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Title 39.
Chapter 4.
Article 5A. (New)
Low Speed Vehicles
§§2-6 - C.39:4-31.1
to 39:4-31.5
§7 - Note to §§1-6

P.L. 2005, CHAPTER 273, *approved January 6, 2006*
Senate, No. 1834 (*Second Reprint*)

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

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

6
7 1. 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 ²[Director of the Division of Motor Vehicles in
16 the Department of Transportation] chief administrator² when operated
17 in response to an 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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted March 7, 2005.

² Senate floor amendments adopted June 20, 2005.

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

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

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

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

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

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

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

26 "Deputy director" means deputy director of the Division of Motor
27 Vehicles in the Department of Transportation.

28 "Director" means the Director of the Division of Motor Vehicles in
29 the Department of Transportation.

30 "Division" means the Division of Motor Vehicles in the Department
31 of Transportation acting directly or through its duly authorized
32 officers or agents.

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

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

45 "Farm tractor" means every motor vehicle designed and used

1 primarily as a farm implement for drawing plows, mowing machines,
2 and other implements of husbandry.

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

5 "Gross weight" means the combined weight of a vehicle and a load
6 thereon.

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

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

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

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

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

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

23 "Leased limousine" means any limousine subject to regulation in the
24 State which:

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

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

30 "Leased motor vehicle" means any motor vehicle subject to
31 registration in this State which:

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

35 b. Is leased or rented for a period of one year or more following
36 registration.

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

44 "Local authorities" means every county, municipal and other local
45 board or body having authority to adopt local police regulations under
46 the Constitution and laws of this State, including every county

1 governing body with relation to county roads.

2 "Low-speed vehicle" means a four-wheeled ²[motor] low-speed²
3 vehicle, ²[other than a truck] as defined in 49 CFR s. 571.3(b) ²,
4 whose attainable speed is more than 20 miles per hour but ¹[less] not
5 more¹ than 25 miles per hour on a paved level surface and which ¹is
6 not powered by gasoline or diesel fuel and¹ complies with federal
7 safety standards as set forth in 49 CFR s. 571.500.

8 "Magistrate" means any municipal court and the Superior Court,
9 and any officer having the powers of a committing magistrate and the
10 [Director of the Division of Motor Vehicles in the Department of
11 Transportation] chief administrator.

12 "Manufacturer" means a person engaged in the business of
13 manufacturing or assembling motor vehicles, who will, under normal
14 business conditions during the year, manufacture or assemble at least
15 10 new motor vehicles.

16 "Metal tire" means every tire the surface of which in contact with
17 the highway is wholly or partly of metal or other hard nonresilient
18 material.

19 "Motorized bicycle" means a pedal bicycle having a helper motor
20 characterized in that either the maximum piston displacement is less
21 than 50 cc. or said motor is rated at no more than 1.5 brake
22 horsepower and said bicycle is capable of a maximum speed of no
23 more than 25 miles per hour on a flat surface.

24 "Motorcycle" includes motorcycles, motor bikes, bicycles with
25 motor attached and all motor-operated vehicles of the bicycle or
26 tricycle type, except motorized bicycles as defined in this section,
27 whether the motive power be a part thereof or attached thereto and
28 having a saddle or seat with driver sitting astride or upon it or a
29 platform on which the driver stands.

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

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

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

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

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

46 "Operator" means a person who is in actual physical control of a

1 vehicle or street car.

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

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

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

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

19 "Pedestrian" means a person afoot.

