

39:4-10.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 208

NJSA: 39:4-10.1 (Raises age under which helmets must be worn from under 14 to under 17 years)

BILL NO: A3346 (Substituted for S2529)

SPONSOR(S): McKeon and others

DATE INTRODUCED: October 4, 2004

COMMITTEE: **ASSEMBLY:** Law and Public Safety
SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2004

SENATE: June 20, 2005

DATE OF APPROVAL: August 26, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A3346

[SPONSOR'S STATEMENT](#): (Begins on page 5 of original bill) [Yes](#)

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

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2529

[SPONSOR'S STATEMENT](#): (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Safety-helmet law extended to age 17," 8-28-2005 Home News Tribune

"Age raised to 17 for state's bicycle helmet law," 8-27-2005 Philadelphia Inquirer, p.B3

"New state law requires helmets for bike riders younger than 17," 8-27-2005 The Press, p.A1

"Governor signs helmet mandate for bikers, skateboarders under 17," 8-27-2005 The Record, p.A13

"Use your head, cyclists!", 8-27-2005 Asbury Park Press, p.A1

"Young bikers and skaters, hold onto your helmets," 8-27-2005 Star Ledger, p.1

"State extends bike helmet law," 8-27-2005 Courier News, p.A3

"Law now requires bike helmets until age 17," 8-27-2005 Courier Post

P.L. 2005, CHAPTER 208, *approved August 26, 2005*
Assembly, No. 3346

1 **AN ACT** concerning bicycle, roller skate, and skateboard helmets and
2 amending P.L.1991, c.465 and P.L.1997, c.411.

3

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

6

7 1. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to read
8 as follows:

9 1. a. A person under **[14]** 17 years of age shall not operate, or
10 ride upon a bicycle as a passenger, unless that person is wearing a
11 properly fitted and fastened bicycle helmet which meets the standards
12 of the American National Standards Institute (ANSI Z90.4 bicycle
13 helmet standard) or the Snell Memorial Foundation's 1990 Standard
14 for Protective Headgear for Use in Bicycling. This requirement shall
15 apply to a person who rides upon a bicycle while in a restraining seat
16 which is attached to the bicycle or in a trailer towed by the bicycle.

17 As used in this act, "bicycle" means a vehicle with two wheels
18 propelled solely by human power and having pedals, handle bars and
19 a saddle-like seat. The term shall include a bicycle for two or more
20 persons having seats and corresponding sets of pedals arranged in
21 tandem.

22 b. The director shall publish a list of bicycle helmets which meet
23 the standards described in subsection a. of this section and shall
24 provide for its distribution in as many locations frequented by the
25 public as the director deems appropriate and practicable.

26 c. The requirement in subsection a. of this section shall apply at all
27 times while a bicycle is being operated on any property open to the
28 public or used by the public for pedestrian and vehicular purposes;
29 however, a municipality may by ordinance exempt from this
30 requirement a person operating or riding on a bicycle as a passenger
31 when the bicycle is operated:

32 (1) on a road or highway closed to motor vehicle traffic and limited
33 to pedestrian or bicycle use at all times or only during specified
34 periods of time during which bicycles may be operated; or

35 (2) exclusively on a trail, route, course, boardwalk, path or other
36 area which is set aside for the use of bicycles or for the use of
37 pedestrians and bicycle operation is not otherwise prohibited.
38 However, an exemption may not be granted under this paragraph for
39 any portion of a trail, route, course, boardwalk, path or other area
40 which is immediately adjacent to a road or highway used by motor
41 vehicle traffic and which does not contain a barrier of sufficient height

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

Matter underlined thus is new matter.

1 and rigidity to prevent the inadvertent or deliberate entry of a bicycle
2 operator onto the road or highway.

3 d. An ordinance enacted pursuant to subsection c. of this section
4 shall specify those roads, highways, trails, routes, courses,
5 boardwalks, paths or areas within the municipality where helmets are
6 not required during the operation of a bicycle.

7 e. When a bicycle is being operated in an area where bicycle
8 helmets are not required, the operator or a passenger, except a
9 passenger in a restraining seat or trailer, shall dismount from the
10 bicycle and walk whenever it is necessary to enter a crosswalk or to
11 cross a road or highway upon which motor vehicle traffic is permitted.
12 (cf: P.L.1997, c.411, s.10)

13

14 2. Section 3 of P.L.1991, c. 465 (C.39:4-10.3) is amended to read
15 as follows:

16 3. a. A person regularly engaged in the business of selling or
17 renting bicycles shall post a sign at the point where the sale or rental
18 transaction is completed stating: "STATE LAW REQUIRES A
19 BICYCLE RIDER UNDER [14] 17 YEARS OF AGE TO WEAR A
20 HELMET." The size of the sign shall be at a minimum 15 inches in
21 length and 8 inches in width. This notification requirement shall not
22 apply to a seller when a bicycle is sold through the use of a catalog or
23 brochure and the purchase and payment are made by mail, telephone
24 or another telecommunications or electronic method.

