

# 39:1-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 159

**NJSA:** 39:1-1 (Regulates operation of motorized scooters and motorcycles)

**BILL NO:** S1510 (Substituted for A1765)

**SPONSOR(S):** Consiglio and others

**DATE INTRODUCED:** April 29, 2004

**COMMITTEE:** **ASSEMBLY:** Law and Public Safety  
**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 23, 2005

**SENATE:** March 14, 2005

**DATE OF APPROVAL:** July 19, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

### S1510

[SPONSOR'S STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### A1765

[SPONSOR'S STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

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P.L. 2005, CHAPTER 159, *approved July 19, 2005*  
Senate, No. 1510 (*First Reprint*)

1 **AN ACT** concerning certain motorized vehicles, amending R.S.39:1-1  
2 and 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. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly  
9 apparent from the language or context, or unless inconsistent with the  
10 manifest intention of the Legislature:

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

13 "Authorized emergency vehicles" means vehicles of the fire  
14 department, police vehicles and such ambulances and other vehicles as  
15 are approved by the Director of the Division of Motor Vehicles in the  
16 Department of Transportation when operated in response to an  
17 emergency call.

18 "Automobile" includes all motor vehicles except motorcycles.

19 "Berm" means that portion of the highway exclusive of roadway  
20 and shoulder, bordering the shoulder but not to be used for vehicular  
21 travel.

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

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

31 "Chief Administrator" or "Administrator" means the chief  
32 administrator of the New Jersey Motor Vehicle Commission.

33 "Commercial motor vehicle" includes every type of motor-driven  
34 vehicle used for commercial purposes on the highways, such as the  
35 transportation of goods, wares and merchandise, excepting such  
36 vehicles as are run only upon rails or tracks and vehicles of the  
37 passenger car type used for touring purposes or the carrying of farm  
38 products and milk, as the case may be.

39 "Commission" means the New Jersey Motor Vehicle Commission

**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:

<sup>1</sup> Senate STR committee amendments adopted October 4, 2004.

1 established by section 4 of P.L.2003, c.13 (C.39:2A-4).

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

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

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

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

19 "Deputy Chief Administrator" means the deputy chief administrator  
20 of the commission.

21 "Deputy director" means deputy director of the Division of Motor  
22 Vehicles in the Department of Transportation.

23 "Director" means the Director of the Division of Motor Vehicles in  
24 the Department of Transportation.

25 "Division" means the Division of Motor Vehicles in the Department  
26 of Transportation acting directly or through its duly authorized  
27 officers or agents.

28 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
29 or the driver or operator of a motor vehicle, unless otherwise  
30 specified.

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

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

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

45 "Gross weight" means the combined weight of a vehicle and a load  
46 thereon.

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

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

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

10 "Inside lane" means the lane nearest the center line of the roadway.

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

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

17 "Leased limousine" means any limousine subject to regulation in the  
18 State which:

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

22 b. Is leased or rented for a period of one year or more following  
23 registration.

24 "Leased motor vehicle" means any motor vehicle subject to  
25 registration in this State which:

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

29 b. Is leased or rented for a period of one year or more following  
30 registration.

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

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

42 "Magistrate" means any municipal court and the Superior Court,  
43 and any officer having the powers of a committing magistrate and the  
44 <sup>1</sup>[Director of the Division of Motor Vehicles in the Department of  
45 Transportation] chief administrator<sup>1</sup>.

46 "Manufacturer" means a person engaged in the business of

1 manufacturing or assembling motor vehicles, who will, under normal  
2 business conditions during the year, manufacture or assemble at least  
3 10 new motor vehicles.

4 "Metal tire" means every tire the surface of which in contact with  
5 the highway is wholly or partly of metal or other hard nonresilient  
6 material.

7 "Motorized bicycle" means a pedal bicycle having a helper motor  
8 characterized in that either the maximum piston displacement is less  
9 than 50 cc. or said motor is rated at no more than 1.5 brake  
10 horsepower or is powered by an electric drive motor and said bicycle  
11 is capable of a maximum speed of no more than 25 miles per hour on  
12 a flat surface.

13 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
14 motor attached and all motor-operated vehicles of the bicycle or  
15 tricycle type <sup>1</sup>[which meet all applicable federal standards for highway  
16 usage]<sup>1</sup>, except motorized bicycles as defined in this section, whether  
17 the motive power be a part thereof or attached thereto and having a  
18 saddle or seat with driver sitting astride or upon it or a platform on  
19 which the driver stands.

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

22 "Motor vehicle" includes all vehicles propelled otherwise than by  
23 muscular power, excepting such vehicles as run only upon rails or  
24 tracks and motorized bicycles.

25 "Motorized scooter" means a <sup>1</sup>[scooter that is powered by a motor  
26 having a maximum piston displacement of less than 50 cc. or an  
27 electric drive motor, is capable of a maximum speed of no more than  
28 25 miles per hour on a flat surface and is not registered with the  
29 director for use on the public highways of this State as a motorcycle;  
30 provided, however, for the purposes of sections 2 through 4, inclusive,  
31 of P.L. , c. (C. ) (now pending before the Legislature as this bill),  
32 "motorized scooter" shall not be construed to include a motorized  
33 wheelchair] miniature motor vehicle and includes, but is not limited to,  
34 pocket bikes, super pocket bikes, scooters, mini-scooters, sport  
35 scooters, mini choppers, mini motorcycles, motorized skateboards and  
36 other vehicles with motors not manufactured in compliance with  
37 Federal Motor Vehicle Safety Standards and which have no permanent  
38 Federal Safety Certification stickers affixed to the vehicle by the  
39 original manufacturer. This term shall not include: electric personal  
40 assistive mobility devices, motorized bicycles or low-speed vehicles;  
41 or motorized wheelchairs, mobility scooters or similar mobility  
42 assisting devices used by persons with physical disabilities, or persons  
43 whose ambulatory mobility has been impaired by age or illness<sup>1</sup>.

44 "Motorized skateboard" means a skateboard that is propelled  
45 otherwise than by muscular power.

46 "Motorized wheelchair" means any motor-driven wheelchair utilized

1 to increase the independent mobility, in the activities of daily living, of  
2 an individual who has limited or no ambulation abilities, and includes  
3 <sup>1</sup>[motorized] mobility<sup>1</sup> scooters manufactured specifically for such  
4 purposes and designed primarily for indoor use.

5 "Noncommercial truck" means every motor vehicle designed  
6 primarily for transportation of property, and which is not a  
7 "commercial vehicle."

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

12 "Omnibus" includes all motor vehicles used for the transportation  
13 of passengers for hire, except commuter vans and vehicles used in  
14 ridesharing arrangements and school buses, if the same are not  
15 otherwise used in the transportation of passengers for hire.

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

18 "Outside lane" means the lane nearest the curb or outer edge of the  
19 roadway.

20 "Owner" means a person who holds the legal title of a vehicle, or  
21 if a vehicle is the subject of an agreement for the conditional sale or  
22 lease thereof with the right of purchase upon performance of the  
23 conditions stated in the agreement and with an immediate right of  
24 possession vested in the conditional vendee or lessee, or if a  
25 mortgagor of a vehicle is entitled to possession, then the conditional  
26 vendee, lessee or mortgagor shall be deemed the owner for the  
27 purpose of this subtitle.

28 "Parking" means the standing or waiting on a street, road or  
29 highway of a vehicle not actually engaged in receiving or discharging  
30 passengers or merchandise, unless in obedience to traffic regulations  
31 or traffic signs or signals.

32 "Passenger automobile" means all automobiles used and designed  
33 for the transportation of passengers, other than omnibuses and school  
34 buses.

35 "Pedestrian" means a person afoot.

36 "Person" includes natural persons, firms, copartnerships,  
37 associations, and corporations.

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

40 "Pole trailer" means every vehicle without motive power designed  
41 to be drawn by another vehicle and attached to the towing vehicle by  
42 means of a reach, or pole, or by being boomed or otherwise secured  
43 to the towing vehicle, and ordinarily used for transporting long or  
44 irregularly shaped loads, such as poles, pipes, or structural members  
45 capable, generally, of sustaining themselves as beams between the  
46 supporting connections.

