of a highway at an intersection or elsewhere distinctly
21 indicated for pedestrian crossing by lines or other marking on the
22 surface.

23 "Curb extension" or "bulbout" means a horizontal extension of
24 the sidewalk into the street which results in a narrower roadway
25 section.

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

29 "Deputy Chief Administrator" means the deputy chief
30 administrator of the commission.

31 "Driver" means the rider or driver of a horse, bicycle or
32 motorcycle or the driver or operator of a motor vehicle, unless
33 otherwise specified.

34 "Explosives" means any chemical compound or mechanical
35 mixture that is commonly used or intended for the purpose of
36 producing an explosion and which contains any oxidizing and
37 combusive units or other ingredients in such proportions, quantities
38 or packing that an ignition by fire, friction, by concussion, by
39 percussion, or by detonator of any part of the compound or mixture
40 may cause such a sudden generation of highly heated gases that the
41 resultant gaseous pressures are capable of producing destructive
42 effects on contiguous objects or of destroying life or limb.

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

46 "Flammable liquid" means any liquid having a flash point below
47 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
48 pounds.

1 "Gross weight" means the combined weight of a vehicle and a
2 load thereon.

3 "High occupancy vehicle" or "HOV" means a vehicle which is
4 used to transport two or more persons and shall include public
5 transportation, car pool, van pool, and other vehicles as determined
6 by regulation of the Department of Transportation.

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

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

12 "Inside lane" means the lane nearest the center line of the
13 roadway.

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

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

20 "Leased limousine" means any limousine subject to regulation in
21 the State which:

22 a. Is offered for rental or lease, without a driver, to be operated
23 by a limousine service as the lessee, for the purpose of carrying
24 passengers for hire; and

25 b. Is leased or rented for a period of one year or more
26 following registration.

27 "Leased motor vehicle" means any motor vehicle subject to
28 registration in this State which:

29 a. Is offered for rental or lease, without a driver, to be operated
30 by the lessee, his agent or servant, for purposes other than the
31 transportation of passengers for hire; and

32 b. Is leased or rented for a period of one year or more
33 following registration.

34 "Limited-access highway" means every highway, street, or
35 roadway in respect to which owners or occupants of abutting lands
36 and other persons have no legal right of access to or from the same
37 except at such points only and in such manner as may be
38 determined by the public authority having jurisdiction over such
39 highway, street, or roadway; and includes any highway designated
40 as a "freeway" or "parkway" by authority of law.

41 "Local authorities" means every county, municipal and other
42 local board or body having authority to adopt local police
43 regulations under the Constitution and laws of this State, including
44 every county governing body with relation to county roads.

45 "Low-speed electric bicycle" means a two or three-wheeled
46 vehicle with fully operable pedals and an electric motor of less than
47 750 watts, that meets the requirements of one of the following
48 classifications: "class 1 low-speed electric bicycle" which means a

1 low-speed electric bicycle equipped with a motor that provides
2 assistance only when the rider is pedaling, and that ceases to
3 provide assistance when the bicycle reaches the speed of 20 miles
4 per hour; or "class 2 low-speed electric bicycle" which means a
5 low-speed electric bicycle equipped with a motor that may be used
6 exclusively to propel the bicycle, and that is not capable of
7 providing assistance when the bicycle reaches the speed of 20 miles
8 per hour.

9 "Low-speed electric scooter" means a scooter with a floorboard
10 that can be stood upon by the operator, with handlebars, and an
11 electric motor that is capable of propelling the device with or
12 without human propulsion at a maximum speed of less than 19
13 miles per hour.

14 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
15 as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more
16 than 20 miles per hour but not more than 25 miles per hour on a
17 paved level surface and which is not powered by gasoline or diesel
18 fuel and complies with federal safety standards as set forth in 49
19 C.F.R. s.571.500.

20 "Magistrate" means any municipal court and the Superior Court,
21 and any officer having the powers of a committing magistrate and
22 the chief administrator.

23 "Manufacturer" means a person engaged in the business of
24 manufacturing or assembling motor vehicles, who will, under
25 normal business conditions during the year, manufacture or
26 assemble at least 10 new motor vehicles.

27 "Metal tire" means every tire the surface of which in contact with
28 the highway is wholly or partly of metal or other hard nonresilient
29 material.

30 "Mid-block crosswalk" means a crosswalk located away from an
31 intersection, distinctly indicated by lines or markings on the
32 surface.

33 "Motorized bicycle" means a pedal bicycle having a helper motor
34 characterized in that either the maximum piston displacement is less
35 than 50 cc. or said motor is rated at no more than 1.5 brake
36 horsepower or is powered by an electric drive motor and said
37 bicycle is capable of a maximum speed of no more than 25 miles
38 per hour on a flat surface or a pedal bicycle having an electric motor
39 that is capable of propelling the bicycle in excess of 20 miles per
40 hour with a maximum motor-powered speed of no more than 28
41 miles per hour on a flat surface. This term shall not include a low-
42 speed electric bicycle or low-speed electric scooter as defined in
43 this section.

44 "Motorcycle" includes motorcycles, autocycles, motor bikes,
45 bicycles with motor attached and all motor-operated vehicles of the
46 bicycle or tricycle type, except motorized bicycles, low-speed
47 electric bicycles, and low-speed electric scooters as defined in this
48 section, whether the motive power be a part thereof or attached

1 thereto and having a saddle or seat with driver sitting astride or
2 upon it or a platform on which the driver stands.

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

5 "Motor vehicle" includes all vehicles propelled otherwise than by
6 muscular power, excepting such vehicles as run only upon rails or
7 tracks, low-speed electric bicycles, low-speed electric scooters, and
8 motorized bicycles.

9 "Motorized scooter" means a miniature motor vehicle and
10 includes, but is not limited to, pocket bikes, super pocket bikes,
11 scooters, mini-scooters, sport scooters, mini choppers, mini
12 motorcycles, motorized skateboards and other vehicles with motors
13 not manufactured in compliance with Federal Motor Vehicle Safety
14 Standards and which have no permanent Federal Safety
15 Certification stickers affixed to the vehicle by the original
16 manufacturer. This term shall not include: electric personal
17 assistive mobility devices, motorized bicycles, low-speed vehicles,
18 low-speed electric bicycles, or low-speed electric scooters; or
19 motorized wheelchairs, mobility scooters or similar mobility
20 assisting devices used by persons with physical disabilities, or
21 persons whose ambulatory mobility has been impaired by age or
22 illness.

23 "Motorized skateboard" means a skateboard that is propelled
24 otherwise than by muscular power.

25 "Motorized wheelchair" means any motor-driven wheelchair
26 utilized to increase the independent mobility, in the activities of
27 daily living, of an individual who has limited or no ambulation
28 abilities, and includes mobility scooters manufactured specifically
29 for such purposes and designed primarily for indoor use.

30 "Noncommercial truck" means every motor vehicle designed
31 primarily for transportation of property, and which is not a
32 "commercial vehicle."

33 "Official traffic control devices" means all signs, signals,
34 markings, and devices not inconsistent with this subtitle placed or
35 erected by authority of a public body or official having jurisdiction
36 for the purpose of regulating, warning, or guiding traffic.

37 "Omnibus" includes all motor vehicles used for the
38 transportation of passengers for hire, except commuter vans and
39 vehicles used in ridesharing arrangements and school buses, if the
40 same are not otherwise used in the transportation of passengers for
41 hire.

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

44 "Outside lane" means the lane nearest the curb or outer edge of
45 the roadway.

46 "Owner" means a person who holds the legal title of a vehicle, or
47 if a vehicle is the subject of an agreement for the conditional sale or
48 lease thereof with the right of purchase upon performance of the

1 conditions stated in the agreement and with an immediate right of
2 possession vested in the conditional vendee or lessee, or if a
3 mortgagor of a vehicle is entitled to possession, then the conditional
4 vendee, lessee or mortgagor shall be deemed the owner for the
5 purpose of this subtitle.

6 "Parking" means the standing or waiting on a street, road or
7 highway of a vehicle not actually engaged in receiving or
8 discharging passengers or merchandise, unless in obedience to
9 traffic regulations or traffic signs or signals.

10 "Passenger automobile" means all automobiles used and
11 designed for the transportation of passengers, other than omnibuses
12 and school buses.

13 "Pedestrian" means a person afoot.

14 "Pedicab" means a wheeled device that: (1) contains three or
15 more wheels; (2) is designed to transport passengers and be
16 propelled by ¹[human] muscular¹ power using pedals; (3) is
17 designed to accommodate no more than 15 passengers in addition to
18 the driver; ¹[and]¹ (4) is operated for hire ¹; and (5) if equipped
19 with a motor, is equipped with an electric motor that meets the
20 classifications of a class 1 or class 2 low-speed electric bicycle. A
21 pedicab shall not be considered a motor vehicle or a motorcycle¹.