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

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

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

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

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

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

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

45 "Ridesharing" means the transportation of persons in a motor
46 vehicle, with a maximum carrying capacity of not more than 15

1 passengers, including the driver, where such transportation is
2 incidental to the purpose of the driver. The term shall include such
3 ridesharing arrangements known as car pools and van pools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 "Street" means the same as highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27

28 2. (New section) a. ¹[Except as provided in subsection c. of this
29 section, a low-speed vehicle may be operated upon any public road or
30 highway under the jurisdiction of the Department of Transportation
31 with a posted speed limit of 35 miles or less. Nothing in this section
32 shall be construed as prohibiting any low-speed vehicle from entering
33 an intersection and crossing a public road, street, or highway with a
34 posted speed limit in excess of 35 miles per hour.] ²A low-speed
35 vehicle may be operated upon any public road or highway under the
36 jurisdiction of the Department of Transportation with a posted speed
37 of 25 miles per hour or less. ² The commissioner may in ²[his] the
38 commissioner's² discretion, by order, pursuant to the provisions of
39 P.L.1998, c.28 (C.39:4-8.2 et seq.) ²[:

40 (1)] ² permit the use of low-speed vehicles upon any road and
41 highway under the jurisdiction of the Department of Transportation
42 ²[only]² where the posted speed limit is ²greater than 25 miles per
43 hour but not greater than² 35 miles per hour ²[or less; and

44 (2) notwithstanding the provisions of paragraph (1) of this
45 subsection.] . Notwithstanding the foregoing, the commissioner may
46 by order² prohibit the use of low-speed vehicles on any street under

1 the jurisdiction of the Department of Transportation where the
2 commissioner determines that the operation of low-speed vehicles
3 would constitute a hazard.¹

4 b. ²A low-speed vehicle may be operated upon any public road or
5 highway under the jurisdiction of a county or municipality with a
6 posted speed of 25 miles per hour or less.² A municipality or county
7 may, by ordinance, ¹[subject to the approval of the Commissioner of
8 Transportation,]¹ ²or a county may, by ordinance or resolution, as
9 appropriate,² in the case of any street under municipal or county
10 jurisdiction ²[, do the following:

11 (1) ²],² permit the use of low-speed vehicles ²[¹only¹]² where the
12 posted speed limit is ²greater than 25 miles per hour but not greater
13 than² 35 miles per hour ²[or less; and

14 (2) ¹notwithstanding the provisions of paragraph (1) of this
15 subjection,¹]. Notwithstanding the foregoing, a municipality or
16 county may, by ordinance, or a county may, by ordinance or
17 resolution, as appropriate,² prohibit the use of low-speed vehicles on
18 any street where the municipality or county determines that the
19 operation of low-speed vehicles would constitute a hazard.

20 c. ¹[The commissioner is authorized to adopt regulations pursuant
21 to the provisions of the "Administrative Procedures Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.) prohibiting the operation of low-speed
23 vehicles on any public road, highway or street where the commissioner
24 in his discretion determines that the operation of low-speed vehicles
25 would constitute a hazard] ²[Nothing in this section shall be
26 construed as prohibiting any low-speed vehicle from crossing a public
27 road, street, or highway, irrespective of the posted speed, if the
28 crossing occurs at a signalized intersection¹]. A low-speed vehicle
29 may enter an intersection and cross any public road or highway under
30 the jurisdiction of the Department of Transportation where the posted
31 speed is 35 miles per hour or less, provided that if the road or highway
32 is more than two lanes or is divided, such crossings shall only occur at
33 signalized intersections or at such non-signalized intersections as the
34 commissioner in the commissioner's discretion determines are
35 appropriate for such crossings either on the commissioner's own
36 motion or at the request of a county or municipality. A low-speed
37 vehicle may enter an intersection and cross any public road or highway
38 under the jurisdiction of the Department of Transportation where the
39 posted speed is in excess of 35 miles per hour only at signalized
40 intersections or at such non-signalized intersections as the
41 commissioner in the commissioner's discretion determines are
42 appropriate for such crossings either upon the commissioner's own
43 motion or at the request of a county or municipality.