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

3 "Railroad train" means a steam engine, electric or other motor, with  
4 or without cars coupled thereto, operated upon rails, except street  
5 cars.

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

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

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

20 "Right-of-way" means the privilege of the immediate use of the  
21 highway.

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

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

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

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

42 "School Vehicle Type I" means any vehicle with a seating capacity  
43 of 17 or more, used to transport enrolled children, and adults only  
44 when serving as chaperones, to or from a school, school connected  
45 activity, day camp, summer day camp, nursery school, child care  
46 center, preschool center or other similar places of education. Such



1 vehicle shall comply with the regulations of the Division of Motor  
2 Vehicles and either the Department of Education or the Department  
3 of Human Services, whichever is the appropriate supervising agency.

4 "School Vehicle Type II" means any vehicle with a seating capacity  
5 of 16 or less, used to transport enrolled children, and adults only when  
6 serving as chaperones, to or from a school, school connected activity,  
7 day camp, summer day camp, nursery school, child care center,  
8 preschool center or other similar places of education. Such vehicle  
9 shall comply with the regulations of the Division of Motor Vehicles  
10 and either the Department of Education or the Department of Human  
11 Services, whichever is the appropriate supervising agency.

12 "School zone" means that portion of a highway which is either  
13 contiguous to territory occupied by a school building or is where  
14 school crossings are established in the vicinity of a school, upon which  
15 are maintained appropriate "school signs" in accordance with  
16 specifications adopted by the director and in accordance with law.

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

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

24 "Shipper" means any person who shall deliver, or cause to be  
25 delivered, any commodity, produce or article for transportation as the  
26 contents or load of a commercial motor vehicle. In the case of a  
27 sealed ocean container, "shipper" shall not be construed to include any  
28 person whose activities with respect to the shipment are limited to the  
29 solicitation or negotiation of the sale, resale, or exchange of the  
30 commodity, produce or article within that container.

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

34 "Sidewalk" means that portion of a highway intended for the use of  
35 pedestrians, between the curb line or the lateral line of a shoulder, or  
36 if none, the lateral line of the roadway and the adjacent right-of-way  
37 line.

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

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

41 "Solid tire" means every tire of rubber or other resilient material  
42 which does not depend upon compressed air for the support of the  
43 load.

44 "Street" means the same as highway.

45 "Street car" means a car other than a railroad train, for transporting  
46 persons or property and operated upon rails principally within a

1 municipality.

2 "Stop," when required, means complete cessation from movement.

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

7 "Suburban business or residential district" means that portion of  
8 highway and the territory contiguous thereto, where within any 1,320  
9 feet along that highway there is land in use for business or residential  
10 purposes and that land occupies more than 660 feet of frontage on one  
11 side or collectively more than 660 feet of frontage on both sides of  
12 that roadway.

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

17 "Trackless trolley" means every motor vehicle which is propelled by  
18 electric power obtained from overhead trolley wires but not operated  
19 upon rails.

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

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

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

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

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

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

38 "Vehicle" means every device in, upon or by which a person or  
39 property is or may be transported upon a highway, excepting devices  
40 moved by human power or used exclusively upon stationary rails or  
41 tracks or motorized bicycles.

42 (cf: P.L.2003, c.13, s.36)

43

44 2. (New section) a. No person shall operate a motorized scooter  
45 <sup>1</sup>[or motorized skateboard]<sup>1</sup> upon any public street, highway or  
46 sidewalk.

1 b. Except as otherwise provided in section 4 of P.L. , c.  
2 (C. )(now pending before the Legislature as this bill), no person  
3 shall operate a motorized scooter <sup>1</sup>[or motorized skateboard]<sup>1</sup> upon  
4 any public property or lands.

5 c. No person shall operate a motorized scooter <sup>1</sup>[or a motorized  
6 skateboard]<sup>1</sup> on the property of another without the consent of the  
7 owner of that property or the person who has a contractual right to the  
8 use of that property.

9  
10 <sup>1</sup>[3. (New section) Any person violating the provisions of section  
11 2 of this act shall be fined not more than \$250. In addition, the  
12 operator shall be subject to any other applicable penalties set forth in  
13 chapter 4 of Title 39 of the Revised Statutes. Further, the court may  
14 find that the violator has forfeited his right to operate a motor vehicle  
15 over the highways of this State or, in the case of a violator who does  
16 not have a driver's license, shall prohibit him from obtaining a license  
17 to operate a motor vehicle in this State for a period of not less than 30  
18 or more than 90 days beginning on the day of conviction or the date  
19 he becomes eligible to obtain a license, whichever is later. The court  
20 before whom any person is convicted of or adjudicated delinquent for  
21 a violation of any offense defined in P.L. , c. (C. ) (now  
22 pending before the Legislature as this bill) shall cause a report of the  
23 conviction or adjudication of delinquency to be filed with the director.  
24 That report shall include the New Jersey driver's license number, if  
25 available, the complete name, address, date of birth, eye color and sex  
26 of the person and shall indicate the first and last day of the suspension  
27 or postponement period imposed by the court pursuant to this  
28 section.]<sup>1</sup>

29  
30 <sup>1</sup>3. (New Section) A person violating the provisions of section 2  
31 of this act shall be subject:

32 a. For the first offense, to a fine of not less than \$100 nor more  
33 than \$200, and seizure of the motorized scooter. The seized scooter  
34 may only be retrieved from the police by the operator of the scooter  
35 or if the operator is under 18 years of age by the operator  
36 accompanied by the operator's parent or guardian.

37 b. For the second offense, to a fine of not less than \$200 nor more  
38 than \$500, and seizure of the motorized scooter. The seized scooter  
39 may only be retrieved from the police by the operator of the scooter  
40 or if the operator is under 18 years of age by the operator  
41 accompanied by the operator's parent or guardian, provided that the  
42 court adjudicating the matter approves the return of the scooter. In  
43 addition to the fine and seizure provided for in this subsection, the  
44 court shall order the violator to perform community service for a  
45 period of not greater than 25 hours.

46 c. For the third or subsequent offense, to a fine of not less than

1 \$500 nor more than \$750, and seizure and forfeiture of the motorized  
2 scooter. In addition to the fine, and seizure and forfeiture provided in  
3 this subsection, the court shall order the violator to perform  
4 community service for a period of not greater than 50 hours.<sup>1</sup>

5  
6 4. (New section) The governing body of any municipality may, by  
7 ordinance, permit the operation of motorized scooters <sup>1</sup>[and  
8 motorized skateboards]<sup>1</sup> upon designated municipal property, other  
9 than the streets, highways and sidewalks under municipal jurisdiction.  
10 <sup>1</sup>The governing body of any county may, by resolution, permit the  
11 operator of motorized scooters upon designated county property,  
12 other than the streets, highways and sidewalks under county  
13 jurisdiction.<sup>1</sup>

14 Such an ordinance <sup>1</sup>or resolution <sup>1</sup>permitting the operation of  
15 motorized scooters <sup>1</sup>[and motorized skateboards]<sup>1</sup> upon designated  
16 municipal <sup>1</sup>or county<sup>1</sup> property shall include, but not be limited to, the  
17 following provisions:

18 a. A designation of the municipal <sup>1</sup>or county<sup>1</sup> property upon which  
19 motorized scooters <sup>1</sup>[and motorized skateboards]<sup>1</sup> may be operated;

20 b. The days and hours of the day during which motorized scooters  
21 <sup>1</sup>[and motorized skateboards]<sup>1</sup> may be operated upon that municipal  
22 <sup>1</sup>or county<sup>1</sup> property;

23 c. A requirement that each motorized scooter <sup>1</sup>[and motorized  
24 skateboard]<sup>1</sup> operated upon the designated municipal or county <sup>1</sup>  
25 property be registered with the municipality <sup>1</sup>or county and receive a  
26 certificate of registration from the municipality or county<sup>1</sup>. As a  
27 condition for such registration, the owner or operator shall produce  
28 or display appropriate proof that a policy of liability insurance is in  
29 effect for that motorized scooter <sup>1</sup>[or motorized skateboard]<sup>1</sup>. The  
30 municipality <sup>1</sup>or county<sup>1</sup> may impose a reasonable fee to cover the  
31 costs of registration;