22 "Person" includes natural persons, firms, copartnerships,
23 associations, and corporations.

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

26 "Pole trailer" means every vehicle without motive power
27 designed to be drawn by another vehicle and attached to the towing
28 vehicle by means of a reach, or pole, or by being boomed or
29 otherwise secured to the towing vehicle, and ordinarily used for
30 transporting long or irregularly shaped loads, such as poles, pipes,
31 or structural members capable, generally, of sustaining themselves
32 as beams between the supporting connections.

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

35 "Railroad train" means a steam engine, electric or other motor,
36 with or without cars coupled thereto, operated upon rails, except
37 street cars.

38 "REAL ID basic driver's license" means a basic driver's license
39 issued by the commission that complies with the provisions of the
40 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
41 supplementary thereto, and any federal regulations adopted
42 thereunder.

43 "REAL ID identification card" means an identification card
44 issued by the commission that complies with the provisions of the
45 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
46 supplementary thereto, and any federal regulations adopted
47 thereunder.

1 "REAL ID license" means any license to operate a motor vehicle
2 issued by the commission that complies with the provisions of the
3 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
4 supplementary thereto, and any federal regulations adopted
5 thereunder.

6 "REAL ID motorcycle license" means a motorcycle license
7 issued by the commission that complies with the provisions of the
8 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
9 supplementary thereto, and any federal regulations adopted
10 thereunder.

11 "REAL ID probationary license" means a probationary license
12 issued by the commission that complies with the provisions of the
13 "REAL ID Act of 2005," P.L.109-13, any acts amendatory or
14 supplementary thereto, and any federal regulations adopted
15 thereunder.

16 "Recreation vehicle" means a self-propelled or towed vehicle
17 equipped to serve as temporary living quarters for recreational,
18 camping or travel purposes and used solely as a family or personal
19 conveyance.

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

25 "Ridesharing" means the transportation of persons in a motor
26 vehicle, with a maximum carrying capacity of not more than 15
27 passengers, including the driver, where such transportation is
28 incidental to the purpose of the driver. The term shall include such
29 ridesharing arrangements known as car pools and van pools.

30 "Right-of-way" means the privilege of the immediate use of the
31 highway.

32 "Road tractor" means every motor vehicle designed and used for
33 drawing other vehicles and not so constructed as to carry any load
34 thereon either independently or any part of the weight of a vehicle
35 or load so drawn.

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

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

45 "School bus" means every motor vehicle operated by, or under
46 contract with, a public or governmental agency, or religious or other
47 charitable organization or corporation, or privately operated for the
48 transportation of children to or from school for secular or religious

1 education, which complies with the regulations of the New Jersey
2 Motor Vehicle Commission affecting school buses, including
3 "School Vehicle Type I" and "School Vehicle Type II" as defined
4 below:

5 "School Vehicle Type I" means any vehicle designed to transport
6 16 or more passengers, including the driver, used to transport
7 enrolled children, and adults only when serving as chaperones, to or
8 from a school, school connected activity, day camp, summer day
9 camp, summer residence camp, nursery school, child care center,
10 preschool center or other similar places of education. Such vehicle
11 shall comply with the regulations of the New Jersey Motor Vehicle
12 Commission and either the Department of Education or the
13 Department of Human Services, whichever is the appropriate
14 supervising agency.

15 "School Vehicle Type II" means any vehicle designed to
16 transport less than 16 passengers, including the driver, used to
17 transport enrolled children, and adults only when serving as
18 chaperones, to or from a school, school connected activity, day
19 camp, summer day camp, summer residence camp, nursery school,
20 child care center, preschool center or other similar places of
21 education. Such vehicle shall comply with the regulations of the
22 New Jersey Motor Vehicle Commission and either the Department
23 of Education or the Department of Human Services, whichever is
24 the appropriate supervising agency.

25 "School zone" means that portion of a highway which is either
26 contiguous to territory occupied by a school building or is where
27 school crossings are established in the vicinity of a school, upon
28 which are maintained appropriate "school signs" in accordance with
29 specifications adopted by the chief administrator and in accordance
30 with law.

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

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

39 "Shipper" means any person who shall deliver, or cause to be
40 delivered, any commodity, produce or article for transportation as
41 the contents or load of a commercial motor vehicle. In the case of a
42 sealed ocean container, "shipper" shall not be construed to include
43 any person whose activities with respect to the shipment are limited
44 to the solicitation or negotiation of the sale, resale, or exchange of
45 the commodity, produce or article within that container.

46 "Shoulder" means that portion of the highway, exclusive of and
47 bordering the roadway, designed for emergency use but not
48 ordinarily to be used for vehicular travel.

1 "Sidewalk" means that portion of a highway intended for the use
2 of pedestrians, between the curb line or the lateral line of a
3 shoulder, or if none, the lateral line of the roadway and the adjacent
4 right-of-way line.

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

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

8 "Solid tire" means every tire of rubber or other resilient material
9 which does not depend upon compressed air for the support of the
10 load.

11 "Standard" means, when used to describe any license to operate a
12 motor vehicle or any identification card issued by the commission
13 under the provisions of this Title, that the issuance of the license or
14 identification card does not require proof of lawful presence in the
15 United States.

16 "Street" means the same as highway.

17 "Street car" means a car other than a railroad train, for
18 transporting persons or property and operated upon rails principally
19 within a municipality.

20 "Stop," when required, means complete cessation from
21 movement.

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

26 "Suburban business or residential district" means that portion of
27 highway and the territory contiguous thereto, where within any
28 1,320 feet along that highway there is land in use for business or
29 residential purposes and that land occupies more than 660 feet of
30 frontage on one side or collectively more than 660 feet of frontage
31 on both sides of that roadway.

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

36 "Trackless trolley" means every motor vehicle which is propelled
37 by electric power obtained from overhead trolley wires but not
38 operated upon rails.

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

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

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

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

3 "Truck tractor" means every motor vehicle designed and used
4 primarily for drawing other vehicles and not so constructed as to
5 carry a load other than a part of the weight of the vehicle and load
6 so drawn.

7 "Van pooling" means seven or more persons commuting on a
8 daily basis to and from work by means of a vehicle with a seating
9 arrangement designed to carry seven to 15 adult passengers.

10 "Vehicle" means every device in, upon or by which a person or
11 property is or may be transported upon a highway, excepting
12 devices moved by human power or used exclusively upon stationary
13 rails or tracks or low-speed electric bicycles, low-speed electric
14 scooters, or motorized bicycles.

15 (cf: P.L.2019, c.271, s.1)

16

17 3. This act shall take effect on the first day of fourth month
18 next following the date of enactment.

19

20

21

22

23 Permits operation of pedicabs and alcoholic beverage
24 consumption by passengers of pedicabs in certain circumstances.

ASSEMBLY, No. 462

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

Permits operation of pedicabs and alcoholic beverage consumption by passengers of pedicabs in certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/28/2022)

1 AN ACT concerning pedicabs, amending R.S.39:1-1, and
2 supplementing Title 39 of the Revised Statutes.

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

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7 1. (New section) a. A pedicab operator shall be permitted to
8 operate a pedicab under the following conditions:

9 (1) operation of a pedicab is authorized by ordinance adopted by
10 the governing body of the municipality in which the pedicab
11 operates;

12 (2) the pedicab operator shall be at least 21 years of age and
13 shall possess a valid driver's license issued by New Jersey or
14 another state;

15 (3) the pedicab shall be equipped with seatbelts for all
16 passengers, seat backs, brakes, reflectors, a headlight, and grab
17 rails;

18 (4) the owner of the pedicab shall maintain a general liability
19 insurance policy in a minimum amount of \$500,000 of coverage per
20 accident;

21 (5) the pedicab operator shall not operate the pedicab on any
22 highway with a posted speed limit in excess of 30 miles per hour,
23 except to cross the highway at an intersection;

24 (6) the pedicab operator shall operate a pedicab as close as
25 practicable to the right-hand curb or edge of the roadway, except
26 when necessary to overtake another vehicle, to avoid a stationary
27 object, or when preparing to make a left turn; and

28 (7) the pedicab owner, pedicab operator, and pedicab meet any
29 other requirements as may be required by ordinance adopted by the
30 governing body of the municipality in which the pedicab operates ,
31 except that a municipality shall not restrict a pedicab operator from
32 permitting the consumption of alcoholic beverages in accordance
33 with subsection b. of this subsection.

