



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 36

NJSA: 39:4-10.10a & 39:4-10.10b

"Skateboards and Roller Skates -- municipal regulation"

BILL NO: A673 (Substituted for S631)

SPONSOR(S):Gibson and Asselta

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Local Government

SENATE: ~~~~

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY:March 23, 1998

SENATE: May 18, 1998

DATE OF APPROVAL: June 30, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 2nd reprint

(Amendments during passage denoted by superscript numbers)

A673

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

S631

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[Second Reprint]

ASSEMBLY, No. 673

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

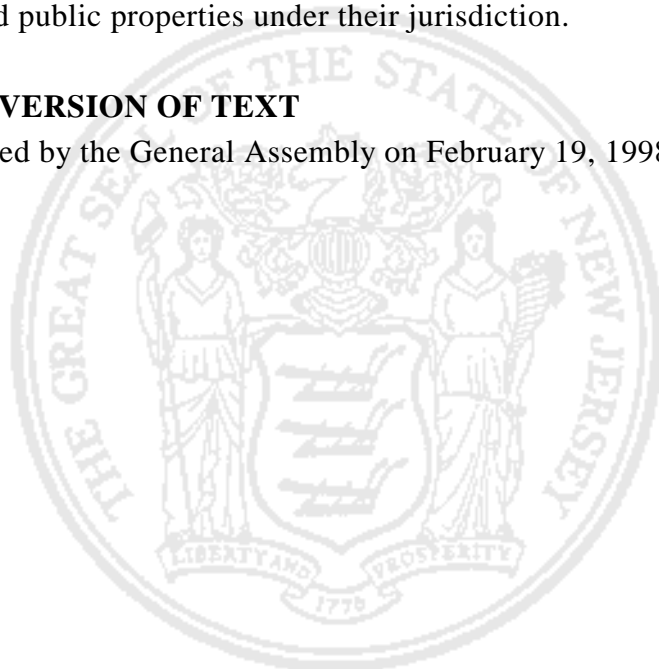
Senator Cafiero

SYNOPSIS

Authorizes municipalities to regulate skateboards and roller skates upon roadways and public properties under their jurisdiction.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 19, 1998.



(Sponsorship Updated As Of: 5/19/1998)

1 AN ACT concerning skateboarding and roller skating, and
2 supplementing chapter 4 of 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. The governing body of any municipality may, by ordinance,
8 regulate the operation of skateboards and roller skates upon the
9 roadways and public properties under municipal jurisdiction; provided,
10 however, that no such ordinance shall:

11 a. absolve any person operating roller skates ²or a skateboard²
12 upon a permitted roadway of any of the duties applicable to the
13 operator of a bicycle pursuant to Article 3 of chapter 4 of Title 39 of
14 the Revised Statutes and all supplements thereto, except as to those
15 provisions thereof which by their nature can have no application; ²or²

16 b. ²[permit] prohibit² any person²[to operate] from operating²
17 a skateboard upon any public roadway, except ²[while crossing a
18 street upon a crosswalk ; and

19 c. absolve any person operating a skateboard upon a permitted
20 sidewalk of any of the duties applicable to pedestrians] those
21 specifically designated by ordinance² .

22 For the purpose of this section, "roller skates" means a pair of
23 devices worn on the feet with a set of wheels attached, regardless of
24 the number or placement of those wheels, and used to glide or propel
25 the user over the ground.

26
27 ¹[2. Every person operating roller skates upon a roadway shall be
28 granted all the rights and shall be subject to all the duties applicable to
29 the operator of a bicycle pursuant to Article 3 of chapter 4 of Title 39
30 of the Revised Statutes, except those which by their nature can have
31 no application.]¹

32
33 ²[¹[3.] 2.¹ No person may operate a skateboard upon any public
34 roadway, except while crossing a street upon a crosswalk. Every
35 person operating a skateboard upon a sidewalk or when crossing a
36 street upon a crosswalk shall be granted all the rights and shall be
37 subject to all the duties applicable to pedestrians.]²

38
39 ²[¹[3.] 2.² Nothing in P.L._____, c._____ (C._____) (pending
40 before the Legislature as this bill) or in P.L.1997, c.411 (C._____)

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALH committee amendments adopted January 29, 1998.

² Assembly floor amendments adopted February 19, 1998.