32 d. A requirement that no person under the age of 12 years <sup>1</sup>or  
33 older if so determined by the municipality or county<sup>1</sup> be permitted to  
34 operate a motorized scooter <sup>1</sup>[or motorized skateboard]<sup>1</sup> upon the  
35 designated municipal <sup>1</sup>or county<sup>1</sup> property;

36 e. A requirement that every operator of a motorized scooter <sup>1</sup>[or  
37 motorized skateboard]<sup>1</sup> wear a properly fitted and fastened helmet  
38 which meets the standards of the American National Standards  
39 Institute (ANSI Z90.4 bicycle helmet), the Snell Memorial  
40 Foundation's 1990 Standard for Protective Headgear for Use in  
41 Bicycling, the American Society for Testing and Materials (ASTM)  
42 standard or such other standard, as appropriate;

43 f. A requirement that each motorized scooter <sup>1</sup>[and motorized  
44 skateboard]<sup>1</sup> operated upon the designated municipal <sup>1</sup>or county<sup>1</sup>  
45 property be equipped with a brake that will enable the operator to stop

1 the scooter <sup>1</sup>[or skateboard]<sup>1</sup> in a safe and effective manner;

2 g. A requirement that prior to operating a motorized scooter <sup>1</sup>[or  
3 motorized skateboard]<sup>1</sup> upon the designated municipal <sup>1</sup>or county<sup>1</sup>  
4 property, the prospective operator demonstrate, in a manner  
5 prescribed by a designated local authority, a capability to safely  
6 operate the scooter <sup>1</sup>[or skateboard]<sup>1</sup>; and

7 h. A schedule setting forth the penalties for violating the provisions  
8 of the ordinance. The schedule shall be prominently posted upon the  
9 designated municipal <sup>1</sup>or county<sup>1</sup> property, along with a warning that  
10 operators may also be subject to applicable provisions and penalties set  
11 forth in chapter 4 of Title 39 of the Revised Statutes.

12

13 <sup>1</sup>5. (New Section) No motorcycle shall be operated on the public  
14 highways or roadways of this State unless the motorcycle was  
15 manufactured in compliance with applicable Federal Motor Safety  
16 Standards that were in effect on the day the motorcycle was  
17 manufactured and the motorcycle has a certification label, in the  
18 format prescribed by the National Highway Traffic Safety  
19 Administration, attesting to that compliance, permanently affixed by  
20 the original manufacturer.<sup>1</sup>

21

22 <sup>1</sup>[5.] 6.<sup>1</sup> This act shall take effect immediately.

23

24

25

26

27 Regulates operation of motorized scooters and motorcycles.

**SENATE, No. 1510**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED APRIL 29, 2004

**Sponsored by:**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**SYNOPSIS**

Regulates operation of motorized scooters and motorized skateboards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/28/2004)**

S1510 CONIGLIO, TURNER

2

1 AN ACT concerning certain motorized vehicles, amending R.S.39:1-1  
2 and 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. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly  
9 apparent from the language or context, or unless inconsistent with the  
10 manifest intention of the Legislature:

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

13 "Authorized emergency vehicles" means vehicles of the fire  
14 department, police vehicles and such ambulances and other vehicles as  
15 are approved by the Director of the Division of Motor Vehicles in the  
16 Department of Transportation when operated in response to an  
17 emergency call.

18 "Automobile" includes all motor vehicles except motorcycles.

19 "Berm" means that portion of the highway exclusive of roadway  
20 and shoulder, bordering the shoulder but not to be used for vehicular  
21 travel.

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

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

31 "Chief Administrator" or "Administrator" means the chief  
32 administrator of the New Jersey Motor Vehicle Commission.

33 "Commercial motor vehicle" includes every type of motor-driven  
34 vehicle used for commercial purposes on the highways, such as the  
35 transportation of goods, wares and merchandise, excepting such  
36 vehicles as are run only upon rails or tracks and vehicles of the  
37 passenger car type used for touring purposes or the carrying of farm  
38 products and milk, as the case may be.

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

41 "Commissioner" means the Commissioner of Transportation of this  
42 State.

43 "Commuter van" means a motor vehicle having a seating capacity

**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 of not less than seven nor more than 15 adult passengers, in which  
2 seven or more persons commute on a daily basis to and from work and  
3 which vehicle may also be operated by the driver or other designated  
4 persons for their personal use.

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

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

15 "Deputy Chief Administrator" means the deputy chief administrator  
16 of the commission.

17 "Deputy director" means deputy director of the Division of Motor  
18 Vehicles in the Department of Transportation.

19 "Director" means the Director of the Division of Motor Vehicles in  
20 the Department of Transportation.

21 "Division" means the Division of Motor Vehicles in the Department  
22 of Transportation acting directly or through its duly authorized  
23 officers or agents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 "Magistrate" means any municipal court and the Superior Court,  
39 and any officer having the powers of a committing magistrate and the  
40 Director of the Division of Motor Vehicles in the Department of  
41 Transportation.

42 "Manufacturer" means a person engaged in the business of  
43 manufacturing or assembling motor vehicles, who will, under normal  
44 business conditions during the year, manufacture or assemble at least  
45 10 new motor vehicles.

46 "Metal tire" means every tire the surface of which in contact with

1 the highway is wholly or partly of metal or other hard nonresilient  
2 material.

3 "Motorized bicycle" means a pedal bicycle having a helper motor  
4 characterized in that either the maximum piston displacement is less  
5 than 50 cc. or said motor is rated at no more than 1.5 brake  
6 horsepower or is powered by an electric drive motor and said bicycle  
7 is capable of a maximum speed of no more than 25 miles per hour on  
8 a flat surface.

9 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
10 motor attached and all motor-operated vehicles of the bicycle or  
11 tricycle type which meet all applicable federal standards for highway  
12 usage, except motorized bicycles as defined in this section, whether  
13 the motive power be a part thereof or attached thereto and having a  
14 saddle or seat with driver sitting astride or upon it or a platform on  
15 which the driver stands.

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

18 "Motor vehicle" includes all vehicles propelled otherwise than by  
19 muscular power, excepting such vehicles as run only upon rails or  
20 tracks and motorized bicycles.

21 "Motorized scooter" means a scooter that is powered by a motor  
22 having a maximum piston displacement of less than 50 cc. or an  
23 electric drive motor, is capable of a maximum speed of no more than  
24 25 miles per hour on a flat surface and is not registered with the  
25 director for use on the public highways of this State as a motorcycle;  
26 provided, however, for the purposes of sections 2 through 4, inclusive,  
27 of P.L. , c. (C. ) (now pending before the Legislature as this bill),  
28 "motorized scooter" shall not be construed to include a motorized  
29 wheelchair.

30 "Motorized skateboard" means a skateboard that is propelled  
31 otherwise than by muscular power.

32 "Motorized wheelchair" means any motor-driven wheelchair utilized  
33 to increase the independent mobility, in the activities of daily living, of  
34 an individual who has limited or no ambulation abilities, and includes  
35 motorized scooters manufactured specifically for such purposes and  
36 designed primarily for indoor use.

37 "Noncommercial truck" means every motor vehicle designed  
38 primarily for transportation of property, and which is not a  
39 "commercial vehicle."

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

44 "Omnibus" includes all motor vehicles used for the transportation  
45 of passengers for hire, except commuter vans and vehicles used in  
46 ridesharing arrangements and school buses, if the same are not

1 otherwise used in the transportation of passengers for hire.

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

4 "Outside lane" means the lane nearest the curb or outer edge of the  
5 roadway.

6 "Owner" means a person who holds the legal title of a vehicle, or  
7 if a vehicle is the subject of an agreement for the conditional sale or  
8 lease thereof with the right of purchase upon performance of the  
9 conditions stated in the agreement and with an immediate right of  
10 possession vested in the conditional vendee or lessee, or if a  
11 mortgagor of a vehicle is entitled to possession, then the conditional  
12 vendee, lessee or mortgagor shall be deemed the owner for the  
13 purpose of this subtitle.