44 d. A low-speed vehicle may enter an intersection and cross any
45 public road or highway under the jurisdiction of a county or

1 municipality where the posted speed is 35 miles per hour or less,
2 provided that if the road or highway is more than two lanes or is
3 divided, such crossings shall only occur at signalized intersections or
4 at such non-signalized intersections as the municipality by ordinance
5 or the county, by ordinance or resolution, as appropriate, determines
6 are appropriate for such crossing. A low-speed vehicle may enter an
7 intersection and cross any public road or highway under the
8 jurisdiction of a county or municipality where the posted speed is in
9 excess of 35 miles per hour only at signalized intersections or at such
10 non-signalized intersections as the municipality by ordinance or the
11 county by ordinance or resolution, as appropriate, determines are
12 appropriate for such crossing.

13 e. Persons operating a low-speed vehicle upon a public road, street
14 or highway or crossing a public road, street or highway in violation of
15 this section shall be subject to the general penalties of this chapter².

16
17 3. (New section) ¹a.¹ Low-speed vehicles operated upon any
18 public road or highway in this State shall be maintained in proper
19 condition and ¹[equipped with the following:

20 a. At least two headlamps on the front of the vehicle, an equal
21 number at each side, and with two turn signals, one on each side, and
22 on the rear two tail lamps, two stop lamps, two turn signals and two
23 reflectors, one of each at each side. In addition, every such vehicle
24 shall be equipped with adequate license plate illumination, and with
25 one or more lamps capable of providing parking light as required in
26 R.S.39:3-62.

27 b. Rear view mirrors located and angled as to give the driver
28 adequate rear view vision and an interior mirror and an exterior
29 mirror on the driver's side.

30 c. A windshield equipped with at least one device in good working
31 order for cleaning rain, snow or other moisture from the windshield
32 so as to provide clear vision for the driver, and all such devices shall
33 be so constructed and installed as to be operated or controlled by the
34 driver.

35 d. At least two sets of seat safety belts for the front seat of the
36 low- speed vehicle and the anchorage units necessary for their
37 attachment or other suitable restraining device. Such seat safety belts
38 and anchorage units or such restraining device shall be of a type
39 approved by the chief administrator, and, in making any such approval
40 the chief administrator shall be guided by the specifications of the
41 Society of Automotive Engineers and the standards of the United
42 States Department of Transportation] comply with the equipment
43 requirements and standards as set forth in 49 CFR s. 571.500, as
44 amended and supplemented¹.

45 ¹[e.] Low-speed vehicles operated upon any public road or
46 highway in this State shall be equipped with the following additional

1 equipment:

2 (1)¹ Brakes adequate to control the movement of and to stop ¹[and
3 to hold]¹ such vehicle ¹[, including two separate means of applying
4 the brakes. If these two separate means of applying the brakes are
5 connected in any way, they shall be so constructed that failure of any
6 one part of the operating mechanism shall not leave the vehicle
7 without brakes adequate to stop and to hold such vehicle. One of
8 these means of applying the brakes shall be so constructed that it can
9 be set to hold the vehicle, or any combination of which it forms a part,
10 stationary on any up or down grade upon which it is operated, whether
11 the vehicle or combination is empty or loaded.] ¹:

12 ¹[f.] (2)¹ An odometer¹ [.]¹ :

13 ¹[g.] (3)¹ A speedometer¹ [.]¹ ; and¹

14 ¹[h.] (4)¹ The original manufacturer's vehicle identification number
15 die stamped upon the body, or frame, or either or both of them, of the
16 vehicle or the original manufacturer's vehicle identification number die
17 stamped upon the engine or motor of the vehicle.

18 ¹b.¹ All low-speed vehicles shall have ¹[affixed]¹ a safety
19 information decal ¹as provided by the manufacturer affixed¹ in a
20 conspicuous place on the rear of the vehicle which shall display in
21 prominent lettering ²["Slow Moving Vehicle."]² "25 MPH Vehicle."²

22 ¹c.¹ Any person operating a low-speed vehicle without the
23 equipment prescribed in this section shall, on conviction, be fined ¹for
24 each violation¹ as provided in R.S.39:3-79.