34 b. A pedicab operator authorized to operate a pedicab in
35 accordance with subsection a. of this section may permit the
36 consumption of alcoholic beverages by passengers of the pedicab
37 under the following conditions:

38 (1) the operator of the pedicab does not consume alcoholic
39 beverages while operating the pedicab;

40 (2) each passenger of the pedicab is at least 21 years of age;

41 (3) alcoholic beverages are limited to single-serving sealed
42 containers of: beer; wine; hard cider; mead; other malt beverages;
43 other fermented beverages, such as hard seltzer and hard tea; and
44 prepared mixed beverages made with spirits;

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 underlined thus is new matter.

1 (4) the owner or operator of the pedicab does not sell or offer
2 for sale to passengers food, alcoholic beverages, or any other liquid
3 refreshments; and

4 (5) the pedicab is equipped with as many waste receptacles as
5 necessary to permit each passenger to reach a waste receptacle
6 while seated.

7

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

9 39:1-1. As used in this subtitle, unless other meaning is clearly
10 apparent from the language or context, or unless inconsistent with
11 the manifest intention of the Legislature:

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

14 "Authorized emergency vehicles" means vehicles of the fire
15 department, police vehicles and such ambulances and other vehicles
16 as are approved by the chief administrator when operated in
17 response to an emergency call.

18 "Autocycle" means a three-wheeled motorcycle designed to be
19 controlled with a steering wheel and pedals in which the operator
20 and passenger may ride in a completely or partially enclosed seating
21 area that is equipped with a roll cage or roll hoops, safety seat belts
22 for each occupant, and anti-lock brakes.

23 "Automobile" includes all motor vehicles except motorcycles.

24 "Berm" means that portion of the highway exclusive of roadway
25 and shoulder, bordering the shoulder but not to be used for
26 vehicular travel.

27 "Business district" means that portion of a highway and the
28 territory contiguous thereto, where within any 600 feet along such
29 highway there are buildings in use for business or industrial
30 purposes, including but not limited to hotels, banks, office
31 buildings, railroad stations, and public buildings which occupy at
32 least 300 feet of frontage on one side or 300 feet collectively on
33 both sides of the roadway.

34 "Car pool" means two or more persons commuting on a daily
35 basis to and from work by means of a vehicle with a seating
36 capacity of nine passengers or less.

37 "Chief Administrator" or "Administrator" means the Chief
38 Administrator of the New Jersey Motor Vehicle Commission.

39 "Commercial motor vehicle" includes every type of motor-driven
40 vehicle used for commercial purposes on the highways, such as the
41 transportation of goods, wares and merchandise, excepting such
42 vehicles as are run only upon rails or tracks and vehicles of the
43 passenger car type used for touring purposes or the carrying of farm
44 products and milk, as the case may be.

45 "Commission" means the New Jersey Motor Vehicle
46 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
47 4).

1 "Commissioner" means the Commissioner of Transportation of
2 this State.

3 "Commuter van" means a motor vehicle having a seating
4 capacity of not less than seven nor more than 15 adult passengers,
5 in which seven or more persons commute on a daily basis to and
6 from work and which vehicle may also be operated by the driver or
7 other designated persons for their personal use.

8 "Crosswalk" means that part of a highway at an intersection,
9 either marked or unmarked existing at each approach of every
10 roadway intersection, included within the connections of the lateral
11 lines of the sidewalks on opposite sides of the highway measured
12 from the curbs or, in the absence of curbs, from the edges of the
13 shoulder, or, if none, from the edges of the roadway; also, any
14 portion of a highway at an intersection or elsewhere distinctly
15 indicated for pedestrian crossing by lines or other marking on the
16 surface.

17 "Curb extension" or "bulbout" means a horizontal extension of
18 the sidewalk into the street which results in a narrower roadway
19 section.

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

23 "Deputy Chief Administrator" means the deputy chief
24 administrator of the commission.

25 "Driver" means the rider or driver of a horse, bicycle or
26 motorcycle or the driver or operator of a motor vehicle, unless
27 otherwise specified.

28 "Explosives" means any chemical compound or mechanical
29 mixture that is commonly used or intended for the purpose of
30 producing an explosion and which contains any oxidizing and
31 combustive units or other ingredients in such proportions, quantities
32 or packing that an ignition by fire, friction, by concussion, by
33 percussion, or by detonator of any part of the compound or mixture
34 may cause such a sudden generation of highly heated gases that the
35 resultant gaseous pressures are capable of producing destructive
36 effects on contiguous objects or of destroying life or limb.

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

40 "Flammable liquid" means any liquid having a flash point below
41 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
42 pounds.

43 "Gross weight" means the combined weight of a vehicle and a
44 load thereon.

45 "High occupancy vehicle" or "HOV" means a vehicle which is
46 used to transport two or more persons and shall include public
47 transportation, car pool, van pool, and other vehicles as determined
48 by regulation of the Department of Transportation.

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

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

6 "Inside lane" means the lane nearest the center line of the
7 roadway.

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

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

14 "Leased limousine" means any limousine subject to regulation in
15 the State which:

16 a. Is offered for rental or lease, without a driver, to be operated
17 by a limousine service as the lessee, for the purpose of carrying
18 passengers for hire; and

19 b. Is leased or rented for a period of one year or more
20 following registration.

21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:

23 a. Is offered for rental or lease, without a driver, to be operated
24 by the lessee, his agent or servant, for purposes other than the
25 transportation of passengers for hire; and

26 b. Is leased or rented for a period of one year or more
27 following registration.

28 "Limited-access highway" means every highway, street, or
29 roadway in respect to which owners or occupants of abutting lands
30 and other persons have no legal right of access to or from the same
31 except at such points only and in such manner as may be
32 determined by the public authority having jurisdiction over such
33 highway, street, or roadway; and includes any highway designated
34 as a "freeway" or "parkway" by authority of law.

35 "Local authorities" means every county, municipal and other
36 local board or body having authority to adopt local police
37 regulations under the Constitution and laws of this State, including
38 every county governing body with relation to county roads.

39 "Low-speed electric bicycle" means a two or three-wheeled
40 vehicle with fully operable pedals and an electric motor of less than
41 750 watts, that meets the requirements of one of the following
42 classifications: "class 1 low-speed electric bicycle" which means a
43 low-speed electric bicycle equipped with a motor that provides
44 assistance only when the rider is pedaling, and that ceases to
45 provide assistance when the bicycle reaches the speed of 20 miles
46 per hour; or "class 2 low-speed electric bicycle" which means a
47 low-speed electric bicycle equipped with a motor that may be used
48 exclusively to propel the bicycle, and that is not capable of

1 providing assistance when the bicycle reaches the speed of 20 miles
2 per hour.

3 "Low-speed electric scooter" means a scooter with a floorboard
4 that can be stood upon by the operator, with handlebars, and an
5 electric motor that is capable of propelling the device with or
6 without human propulsion at a maximum speed of less than 19
7 miles per hour.

8 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
9 as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more
10 than 20 miles per hour but not more than 25 miles per hour on a
11 paved level surface and which is not powered by gasoline or diesel
12 fuel and complies with federal safety standards as set forth in 49
13 C.F.R. s.571.500.

14 "Magistrate" means any municipal court and the Superior Court,
15 and any officer having the powers of a committing magistrate and
16 the chief administrator.

17 "Manufacturer" means a person engaged in the business of
18 manufacturing or assembling motor vehicles, who will, under
19 normal business conditions during the year, manufacture or
20 assemble at least 10 new motor vehicles.

21 "Metal tire" means every tire the surface of which in contact with
22 the highway is wholly or partly of metal or other hard nonresilient
23 material.

24 "Mid-block crosswalk" means a crosswalk located away from an
25 intersection, distinctly indicated by lines or markings on the
26 surface.

27 "Motorized bicycle" means a pedal bicycle having a helper motor
28 characterized in that either the maximum piston displacement is less
29 than 50 cc. or said motor is rated at no more than 1.5 brake
30 horsepower or is powered by an electric drive motor and said
31 bicycle is capable of a maximum speed of no more than 25 miles
32 per hour on a flat surface or a pedal bicycle having an electric motor
33 that is capable of propelling the bicycle in excess of 20 miles per
34 hour with a maximum motor-powered speed of no more than 28
35 miles per hour on a flat surface. This term shall not include a low-
36 speed electric bicycle or low-speed electric scooter as defined in
37 this section.

38 "Motorcycle" includes motorcycles, autocycles, motor bikes,
39 bicycles with motor attached and all motor-operated vehicles of the
40 bicycle or tricycle type, except motorized bicycles, low-speed
41 electric bicycles, and low-speed electric scooters as defined in this
42 section, whether the motive power be a part thereof or attached
43 thereto and having a saddle or seat with driver sitting astride or
44 upon it or a platform on which the driver stands.

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

47 "Motor vehicle" includes all vehicles propelled otherwise than by
48 muscular power, excepting such vehicles as run only upon rails or

1 tracks, low-speed electric bicycles, low-speed electric scooters, and
2 motorized bicycles.