14 "Parking" means the standing or waiting on a street, road or  
15 highway of a vehicle not actually engaged in receiving or discharging  
16 passengers or merchandise, unless in obedience to traffic regulations  
17 or traffic signs or signals.

18 "Passenger automobile" means all automobiles used and designed  
19 for the transportation of passengers, other than omnibuses and school  
20 buses.

21 "Pedestrian" means a person afoot.

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 designed  
27 to be drawn by another vehicle and attached to the towing vehicle by  
28 means of a reach, or pole, or by being boomed or otherwise secured  
29 to the towing vehicle, and ordinarily used for transporting long or  
30 irregularly shaped loads, such as poles, pipes, or structural members  
31 capable, generally, of sustaining themselves as beams between the  
32 supporting connections.

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

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

38 "Recreation vehicle" means a self-propelled or towed vehicle  
39 equipped to serve as temporary living quarters for recreational,  
40 camping or travel purposes and used solely as a family or personal  
41 conveyance.

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

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

6 "Right-of-way" means the privilege of the immediate use of the  
7 highway.

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

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

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

21 "School bus" means every motor vehicle operated by, or under  
22 contract with, a public or governmental agency, or religious or other  
23 charitable organization or corporation, or privately operated for  
24 compensation for the transportation of children to or from school for  
25 secular or religious education, which complies with the regulations of  
26 the Department of Education affecting school buses, including "School  
27 Vehicle Type I" and "School Vehicle Type II" as defined below:

28 "School Vehicle Type I" means any vehicle with a seating capacity  
29 of 17 or more, used to transport enrolled children, and adults only  
30 when serving as chaperones, to or from a school, school connected  
31 activity, day camp, summer day camp, nursery school, child care  
32 center, preschool center or other similar places of education. Such  
33 vehicle shall comply with the regulations of the Division of Motor  
34 Vehicles and either the Department of Education or the Department  
35 of Human Services, whichever is the appropriate supervising agency.

36 "School Vehicle Type II" means any vehicle with a seating capacity  
37 of 16 or less, used to transport enrolled children, and adults only when  
38 serving as chaperones, to or from a school, school connected activity,  
39 day camp, summer day camp, nursery school, child care center,  
40 preschool center or other similar places of education. Such vehicle  
41 shall comply with the regulations of the Division of Motor Vehicles  
42 and either the Department of Education or the Department of Human  
43 Services, whichever is the appropriate supervising agency.

44 "School zone" means that portion of a highway which is either  
45 contiguous to territory occupied by a school building or is where  
46 school crossings are established in the vicinity of a school, upon which

1 are maintained appropriate "school signs" in accordance with  
2 specifications adopted by the director and in accordance with law.

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

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

10 "Shipper" means any person who shall deliver, or cause to be  
11 delivered, any commodity, produce or article for transportation as the  
12 contents or load of a commercial motor vehicle. In the case of a  
13 sealed ocean container, "shipper" shall not be construed to include any  
14 person whose activities with respect to the shipment are limited to the  
15 solicitation or negotiation of the sale, resale, or exchange of the  
16 commodity, produce or article within that container.

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

20 "Sidewalk" means that portion of a highway intended for the use of  
21 pedestrians, between the curb line or the lateral line of a shoulder, or  
22 if none, the lateral line of the roadway and the adjacent right-of-way  
23 line.

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

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

27 "Solid tire" means every tire of rubber or other resilient material  
28 which does not depend upon compressed air for the support of the  
29 load.

30 "Street" means the same as highway.

31 "Street car" means a car other than a railroad train, for transporting  
32 persons or property and operated upon rails principally within a  
33 municipality.

34 "Stop," when required, means complete cessation from movement.

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

39 "Suburban business or residential district" means that portion of  
40 highway and the territory contiguous thereto, where within any 1,320  
41 feet along that highway there is land in use for business or residential  
42 purposes and that land occupies more than 660 feet of frontage on one  
43 side or collectively more than 660 feet of frontage on both sides of  
44 that roadway.

45 "Through highway" means every highway or portion thereof at the  
46 entrances to which vehicular traffic from intersecting highways is

1 required by law to stop before entering or crossing the same and when  
2 stop signs are erected as provided in this chapter.

3 "Trackless trolley" means every motor vehicle which is propelled by  
4 electric power obtained from overhead trolley wires but not operated  
5 upon rails.

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

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

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

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

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

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

24 "Vehicle" means every device in, upon or by which a person or  
25 property is or may be transported upon a highway, excepting devices  
26 moved by human power or used exclusively upon stationary rails or  
27 tracks or motorized bicycles.

28 (cf: P.L.2003, c.13, s.36)

29

30 2. (New section) a. No person shall operate a motorized scooter  
31 or motorized skateboard upon any public street, highway or sidewalk.

32 b. Except as otherwise provided in section 4 of P.L. ,

33 c. (C. )(now pending before the Legislature as this bill), no  
34 person shall operate a motorized scooter or motorized skateboard  
35 upon any public property or lands.

36 c. No person shall operate a motorized scooter or a motorized  
37 skateboard on the property of another without the consent of the  
38 owner of that property or the person who has a contractual right to the  
39 use of that property.

40

41 3. (New section) Any person violating the provisions of section 2  
42 of this act shall be fined not more than \$250. In addition, the operator  
43 shall be subject to any other applicable penalties set forth in chapter 4  
44 of Title 39 of the Revised Statutes. Further, the court may find that  
45 the violator has forfeited his right to operate a motor vehicle over the  
46 highways of this State or, in the case of a violator who does not have

1 a driver's license, shall prohibit him from obtaining a license to operate  
2 a motor vehicle in this State for a period of not less than 30 or more  
3 than 90 days beginning on the day of conviction or the date he  
4 becomes eligible to obtain a license, whichever is later. The court  
5 before whom any person is convicted of or adjudicated delinquent for  
6 a violation of any offense defined in P.L. , c. (C. ) (now  
7 pending before the Legislature as this bill) shall cause a report of the  
8 conviction or adjudication of delinquency to be filed with the director.  
9 That report shall include the New Jersey driver's license number, if  
10 available, the complete name, address, date of birth, eye color and sex  
11 of the person and shall indicate the first and last day of the suspension  
12 or postponement period imposed by the court pursuant to this section.  
13

14 4. (New section) The governing body of any municipality may, by  
15 ordinance, permit the operation of motorized scooters and motorized  
16 skateboards upon designated municipal property, other than the  
17 streets, highways and sidewalks under municipal jurisdiction.

18 Such an ordinance permitting the operation of motorized scooters  
19 and motorized skateboards upon designated municipal property shall  
20 include, but not be limited to, the following provisions:

21 a. A designation of the municipal property upon which motorized  
22 scooters and motorized skateboards may be operated;

23 b. The days and hours of the day during which motorized scooters  
24 and motorized skateboards may be operated upon that municipal  
25 property;

26 c. A requirement that each motorized scooter and motorized  
27 skateboard operated upon the designated municipal property be  
28 registered with the municipality. As a condition for such registration,  
29 the owner or operator shall produce or display appropriate proof that  
30 a policy of liability insurance is in effect for that motorized scooter or  
31 motorized skateboard. The municipality may impose a reasonable fee  
32 to cover the costs of registration;

33 d. A requirement that no person under the age of 12 years be  
34 permitted to operate a motorized scooter or motorized skateboard  
35 upon the designated municipal property;

36 e. A requirement that every operator of a motorized scooter or  
37 motorized skateboard wear a properly fitted and fastened helmet which  
38 meets the standards of the American National Standards Institute  
39 (ANSI Z90.4 bicycle helmet), the Snell Memorial Foundation's 1990  
40 Standard for Protective Headgear for Use in Bicycling, the American  
41 Society for Testing and Materials (ASTM) standard or such other  
42 standard, as appropriate;

43 f. A requirement that each motorized scooter and motorized  
44 skateboard operated upon the designated municipal property be  
45 equipped with a brake that will enable the operator to stop the scooter  
46 or skateboard in a safe and effective manner;

1 g. A requirement that prior to operating a motorized scooter or  
2 motorized skateboard upon the designated municipal property, the  
3 prospective operator demonstrate, in a manner prescribed by a  
4 designated local authority, a capability to safely operate the scooter or  
5 skateboard; and

6 h. A schedule setting forth the penalties for violating the provisions  
7 of the ordinance. The schedule shall be prominently posted upon the  
8 designated municipal property, along with a warning that operators  
9 may also be subject to applicable provisions and penalties set forth in  
10 chapter 4 of Title 39 of the Revised Statutes.