25 A person who fails to post a sign required by this subsection within
26 60 days after the effective date of this amendatory act (P.L.1995,
27 c.177) shall be subject to a penalty not to exceed \$25 a day for each
28 day the business is open to the public and the sign is not posted. The
29 enforcement of this subsection shall be vested in the Director of the
30 Division of Consumer Affairs of the Department of Law and Public
31 Safety, the inspectors appointed under his authority, and the police or
32 peace officers of, or inspectors duly appointed for this purpose, by any
33 municipality or county or by the State. Jurisdiction of proceedings to
34 collect the penalties prescribed by this act is vested in the Superior
35 Court and the municipal court in any municipality where the defendant
36 may be apprehended or where he may reside. Process shall be either
37 a summons or warrant and shall be executed in a summary manner
38 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

39 b. A person regularly engaged in the business of renting bicycles
40 shall provide a helmet to a person under [14] 17 years of age who will
41 operate the bicycle in an area where a helmet is required, if the person
42 does not already have a helmet in his possession. A fee may be charged
43 for the helmet rental.

44 c. A person regularly engaged in the business of selling or renting
45 bicycles who complies with the applicable requirements of this section
46 shall not be liable in a civil action for damages for any physical injury

1 sustained by a bicycle operator or passenger who is under the age of
2 **[14]** 17 years as a result of the operator's or passenger's failure to
3 wear a helmet or to wear a properly fitted or fastened helmet in
4 violation of the requirements of this act.

5 d. Within 60 days after the effective date of this amendatory act
6 (P.L.1995, c.177), the Division of Consumer Affairs in the Department
7 of Law and Public Safety shall make a reasonable effort to notify any
8 person who is regularly engaged in the business of selling or renting
9 bicycles of the requirements of this section. The responsibility of a
10 person under this section shall not be abrogated or diminished in any
11 manner if the person fails to receive or become aware of a notice from
12 the division.

13 (cf: P.L.1995, c.177, s.1)

14
15 3. Section 1 of P.L.1997, c.411 (C.39:4-10.5) is amended to read
16 as follows:

17 1. a. As used in this act:

18 "Director" means the Director of Consumer Affairs in the
19 Department of Law and Public Safety.

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

23 b. A person under **[14]** 17 years of age shall not operate any roller
24 skates or skateboard unless that person is wearing a properly fitted and
25 fastened helmet which meets the standards of the American National
26 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
27 Memorial Foundation's 1990 Standard for Protective Headgear for
28 Use in Bicycling, the American Society for Testing and Materials
29 (ASTM) standard or other such standard, as appropriate.

30 c. The requirement in subsection b. of this section shall apply at all
31 times while a person subject to the provisions of this act is operating
32 roller skates or skateboarding on any property open to the public or
33 used by the public for roller skating or skateboarding.

34 (cf: P.L.1997, c.411, s.1)

35
36 4. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to read
37 as follows:

38 5. a. A person, firm, corporation or other legal entity regularly
39 engaged in the business of selling or renting roller skates or
40 skateboards shall post a sign at the point where the sale or rental
41 transaction is completed stating: "STATE LAW REQUIRES A
42 PERSON UNDER **[14]** 17 YEARS OF AGE TO WEAR A HELMET
43 WHEN ROLLER SKATING OR SKATEBOARDING." The size of
44 the sign shall be at a minimum 15 inches in length and 8 inches in
45 width. This notification requirement shall not apply to a seller when
46 roller skates are sold through the use of a mail order catalog or

1 brochure where the purchase and payment are made by mail, telephone
2 or another telecommunications or electronic method.

3 b. A person, firm, corporation or other legal entity who fails to
4 post the sign required by subsection a. of this section shall be subject
5 to a penalty not to exceed \$25 a day for each day the business is open
6 to the public and the sign is not posted. The enforcement of this
7 subsection shall be vested in the director, the inspectors appointed
8 under his authority and the police or peace officers of, or inspectors
9 duly appointed for this purpose by, any municipality or county or the
10 State. Jurisdiction of proceedings to collect the penalties prescribed
11 by this act is vested in the Superior Court and the municipal court in
12 any municipality where the defendant resides. Process shall be either
13 a summons or warrant and shall be executed in a summary manner
14 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

15 c. A person, firm, corporation or other legal entity regularly
16 engaged in the business of renting roller skates or skateboards shall
17 make available an approved helmet to a person under [14] 17 years
18 of age who rents the roller skates or skateboards for use in an area
19 where a helmet is required, if the person does not already have a
20 helmet in his possession. A fee may be charged for the helmet rental.