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3

1 shall obligate the Commissioner of Transportation to in any way
2 maintain, plan, design or construct roadways to accommodate the
3 operation of roller skates or skateboards.¹

4

5 ²[4.] 3.² This act shall take effect immediately.

ASSEMBLY, No. 673

STATE OF NEW JERSEY

208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Authorizes municipalities to regulate skateboards and roller skates upon roadways and public properties under their jurisdiction.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning skateboarding and roller skating, and
2 supplementing chapter 4 of 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. The governing body of any municipality may, by ordinance,
8 regulate the operation of skateboards and roller skates upon the
9 roadways and public properties under municipal jurisdiction; provided,
10 however, that no such ordinance shall:

11 a. absolve any person operating roller skates upon a permitted
12 roadway of any of the duties applicable to the operator of a bicycle
13 pursuant to Article 3 of chapter 4 of Title 39 of the Revised Statutes
14 and all supplements thereto, except as to those provisions thereof
15 which by their nature can have no application;

16 b. permit any person to operate a skateboard upon any public
17 roadway, except while crossing a street upon a crosswalk; and

18 c. absolve any person operating a skateboard upon a permitted
19 sidewalk of any of the duties applicable to pedestrians.

20 For the purpose of this section, "roller skates" means a pair of
21 devices worn on the feet with a set of wheels attached, regardless of
22 the number or placement of those wheels, and used to glide or propel
23 the user over the ground.

24
25 2. Every person operating roller skates upon a roadway shall be
26 granted all the rights and shall be subject to all the duties applicable to
27 the operator of a bicycle pursuant to Article 3 of chapter 4 of Title 39
28 of the Revised Statutes, except those which by their nature can have
29 no application.

30
31 3. No person may operate a skateboard upon any public roadway,
32 except while crossing a street upon a crosswalk. Every person
33 operating a skateboard upon a sidewalk or when crossing a street upon
34 a crosswalk shall be granted all the rights and shall be subject to all the
35 duties applicable to pedestrians.

36
37 4. This act shall take effect immediately.

38
39
40 STATEMENT

41
42 This bill would grant the governing body of a municipality the
43 statutory authority to adopt and enforce ordinances governing the
44 operation of skateboards and roller skates on the roadways and public
45 properties under the jurisdiction of the municipality.

46 The provisions of the bill specify, however, that these ordinances

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3

1 may not include provisions which would:

2 (1) absolve persons operating roller skates on permitted roadways
3 from those duties applicable to a bicycle operator under New Jersey
4 law (e.g., abide by traffic signs and signals; ride to the right; travel no
5 more than two abreast);

6 (2) permit persons to operate skateboards on any public roadway,
7 except to cross at a crosswalk; and

8 (3) absolve persons operating skateboards on any permitted
9 sidewalk of any of the duties applicable to pedestrians (e.g., abide by
10 traffic and pedestrian control signs and signals).

11 The bill also supplements chapter 4 of Title 39 of the Revised
12 Statutes to clarify the general statutory duties, rights and obligations
13 of skateboarders and roller skaters in this State.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 673

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 29, 1998

The Assembly Local Government and Housing Committee reports favorably and with amendments Assembly Bill No. 673.

Assembly Bill No. 673, as amended, would grant the governing body of a municipality the statutory authority to adopt and enforce ordinances governing the operation of skateboards and roller skates on the roadways and public properties under the jurisdiction of the municipality.

Any such ordinance adopted pursuant to the provisions of Assembly Bill No. 673 may not include provisions which would:

(1) absolve persons operating roller skates on permitted roadways from those duties applicable to a bicycle operator under New Jersey law (e.g., abide by traffic signs and signals; ride to the right; travel no more than two abreast);

(2) permit persons to operate skateboards on any public roadway, except to cross at a crosswalk; and

(3) absolve persons operating skateboards on any permitted sidewalk of any of the duties applicable to pedestrians (e.g., abide by traffic and pedestrian control signs and signals).

The committee made two amendments to the bill at the request of the sponsor. The first amendment deletes section 2 of the bill, which has become unnecessary due to the enactment of P.L.1997, c.411. Section 6 of P.L.1997, c.411 contains similar language applicable to roller skates and skateboards.