11  
12 5. This act shall take effect immediately.

13  
14  
15 STATEMENT

16  
17 This bill establishes a regulatory scheme for the operation of  
18 motorized scooters and motorized skateboards in the State of New  
19 Jersey.

20 Under the provisions of the bill, it would be unlawful to operate  
21 motorized scooters and motorized skateboards upon the public lands,  
22 highways, streets and sidewalks of this State. Violators are subject to  
23 a fine of not more than \$250. In addition, violators are subject to any  
24 other applicable motor vehicle penalties set forth in chapter 4 of Title  
25 39 of the Revised Statutes. This provision permits law enforcement  
26 officers to charge motorized scooter and motorized skateboard  
27 operators with applicable motor vehicle moving violations and  
28 offenses, such as drunk driving. Finally, the bill authorizes the courts  
29 to suspend a violator's driver's license for a period of 30 to 90 days.  
30 If the violator does not have a driver's license, the bill permits the  
31 court to postpone the date on which the violator becomes eligible to  
32 obtain a driver's license by a period of 30 to 90 days.

33 The bill permits municipalities to designate, by ordinance, municipal  
34 property (other than municipal streets and sidewalks) where motorized  
35 scooters and motorized skateboards may be operated. In addition to  
36 designating the specific areas and times where and when the motorized  
37 scooters and motorized skateboards may be operated, the ordinance  
38 must include at least the following provisions and requirements  
39 governing their operation on municipal property: (1) The operator  
40 must have liability insurance, wear an approved helmet, be at least  
41 12 years of age and demonstrate a capability to safely operate the  
42 scooter or skateboard; (2) the scooter or skateboard must be equipped  
43 with an effective braking system; and (3) the municipality must post a  
44 schedule of the penalties imposed for violations of the ordinance.

45 There is no prohibition against operating a motorized scooter or  
46 motorized skateboard on private property so long as the owner of that



**S1510 CONIGLIO, TURNER**

12

1 property gives his or her consent.

2 A motorized scooter is defined as a scooter that is powered by a  
3 motor having a maximum piston displacement of less than 50 cc. or an  
4 electric drive motor, is capable of a maximum speed of no more than  
5 25 miles per hour on a flat surface and is not otherwise registered for  
6 public highway use with the Division of Motor Vehicles.

7 A motorized skateboard is defined as a skateboard that is powered  
8 by a source other than muscle power.

9 Motorized scooters and motorized skateboards that do not meet  
10 these definitions are deemed to be motorcycles and, therefore, must  
11 meet all the registration, licensing, equipment and other regulatory  
12 standards and requirements mandated in the statutes for motorcycles.

13 Motorized wheelchairs are not subject to the bill's regulatory  
14 scheme.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1510**

# **STATE OF NEW JERSEY**

DATED: JUNE 9, 2005

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1510 (1R).

Senate Bill No. 1510 (1R) establishes a regulatory scheme for the operation of motorized scooters in the State of New Jersey.

Under the provisions of the bill, it would be unlawful to operate motorized scooters upon highways, streets and sidewalks of this State and, in certain cases, on public property or lands. Violators are subject to a fine of not less than \$100 nor more than \$200 and seizure of the motorized scooter for the first offense, and a fine of not less than \$200 nor more than \$500 and seizure of the motorized scooter for the second offense. For both offenses, the seized scooter may only be retrieved from the police by the operator or, if the operator is under 18 years of age, by the operator accompanied by his parent or guardian. In the case of the second offense, however, the court must also approve the return of the scooter. For the third offense, a fine of not less than \$500 nor more than \$750 is provided for and the seizure and forfeiture of the scooter. The court shall also require for the performance of community service for the second and third offenses for a period not greater than 25 hours and 50 hours respectively.

The bill prohibits the operation of motor scooters upon any public property or lands, except that municipalities may designate, by ordinance, municipal property (other than municipal streets and sidewalks) where motorized scooters may be operated. Counties may also designate, by resolution, county property (other than county streets and sidewalks) where motorized scooters may be operated. In addition to designating the specific areas and times where and when the motorized scooters may be operated, the ordinance or resolution must include at least the following provisions and requirements governing their operation on county or municipal property: (1) each scooter must be registered with the county or municipality and receive a certificate of registration from the county or municipality; (2) the operator must have liability insurance, wear an approved helmet, be at least 12 years of age or older, if so determined by the municipality, and demonstrate a capability to safely operate the scooter; (3) the scooter must be equipped with an effective braking system; and (4) the

county or municipality must post a schedule of the penalties imposed for violations of the ordinance or resolution.

There is no prohibition against operating a motorized scooter on private property so long as the owner of that property gives his or her consent.

A motorized scooter is defined as a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards, and other vehicles with motors not in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. "Motorized scooter" does not include electric personal assistive mobility devices, motorized bicycles or low-speed vehicles; or motorized wheelchairs, mobility scooters or similar mobility devices used by persons with physical disabilities or persons where ambulatory mobility has been impaired by age or illness.

Motorized scooters that do not meet these definitions are deemed to be motorcycles and, therefore, must meet all the registration, licensing, equipment and other regulatory standards and requirements mandated in the statutes for motorcycles.

The bill also provides that no motorcycle may be operated on the public highways or roadways of this State unless the motorcycle was manufactured in compliance with applicable Federal Motor Safety Standards that were in effect on the day the motorcycle was manufactured and the motorcycle has a certification label, in the format prescribed by the National Highway Traffic Safety Administration, attesting to that compliance, permanently affixed by the original manufacturer.

Motorized wheelchairs are not subject to the bill's regulatory scheme.

As reported by the committee, this bill is identical to Assembly Bill No. 1765, as amended and reported by the committee on this same date.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1510**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 4, 2004

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 1510.

This amended bill establishes a regulatory scheme for the operation of motorized scooters in the State of New Jersey.

Under the provisions of the amended bill, it would be unlawful to operate motorized scooters upon highways, streets and sidewalks of this State and, in certain cases, on public property or lands. Violators are subject to a fine of not less than \$100 nor more than \$200 and seizure of the motorized scooter for the first offense, and a fine of not less than \$200 nor more than \$500 and seizure of the motorized scooter for the second offense. For both offenses, the seized scooter may only be retrieved from the police by the operator or if the operator is under 18 years of age by the operator accompanied by his parent or guardian. In the case of the second offense, however, the court must also approve the return of the scooter. For the third offense, a fine of not less than \$500 nor more than \$750 is provided for and the seizure and forfeiture of the scooter. The court shall also provide for the performance of community service for the second and third offenses for a period not greater than 25 hours and 50 hours respectively.

The bill prohibits the operation of motor scooters upon any public property or lands, except that municipalities may designate, by ordinance, municipal property (other than municipal streets and sidewalks) where motorized scooters may be operated. Counties may also designate, by resolution, county property (other than county streets and sidewalks) where motorized scooters may be operated. In addition to designating the specific areas and times where and when the motorized scooters may be operated, the ordinance or resolution must include at least the following provisions and requirements governing their operation on county or municipal property: (1) each scooter must be registered with the county or municipality and receive a certificate of registration from the county or municipality; (2) the operator must have liability insurance, wear an approved helmet, be at least 12 years of age or older if so determined by the municipality, and demonstrate a capability to safely operate the scooter; (3) the scooter must be equipped with

an effective braking system; and (4) the county or municipality must post a schedule of the penalties imposed for violations of the ordinance or resolution.

There is no prohibition against operating a motorized scooter on private property so long as the owner of that property gives his or her consent.

A motorized scooter is defined as a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards, and other vehicles with motors not in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. "Motorized scooter" does not include electric personal assistive mobility devices, motorized bicycles or low-speed vehicles; or motorized wheelchairs, mobility scooters or similar mobility devices used by persons with physical disabilities or persons where ambulatory mobility has been impaired by age or illness.