25

26 4. (New section) a. Any person operating a low-speed vehicle in
27 this State authorized pursuant to section 2 of P.L. c. (C.) (now
28 before the Legislature as this bill) shall be in possession of a valid
29 driver's license pursuant to the applicable provisions of R.S.39:3-10.

30 b. Low-speed vehicles operated on the roads and highways of this
31 State shall be properly registered and insured in accordance with the
32 provisions of R.S.39:3-4. All low-speed vehicles operated on the roads
33 and highways of this State shall properly display a license plate issued
34 by the New Jersey Motor Vehicle Commission or issued pursuant to
35 the laws of another state.

36 The driver's license, the registration certificate of a motor vehicle
37 and an insurance identification card shall be in the possession of the
38 driver or operator at all times when he is in charge of a low-speed
39 vehicle on the highways of this State.

40 c. Every person operating a low-speed vehicle upon a public road,
41 street or highway shall be subject to the provisions of chapter 4 of
42 Title 39 of the Revised Statutes, and chapter 11 and chapter 12 of
43 Title 2C of the New Jersey Statutes applicable to the drivers of motor
44 vehicles.

45

46 5. (New section) a. When a new low-speed vehicle is delivered in

1 this State by the manufacturer to his agent or a dealer, or a person
2 purchasing directly from the manufacturer, the manufacturer shall
3 execute and deliver to his agent or a dealer, or a person purchasing
4 directly from the manufacturer, a certificate of origin, ¹[in the form
5 prescribed by the chief administrator]¹, and no person shall bring into
6 this State any new low-speed vehicle unless he has in his possession
7 the certificate of origin ¹[as prescribed by the chief administrator]¹.
8 The certificate of origin shall contain the manufacturer's vehicle
9 identification number and the motor number ¹.if available,¹ when
10 ¹[used of]¹ the vehicle ¹is¹ sold, ¹the¹ name of the manufacturer, the
11 manufacturer's shipping weight, ¹and identify the vehicle as a low-
12 speed vehicle, and provide¹ a general description of the body, if any,
13 the type and model and the gross vehicle weight rating.

14 When a new low-speed vehicle is sold in this State, the
15 manufacturer, his agent or a dealer shall execute and deliver to the
16 purchaser an assignment of the certificate of origin, with the genuine
17 names and business or residence addresses of both stated thereon, and
18 certified to have been executed with full knowledge of the contents
19 and with the consent of both purchaser and seller. If, in connection
20 with such sale, a security interest is taken or retained by the seller to
21 secure all or a part of the purchase price of the vehicle, or is taken by
22 a person who by making an advance or incurring an obligation gives
23 value to enable the purchaser to acquire rights in the motor vehicle,
24 the name and the business or residence address of the secured party or
25 his assignee shall be noted on the manufacturer's certificate of origin.
26 Nothing in this section shall apply to security interests in motor
27 vehicles which constitute inventory held for sale, but such interests
28 shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

29 b. Each purchaser of a new low-speed vehicle in this State shall
30 execute a waiver and certify to have purchased a low-speed vehicle
31 with full knowledge of the potentially hazardous characteristics of
32 such vehicles as detailed by the manufacturer or his agent or dealer.
33 ¹The waiver shall be prepared by the manufacturer and kept in the
34 possession of the manufacturer and his agent or dealer of low-speed
35 vehicles. An executed copy shall be provided to the purchaser.¹ The
36 signing of this waiver by the purchaser shall serve to eliminate any
37 liability of the manufacturer and his agent or dealer of low-speed
38 vehicles.

39
40 6. (New section) No low-speed vehicle shall be subject to a motor
41 vehicle inspection by the New Jersey Motor Vehicle Commission.
42 ¹The registered owner of a low-speed vehicle shall be required to
43 maintain the vehicle in proper condition as required by section 3 of this
44 act.¹

45
46 7. This act shall take effect on the 90th day after enactment but

1 such anticipatory action may be taken as necessary to effectuate the
2 purposes of this act.