21 d. A person, firm, corporation or other legal entity regularly
22 engaged in the business of selling or renting roller skates or
23 skateboards who complies with the applicable requirements of this
24 section shall not be liable in a civil action for damages for any physical
25 injury sustained by a user of roller skates or a skateboard who is under
26 the age of [14] 17 years as a result of that person's failure to wear a
27 helmet in accordance with the provisions of this act.

28 e. Sixty days before the effective date of this act, the Division of
29 Consumer Affairs in the Department of Law and Public Safety shall
30 make a reasonable effort to notify any person, firm, corporation or
31 other legal entity who is regularly engaged in the business of selling or
32 renting roller skates or skateboards of the requirements of this section.
33 The responsibility of a person, firm, corporation or other legal entity
34 under this section shall not be abrogated or diminished in any manner
35 if the person fails to receive or become aware of a notice from the
36 division.

37 (cf: P.L.1997, c.411, s.5)

38

39 5. This act shall take effect on the first day of the seventh month
40 after enactment.

41

42

43

STATEMENT

44

45 Under current law, minors under 14 years of age must wear a
46 helmet when operating or riding on a bicycle, roller skate, or

1 skateboard. This bill would raise the age of that requirement to
2 include all individuals under 17 years.

3 The bill also includes technical changes, reflecting the higher age,
4 to the sections of law which:

5 (1) require businesses that rent or sell bicycles, roller skates, or
6 skateboards to post signs regarding the helmet laws; and

7 (2) limit the civil liability of those businesses.

8

9

10

11

12 Raises age under which bicycle, roller skate, and skateboard helmets
13 must be worn from under 14 to under 17 years.

ASSEMBLY, No. 3346

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

**Assemblyman Diegnan, Assemblywoman Weinberg, Assemblymen
Conners, Conaway and Senator Turner**

SYNOPSIS

Raises age under which bicycle, roller skate, and skateboard helmets must be worn from under 14 to under 17 years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2005)

1 AN ACT concerning bicycle, roller skate, and skateboard helmets and
2 amending P.L.1991, c.465 and P.L.1997, c.411.

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

6
7 1. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to read
8 as follows:

9 1. a. A person under **[14]** 17 years of age shall not operate, or
10 ride upon a bicycle as a passenger, unless that person is wearing a
11 properly fitted and fastened bicycle helmet which meets the standards
12 of the American National Standards Institute (ANSI Z90.4 bicycle
13 helmet standard) or the Snell Memorial Foundation's 1990 Standard
14 for Protective Headgear for Use in Bicycling. This requirement shall
15 apply to a person who rides upon a bicycle while in a restraining seat
16 which is attached to the bicycle or in a trailer towed by the bicycle.

17 As used in this act, "bicycle" means a vehicle with two wheels
18 propelled solely by human power and having pedals, handle bars and
19 a saddle-like seat. The term shall include a bicycle for two or more
20 persons having seats and corresponding sets of pedals arranged in
21 tandem.

22 b. The director shall publish a list of bicycle helmets which meet
23 the standards described in subsection a. of this section and shall
24 provide for its distribution in as many locations frequented by the
25 public as the director deems appropriate and practicable.

26 c. The requirement in subsection a. of this section shall apply at all
27 times while a bicycle is being operated on any property open to the
28 public or used by the public for pedestrian and vehicular purposes;
29 however, a municipality may by ordinance exempt from this
30 requirement a person operating or riding on a bicycle as a passenger
31 when the bicycle is operated:

32 (1) on a road or highway closed to motor vehicle traffic and limited
33 to pedestrian or bicycle use at all times or only during specified
34 periods of time during which bicycles may be operated; or

35 (2) exclusively on a trail, route, course, boardwalk, path or other
36 area which is set aside for the use of bicycles or for the use of
37 pedestrians and bicycle operation is not otherwise prohibited.
38 However, an exemption may not be granted under this paragraph for
39 any portion of a trail, route, course, boardwalk, path or other area
40 which is immediately adjacent to a road or highway used by motor
41 vehicle traffic and which does not contain a barrier of sufficient height
42 and rigidity to prevent the inadvertent or deliberate entry of a bicycle
43 operator onto the road or highway.

