

P.L. 2003, CHAPTER 88, *approved June 8, 2003*
Assembly, No. 2471 (*Second Reprint*)

1 **AN ACT** concerning electric personal assistive mobility devices and
2 amending P.L.2001, c.430.

3

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

6

7 1. Section 1 of P.L.2001, c.430 (C.39:4-14.10) is amended to read
8 as follows:

9 1. a. As used in this act, "electric personal assistive mobility
10 device" means a self-balancing non-tandem two wheeled device
11 designed to transport one person which uses an electric propulsion
12 system with average power of 750 watts (one horsepower), whose
13 maximum speed on a paved level surface, when powered solely by
14 such a propulsion system while operated by a person weighing 170
15 pounds is less than 20 miles per hour. The device shall not be
16 considered a motorized wheelchair, motorized bicycle, motorcycle,
17 motorized scooter, motorized skateboard, vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application. ²An
24 electric personal assistive mobility device shall be subject to the safety
25 and equipment requirements applicable to the bicycle provisions of
26 chapter 4 of Title 39 of the Revised Statutes, except as to those
27 provisions thereof which by their nature can have no application.²

28 c. The operator of an electric personal assistive mobility device
29 shall not be required to obtain a driver's license therefor or to register
30 the device. The operator shall not be required to furnish proof of
31 having liability insurance for the device or other proof of financial
32 responsibility.

33 d. The governing body of any municipality may, by ordinance,
34 regulate the operation of electric personal assistive mobility devices
35 upon the roadways and public properties under municipal jurisdiction.
36 The State or the governing body of any county or municipality may
37 prohibit ²or regulate² their operation on any public highway under its
38 jurisdiction ²[where the speed limit is greater than 25 miles per
39 hour]².

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 Senate SLA committee amendments adopted December 9, 2002.

² Assembly amendments adopted in accordance with Governor's recommendations May 8, 2003.

1 e. Notwithstanding the other provisions of this section, an operator
2 of an electric personal assistive mobility device shall [;

3 (1) wear a helmet while operating that device; and

4 (2)]¹;

5 (1) wear a helmet while operating that device; and

6 (2)¹ be 16 years of age or older, except for an operator with a
7 mobility-related disability [; and

8 (3) only be a government employee or employee of a commercial
9 establishment performing his assigned duties or an operator with a
10 mobility-related disability].

11 (cf: P.L.2001, c.430, s.1)

12

13 2. This act shall take effect immediately.

14

15

16

17

18 Removes occupational limitation for use of electric personal assistive
19 mobility devices.

ASSEMBLY, No. 2471

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 17, 2002

Sponsored by:

Assemblyman RICK MERKT

District 25 (Morris)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

Assemblymen Chivukula and Connors

SYNOPSIS

Removes occupational limitation for use of electric personal assistive mobility devices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2002)

A2471 MERKT, BARNES

2

1 AN ACT concerning electric personal assistive mobility devices and
2 amending P.L.2001, c.430.

3

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

6

7 1. Section 1 of P.L.2001, c.430 (C.39:4-14.10) is amended to read
8 as follows:

9 1. a. As used in this act, "electric personal assistive mobility
10 device" means a self-balancing non-tandem two wheeled device
11 designed to transport one person which uses an electric propulsion
12 system with average power of 750 watts (one horsepower), whose
13 maximum speed on a paved level surface, when powered solely by
14 such a propulsion system while operated by a person weighing 170
15 pounds is less than 20 miles per hour. The device shall not be
16 considered a motorized wheelchair, motorized bicycle, motorcycle,
17 motorized scooter, motorized skateboard, vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
25 shall not be required to obtain a driver's license therefor or to register
26 the device. The operator shall not be required to furnish proof of
27 having liability insurance for the device or other proof of financial
28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
30 regulate the operation of electric personal assistive mobility devices
31 upon the roadways and public properties under municipal jurisdiction.
32 The State or the governing body of any county or municipality may
33 prohibit their operation on any public highway under its jurisdiction
34 where the speed limit is greater than 25 miles per hour.

35 e. Notwithstanding the other provisions of this section, an operator
36 of an electric personal assistive mobility device shall[;

37 (1) wear a helmet while operating that device;

38 (2)]be 16 years of age or older, except for an operator with a
39 mobility-related disability[; and

40 (3) only be a government employee or employee of a commercial
41 establishment performing his assigned duties or an operator with a
42 mobility-related disability].

43 (cf: PL.2001, c.430, s.1)

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.

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 In early 2001, legislation was enacted to permit the use of electric
7 personal assistive mobility devices by certain persons. These devices
8 are self-balancing non-tandem two-wheeled units designed to transport
9 one person using an electric propulsion system. They are intended to
10 enhance the productivity of people by increasing the distance they can
11 travel and the amount they can carry anywhere people walk. They are
12 designed for use in pedestrian environments, providing a non-
13 polluting, low impact, short distance travel solution.