3 "Motorized scooter" means a miniature motor vehicle and
4 includes, but is not limited to, pocket bikes, super pocket bikes,
5 scooters, mini-scooters, sport scooters, mini choppers, mini
6 motorcycles, motorized skateboards and other vehicles with motors
7 not manufactured in compliance with Federal Motor Vehicle Safety
8 Standards and which have no permanent Federal Safety
9 Certification stickers affixed to the vehicle by the original
10 manufacturer. This term shall not include: electric personal
11 assistive mobility devices, motorized bicycles, low-speed vehicles,
12 low-speed electric bicycles, or low-speed electric scooters; or
13 motorized wheelchairs, mobility scooters or similar mobility
14 assisting devices used by persons with physical disabilities, or
15 persons whose ambulatory mobility has been impaired by age or
16 illness.

17 "Motorized skateboard" means a skateboard that is propelled
18 otherwise than by muscular power.

19 "Motorized wheelchair" means any motor-driven wheelchair
20 utilized to increase the independent mobility, in the activities of
21 daily living, of an individual who has limited or no ambulation
22 abilities, and includes mobility scooters manufactured specifically
23 for such purposes and designed primarily for indoor use.

24 "Noncommercial truck" means every motor vehicle designed
25 primarily for transportation of property, and which is not a
26 "commercial vehicle."

27 "Official traffic control devices" means all signs, signals,
28 markings, and devices not inconsistent with this subtitle placed or
29 erected by authority of a public body or official having jurisdiction
30 for the purpose of regulating, warning, or guiding traffic.

31 "Omnibus" includes all motor vehicles used for the
32 transportation of passengers for hire, except commuter vans and
33 vehicles used in ridesharing arrangements and school buses, if the
34 same are not otherwise used in the transportation of passengers for
35 hire.

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

38 "Outside lane" means the lane nearest the curb or outer edge of
39 the roadway.

40 "Owner" means a person who holds the legal title of a vehicle, or
41 if a vehicle is the subject of an agreement for the conditional sale or
42 lease thereof with the right of purchase upon performance of the
43 conditions stated in the agreement and with an immediate right of
44 possession vested in the conditional vendee or lessee, or if a
45 mortgagor of a vehicle is entitled to possession, then the conditional
46 vendee, lessee or mortgagor shall be deemed the owner for the
47 purpose of this subtitle.

1 "Parking" means the standing or waiting on a street, road or
2 highway of a vehicle not actually engaged in receiving or
3 discharging passengers or merchandise, unless in obedience to
4 traffic regulations or traffic signs or signals.

5 "Passenger automobile" means all automobiles used and
6 designed for the transportation of passengers, other than omnibuses
7 and school buses.

8 "Pedestrian" means a person afoot.

9 "Pedicab" means a wheeled device that: (1) contains three or
10 more wheels; (2) is designed to transport passengers and be
11 propelled by human power using pedals; (3) is designed to
12 accommodate no more than 15 passengers in addition to the driver;
13 and (4) is operated for hire.

14 "Person" includes natural persons, firms, copartnerships,
15 associations, and corporations.

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

18 "Pole trailer" means every vehicle without motive power
19 designed to be drawn by another vehicle and attached to the towing
20 vehicle by means of a reach, or pole, or by being boomed or
21 otherwise secured to the towing vehicle, and ordinarily used for
22 transporting long or irregularly shaped loads, such as poles, pipes,
23 or structural members capable, generally, of sustaining themselves
24 as beams between the supporting connections.

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

27 "Railroad train" means a steam engine, electric or other motor,
28 with or without cars coupled thereto, operated upon rails, except
29 street cars.

30 "REAL ID basic driver's license" means a basic driver's license
31 issued by the commission that complies with the provisions of the
32 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
33 supplementary thereto, and any federal regulations adopted
34 thereunder.

35 "REAL ID identification card" means an identification card
36 issued by the commission that complies with the provisions of the
37 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
38 supplementary thereto, and any federal regulations adopted
39 thereunder.

40 "REAL ID license" means any license to operate a motor vehicle
41 issued by the commission that complies with the provisions of the
42 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
43 supplementary thereto, and any federal regulations adopted
44 thereunder.

45 "REAL ID motorcycle license" means a motorcycle license
46 issued by the commission that complies with the provisions of the
47 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or

1 supplementary thereto, and any federal regulations adopted
2 thereunder.

3 "REAL ID probationary license" means a probationary license
4 issued by the commission that complies with the provisions of the
5 "REAL ID Act of 2005," P.L.109-13, any acts amendatory or
6 supplementary thereto, and any federal regulations adopted
7 thereunder.

8 "Recreation vehicle" means a self-propelled or towed vehicle
9 equipped to serve as temporary living quarters for recreational,
10 camping or travel purposes and used solely as a family or personal
11 conveyance.

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

17 "Ridesharing" means the transportation of persons in a motor
18 vehicle, with a maximum carrying capacity of not more than 15
19 passengers, including the driver, where such transportation is
20 incidental to the purpose of the driver. The term shall include such
21 ridesharing arrangements known as car pools and van pools.

22 "Right-of-way" means the privilege of the immediate use of the
23 highway.

24 "Road tractor" means every motor vehicle designed and used for
25 drawing other vehicles and not so constructed as to carry any load
26 thereon either independently or any part of the weight of a vehicle
27 or load so drawn.

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

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

37 "School bus" means every motor vehicle operated by, or under
38 contract with, a public or governmental agency, or religious or other
39 charitable organization or corporation, or privately operated for the
40 transportation of children to or from school for secular or religious
41 education, which complies with the regulations of the New Jersey
42 Motor Vehicle Commission affecting school buses, including
43 "School Vehicle Type I" and "School Vehicle Type II" as defined
44 below:

45 "School Vehicle Type I" means any vehicle designed to transport
46 16 or more passengers, including the driver, used to transport
47 enrolled children, and adults only when serving as chaperones, to or
48 from a school, school connected activity, day camp, summer day

1 camp, summer residence camp, nursery school, child care center,
2 preschool center or other similar places of education. Such vehicle
3 shall comply with the regulations of the New Jersey Motor Vehicle
4 Commission and either the Department of Education or the
5 Department of Human Services, whichever is the appropriate
6 supervising agency.

7 "School Vehicle Type II" means any vehicle designed to
8 transport less than 16 passengers, including the driver, used to
9 transport enrolled children, and adults only when serving as
10 chaperones, to or from a school, school connected activity, day
11 camp, summer day camp, summer residence camp, nursery school,
12 child care center, preschool center or other similar places of
13 education. Such vehicle shall comply with the regulations of the
14 New Jersey Motor Vehicle Commission and either the Department
15 of Education or the Department of Human Services, whichever is
16 the appropriate supervising agency.

17 "School zone" means that portion of a highway which is either
18 contiguous to territory occupied by a school building or is where
19 school crossings are established in the vicinity of a school, upon
20 which are maintained appropriate "school signs" in accordance with
21 specifications adopted by the chief administrator and in accordance
22 with law.

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

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

31 "Shipper" means any person who shall deliver, or cause to be
32 delivered, any commodity, produce or article for transportation as
33 the contents or load of a commercial motor vehicle. In the case of a
34 sealed ocean container, "shipper" shall not be construed to include
35 any person whose activities with respect to the shipment are limited
36 to the solicitation or negotiation of the sale, resale, or exchange of
37 the commodity, produce or article within that container.

38 "Shoulder" means that portion of the highway, exclusive of and
39 bordering the roadway, designed for emergency use but not
40 ordinarily to be used for vehicular travel.

41 "Sidewalk" means that portion of a highway intended for the use
42 of pedestrians, between the curb line or the lateral line of a
43 shoulder, or if none, the lateral line of the roadway and the adjacent
44 right-of-way line.

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

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

1 "Solid tire" means every tire of rubber or other resilient material
2 which does not depend upon compressed air for the support of the
3 load.

4 "Standard" means, when used to describe any license to operate a
5 motor vehicle or any identification card issued by the commission
6 under the provisions of this Title, that the issuance of the license or
7 identification card does not require proof of lawful presence in the
8 United States.

9 "Street" means the same as highway.

10 "Street car" means a car other than a railroad train, for
11 transporting persons or property and operated upon rails principally
12 within a municipality.

13 "Stop," when required, means complete cessation from
14 movement.

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

19 "Suburban business or residential district" means that portion of
20 highway and the territory contiguous thereto, where within any
21 1,320 feet along that highway there is land in use for business or
22 residential purposes and that land occupies more than 660 feet of
23 frontage on one side or collectively more than 660 feet of frontage
24 on both sides of that roadway.

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

29 "Trackless trolley" means every motor vehicle which is propelled
30 by electric power obtained from overhead trolley wires but not
31 operated upon rails.