The second amendment adds a new section 3 to the bill to provide that nothing in this bill or in P.L.1997, c.411 shall obligate the Commissioner of Transportation to in anyway maintain, plan, design or construct roadways to accommodate the operation of roller skates or skateboards. This language was requested by the Department of Transportation to address their concerns about potential new responsibilities upon the enactment of this bill.

Assembly Bill No. 673 was pre-filed for introduction in the 1998-99 Legislative session pending technical review. As reported by the committee, the bill contains the changes required by technical review, which has been performed.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 673

with Assembly Floor Amendments
(Proposed By Assemblymen GIBSON and ASSELTA)

ADOPTED: FEBRUARY 19, 1998

These Assembly amendments clarify a municipality's authority to regulate roller skating and skateboarding upon roadways and public properties under its jurisdiction.

As introduced, Assembly, No. 673 directed that municipalities regulate roller skaters in the same manner as they do bicyclists. Roller skaters would be permitted to operate on permitted roadways, but must abide by all statutes and rules of the road as they apply to bicyclists.

In its introductory form, Assembly, No. 673 authorized municipalities to regulate skateboarders as pedestrians. Skateboarders would not be permitted to operate on any roadway except those specifically designated for them by municipal ordinance.

These Assembly amendments obligate municipalities to regulate both roller skaters and skateboarders in the same manner as they do bicyclists. Consequently, skateboarders, like roller skaters, will be permitted to operate on any municipal roadway unless the governing body adopts an ordinance specifically prohibiting them from designated roadways.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 631

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 631 with committee amendments.

Senate Bill 631, as amended by the committee, would grant the governing body of a municipality the statutory authority to adopt and enforce ordinances governing the operation of skateboards and roller skates on the roadways and public properties under the jurisdiction of the municipality.

Any such ordinance adopted pursuant to the provisions of the bill may not include provisions which would:

- (1) absolve persons operating roller skates or a skateboard on permitted roadways from those duties applicable to a bicycle operator under New Jersey law (e.g., abide by traffic signs and signals; ride to the right; travel no more than two abreast); and
- (2) prohibit persons from operating skateboards on any public roadway, except those specifically designated by ordinance.

The bill also provides that nothing in this bill or in P.L.1997, c.411 shall obligate the Commissioner of Transportation to in anyway maintain, plan, design or construct roadways to accommodate the operation of roller skates or skateboards.

The committee amended the bill to authorize municipalities to regulate both roller skaters and skateboarders in the same manner as they do bicyclists and to remove a provision which would have prohibited any person from operating a skateboard upon any public roadway, except while crossing a street upon a crosswalk. Consequently, skateboarders, like roller skaters, would be permitted to operate on any municipal roadway unless the governing body adopts an ordinance specifically prohibiting them from designated roadways.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Julie Plocinik
609-777-2600

RELEASE: June 30, 1998

Gov. Christie Whitman today signed the following legislation:

S-2001, sponsored by Senator Robert Littell (R- Sussex/Hunterdon/Morris) and Assembly Members Richard Bagger (R- Middlesex/Morris/Somerset/Union) and Joseph Charles (D-Hudson), makes various FY 1998 supplemental appropriations totaling \$105,403,932 in state funds and \$579,254 in federal funds and appropriates \$15 million in bond funds. Projects funded through this bill include: \$400,000 for the purchase of protective vests for law enforcement, \$750,000 to support a toll free telephone system for dealing with the Division of Motor Vehicles services, \$285,000 for computer equipment to run criminal history background checks on school employees, and \$15 million in property tax relief aid to the City of Camden and the creation of a financial oversight board for the city, and \$15 million for sewer overflow abatement projects for the Passaic River/Newark Bay Restoration Program.

A-2141, sponsored by Assembly Member Francis Blee (R-Atlantic) and Senators Louis Bassano (R-Essex/Union) and Leonard Connors (R-Atlantic/Burlington/Ocean), establishes an annual assessment of 5.8 percent of gross revenue on all intermediate care facilities for the mentally retarded. The revenue generated by the assessment will be used to reduce the Developmental Disabilities waiting list for placement in community residences.

A-673, sponsored by Assembly Members Jack Gibson and Nicholas Asselta and Senator James Cafiero (all R-Cape May/Atlantic/Cumberland), authorizes municipalities to regulate skateboards and roller skates upon roadways and public properties under their jurisdiction. This law supplements legislation signed January 19, requiring helmets for skaters under 14 years of, by ensuring that municipalities have the ability to regulate skating activities to protect skaters, motorists and other pedestrians in their communities.