Motorized scooters that do not meet these definitions are deemed to be motorcycles and, therefore, must meet all the registration, licensing, equipment and other regulatory standards and requirements mandated in the statutes for motorcycles.

The bill also provides that no motorcycle may be operated on the public highways or roadways of this State unless the motorcycle was manufactured in compliance with applicable Federal Motor Safety Standards that were in effect on the day the motorcycle was manufactured and the motorcycle has a certification label, in the format prescribed by the National Highway Traffic Safety Administration, attesting to that compliance, permanently affixed by the original manufacturer.

Motorized wheelchairs are not subject to the bill's regulatory scheme.

The committee amended the bill to permit counties, not only municipalities, to designate areas where the operation of motor scooters would be permitted, provided for a new definition of motorized scooter, including within the definition motorized skateboards and various other types of miniature motor vehicles, deleted the penalty section and inserted a new section providing for fines, seizure of the motor scooter and community service, and required motorcycles to conform to certain manufacturing and labeling standards. In addition the committee amended the bill to require counties and municipalities permitting the use of motorized scooters on county or municipal property to issue a certificate of registration of the scooter and permitted the county or municipality to prohibit persons 12 or older from operating motorized scooters on designated county or municipal property.

# **ASSEMBLY, No. 1765**

## **STATE OF NEW JERSEY**

### **211th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman DONALD TUCKER**

**District 28 (Essex)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

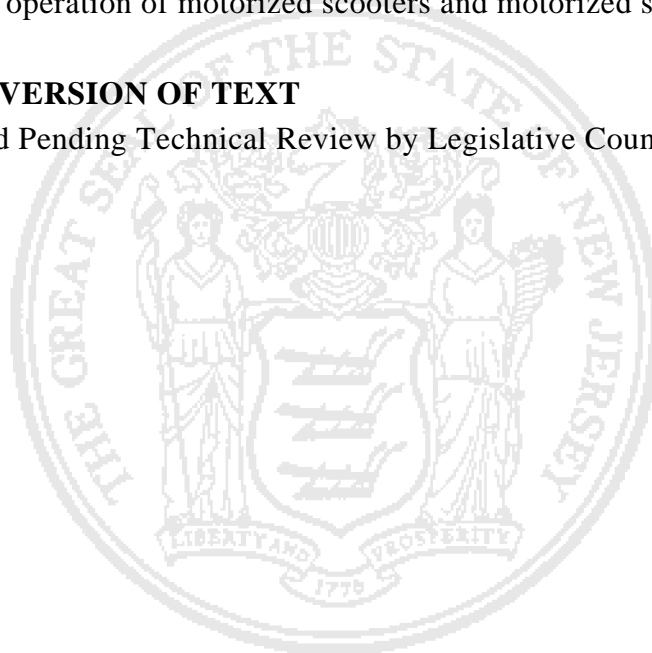
**Assemblyman Greenwald, Assemblywomen Previte, Watson Coleman,  
Assemblymen Hackett, McKeon, Conaway, Conners, Steele,  
Assemblywoman Quigley, Assemblyman Eagler, Assemblywoman  
Greenstein, Assemblymen Roberts and Gordon**

**SYNOPSIS**

Regulates operation of motorized scooters and motorized skateboards.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 10/8/2004)**

A1765 TUCKER, STACK

2

1 AN ACT concerning certain motorized vehicles, amending R.S.39:1-1  
2 and 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. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly  
9 apparent from the language or context, or unless inconsistent with the  
10 manifest intention of the Legislature:

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

13 "Authorized emergency vehicles" means vehicles of the fire  
14 department, police vehicles and such ambulances and other vehicles as  
15 are approved by the Director of the Division of Motor Vehicles in the  
16 Department of Transportation when operated in response to an  
17 emergency call.

18 "Automobile" includes all motor vehicles except motorcycles.

19 "Berm" means that portion of the highway exclusive of roadway  
20 and shoulder, bordering the shoulder but not to be used for vehicular  
21 travel.

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

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

31 "Commercial motor vehicle" includes every type of motor-driven  
32 vehicle used for commercial purposes on the highways, such as the  
33 transportation of goods, wares and merchandise, excepting such  
34 vehicles as are run only upon rails or tracks and vehicles of the  
35 passenger car type used for touring purposes or the carrying of farm  
36 products and milk, as the case may be.

37 "Commissioner" means the Director of the Division of Motor  
38 Vehicles in the Department of Transportation of this State.

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

**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 "Crosswalk" means that part of a highway at an intersection  
2 included within the connections of the lateral lines of the sidewalks on  
3 opposite sides of the highway measured from the curbs or, in the  
4 absence of curbs, from the edges of the shoulder, or, if none, from the  
5 edges of the roadway; also, any portion of a highway at an intersection  
6 or elsewhere distinctly indicated for pedestrian crossing by lines or  
7 other marking on the surface.

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

11 "Department" means the Division of Motor Vehicles in the  
12 Department of Transportation of this State acting directly or through  
13 its duly authorized officers or agents.

14 "Deputy commissioner" means deputy director of the Division of  
15 Motor Vehicles in the Department of Transportation.

16 "Deputy director" means deputy director of the Division of Motor  
17 Vehicles in the Department of Transportation.

18 "Director" means the Director of the Division of Motor Vehicles in  
19 the Department of Transportation.

20 "Division" means the Division of Motor Vehicles in the Department  
21 of Transportation acting directly or through its duly authorized  
22 officers or agents.

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

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

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

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

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

46 "Highway" means the entire width between the boundary lines of



1 every way publicly maintained when any part thereof is open to the use  
2 of the public for purposes of vehicular travel.

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

5 "Inside lane" means the lane nearest the center line of the roadway.

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

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

12 "Leased limousine" means any limousine subject to regulation in the  
13 State which:

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

17 b. Is leased or rented for a period of one year or more following  
18 registration.

19 "Leased motor vehicle" means any motor vehicle subject to  
20 registration in this State which:

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

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

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

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

37 "Magistrate" means any municipal court and the Superior Court,  
38 and any officer having the powers of a committing magistrate and the  
39 Director of the Division of Motor Vehicles in the Department of  
40 Transportation.

41 "Manufacturer" means a person engaged in the business of  
42 manufacturing or assembling motor vehicles, who will, under normal  
43 business conditions during the year, manufacture or assemble at least  
44 10 new motor vehicles.

45 "Metal tire" means every tire the surface of which in contact with  
46 the highway is wholly or partly of metal or other hard nonresilient

1 material.

2 "Motorized bicycle" means a pedal bicycle having a helper motor  
3 characterized in that either the maximum piston displacement is less  
4 than 50 cc. or said motor is rated at no more than 1.5 brake  
5 horsepower or is powered by an electric drive motor and said bicycle  
6 is capable of a maximum speed of no more than 25 miles per hour on  
7 a flat surface.

8 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
9 motor attached and all motor-operated vehicles of the bicycle or  
10 tricycle type which meet all applicable federal standards for highway  
11 usage, except motorized bicycles, motorized scooters and motorized  
12 skateboards as defined in this section, whether the motive power be a  
13 part thereof or attached thereto and having a saddle or seat with driver  
14 sitting astride or upon it or a platform on which the driver stands.

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

17 "Motor vehicle" includes all vehicles propelled otherwise than by  
18 muscular power, excepting such vehicles as run only upon rails or  
19 tracks and motorized bicycles.

20 "Motorized scooter" means a scooter that is powered by a motor  
21 having a maximum piston displacement of less than 50 cc. or an  
22 electric drive motor, is capable of a maximum speed of no more than  
23 25 miles per hour on a flat surface and is not registered with the  
24 director for use on the public highways of this State as a motorcycle;  
25 provided, however, for the purposes of sections 2 through 4, inclusive,  
26 of P.L. , c. (C. ) (now pending before the Legislature as this bill),  
27 "motorized scooter" shall not be construed to include a motorized  
28 wheelchair.

29 "Motorized skateboard" means a skateboard that is propelled  
30 otherwise than by muscular power.