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

Matter underlined thus is new matter.

1 d. An ordinance enacted pursuant to subsection c. of this section
2 shall specify those roads, highways, trails, routes, courses,
3 boardwalks, paths or areas within the municipality where helmets are
4 not required during the operation of a bicycle.

5 e. When a bicycle is being operated in an area where bicycle
6 helmets are not required, the operator or a passenger, except a
7 passenger in a restraining seat or trailer, shall dismount from the
8 bicycle and walk whenever it is necessary to enter a crosswalk or to
9 cross a road or highway upon which motor vehicle traffic is permitted.
10 (cf: P.L.1997, c.411, s.10)

11
12 2. Section 3 of P.L.1991, c. 465 (C.39:4-10.3) is amended to read
13 as follows:

14 3. a. A person regularly engaged in the business of selling or
15 renting bicycles shall post a sign at the point where the sale or rental
16 transaction is completed stating: "STATE LAW REQUIRES A
17 BICYCLE RIDER UNDER [14] 17 YEARS OF AGE TO WEAR A
18 HELMET." The size of the sign shall be at a minimum 15 inches in
19 length and 8 inches in width. This notification requirement shall not
20 apply to a seller when a bicycle is sold through the use of a catalog or
21 brochure and the purchase and payment are made by mail, telephone
22 or another telecommunications or electronic method.

23 A person who fails to post a sign required by this subsection within
24 60 days after the effective date of this amendatory act (P.L.1995,
25 c.177) shall be subject to a penalty not to exceed \$25 a day for each
26 day the business is open to the public and the sign is not posted. The
27 enforcement of this subsection shall be vested in the Director of the
28 Division of Consumer Affairs of the Department of Law and Public
29 Safety, the inspectors appointed under his authority, and the police or
30 peace officers of, or inspectors duly appointed for this purpose, by any
31 municipality or county or by the State. Jurisdiction of proceedings to
32 collect the penalties prescribed by this act is vested in the Superior
33 Court and the municipal court in any municipality where the defendant
34 may be apprehended or where he may reside. Process shall be either
35 a summons or warrant and shall be executed in a summary manner
36 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

37 b. A person regularly engaged in the business of renting bicycles
38 shall provide a helmet to a person under [14] 17 years of age who will
39 operate the bicycle in an area where a helmet is required, if the person
40 does not already have a helmet in his possession. A fee may be charged
41 for the helmet rental.

42 c. A person regularly engaged in the business of selling or renting
43 bicycles who complies with the applicable requirements of this section
44 shall not be liable in a civil action for damages for any physical injury
45 sustained by a bicycle operator or passenger who is under the age of
46 [14] 17 years as a result of the operator's or passenger's failure to

1 wear a helmet or to wear a properly fitted or fastened helmet in
2 violation of the requirements of this act.

3 d. Within 60 days after the effective date of this amendatory act
4 (P.L.1995, c.177), the Division of Consumer Affairs in the Department
5 of Law and Public Safety shall make a reasonable effort to notify any
6 person who is regularly engaged in the business of selling or renting
7 bicycles of the requirements of this section. The responsibility of a
8 person under this section shall not be abrogated or diminished in any
9 manner if the person fails to receive or become aware of a notice from
10 the division.

11 (cf: P.L.1995, c.177, s.1)

12

13 3. Section 1 of P.L.1997, c.411 (C.39:4-10.5) is amended to read
14 as follows:

15 1. a. As used in this act:

16 "Director" means the Director of Consumer Affairs in the
17 Department of Law and Public Safety.

18 "Roller skates" means a pair of devices worn on the feet with a set
19 of wheels attached, regardless of the number or placement of those
20 wheels, and used to glide or propel the user over the ground.

21 b. A person under [14] 17 years of age shall not operate any roller
22 skates or skateboard unless that person is wearing a properly fitted and
23 fastened helmet which meets the standards of the American National
24 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
25 Memorial Foundation's 1990 Standard for Protective Headgear for
26 Use in Bicycling, the American Society for Testing and Materials
27 (ASTM) standard or other such standard, as appropriate.

28 c. The requirement in subsection b. of this section shall apply at all
29 times while a person subject to the provisions of this act is operating
30 roller skates or skateboarding on any property open to the public or
31 used by the public for roller skating or skateboarding.