A-553, sponsored by Assembly Members David Russo (R- Bergen/Passaic) and Gerald Zecker (R-Essex/Passaic) and Senators Jack Sinagra (R-Middlesex) and John Adler (D-Camden), prohibits smoking in child care centers when children are present.

A-1902, sponsored by Assembly Member Richard Bagger (R-Middlesex/Morris/Somerset/Union) and Louis Romano (D-Hudson) and Senator Robert Littell (R-Sussex/Hunterdon/Morris), authorizes the State Treasurer to determine the salary of the Director and Deputy Director of the Division of Investment and authorizes the Treasurer to designate an additional deputy director.

S-851, sponsored by Senators Joseph Palaia (R-Monmouth) and Norman M.

Robertson (R-Essex/Passaic) and Assembly Member Christopher "Kip" Bateman (R-Morris/Somerset), revises statutes providing for criminal history record checks of school employees and school bus drivers. The bill expands the list of disqualifying crimes; deletes a provision authorizing the employment of a persons with a disqualifying crime if rehabilitation has been demonstrated and prohibits schools from provisionally hiring candidates pending completion of their criminal history record checks, except in limited circumstances.

A-1996, gives the state Treasurer the authority to bundle old, difficult to collect tax debt represented as tax certificates and enter into a contract with a financial institution after public bidding. The financial institution would assume ownership of the debt and replace the state as the collector. The bill was sponsored by Assembly Members Paul DiGaetano (R- Bergen/Essex/Passaic) and Richard Bagger (R-Middlesex/Morris /Somerset/Union) and Senators Walter Kavanaugh (R-Morris/Somerset) and Peter Inverso (R-Mercer/Middlesex).

S-1002, which amends the state's Business Employment Incentive Program (BEIP) Act to encourage partnerships and limited liability companies to participate in the BEIP program and locate or expand in New Jersey. Companies that create jobs in New Jersey by either moving to the state or expanding operations are eligible to receive incentive grants which are based upon the income taxes paid by the newly-hired employees. The new legislation amends the law to allow estimated taxes paid by partners to be included in the BEIP calculation, thereby increasing the amount of the BEIP grant for partnerships and limited liability companies and providing them with an incentive to move to New Jersey. The bill was sponsored by Senators Joseph Kyrillos, Jr. (R- Middlesex/Monmouth) and Bernard Kenny, Jr. (D-Hudson) and Assembly Members Steve Corodemus (R-Monmouth) and Joseph Azzolina (R- Middlesex/Monmouth).

A-2190, sponsored by Assembly Members Francis Blee (R-Atlantic) and Carol Murphy (R-Essex/Morris/Passaic), expands the Drug Utilization Review Board in the Department of Human Services for state-funded pharmaceutical benefits programs. The powers of the Board will include review of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) and the AIDS Drug Distribution programs. Membership of the Board shall include individuals with expertise in the prescribing of medication to the geriatric and AIDS populations to address specific needs of these individuals. The bill appropriates \$90,000 for establishment of the Review Board.

A- 1690, eliminates the requirement in the current charity care law that the Commissioner of Health and Senior Services (DHSS) seek federal approval to establish a permanent state-wide program for providing hospital charity care services on a managed care basis. The bill permits the Commissioner of Human Services to seek federal approval to establish a demonstration managed charity care program, within a single region or county, for a two-year period in order to test the programmatic and fiscal viability of delivering charity care services by this alternative means. The bill was sponsored by Assembly Members Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Joseph Doria, Jr. ((D-Hudson) and by Senators John Matheussen (R-Camden/Gloucester) and John Bennett (R-Monmouth).

S-990, sponsored by Senator Louis Bassano (R-Essex/Union) and Bernard Kenny (D-Hudson), establishes the New Jersey Supplementary Food Stamp Program in the Department of Human Services. The legislation, an administration initiative,

extends the availability of food stamps to certain noncitizens covered under E.O. 74, which expires today. The program provides broader coverage than the legislation passed in Congress earlier this month. The bill will also provide coverage for individuals who are considered unemployable under the WorkFirst New Jersey Program and are ineligible for federal Supplemental Security Income benefits.