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

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

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

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

44 "Truck tractor" means every motor vehicle designed and used
45 primarily for drawing other vehicles and not so constructed as to
46 carry a load other than a part of the weight of the vehicle and load
47 so drawn.

1 "Van pooling" means seven or more persons commuting on a
2 daily basis to and from work by means of a vehicle with a seating
3 arrangement designed to carry seven to 15 adult passengers.

4 "Vehicle" means every device in, upon or by which a person or
5 property is or may be transported upon a highway, excepting
6 devices moved by human power or used exclusively upon stationary
7 rails or tracks or low-speed electric bicycles, low-speed electric
8 scooters, or motorized bicycles.

9 (cf: P.L.2019, c.271, s.1)

10
11 3. This act shall take effect on the first day of fourth month
12 next following the date of enactment.

13
14
15 STATEMENT

16
17 This bill regulates the operation of pedicabs in the State and
18 permits passengers of pedicabs to consume alcoholic beverages in
19 certain circumstances.

20 The bill defines a "pedicab" as a wheeled device that: contains
21 three or more wheels; is designed to transport passengers and be
22 propelled by human power using pedals; is designed to
23 accommodate no more than 15 passengers in addition to the driver;
24 and is operated for hire.

25 Under the bill's provisions, a pedicab is permitted to operate
26 under the following conditions:

27 (1) operation of a pedicab is authorized by ordinance adopted by
28 the governing body of the municipality in which the pedicab
29 operates;

30 (2) the pedicab operator is at least 21 years of age and possesses
31 a valid driver's license issued by New Jersey or another state;

32 (3) the pedicab is equipped with seatbelts for all passengers, seat
33 backs, brakes, reflectors, a headlight, and grab rails;

34 (4) the owner of the pedicab maintains a general liability
35 insurance policy in a minimum amount of \$500,000 coverage per
36 accident;

37 (5) the pedicab operator does not operate the pedicab on any
38 highway with a posted speed limit in excess of 30 miles per hour,
39 except to cross the highway at an intersection;

40 (6) the pedicab operator operates the pedicab as close as
41 practicable to the right-hand curb or edge of the roadway, except
42 when necessary to overtake another vehicle, to avoid a stationary
43 object, or when preparing to make a left turn; and

44 (7) the pedicab owner, pedicab operator, and pedicab meet any
45 other requirements as may be required by ordinance adopted by the
46 governing body of the municipality in which the pedicab operates,
47 except that a municipality is not to restrict a pedicab operator from

1 permitting the consumption of alcoholic beverages in accordance
2 with the bill's provisions.

3 The bill further provides that a pedicab operator may permit the
4 consumption of alcoholic beverages by passengers of the pedicab
5 under the following conditions:

6 (1) the operator of the pedicab does not consume alcoholic
7 beverages while operating the pedicab;

8 (2) each passenger of the pedicab is at least 21 years of age;

9 (3) alcoholic beverages are limited to single-serving sealed
10 containers of: beer; wine; hard cider; mead; other malt beverages;
11 other fermented beverages, such as hard seltzer and hard tea; and
12 prepared mixed beverages made with spirits;

13 (4) the owner or operator of the pedicab does not sell or offer
14 for sale to passengers food, alcoholic beverages, or any other liquid
15 refreshments; and

16 (5) the pedicab is equipped with as many waste receptacles as
17 necessary to permit each passenger to reach a waste receptacle
18 while seated.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 462

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2022

The Assembly Oversight, Reform and Federal Relations Committee reports favorably Assembly Bill No. 462, with committee amendments.

This bill regulates the operation of pedicabs in the State and permits passengers of pedicabs to consume alcoholic beverages in certain circumstances.

As amended by the committee, the bill defines a “pedicab” as a wheeled device that: contains three or more wheels; is designed to transport passengers and be propelled by muscular power using pedals; is designed to accommodate no more than 15 passengers in addition to the driver; is operated for hire; and if equipped with a motor, is equipped with an electric motor that meets the classifications of a class 1 or class 2 low-speed electric bicycle. A pedicab would not be considered a motor vehicle or a motorcycle.

Under the bill’s provisions, a pedicab is permitted to operate under the following conditions:

(1) operation of a pedicab is authorized by ordinance adopted by the governing body of the municipality in which the pedicab operates;

(2) the pedicab operator is at least 21 years of age and possesses a valid driver’s license issued by New Jersey or another state;

(3) the pedicab is equipped with seatbelts for all passengers, seat backs, brakes, reflectors, a headlight, and grab rails;

(4) the owner of the pedicab maintains a general liability insurance policy in a minimum amount of \$500,000 coverage per accident;

(5) the pedicab operator does not operate the pedicab on any highway with a posted speed limit in excess of 30 miles per hour, except to cross the highway at an intersection;

(6) the pedicab operator operates the pedicab as close as practicable to the right-hand curb or edge of the roadway, except when necessary to overtake another vehicle, to avoid a stationary object, or when preparing to make a left turn; and

(7) the pedicab owner, pedicab operator, and pedicab meet any other requirements as may be required by ordinance adopted by the governing body of the municipality in which the pedicab operates,

except that a municipality is not to restrict a pedicab operator from permitting the consumption of alcoholic beverages in accordance with the bill's provisions.

The bill further provides that a pedicab operator may permit the consumption of alcoholic beverages by passengers of the pedicab under the following conditions:

(1) the operator of the pedicab does not consume alcoholic beverages while operating the pedicab;

(2) each passenger of the pedicab is at least 21 years of age;

(3) alcoholic beverages are limited to single-serving sealed containers of: beer; wine; hard cider; mead; other malt beverages; other fermented beverages, such as hard seltzer and hard tea; and prepared mixed beverages made with spirits;

(4) the owner or operator of the pedicab does not sell or offer for sale to passengers food, alcoholic beverages, or any other liquid refreshments; and

(5) the pedicab is equipped with as many waste receptacles as necessary to permit each passenger to reach a waste receptacle while seated.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The amendments change the bill's definition of "pedicab" to provide, among other requirements, that a pedicab is propelled by muscular power and if equipped with a motor, is equipped with an electric motor that meets the classifications of a class 1 or class 2 low-speed electric bicycle. Additionally, the amendments provide that a pedicab is not to be considered a motor vehicle or a motorcycle.

SENATE, No. 1505

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 10, 2022

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator O'Scanlon

SYNOPSIS

Permits operation of pedicabs and alcoholic beverage consumption by passengers of pedicabs in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning pedicabs, amending R.S.39:1-1, and
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. (New section) a. A pedicab operator shall be permitted to
8 operate a pedicab under the following conditions:

9 (1) operation of a pedicab is authorized by ordinance adopted by
10 the governing body of the municipality in which the pedicab
11 operates;

12 (2) the pedicab operator shall be at least 21 years of age and
13 shall possess a valid driver's license issued by New Jersey or
14 another state;

15 (3) the pedicab shall be equipped with seatbelts for all
16 passengers, seat backs, brakes, reflectors, a headlight, and grab
17 rails;

18 (4) the owner of the pedicab shall maintain a general liability
19 insurance policy in a minimum amount of \$500,000 of coverage per
20 accident;

21 (5) the pedicab operator shall not operate the pedicab on any
22 highway with a posted speed limit in excess of 30 miles per hour,
23 except to cross the highway at an intersection;

24 (6) the pedicab operator shall operate a pedicab as close as
25 practicable to the right-hand curb or edge of the roadway, except
26 when necessary to overtake another vehicle, to avoid a stationary
27 object, or when preparing to make a left turn; and

28 (7) the pedicab owner, pedicab operator, and pedicab meet any
29 other requirements as may be required by ordinance adopted by the
30 governing body of the municipality in which the pedicab operates ,
31 except that a municipality shall not restrict a pedicab operator from
32 permitting the consumption of alcoholic beverages in accordance
33 with subsection b. of this subsection.

34 b. A pedicab operator authorized to operate a pedicab in
35 accordance with subsection a. of this section may permit the
36 consumption of alcoholic beverages by passengers of the pedicab
37 under the following conditions:

38 (1) the operator of the pedicab does not consume alcoholic
39 beverages while operating the pedicab;

40 (2) each passenger of the pedicab is at least 21 years of age;

41 (3) alcoholic beverages are limited to single-serving sealed
42 containers of: beer; wine; hard cider; mead; other malt beverages;
43 other fermented beverages, such as hard seltzer and hard tea; and
44 prepared mixed beverages made with spirits;

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 underlined thus is new matter.

1 (4) the owner or operator of the pedicab does not sell or offer
2 for sale to passengers food, alcoholic beverages, or any other liquid
3 refreshments; and

4 (5) the pedicab is equipped with as many waste receptacles as
5 necessary to permit each passenger to reach a waste receptacle
6 while seated.