32 (cf: P.L.1997, c.411, s.1)

33

34 4. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to read
35 as follows:

36 5. a. A person, firm, corporation or other legal entity regularly
37 engaged in the business of selling or renting roller skates or
38 skateboards shall post a sign at the point where the sale or rental
39 transaction is completed stating: "STATE LAW REQUIRES A
40 PERSON UNDER [14] 17 YEARS OF AGE TO WEAR A HELMET
41 WHEN ROLLER SKATING OR SKATEBOARDING." The size of
42 the sign shall be at a minimum 15 inches in length and 8 inches in
43 width. This notification requirement shall not apply to a seller when
44 roller skates are sold through the use of a mail order catalog or
45 brochure where the purchase and payment are made by mail, telephone
46 or another telecommunications or electronic method.

1 b. A person, firm, corporation or other legal entity who fails to
2 post the sign required by subsection a. of this section shall be subject
3 to a penalty not to exceed \$25 a day for each day the business is open
4 to the public and the sign is not posted. The enforcement of this
5 subsection shall be vested in the director, the inspectors appointed
6 under his authority and the police or peace officers of, or inspectors
7 duly appointed for this purpose by, any municipality or county or the
8 State. Jurisdiction of proceedings to collect the penalties prescribed
9 by this act is vested in the Superior Court and the municipal court in
10 any municipality where the defendant resides. Process shall be either
11 a summons or warrant and shall be executed in a summary manner
12 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

13 c. A person, firm, corporation or other legal entity regularly
14 engaged in the business of renting roller skates or skateboards shall
15 make available an approved helmet to a person under [14] 17 years
16 of age who rents the roller skates or skateboards for use in an area
17 where a helmet is required, if the person does not already have a
18 helmet in his possession. A fee may be charged for the helmet rental.

19 d. A person, firm, corporation or other legal entity regularly
20 engaged in the business of selling or renting roller skates or
21 skateboards who complies with the applicable requirements of this
22 section shall not be liable in a civil action for damages for any physical
23 injury sustained by a user of roller skates or a skateboard who is under
24 the age of [14] 17 years as a result of that person's failure to wear a
25 helmet in accordance with the provisions of this act.

26 e. Sixty days before the effective date of this act, the Division of
27 Consumer Affairs in the Department of Law and Public Safety shall
28 make a reasonable effort to notify any person, firm, corporation or
29 other legal entity who is regularly engaged in the business of selling or
30 renting roller skates or skateboards of the requirements of this section.
31 The responsibility of a person, firm, corporation or other legal entity
32 under this section shall not be abrogated or diminished in any manner
33 if the person fails to receive or become aware of a notice from the
34 division.

35 (cf: P.L.1997, c.411, s.5)

36

37 5. This act shall take effect on the first day of the seventh month
38 after enactment.

39

40

41

STATEMENT

42

43 Under current law, minors under 14 years of age must wear a
44 helmet when operating or riding on a bicycle, roller skate, or
45 skateboard. This bill would raise the age of that requirement to
46 include all individuals under 17 years.

A3346 MCKEON, CHIVUKULA

6

- 1 The bill also includes technical changes, reflecting the higher age,
- 2 to the sections of law which:
- 3 (1) require businesses that rent or sell bicycles, roller skates, or
- 4 skateboards to post signs regarding the helmet laws; and
- 5 (2) limit the civil liability of those businesses.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3346

STATE OF NEW JERSEY

DATED: DECEMBER 2, 2004

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3346.

Assembly Bill No. 3346 requires persons under 17 years of age to wear a helmet when operating or riding a bicycle, roller skates or a skateboard. Under current law, persons under the age of 14 years are required to wear a helmet when operating this equipment.

The bill also includes technical changes, reflecting the higher age, to the sections of law which:

- (1) require businesses that rent or sell bicycles, roller skates, or skateboards to post signs regarding the helmet laws; and
- (2) limit the civil liability of those businesses.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3346

STATE OF NEW JERSEY

DATED: MAY 23, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 3346.

Assembly Bill No. 3346 requires persons under 17 years of age to wear a helmet when operating or riding a bicycle, roller skates or a skateboard. Under current law, persons under the age of 14 years are required to wear a helmet when operating this equipment.

The bill also includes technical changes, reflecting the higher age, to the sections of law which:

- (1) require businesses that rent or sell bicycles, roller skates, or skateboards to post signs regarding the helmet laws; and
- (2) limit the civil liability of those businesses.

As reported by the committee, this bill is identical to Senate Bill No. 2529.

SENATE, No. 2529

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 12, 2005

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Raises age under which bicycle, roller skate, and skateboard helmets must be worn from under 14 to under 17 years.

CURRENT VERSION OF TEXT

As introduced.