14 The law now limits the use of electric personal assistive mobility
15 devices to persons age 16 and older who are government employees,
16 employees of a commercial establishment performing assigned duties
17 or operators under age 16 with mobility-related disabilities. This bill
18 would remove the occupational limitations of the law so that anyone
19 16 or older or those under age 16 with mobility-related disabilities
20 could legally operate these devices. The bill also removes the
21 requirement that users of these devices wear a protective helmet.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2471

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2002

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2471.

Assembly Bill No. 2471 eliminates certain requirements pertaining to the operation of electric personal assistive mobility devices.

Under current law, a person must be 16 years of age or older to operate an electric personal assistive mobility device unless the person has a mobility-related disability. Operators also are required to be government employees or employees of a commercial establishment performing assigned duties, unless they have a mobility-related disability. This bill removes the occupational limitation to allow anyone 16 years of age or older or those under age 16 with mobility-related disabilities to legally operate these devices. The bill also removes the requirement that users of these devices wear a protective helmet.

Electric personal assistive mobility devices are self-balancing non-tandem two-wheeled units designed to transport one person using an electric propulsion system. They are intended to enhance productivity by increasing the distance people can travel and the amount they can carry. They are designed for use in pedestrian environments, providing a non-polluting, low impact, short distance travel solution.

SENATE LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2471

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Senate Labor Committee reports favorably Assembly Bill No. 2471.

This bill eliminates certain restrictions pertaining to the operation of electric personal assistive mobility devices.

Currently, a person must be 16 years of age or older to operate an electric personal assistive mobility device unless the person has a mobility-related disability. Operators also are required to be government employees or employees of a commercial establishment performing assigned duties, unless they have a mobility-related disability. As amended, this bill removes this occupational limitation to allow anyone 16 years of age or older to legally operate these devices.

Electric personal assistive mobility devices are self-balancing nontandem two-wheeled units designed to transport one person using an electric propulsion system. They are intended to enhance productivity by increasing the distance people can travel and the amount they can carry. They are designed for use in pedestrian environments, providing a non-polluting, low impact, short distance travel solution.

The committee amended the bill to reinstate the requirement that users of these devices must wear a protective helmet, which had been removed under the bill as introduced.

ASSEMBLY BILL NO. 2471
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2471 (First Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill amends current law regulating the operation of the electric personal assistive mobility device, by removing the provision that limits the operation of the device to government employees or employees of a commercial establishment performing assigned duties or an operator with a mobility-related disability. This device is a self-balancing non-tandem two-wheeled unit designed to transport one person, using an electric propulsion system of less than 750 watts (one horsepower). Its maximum speed on a paved level surface is less than 20 mph. It responds to the body movement of the operator, in that the device moves forward as the operator leans forward and moves back when the operator leans back. By removing the occupational limitation from the current law, the impact of the bill would be to greatly expand the use and operation of the device to individual consumers in a variety of settings. Under this bill, anyone 16 years or older, or under 16 with a mobility-related disability, may operate this device, while wearing a helmet. The State, a county or municipality may prohibit its operation on public highways under their respective jurisdictions, but only where the speed limit is greater than 25 miles per hour. In addition, a municipality may, by ordinance, regulate its operation on roadways and other public properties under its jurisdiction.

B. Recommended Action

I commend the sponsors of this bill for attempting to broaden the consumer use of this device. This relatively new technology, which has been available to the mass market only since December 2002, may provide an alternative means of transportation that is environmentally prudent and safe for short-distance travel, under

certain conditions. I believe, however, that expanding the use of this device in the manner contemplated by this bill, requires that additional provisions be added to ensure the safe operation of the device.

Accordingly, I am recommending that the bill be amended to require the device to be subject to the same safety and equipment requirements applicable to the operation of a bicycle under Title 39. This would include, for example, lights, reflectors and an audible signal. These additional safety requirements will add a measure of protection to both operators of the device as well as pedestrians.

In addition, in an effort to provide the State and local governing bodies with wide discretion in the manner in which the device may be regulated, I am recommending that State or local governments be given the ability to regulate, in addition to the ability to prohibit, operation of the device on any public highway, regardless of the speed limit.

Therefore, I herewith return Assembly Bill No. 2471 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1.b., Line 23: Following "application." add "An electric personal assistive mobility device shall be subject to the safety and equipment requirements applicable to the bicycle provisions of chapter 4 of Title 39 of the Revised Statutes, except as to those provisions thereof which by their nature can have no application."

Page 2, Section 1.d., Line 33: Following "prohibit" add "or regulate"

Page 2, Section 1.d., Line 34: Delete "where the speed limit is greater than 25 miles per hour"

Respectfully,

/s/ James E. McGreevey

Governor

[seal]

Attest:

/s/ Michael R. DeCotiis

Chief Counsel to the Governor