7

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

9 39:1-1. As used in this subtitle, unless other meaning is clearly
10 apparent from the language or context, or unless inconsistent with
11 the manifest intention of the Legislature:

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

14 "Authorized emergency vehicles" means vehicles of the fire
15 department, police vehicles and such ambulances and other vehicles
16 as are approved by the chief administrator when operated in
17 response to an emergency call.

18 "Autocycle" means a three-wheeled motorcycle designed to be
19 controlled with a steering wheel and pedals in which the operator
20 and passenger may ride in a completely or partially enclosed seating
21 area that is equipped with a roll cage or roll hoops, safety seat belts
22 for each occupant, and anti-lock brakes.

23 "Automobile" includes all motor vehicles except motorcycles.

24 "Berm" means that portion of the highway exclusive of roadway
25 and shoulder, bordering the shoulder but not to be used for
26 vehicular travel.

27 "Business district" means that portion of a highway and the
28 territory contiguous thereto, where within any 600 feet along such
29 highway there are buildings in use for business or industrial
30 purposes, including but not limited to hotels, banks, office
31 buildings, railroad stations, and public buildings which occupy at
32 least 300 feet of frontage on one side or 300 feet collectively on
33 both sides of the roadway.

34 "Car pool" means two or more persons commuting on a daily
35 basis to and from work by means of a vehicle with a seating
36 capacity of nine passengers or less.

37 "Chief Administrator" or "Administrator" means the Chief
38 Administrator of the New Jersey Motor Vehicle Commission.

39 "Commercial motor vehicle" includes every type of motor-driven
40 vehicle used for commercial purposes on the highways, such as the
41 transportation of goods, wares and merchandise, excepting such
42 vehicles as are run only upon rails or tracks and vehicles of the
43 passenger car type used for touring purposes or the carrying of farm
44 products and milk, as the case may be.

45 "Commission" means the New Jersey Motor Vehicle
46 Commission established by section 4 of P.L.2003, c.13

47 "Commissioner" means the Commissioner of Transportation of
48 this State.

1 "Commuter van" means a motor vehicle having a seating
2 capacity of not less than seven nor more than 15 adult passengers,
3 in which seven or more persons commute on a daily basis to and
4 from work and which vehicle may also be operated by the driver or
5 other designated persons for their personal use.

6 "Crosswalk" means that part of a highway at an intersection,
7 either marked or unmarked existing at each approach of every
8 roadway intersection, included within the connections of the lateral
9 lines of the sidewalks on opposite sides of the highway measured
10 from the curbs or, in the absence of curbs, from the edges of the
11 shoulder, or, if none, from the edges of the roadway; also, any
12 portion of a highway at an intersection or elsewhere distinctly
13 indicated for pedestrian crossing by lines or other marking on the
14 surface.

15 "Curb extension" or "bulbout" means a horizontal extension of
16 the sidewalk into the street which results in a narrower roadway
17 section.

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

21 "Deputy Chief Administrator" means the deputy chief
22 administrator of the commission.

23 "Driver" means the rider or driver of a horse, bicycle or
24 motorcycle or the driver or operator of a motor vehicle, unless
25 otherwise specified.

26 "Explosives" means any chemical compound or mechanical
27 mixture that is commonly used or intended for the purpose of
28 producing an explosion and which contains any oxidizing and
29 combustive units or other ingredients in such proportions, quantities
30 or packing that an ignition by fire, friction, by concussion, by
31 percussion, or by detonator of any part of the compound or mixture
32 may cause such a sudden generation of highly heated gases that the
33 resultant gaseous pressures are capable of producing destructive
34 effects on contiguous objects or of destroying life or limb.

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

38 "Flammable liquid" means any liquid having a flash point below
39 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
40 pounds.

41 "Gross weight" means the combined weight of a vehicle and a
42 load thereon.

43 "High occupancy vehicle" or "HOV" means a vehicle which is
44 used to transport two or more persons and shall include public
45 transportation, car pool, van pool, and other vehicles as determined
46 by regulation of the Department of Transportation.

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

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

6 "Inside lane" means the lane nearest the center line of the
7 roadway.

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

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

14 "Leased limousine" means any limousine subject to regulation in
15 the State which:

16 a. Is offered for rental or lease, without a driver, to be operated
17 by a limousine service as the lessee, for the purpose of carrying
18 passengers for hire; and

19 b. Is leased or rented for a period of one year or more
20 following registration.

21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:

23 a. Is offered for rental or lease, without a driver, to be operated
24 by the lessee, his agent or servant, for purposes other than the
25 transportation of passengers for hire; and

26 b. Is leased or rented for a period of one year or more
27 following registration.

28 "Limited-access highway" means every highway, street, or
29 roadway in respect to which owners or occupants of abutting lands
30 and other persons have no legal right of access to or from the same
31 except at such points only and in such manner as may be
32 determined by the public authority having jurisdiction over such
33 highway, street, or roadway; and includes any highway designated
34 as a "freeway" or "parkway" by authority of law.

35 "Local authorities" means every county, municipal and other
36 local board or body having authority to adopt local police
37 regulations under the Constitution and laws of this State, including
38 every county governing body with relation to county roads.

39 "Low-speed electric bicycle" means a two or three-wheeled
40 vehicle with fully operable pedals and an electric motor of less than
41 750 watts, that meets the requirements of one of the following
42 classifications: "class 1 low-speed electric bicycle" which means a
43 low-speed electric bicycle equipped with a motor that provides
44 assistance only when the rider is pedaling, and that ceases to
45 provide assistance when the bicycle reaches the speed of 20 miles
46 per hour; or "class 2 low-speed electric bicycle" which means a
47 low-speed electric bicycle equipped with a motor that may be used
48 exclusively to propel the bicycle, and that is not capable of

1 providing assistance when the bicycle reaches the speed of 20 miles
2 per hour.

3 "Low-speed electric scooter" means a scooter with a floorboard
4 that can be stood upon by the operator, with handlebars, and an
5 electric motor that is capable of propelling the device with or
6 without human propulsion at a maximum speed of less than 19
7 miles per hour.

8 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
9 as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more
10 than 20 miles per hour but not more than 25 miles per hour on a
11 paved level surface and which is not powered by gasoline or diesel
12 fuel and complies with federal safety standards as set forth in
13 49 C.F.R. s.571.500.

14 "Magistrate" means any municipal court and the Superior Court,
15 and any officer having the powers of a committing magistrate and
16 the chief administrator.

17 "Manufacturer" means a person engaged in the business of
18 manufacturing or assembling motor vehicles, who will, under
19 normal business conditions during the year, manufacture or
20 assemble at least 10 new motor vehicles.

21 "Metal tire" means every tire the surface of which in contact with
22 the highway is wholly or partly of metal or other hard nonresilient
23 material.

24 "Mid-block crosswalk" means a crosswalk located away from an
25 intersection, distinctly indicated by lines or markings on the
26 surface.

27 "Motorized bicycle" means a pedal bicycle having a helper motor
28 characterized in that either the maximum piston displacement is less
29 than 50 cc. or said motor is rated at no more than 1.5 brake
30 horsepower or is powered by an electric drive motor and said
31 bicycle is capable of a maximum speed of no more than 25 miles
32 per hour on a flat surface or a pedal bicycle having an electric motor
33 that is capable of propelling the bicycle in excess of 20 miles per
34 hour with a maximum motor-powered speed of no more than 28
35 miles per hour on a flat surface. This term shall not include a low-
36 speed electric bicycle or low-speed electric scooter as defined in
37 this section.

38 "Motorcycle" includes motorcycles, autocycles, motor bikes,
39 bicycles with motor attached and all motor-operated vehicles of the
40 bicycle or tricycle type, except motorized bicycles, low-speed
41 electric bicycles, and low-speed electric scooters as defined in this
42 section, whether the motive power be a part thereof or attached
43 thereto and having a saddle or seat with driver sitting astride or
44 upon it or a platform on which the driver stands.

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

47 "Motor vehicle" includes all vehicles propelled otherwise than by
48 muscular power, excepting such vehicles as run only upon rails or

1 tracks, low-speed electric bicycles, low-speed electric scooters, and
2 motorized bicycles.

3 "Motorized scooter" means a miniature motor vehicle and
4 includes, but is not limited to, pocket bikes, super pocket bikes,
5 scooters, mini-scooters, sport scooters, mini choppers, mini
6 motorcycles, motorized skateboards and other vehicles with motors
7 not manufactured in compliance with Federal Motor Vehicle Safety
8 Standards and which have no permanent Federal Safety
9 Certification stickers affixed to the vehicle by the original
10 manufacturer. This term shall not include: electric personal
11 assistive mobility devices, motorized bicycles, low-speed vehicles,
12 low-speed electric bicycles, or low-speed electric scooters; or
13 motorized wheelchairs, mobility scooters or similar mobility
14 assisting devices used by persons with physical disabilities, or
15 persons whose ambulatory mobility has been impaired by age or
16 illness.