S2529 TURNER

2

1 AN ACT concerning bicycle, roller skate, and skateboard helmets and
2 amending P.L.1991, c.465 and P.L.1997, c.411.

3

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

6

7 1. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to read
8 as follows:

9 1. a. A person under **[14]** 17 years of age shall not operate, or
10 ride upon a bicycle as a passenger, unless that person is wearing a
11 properly fitted and fastened bicycle helmet which meets the standards
12 of the American National Standards Institute (ANSI Z90.4 bicycle
13 helmet standard) or the Snell Memorial Foundation's 1990 Standard
14 for Protective Headgear for Use in Bicycling. This requirement shall
15 apply to a person who rides upon a bicycle while in a restraining seat
16 which is attached to the bicycle or in a trailer towed by the bicycle.

17 As used in this act, "bicycle" means a vehicle with two wheels
18 propelled solely by human power and having pedals, handle bars and
19 a saddle-like seat. The term shall include a bicycle for two or more
20 persons having seats and corresponding sets of pedals arranged in
21 tandem.

22 b. The director shall publish a list of bicycle helmets which meet
23 the standards described in subsection a. of this section and shall
24 provide for its distribution in as many locations frequented by the
25 public as the director deems appropriate and practicable.

26 c. The requirement in subsection a. of this section shall apply at all
27 times while a bicycle is being operated on any property open to the
28 public or used by the public for pedestrian and vehicular purposes;
29 however, a municipality may by ordinance exempt from this
30 requirement a person operating or riding on a bicycle as a passenger
31 when the bicycle is operated:

32 (1) on a road or highway closed to motor vehicle traffic and limited
33 to pedestrian or bicycle use at all times or only during specified
34 periods of time during which bicycles may be operated; or

35 (2) exclusively on a trail, route, course, boardwalk, path or other
36 area which is set aside for the use of bicycles or for the use of
37 pedestrians and bicycle operation is not otherwise prohibited.
38 However, an exemption may not be granted under this paragraph for
39 any portion of a trail, route, course, boardwalk, path or other area
40 which is immediately adjacent to a road or highway used by motor
41 vehicle traffic and which does not contain a barrier of sufficient height
42 and rigidity to prevent the inadvertent or deliberate entry of a bicycle
43 operator onto the road or highway.

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 d. An ordinance enacted pursuant to subsection c. of this section
2 shall specify those roads, highways, trails, routes, courses,
3 boardwalks, paths or areas within the municipality where helmets are
4 not required during the operation of a bicycle.

5 e. When a bicycle is being operated in an area where bicycle
6 helmets are not required, the operator or a passenger, except a
7 passenger in a restraining seat or trailer, shall dismount from the
8 bicycle and walk whenever it is necessary to enter a crosswalk or to
9 cross a road or highway upon which motor vehicle traffic is permitted.
10 (cf: P.L.1997, c.411, s.10)

11
12 2. Section 3 of P.L.1991, c. 465 (C.39:4-10.3) is amended to read
13 as follows:

14 3. a. A person regularly engaged in the business of selling or
15 renting bicycles shall post a sign at the point where the sale or rental
16 transaction is completed stating: "STATE LAW REQUIRES A
17 BICYCLE RIDER UNDER [14] 17 YEARS OF AGE TO WEAR A
18 HELMET." The size of the sign shall be at a minimum 15 inches in
19 length and 8 inches in width. This notification requirement shall not
20 apply to a seller when a bicycle is sold through the use of a catalog or
21 brochure and the purchase and payment are made by mail, telephone
22 or another telecommunications or electronic method.

23 A person who fails to post a sign required by this subsection within
24 60 days after the effective date of this amendatory act (P.L.1995,
25 c.177) shall be subject to a penalty not to exceed \$25 a day for each
26 day the business is open to the public and the sign is not posted. The
27 enforcement of this subsection shall be vested in the Director of the
28 Division of Consumer Affairs of the Department of Law and Public
29 Safety, the inspectors appointed under his authority, and the police or
30 peace officers of, or inspectors duly appointed for this purpose, by any
31 municipality or county or by the State. Jurisdiction of proceedings to
32 collect the penalties prescribed by this act is vested in the Superior
33 Court and the municipal court in any municipality where the defendant
34 may be apprehended or where he may reside. Process shall be either
35 a summons or warrant and shall be executed in a summary manner
36 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

37 b. A person regularly engaged in the business of renting bicycles
38 shall provide a helmet to a person under [14] 17 years of age who will
39 operate the bicycle in an area where a helmet is required, if the person
40 does not already have a helmet in his possession. A fee may be charged
41 for the helmet rental.