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6

7 Regulates operation of certain low-speed vehicles.

SENATE, No. 1834

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Regulates operation of certain low-speed vehicles.

CURRENT VERSION OF TEXT

As introduced.



S1834 ADLER

2

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

3

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

6

7 1. 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 "Low-speed vehicle" means a four-wheeled motor vehicle, other
39 than a truck, whose attainable speed is more than 20 miles per hour
40 but less than 25 miles per hour on a paved level surface and which
41 complies with federal safety standards as set forth in 49 CFR s.
42 571.500.

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

1 "Manufacturer" means a person engaged in the business of
2 manufacturing or assembling motor vehicles, who will, under normal
3 business conditions during the year, manufacture or assemble at least
4 10 new motor vehicles.

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

8 "Motorized bicycle" means a pedal bicycle having a helper motor
9 characterized in that either the maximum piston displacement is less
10 than 50 cc. or said motor is rated at no more than 1.5 brake
11 horsepower and said bicycle is capable of a maximum speed of no
12 more than 25 miles per hour on 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, except motorized bicycles as defined in this section,
16 whether the motive power be a part thereof or attached thereto and
17 having a saddle or seat with driver sitting astride or upon it or a
18 platform on which the driver stands.

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

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

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

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

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

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

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

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

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

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

8 "Pedestrian" means a person afoot.

9 "Person" includes natural persons, firms, copartnerships,
10 associations, and corporations.

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

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

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

22 "Railroad train" means a steam engine, electric or other motor, with
23 or without cars coupled thereto, operated upon rails, except street
24 cars.

25 "Recreation vehicle" means a self-propelled or towed vehicle
26 equipped to serve as temporary living quarters for recreational,
27 camping or travel purposes and used solely as a family or personal
28 conveyance.

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

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

39 "Right-of-way" means the privilege of the immediate use of the
40 highway.

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

45 "Roadway" means that portion of a highway improved, designed,
46 or ordinarily used for vehicular travel, exclusive of the berm or

1 shoulder. In the event a highway includes two or more separate
2 roadways, the term "roadway" as used herein shall refer to any such
3 roadway separately, but not to all such roadways, collectively.

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

8 "School bus" means every motor vehicle operated by, or under
9 contract with, a public or governmental agency, or religious or other
10 charitable organization or corporation, or privately operated for
11 compensation for the transportation of children to or from school for
12 secular or religious education, which complies with the regulations of
13 the Department of Education affecting school buses, including "School
14 Vehicle Type I" and "School Vehicle Type II" as defined below:

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

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

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

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

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

43 "Shipper" means any person who shall deliver, or cause to be
44 delivered, any commodity, produce or article for transportation as the
45 contents or load of a commercial motor vehicle. In the case of a
46 sealed ocean container, "shipper" shall not be construed to include any

1 person whose activities with respect to the shipment are limited to the
2 solicitation or negotiation of the sale, resale, or exchange of the
3 commodity, produce or article within that container.

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

7 "Sidewalk" means that portion of a highway intended for the use of
8 pedestrians, between the curb line or the lateral line of a shoulder, or
9 if none, the lateral line of the roadway and the adjacent right-of-way
10 line.

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

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

14 "Solid tire" means every tire of rubber or other resilient material
15 which does not depend upon compressed air for the support of the
16 load.

17 "Street" means the same as highway.

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

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

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

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

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

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

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

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

45 "Trailer" means every vehicle with or without motive power, other
46 than a pole trailer, designed for carrying persons or property and for

1 being drawn by a motor vehicle and so constructed that no part of its
2 weight rests upon the towing vehicle.