31 "Motorized wheelchair" means any motor-driven wheelchair utilized  
32 to increase the independent mobility, in the activities of daily living, of  
33 an individual who has limited or no ambulation abilities, and includes  
34 motorized scooters manufactured specifically for such purposes and  
35 designed primarily for indoor use.

36 "Noncommercial truck" means every motor vehicle designed  
37 primarily for transportation of property, and which is not a  
38 "commercial vehicle."

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

43 "Omnibus" includes all motor vehicles used for the transportation  
44 of passengers for hire, except commuter vans and vehicles used in  
45 ridesharing arrangements and school buses, if the same are not  
46 otherwise used in the transportation of passengers for hire.

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

3 "Outside lane" means the lane nearest the curb or outer edge of the  
4 roadway.

5 "Owner" means a person who holds the legal title of a vehicle, or  
6 if a vehicle is the subject of an agreement for the conditional sale or  
7 lease thereof with the right of purchase upon performance of the  
8 conditions stated in the agreement and with an immediate right of  
9 possession vested in the conditional vendee or lessee, or if a  
10 mortgagor of a vehicle is entitled to possession, then the conditional  
11 vendee, lessee or mortgagor shall be deemed the owner for the  
12 purpose of this subtitle.

13 "Parking" means the standing or waiting on a street, road or  
14 highway of a vehicle not actually engaged in receiving or discharging  
15 passengers or merchandise, unless in obedience to traffic regulations  
16 or traffic signs or signals.

17 "Passenger automobile" means all automobiles used and designed  
18 for the transportation of passengers, other than omnibuses and school  
19 buses.

20 "Pedestrian" means a person afoot.

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

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

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

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

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

37 "Recreation vehicle" means a self-propelled or towed vehicle  
38 equipped to serve as temporary living quarters for recreational,  
39 camping or travel purposes and used solely as a family or personal  
40 conveyance.

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

46 "Ridesharing" means the transportation of persons in a motor

1 vehicle, with a maximum carrying capacity of not more than 15  
2 passengers, including the driver, where such transportation is  
3 incidental to the purpose of the driver. The term shall include such  
4 ridesharing arrangements known as car pools and van pools.

5 "Right-of-way" means the privilege of the immediate use of the  
6 highway.

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

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

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

20 "School bus" means every motor vehicle operated by, or under  
21 contract with, a public or governmental agency, or religious or other  
22 charitable organization or corporation, or privately operated for  
23 compensation for the transportation of children to or from school for  
24 secular or religious education, which complies with the regulations of  
25 the Department of Education affecting school buses, including "School  
26 Vehicle Type I" and "School Vehicle Type II" as defined below:

27 "School Vehicle Type I" means any vehicle with a seating capacity  
28 of 17 or more, used to transport enrolled children, and adults only  
29 when serving as chaperones, to or from a school, school connected  
30 activity, day camp, summer day camp, nursery school, child care  
31 center, preschool center or other similar places of education. Such  
32 vehicle shall comply with the regulations of the Division of Motor  
33 Vehicles and either the Department of Education or the Department  
34 of Human Services, whichever is the appropriate supervising agency.

35 "School Vehicle Type II" means any vehicle with a seating capacity  
36 of 16 or less, used to transport enrolled children, and adults only when  
37 serving as chaperones, to or from a school, school connected activity,  
38 day camp, summer day camp, nursery school, child care center,  
39 preschool center or other similar places of education. Such vehicle  
40 shall comply with the regulations of the Division of Motor Vehicles  
41 and either the Department of Education or the Department of Human  
42 Services, whichever is the appropriate supervising agency.

43 "School zone" means that portion of a highway which is either  
44 contiguous to territory occupied by a school building or is where  
45 school crossings are established in the vicinity of a school, upon which  
46 are maintained appropriate "school signs" in accordance with

1 specifications adopted by the director and in accordance with law.

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

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

9 "Shipper" means any person who shall deliver, or cause to be  
10 delivered, any commodity, produce or article for transportation as the  
11 contents or load of a commercial motor vehicle. In the case of a  
12 sealed ocean container, "shipper" shall not be construed to include any  
13 person whose activities with respect to the shipment are limited to the  
14 solicitation or negotiation of the sale, resale, or exchange of the  
15 commodity, produce or article within that container.

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

19 "Sidewalk" means that portion of a highway intended for the use of  
20 pedestrians, between the curb line or the lateral line of a shoulder, or  
21 if none, the lateral line of the roadway and the adjacent right-of-way  
22 line.

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

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

26 "Solid tire" means every tire of rubber or other resilient material  
27 which does not depend upon compressed air for the support of the  
28 load.

29 "Street" means the same as highway.

30 "Street car" means a car other than a railroad train, for transporting  
31 persons or property and operated upon rails principally within a  
32 municipality.

33 "Stop," when required, means complete cessation from movement.

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

38 "Suburban business or residential district" means that portion of  
39 highway and the territory contiguous thereto, where within any 1,320  
40 feet along that highway there is land in use for business or residential  
41 purposes and that land occupies more than 660 feet of frontage on one  
42 side or collectively more than 660 feet of frontage on both sides of  
43 that roadway.

44 "Through highway" means every highway or portion thereof at the  
45 entrances to which vehicular traffic from intersecting highways is  
46 required by law to stop before entering or crossing the same and when

1 stop signs are erected as provided in this chapter.

2 "Trackless trolley" means every motor vehicle which is propelled by  
3 electric power obtained from overhead trolley wires but not operated  
4 upon rails.

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

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

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

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

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

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

23 "Vehicle" means every device in, upon or by which a person or  
24 property is or may be transported upon a highway, excepting devices  
25 moved by human power or used exclusively upon stationary rails or  
26 tracks or motorized bicycles.

27 (cf: 2001, c.416, s.3)

28

29 2. (New section) a. No person shall operate a motorized scooter  
30 or motorized skateboard upon any public street, highway or sidewalk.

31 b. Except as otherwise provided in section 4 of P.L. , c.  
32 (C. )(now pending before the Legislature as this bill), no person  
33 shall operate a motorized scooter or motorized skateboard upon any  
34 public property or lands.

35 c. No person shall operate a motorized scooter or a motorized  
36 skateboard on the property of another without the consent of the  
37 owner of that property or the person who has a contractual right to the  
38 use of that property.

39

40 3. (New section) Any person violating the provisions of section 2  
41 of this act shall be fined not more than \$250. In addition, the operator  
42 shall be subject to any other applicable penalties set forth in chapter 4  
43 of Title 39 of the Revised Statutes. Further, the court may find that  
44 the violator has forfeited his right to operate a motor vehicle over the  
45 highways of this State or, in the case of a violator who does not have  
46 a driver's license, shall prohibit him from obtaining a license to operate

1 a motor vehicle in this State for a period of not less than 30 or more  
2 than 90 days beginning on the day of conviction or the date he  
3 becomes eligible to obtain a license, whichever is later. The court  
4 before whom any person is convicted of or adjudicated delinquent for  
5 a violation of any offense defined in P.L. , c. (C. ) (now pending  
6 before the Legislature as this bill) shall cause a report of the  
7 conviction or adjudication of delinquency to be filed with the director.  
8 That report shall include the New Jersey driver's license number, if  
9 available, the complete name, address, date of birth, eye color and sex  
10 of the person and shall indicate the first and last day of the suspension  
11 or postponement period imposed by the court pursuant to this section.

12

13 4. (New section) The governing body of any municipality may, by  
14 ordinance, permit the operation of motorized scooters and motorized  
15 skateboards upon designated municipal property, other than the  
16 streets, highways and sidewalks under municipal jurisdiction.