42 c. A person regularly engaged in the business of selling or renting
43 bicycles who complies with the applicable requirements of this section
44 shall not be liable in a civil action for damages for any physical injury
45 sustained by a bicycle operator or passenger who is under the age of
46 [14] 17 years as a result of the operator's or passenger's failure to

1 wear a helmet or to wear a properly fitted or fastened helmet in
2 violation of the requirements of this act.

3 d. Within 60 days after the effective date of this amendatory act
4 (P.L.1995, c.177), the Division of Consumer Affairs in the Department
5 of Law and Public Safety shall make a reasonable effort to notify any
6 person who is regularly engaged in the business of selling or renting
7 bicycles of the requirements of this section. The responsibility of a
8 person under this section shall not be abrogated or diminished in any
9 manner if the person fails to receive or become aware of a notice from
10 the division.

11 (cf: P.L.1995, c.177, s.1)

12

13 3. Section 1 of P.L.1997, c.411 (C.39:4-10.5) is amended to read
14 as follows:

15 1. a. As used in this act:

16 "Director" means the Director of Consumer Affairs in the
17 Department of Law and Public Safety.

18 "Roller skates" means a pair of devices worn on the feet with a set
19 of wheels attached, regardless of the number or placement of those
20 wheels, and used to glide or propel the user over the ground.

21 b. A person under [14] 17 years of age shall not operate any roller
22 skates or skateboard unless that person is wearing a properly fitted and
23 fastened helmet which meets the standards of the American National
24 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
25 Memorial Foundation's 1990 Standard for Protective Headgear for
26 Use in Bicycling, the American Society for Testing and Materials
27 (ASTM) standard or other such standard, as appropriate.

28 c. The requirement in subsection b. of this section shall apply at all
29 times while a person subject to the provisions of this act is operating
30 roller skates or skateboarding on any property open to the public or
31 used by the public for roller skating or skateboarding.

32 (cf: P.L.1997, c.411, s.1)

33

34 4. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to read
35 as follows:

36 5. a. A person, firm, corporation or other legal entity regularly
37 engaged in the business of selling or renting roller skates or
38 skateboards shall post a sign at the point where the sale or rental
39 transaction is completed stating: "STATE LAW REQUIRES A
40 PERSON UNDER [14] 17 YEARS OF AGE TO WEAR A HELMET
41 WHEN ROLLER SKATING OR SKATEBOARDING." The size of
42 the sign shall be at a minimum 15 inches in length and 8 inches in
43 width. This notification requirement shall not apply to a seller when
44 roller skates are sold through the use of a mail order catalog or
45 brochure where the purchase and payment are made by mail, telephone
46 or another telecommunications or electronic method.

1 b. A person, firm, corporation or other legal entity who fails to
2 post the sign required by subsection a. of this section shall be subject
3 to a penalty not to exceed \$25 a day for each day the business is open
4 to the public and the sign is not posted. The enforcement of this
5 subsection shall be vested in the director, the inspectors appointed
6 under his authority and the police or peace officers of, or inspectors
7 duly appointed for this purpose by, any municipality or county or the
8 State. Jurisdiction of proceedings to collect the penalties prescribed
9 by this act is vested in the Superior Court and the municipal court in
10 any municipality where the defendant resides. Process shall be either
11 a summons or warrant and shall be executed in a summary manner
12 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

13 c. A person, firm, corporation or other legal entity regularly
14 engaged in the business of renting roller skates or skateboards shall
15 make available an approved helmet to a person under [14] 17 years
16 of age who rents the roller skates or skateboards for use in an area
17 where a helmet is required, if the person does not already have a
18 helmet in his possession. A fee may be charged for the helmet rental.

19 d. A person, firm, corporation or other legal entity regularly
20 engaged in the business of selling or renting roller skates or
21 skateboards who complies with the applicable requirements of this
22 section shall not be liable in a civil action for damages for any physical
23 injury sustained by a user of roller skates or a skateboard who is under
24 the age of [14] 17 years as a result of that person's failure to wear a
25 helmet in accordance with the provisions of this act.

26 e. Sixty days before the effective date of this act, the Division of
27 Consumer Affairs in the Department of Law and Public Safety shall
28 make a reasonable effort to notify any person, firm, corporation or
29 other legal entity who is regularly engaged in the business of selling or
30 renting roller skates or skateboards of the requirements of this section.
31 The responsibility of a person, firm, corporation or other legal entity
32 under this section shall not be abrogated or diminished in any manner
33 if the person fails to receive or become aware of a notice from the
34 division.