17 "Motorized skateboard" means a skateboard that is propelled
18 otherwise than by muscular power.

19 "Motorized wheelchair" means any motor-driven wheelchair
20 utilized to increase the independent mobility, in the activities of
21 daily living, of an individual who has limited or no ambulation
22 abilities, and includes mobility scooters manufactured specifically
23 for such purposes and designed primarily for indoor use.

24 "Noncommercial truck" means every motor vehicle designed
25 primarily for transportation of property, and which is not a
26 "commercial vehicle."

27 "Official traffic control devices" means all signs, signals,
28 markings, and devices not inconsistent with this subtitle placed or
29 erected by authority of a public body or official having jurisdiction
30 for the purpose of regulating, warning, or guiding traffic.

31 "Omnibus" includes all motor vehicles used for the
32 transportation of passengers for hire, except commuter vans and
33 vehicles used in ridesharing arrangements and school buses, if the
34 same are not otherwise used in the transportation of passengers for
35 hire.

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

38 "Outside lane" means the lane nearest the curb or outer edge of
39 the roadway.

40 "Owner" means a person who holds the legal title of a vehicle, or
41 if a vehicle is the subject of an agreement for the conditional sale or
42 lease thereof with the right of purchase upon performance of the
43 conditions stated in the agreement and with an immediate right of
44 possession vested in the conditional vendee or lessee, or if a
45 mortgagor of a vehicle is entitled to possession, then the conditional
46 vendee, lessee or mortgagor shall be deemed the owner for the
47 purpose of this subtitle.

1 "Parking" means the standing or waiting on a street, road or
2 highway of a vehicle not actually engaged in receiving or
3 discharging passengers or merchandise, unless in obedience to
4 traffic regulations or traffic signs or signals.

5 "Passenger automobile" means all automobiles used and
6 designed for the transportation of passengers, other than omnibuses
7 and school buses.

8 "Pedestrian" means a person afoot.

9 "Pedicab" means a wheeled device that: (1) contains three or
10 more wheels; (2) is designed to transport passengers and be
11 propelled by muscular power using pedals; (3) is designed to
12 accommodate no more than 15 passengers in addition to the driver;
13 (4) is operated for hire; and (5) if equipped with a motor, is
14 equipped with an electric motor that meets the classifications of a
15 class 1 or class 2 low-speed electric bicycle. A pedicab shall not be
16 considered a motor vehicle or a motorcycle.

17 "Person" includes natural persons, firms, copartnerships,
18 associations, and corporations.

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

21 "Pole trailer" means every vehicle without motive power
22 designed to be drawn by another vehicle and attached to the towing
23 vehicle by means of a reach, or pole, or by being boomed or
24 otherwise secured to the towing vehicle, and ordinarily used for
25 transporting long or irregularly shaped loads, such as poles, pipes,
26 or structural members capable, generally, of sustaining themselves
27 as beams between the supporting connections.

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

30 "Railroad train" means a steam engine, electric or other motor,
31 with or without cars coupled thereto, operated upon rails, except
32 street cars.

33 "REAL ID basic driver's license" means a basic driver's license
34 issued by the commission that complies with the provisions of the
35 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
36 supplementary thereto, and any federal regulations adopted
37 thereunder.

38 "REAL ID identification card" means an identification card
39 issued by the commission that complies with the provisions of the
40 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
41 supplementary thereto, and any federal regulations adopted
42 thereunder.

43 "REAL ID license" means any license to operate a motor vehicle
44 issued by the commission that complies with the provisions of the
45 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
46 supplementary thereto, and any federal regulations adopted
47 thereunder.

1 "REAL ID motorcycle license" means a motorcycle license
2 issued by the commission that complies with the provisions of the
3 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
4 supplementary thereto, and any federal regulations adopted
5 thereunder.

6 "REAL ID probationary license" means a probationary license
7 issued by the commission that complies with the provisions of the
8 "REAL ID Act of 2005," P.L.109-13, any acts amendatory or
9 supplementary thereto, and any federal regulations adopted
10 thereunder.

11 "Recreation vehicle" means a self-propelled or towed vehicle
12 equipped to serve as temporary living quarters for recreational,
13 camping or travel purposes and used solely as a family or personal
14 conveyance.

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

20 "Ridesharing" means the transportation of persons in a motor
21 vehicle, with a maximum carrying capacity of not more than 15
22 passengers, including the driver, where such transportation is
23 incidental to the purpose of the driver. The term shall include such
24 ridesharing arrangements known as car pools and van pools.

25 "Right-of-way" means the privilege of the immediate use of the
26 highway.

27 "Road tractor" means every motor vehicle designed and used for
28 drawing other vehicles and not so constructed as to carry any load
29 thereon either independently or any part of the weight of a vehicle
30 or load so drawn.

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

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

40 "School bus" means every motor vehicle operated by, or under
41 contract with, a public or governmental agency, or religious or other
42 charitable organization or corporation, or privately operated for the
43 transportation of children to or from school for secular or religious
44 education, which complies with the regulations of the New Jersey
45 Motor Vehicle Commission affecting school buses, including
46 "School Vehicle Type I" and "School Vehicle Type II" as defined
47 below:

1 "School Vehicle Type I" means any vehicle designed to transport
2 16 or more passengers, including the driver, used to transport
3 enrolled children, and adults only when serving as chaperones, to or
4 from a school, school connected activity, day camp, summer day
5 camp, summer residence camp, nursery school, child care center,
6 preschool center or other similar places of education. Such vehicle
7 shall comply with the regulations of the New Jersey Motor Vehicle
8 Commission and either the Department of Education or the
9 Department of Human Services, whichever is the appropriate
10 supervising agency.

11 "School Vehicle Type II" means any vehicle designed to
12 transport less than 16 passengers, including the driver, used to
13 transport enrolled children, and adults only when serving as
14 chaperones, to or from a school, school connected activity, day
15 camp, summer day camp, summer residence camp, nursery school,
16 child care center, preschool center or other similar places of
17 education. Such vehicle shall comply with the regulations of the
18 New Jersey Motor Vehicle Commission and either the Department
19 of Education or the Department of Human Services, whichever is
20 the appropriate supervising agency.

21 "School zone" means that portion of a highway which is either
22 contiguous to territory occupied by a school building or is where
23 school crossings are established in the vicinity of a school, upon
24 which are maintained appropriate "school signs" in accordance with
25 specifications adopted by the chief administrator and in accordance
26 with law.

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

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

35 "Shipper" means any person who shall deliver, or cause to be
36 delivered, any commodity, produce or article for transportation as
37 the contents or load of a commercial motor vehicle. In the case of a
38 sealed ocean container, "shipper" shall not be construed to include
39 any person whose activities with respect to the shipment are limited
40 to the solicitation or negotiation of the sale, resale, or exchange of
41 the commodity, produce or article within that container.

42 "Shoulder" means that portion of the highway, exclusive of and
43 bordering the roadway, designed for emergency use but not
44 ordinarily to be used for vehicular travel.

45 "Sidewalk" means that portion of a highway intended for the use
46 of pedestrians, between the curb line or the lateral line of a
47 shoulder, or if none, the lateral line of the roadway and the adjacent
48 right-of-way line.

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

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

4 "Solid tire" means every tire of rubber or other resilient material
5 which does not depend upon compressed air for the support of the
6 load.

7 "Standard" means, when used to describe any license to operate a
8 motor vehicle or any identification card issued by the commission
9 under the provisions of this Title, that the issuance of the license or
10 identification card does not require proof of lawful presence in the
11 United States.

12 "Street" means the same as highway.

13 "Street car" means a car other than a railroad train, for
14 transporting persons or property and operated upon rails principally
15 within a municipality.

16 "Stop," when required, means complete cessation from
17 movement.

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

22 "Suburban business or residential district" means that portion of
23 highway and the territory contiguous thereto, where within any
24 1,320 feet along that highway there is land in use for business or
25 residential purposes and that land occupies more than 660 feet of
26 frontage on one side or collectively more than 660 feet of frontage
27 on both sides of that roadway.

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

32 "Trackless trolley" means every motor vehicle which is propelled
33 by electric power obtained from overhead trolley wires but not
34 operated upon rails.

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

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

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

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

47 "Truck tractor" means every motor vehicle designed and used
48 primarily for drawing other vehicles and not so constructed as to

1 carry a load other than a part of the weight of the vehicle and load
2 so drawn.

3 "Van pooling" means seven or more persons commuting on a
4 daily basis to and from work by means of a vehicle with a seating
5 arrangement designed to carry seven to 15 adult passengers.