17 Such an ordinance permitting the operation of motorized scooters  
18 and motorized skateboards upon designated municipal property shall  
19 include, but not be limited to, the following provisions:

20 a. A designation of the municipal property upon which motorized  
21 scooters and motorized skateboards may be operated;

22 b. The days and hours of the day during which motorized scooters  
23 and motorized skateboards may be operated upon that municipal  
24 property;

25 c. A requirement that each motorized scooter and motorized  
26 skateboard operated upon the designated municipal property be  
27 registered with the municipality. As a condition for such registration,  
28 the owner or operator shall produce or display appropriate proof that  
29 a policy of liability insurance is in effect for that motorized scooter or  
30 motorized skateboard. The municipality may impose a reasonable fee  
31 to cover the costs of registration;

32 d. A requirement that no person under the age of 12 years be  
33 permitted to operate a motorized scooter or motorized skateboard  
34 upon the designated municipal property;

35 e. A requirement that every operator of a motorized scooter or  
36 motorized skateboard wear a properly fitted and fastened helmet which  
37 meets the standards of the American National Standards Institute  
38 (ANSI Z90.4 bicycle helmet), the Snell Memorial Foundation's 1990  
39 Standard for Protective Headgear for Use in Bicycling, the American  
40 Society for Testing and Materials (ASTM) standard or such other  
41 standard, as appropriate;

42 f. A requirement that each motorized scooter and motorized  
43 skateboard operated upon the designated municipal property be  
44 equipped with a brake that will enable the operator to stop the scooter  
45 or skateboard in a safe and effective manner;

46 g. A requirement that prior to operating a motorized scooter or

1 motorized skateboard upon the designated municipal property, the  
2 prospective operator demonstrate, in a manner prescribed by a  
3 designated local authority, a capability to safely operate the scooter or  
4 skateboard; and

5 h. A schedule setting forth the penalties for violating the provisions  
6 of the ordinance. The schedule shall be prominently posted upon the  
7 designated municipal property, along with a warning that operators  
8 may also be subject to applicable provisions and penalties set forth in  
9 chapter 4 of Title 39 of the Revised Statutes.

10  
11 5. This act shall take effect immediately.

12  
13  
14 STATEMENT

15  
16 This bill establishes a regulatory scheme for the operation of  
17 motorized scooters and motorized skateboards in the State of New  
18 Jersey.

19 Under the provisions of the bill, it would be unlawful to operate  
20 motorized scooters and motorized skateboards upon the public lands,  
21 highways, streets and sidewalks of this State. Violators are subject to  
22 a fine of not more than \$250. In addition, violators are subject to any  
23 other applicable motor vehicle penalties set forth in chapter 4 of Title  
24 39 of the Revised Statutes. This provision permits law enforcement  
25 officers to charge motorized scooter and motorized skateboard  
26 operators with applicable motor vehicle moving violations and  
27 offenses, such as drunk driving. Finally, the bill authorizes the courts  
28 to suspend a violator's driver's license for a period of 30 to 90 days.  
29 If the violator does not have a driver's license, the bill permits the  
30 court to postpone the date on which the violator becomes eligible to  
31 obtain a driver's license by a period of 30 to 90 days.

32 The bill permits municipalities to designate, by ordinance, municipal  
33 property (other than municipal streets and sidewalks) where motorized  
34 scooters and motorized skateboards may be operated. In addition to  
35 designating the specific areas and times where and when the motorized  
36 scooters and motorized skateboards may be operated, the ordinance  
37 must include at least the following provisions and requirements  
38 governing their operation on municipal property: (1) the operator must  
39 have liability insurance, wear an approved helmet, be at least 12 years  
40 of age and demonstrate a capability to safely operate the scooter or  
41 skateboard; (2) the scooter or skateboard must be equipped with an  
42 effective braking system; and (3) the municipality must post a schedule  
43 of the penalties imposed for violations of the ordinance.

44 There is no prohibition against operating a motorized scooter or  
45 motorized skateboard on private property so long as the owner of that  
46 property gives his or her consent.



1 A motorized scooter is defined as a scooter that is powered by a  
2 motor having a maximum piston displacement of less than 50 cc. or an  
3 electric drive motor, is capable of a maximum speed of not more than  
4 25 miles per hours on a flat surface and is not registered with the  
5 Division of Motor Vehicles for use on the public highways as a  
6 motorcycle.

7 A motorized skateboard is defined as a skateboard that is powered  
8 by a source other than muscle power.

9 Motorized scooters and motorized skateboards that do not meet  
10 these definitions are deemed to be motorcycles and, therefore, must  
11 meet all the registration, licensing, equipment and other regulatory  
12 standards and requirements mandated in the statutes for motorcycles.

13 Motorized wheelchairs are specifically exempted from this  
14 regulatory scheme. The operation and safety requirements set forth in  
15 the bill are intended to apply to the operators of motorized scooters  
16 and skateboards that are manufactured and marketed for recreational  
17 purposes, not motorized wheelchairs that are designed and  
18 manufactured for the purpose of increasing the independent mobility  
19 of individuals who have limited or no ambulatory abilities.

20 Finally, to address changing technology, the definition of  
21 "motorized bicycle" is amended to add electric drive motors to the  
22 types of power sources that may be used to propel these types of  
23 vehicles.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1765**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 9, 2005

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1765.

As amended by the committee, Assembly Bill No. 1765 establishes a regulatory scheme for the operation of motorized scooters in the State of New Jersey.

Under the provisions of the amended bill, it would be unlawful to operate motorized scooters upon highways, streets and sidewalks of this State and, in certain cases, on public property or lands. Violators are subject to a fine of not less than \$100 nor more than \$200 and seizure of the motorized scooter for the first offense, and a fine of not less than \$200 nor more than \$500 and seizure of the motorized scooter for the second offense. For both offenses, the seized scooter may only be retrieved from the police by the operator or, if the operator is under 18 years of age, by the operator accompanied by his parent or guardian. In the case of the second offense, however, the court must also approve the return of the scooter. For the third offense, a fine of not less than \$500 nor more than \$750 is provided for and the seizure and forfeiture of the scooter. The court shall also require for the performance of community service for the second and third offenses for a period not greater than 25 hours and 50 hours respectively.

The amended bill prohibits the operation of motor scooters upon any public property or lands, except that municipalities may designate, by ordinance, municipal property (other than municipal streets and sidewalks) where motorized scooters may be operated. Counties may also designate, by resolution, county property (other than county streets and sidewalks) where motorized scooters may be operated. In addition to designating the specific areas and times where and when the motorized scooters may be operated, the ordinance or resolution must include at least the following provisions and requirements governing their operation on county or municipal property: (1) each scooter must be registered with the county or municipality and receive a certificate of registration from the county or municipality; (2) the operator must have liability insurance, wear an approved helmet, be at least 12 years of age or older, if so determined by the municipality,

and demonstrate a capability to safely operate the scooter; (3) the scooter must be equipped with an effective braking system; and (4) the county or municipality must post a schedule of the penalties imposed for violations of the ordinance or resolution.

There is no prohibition against operating a motorized scooter on private property so long as the owner of that property gives his or her consent.

A motorized scooter is defined as a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards, and other vehicles with motors not in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. "Motorized scooter" does not include electric personal assistive mobility devices, motorized bicycles or low-speed vehicles; or motorized wheelchairs, mobility scooters or similar mobility devices used by persons with physical disabilities or persons where ambulatory mobility has been impaired by age or illness.

Motorized scooters that do not meet these definitions are deemed to be motorcycles and, therefore, must meet all the registration, licensing, equipment and other regulatory standards and requirements mandated in the statutes for motorcycles.

The amended bill also provides that no motorcycle may be operated on the public highways or roadways of this State unless the motorcycle was manufactured in compliance with applicable Federal Motor Safety Standards that were in effect on the day the motorcycle was manufactured and the motorcycle has a certification label, in the format prescribed by the National Highway Traffic Safety Administration, attesting to that compliance, permanently affixed by the original manufacturer.

Motorized wheelchairs are not subject to the bill's regulatory scheme.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1510 (1R), also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) permit counties, not only municipalities, to designate areas where the operation of motor scooters would be permitted;
- (2) provide for a new definition of motorized scooter, including within the definition motorized skateboards and various other types of miniature motor vehicles;
- (3) delete the penalty section and insert a new section providing for

finer, seizure of the motor scooter and community service;

(4) require motorcycles to conform to certain manufacturing and labeling standards; and

(5) require counties and municipalities permitting the use of motorized scooters on county or municipal property to issue a certificate of registration of the scooter and permit the county or municipality to prohibit persons 12 or older from operating motorized scooters on designated county or municipal property.