35 (cf: P.L.1997, c.411, s.5)

36

37 5. This act shall take effect on the first day of the seventh month
38 after enactment.

39

40

41

STATEMENT

42

43 Under current law, minors under 14 years of age must wear a
44 helmet when operating or riding on a bicycle, roller skate, or
45 skateboard. This bill would raise the age of that requirement to
46 include all individuals under 17 years.

S2529 TURNER

6

1 The bill also includes technical changes, reflecting the higher age,
2 to the sections of law which:

3 (1) require businesses that rent or sell bicycles, roller skates, or
4 skateboards to post signs regarding the helmet laws; and

5 (2) limit the civil liability of those businesses.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2529

STATE OF NEW JERSEY

DATED: MAY 23, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2529.

Senate Bill No. 2529 requires persons under 17 years of age to wear a helmet when operating or riding a bicycle, roller skates or a skateboard.

Under current law, persons under 14 years of age must wear a helmet when operating or riding the above listed equipment.

The bill also includes technical changes, reflecting the higher age, to the sections of law which:

- (1) require businesses that rent or sell bicycles, roller skates, or skateboards to post signs regarding the helmet laws; and
- (2) limit the civil liability of those businesses.

As reported by the committee, this bill is identical to Assembly Bill No. 3346.

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: August 26, 2005

Codey Signs Bill Protecting Teens, Raising Age Requirement for Bike, Skate Helmets

(TRENTON) – Acting Governor Richard J. Codey today signed A3346/S2529 requiring anyone 17 years of age or younger to wear a helmet while bicycling, skateboarding, roller skating or blading. The bill amends a pre-existing law that went into effect in 1992, when New Jersey became the first state in the nation to require bicycle helmets for children under 14. New Jersey now joins California and Massachusetts as the only states requiring helmets until the age of 17.

“It is a proven fact that helmets save lives,” said Codey. “Yet, eighty percent of New Jersey’s high school students do not wear a helmet when riding a bike,”

“One little mistake while biking or skating can lead to a life-altering brain injury and a lifetime of tragedy for a family,” added Codey. “As parents and lawmakers, we must do everything in our power to protect the interests of our children.”

Codey signed the bill in Brick Township. He was joined by bill sponsor Assemblyman John F. McKeon (D-Essex) as well as Brick Township Mayor Joe Scarpelli and Tom Grady, Director of Advocacy and Public Affairs for the Brain Injury Association of New Jersey. Other sponsors of the bill include Assembly members Upendra J. Chivukula (D-Somerset) and Brain P. Stack (D-Hudson) and Senator Shirley K. Turner (D-Mercer).

“Our current law has already saved countless parents the horror of seeing their child die from a head injury sustained while biking or roller blading,” added McKeon. “But the need to wear a helmet does not expire on a child's 14th birthday. In fact, teenagers are more apt to pick up their level of activity as they exert their independence and should be protected equally from traumatic brain injuries as their younger counterparts.”

According to the Division of Highway Traffic Safety, in the five years prior to the initial law (1987-1991), there were a total of 41 reported bicycle-related fatalities for children age 13 and under in New Jersey. For the five years after the law went into effect, that number dropped drastically to 16. However, for children 14 and over, 75 and 71 bicycle-related fatalities were reported for those two time periods, respectively.

“The purpose of helmets and other protective gear is to help prevent traumatic brain injuries. There is simply no excuse for our youngsters to go out without wearing a helmet,” said Senator Turner. “It's a fact of life that teenagers don't always make the best decisions

when it comes to their own personal safety. By extending the minimum age for wearing helmets, we will improve their safety during these critical years and hopefully encourage them to adopt these healthy habits for a lifetime.”

The law will require that all children 17 and under wear a properly fitted and fastened bicycle helmet, which meets the requirements of the American National Standards Institute or the Snell Memorial Foundation’s 1990 Standard for Protective Headgear for Use in Bicycling. The law will also require anyone in the business of selling or renting bicycles, skateboards, roller blades or skates to post a sign at the point of transaction notifying patrons of the law.

“We must reinforce the message that the need to wear a helmet carries no expiration date,” said Chivikula. “Children and teens who wear helmets are more apt to become adults who wear helmets.”

“Children need to protect not only themselves from debilitating injury, but their families from being forced to deal with a tragic accident,” said Stack.

The law will go into effect next spring. For additional safety tips, visit the NJ Division of Highway Traffic Safety’s website at <http://www.nj.gov/lps/hts/index.html> .