6 "Vehicle" means every device in, upon or by which a person or
7 property is or may be transported upon a highway, excepting
8 devices moved by human power or used exclusively upon stationary
9 rails or tracks or low-speed electric bicycles, low-speed electric
10 scooters, or motorized bicycles.

11 (cf: P.L.2019, c.271, s.1)

12

13 3. This act shall take effect on the first day of fourth month
14 next following the date of enactment.

15

16

17

STATEMENT

18

19 This bill regulates the operation of pedicabs in the State and
20 permits passengers of pedicabs to consume alcoholic beverages in
21 certain circumstances.

22 The bill defines a "pedicab" as a wheeled device that: contains
23 three or more wheels; is designed to transport passengers and be
24 propelled by muscular power using pedals; is designed to
25 accommodate no more than 15 passengers in addition to the driver;
26 is operated for hire; and if equipped with a motor, is equipped with
27 an electric motor that meets the classifications of certain low-speed
28 electric bicycles. The bill specifies that a pedicab would not be
29 considered a motor vehicle or a motorcycle.

30 Under the bill's provisions, a pedicab is permitted to operate
31 under the following conditions:

32 (1) operation of a pedicab is authorized by ordinance adopted by
33 the governing body of the municipality in which the pedicab
34 operates;

35 (2) the pedicab operator is at least 21 years of age and possesses
36 a valid driver's license issued by New Jersey or another state;

37 (3) the pedicab is equipped with seatbelts for all passengers, seat
38 backs, brakes, reflectors, a headlight, and grab rails;

39 (4) the owner of the pedicab maintains a general liability
40 insurance policy in a minimum amount of \$500,000 coverage per
41 accident;

42 (5) the pedicab operator does not operate the pedicab on any
43 highway with a posted speed limit in excess of 30 miles per hour,
44 except to cross the highway at an intersection;

45 (6) the pedicab operator operates the pedicab as close as
46 practicable to the right-hand curb or edge of the roadway, except
47 when necessary to overtake another vehicle, to avoid a stationary
48 object, or when preparing to make a left turn; and

1 (7) the pedicab owner, pedicab operator, and pedicab meet any
2 other requirements as may be required by ordinance adopted by the
3 governing body of the municipality in which the pedicab operates,
4 except that a municipality is not to restrict a pedicab operator from
5 permitting the consumption of alcoholic beverages in accordance
6 with the bill's provisions.

7 The bill further provides that a pedicab operator may permit the
8 consumption of alcoholic beverages by passengers of the pedicab
9 under the following conditions:

10 (1) the operator of the pedicab does not consume alcoholic
11 beverages while operating the pedicab;

12 (2) each passenger of the pedicab is at least 21 years of age;

13 (3) alcoholic beverages are limited to single-serving sealed
14 containers of: beer; wine; hard cider; mead; other malt beverages;
15 other fermented beverages, such as hard seltzer and hard tea; and
16 prepared mixed beverages made with spirits;

17 (4) the owner or operator of the pedicab does not sell or offer
18 for sale to passengers food, alcoholic beverages, or any other liquid
19 refreshments; and

20 (5) the pedicab is equipped with as many waste receptacles as
21 necessary to permit each passenger to reach a waste receptacle
22 while seated.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1505

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1505.

As reported by the committee, this bill regulates the operation of pedicabs in the State and permits passengers of pedicabs to consume alcoholic beverages in certain circumstances.

The bill defines a “pedicab” as a wheeled device that: contains three or more wheels; is designed to transport passengers and be propelled by muscular power using pedals; is designed to accommodate no more than 15 passengers in addition to the driver; is operated for hire; and if equipped with a motor, is equipped with an electric motor that meets the classifications of certain low-speed electric bicycles. The bill specifies that a pedicab would not be considered a motor vehicle or a motorcycle.

Under the bill’s provisions, a pedicab is permitted to operate under the following conditions:

(1) operation of a pedicab is authorized by ordinance adopted by the governing body of the municipality in which the pedicab operates;

(2) the pedicab operator is at least 21 years of age and possesses a valid driver’s license issued by New Jersey or another state;

(3) the pedicab is equipped with seatbelts for all passengers, seat backs, brakes, reflectors, a headlight, and grab rails;

(4) the owner of the pedicab maintains a general liability insurance policy in a minimum amount of \$500,000 coverage per accident;

(5) the pedicab operator does not operate the pedicab on any highway with a posted speed limit in excess of 30 miles per hour, except to cross the highway at an intersection;

(6) the pedicab operator operates the pedicab as close as practicable to the right-hand curb or edge of the roadway, except when necessary to overtake another vehicle, to avoid a stationary object, or when preparing to make a left turn; and

(7) the pedicab owner, pedicab operator, and pedicab meet any other requirements as may be required by ordinance adopted by the governing body of the municipality in which the pedicab operates, except that a municipality is not to restrict a pedicab operator from permitting the consumption of alcoholic beverages in accordance with the bill’s provisions.

The bill further provides that a pedicab operator may permit the consumption of alcoholic beverages by passengers of the pedicab under the following conditions:

(1) the operator of the pedicab does not consume alcoholic beverages while operating the pedicab;

(2) each passenger of the pedicab is at least 21 years of age;

(3) alcoholic beverages are limited to single-serving sealed containers of: beer; wine; hard cider; mead; other malt beverages; other fermented beverages, such as hard seltzer and hard tea; and prepared mixed beverages made with spirits;

(4) the owner or operator of the pedicab does not sell or offer for sale to passengers food, alcoholic beverages, or any other liquid refreshments; and

(5) the pedicab is equipped with as many waste receptacles as necessary to permit each passenger to reach a waste receptacle while seated.

Acting Governor Scutari Signs Law Allowing Alcohol Consumption in Pedicabs

06/4/2022

ASBURY PARK – Acting Governor Nick Scutari today signed a law that will regulate the operation of pedicabs and permit the consumption of alcoholic beverages in pedicabs. Senate President Scutari, who is serving as Acting Governor, highlighted the signing at an event at Robinson Ale House in Asbury Park.

“Pedicabs offer the opportunity to create a new business sector that will breathe added life into local economies,” **said Acting Governor Scutari**. “This will give pedicab operators every chance to succeed under a safe, well-regulated environment.”

The legislation, S-1505/A-462, was sponsored by Senator Vin Gopal and Senator Linda Greenstein in the Senate, and by Assemblyman Joe Daniels and Assemblyman Calabrese in the Assembly.

“This new law will allow our local small businesses such as pedicabs to compete and continue to prosper within the hospitality industry,” **said Senator Gopal**. “Pedicabs are mom-and-pop small businesses and our support for this growing small-business sector is important.”

The law is designed to help pedicab operators thrive and to give New Jersey residents and visitors the opportunity to enjoy an outdoor, small group leisure activity that is well-regulated. Until now, New Jersey law did not allow passengers to drink alcohol while riding in pedicabs.

“Pedicabs are a fresh and new way to help our local businesses thrive, to support and alleviate some of the impacts New Jersey business owners still face from the Covid-19 Pandemic,” **said Senator Greenstein**. “Permitting alcoholic consumption for passengers on pedicabs is a great way to promote downtown nightspots and other businesses safely.”

Under the law, pedicabs will be able to operate under the following conditions:

- the pedicab has been authorized to operate by ordinance of its municipality;
- the operator must be 21 years old and possess a driver’s license;
- the vehicle must be equipped with seatbelts, brakes, reflectors, headlights, and grab rails;
- the operator of the pedicab cannot drive on roadways with speed limits in excess of 30 miles per hour.

Under the law, the actual operator of the pedicab will not be allowed to consume alcoholic beverages while operating the vehicle, nor could the owner or operator sell passengers food, alcoholic beverages or any other liquid refreshments.

Alcoholic beverages allowed on the pedicab will be limited to single-serving, sealed containers of: beer; wine; hard cider; mead, other malt beverages; other fermented beverages, such as hard seltzer and hard tea; and prepared mixed beverages made with spirits. Each passenger of a pedicab will be required to be at least 21 years old.

“As our economy continues to recover from the pandemic, it’s critical to give small business owners like pedicab operators every opportunity to grow their businesses and succeed,” **said Assemblyman Joe Daniels**. “This new law will provide much needed guidance for their operations to protect both the driver and passengers.”

The law defines a “pedicab” as a wheeled device that contains three or more wheels, operates manually with pedals, transports passengers for hire, and accommodates no more than 15 passengers.

Today’s action will bring New Jersey into alignment with other states, including California, North Carolina, and Louisiana, that allow alcohol on board pedicabs.

Joining with Acting Governor Scutari and Senator Gopal at Robinson Ale House in support of the new law were Christine Buteas of the New Jersey Business & Industry Association, Eileen Kean of the National Federation of Independent Businesses and Jesse Pomeroy, owner of [Asbury Pedalcycle](#).