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

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

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

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

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

16

17 2. (New section) a. Except as provided in subsection c. of this
18 section, a low-speed vehicle may be operated upon any public road or
19 highway under the jurisdiction of the Department of Transportation
20 with a posted speed limit of 35 miles or less. Nothing in this section
21 shall be construed as prohibiting any low-speed vehicle from entering
22 an intersection and crossing a public road, street, or highway with a
23 posted speed limit in excess of 35 miles per hour.

24 b. A municipality or county may, by ordinance, subject to the
25 approval of the Commissioner of Transportation, in the case of any
26 street under municipal or county jurisdiction, do the following:

27 (1) permit the use of low-speed vehicles where the posted speed
28 limit is 35 miles per hour or less; and

29 (2) prohibit the use of low-speed vehicles on any street where the
30 municipality or county determines that the operation of low-speed
31 vehicles would constitute a hazard.

32 c. The commissioner is authorized to adopt regulations pursuant
33 to the provisions of the "Administrative Procedures Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.) prohibiting the operation of low-speed
35 vehicles on any public road, highway or street where the commissioner
36 in his discretion determines that the operation of low-speed vehicles
37 would constitute a hazard.

38

39 3. (New section) Low-speed vehicles operated upon any public
40 road or highway in this State shall be maintained in proper condition
41 and equipped with the following:

42 a. At least two headlamps on the front of the vehicle, an equal
43 number at each side, and with two turn signals, one on each side, and
44 on the rear two tail lamps, two stop lamps, two turn signals and two
45 reflectors, one of each at each side. In addition, every such vehicle
46 shall be equipped with adequate license plate illumination, and with

1 one or more lamps capable of providing parking light as required in
2 R.S.39:3-62.

3 b. Rear view mirrors located and angled as to give the driver
4 adequate rear view vision and an interior mirror and an exterior
5 mirror on the driver's side.

6 c. A windshield equipped with at least one device in good working
7 order for cleaning rain, snow or other moisture from the windshield
8 so as to provide clear vision for the driver, and all such devices shall
9 be so constructed and installed as to be operated or controlled by the
10 driver.

11 d. At least two sets of seat safety belts for the front seat of the
12 low- speed vehicle and the anchorage units necessary for their
13 attachment or other suitable restraining device. Such seat safety belts
14 and anchorage units or such restraining device shall be of a type
15 approved by the chief administrator, and, in making any such approval
16 the chief administrator shall be guided by the specifications of the
17 Society of Automotive Engineers and the standards of the United
18 States Department of Transportation.

19 e. Brakes adequate to control the movement of and to stop and to
20 hold such vehicle, including two separate means of applying the
21 brakes. If these two separate means of applying the brakes are
22 connected in any way, they shall be so constructed that failure of any
23 one part of the operating mechanism shall not leave the vehicle
24 without brakes adequate to stop and to hold such vehicle. One of
25 these means of applying the brakes shall be so constructed that it can
26 be set to hold the vehicle, or any combination of which it forms a part,
27 stationary on any up or down grade upon which it is operated, whether
28 the vehicle or combination is empty or loaded.

29 f. An odometer.

30 g. A speedometer.

31 h. The original manufacturer's vehicle identification number die
32 stamped upon the body, or frame, or either or both of them, of the
33 vehicle or the original manufacturer's vehicle identification number die
34 stamped upon the engine or motor of the vehicle.

35 All low-speed vehicles shall have affixed a safety information decal
36 in a conspicuous place on the rear of the vehicle which shall display in
37 prominent lettering "Slow Moving Vehicle."

38 Any person operating a low-speed vehicle without the equipment
39 prescribed in this section shall, on conviction, be fined as provided in
40 R.S.39:3-79.

41

42 4. (New section) a. Any person operating a low-speed vehicle in
43 this State authorized pursuant to section 2 of P.L. c. (C.) (now
44 before the Legislature as this bill) shall be in possession of a valid
45 driver's license pursuant to the applicable provisions of R.S.39:3-10.

46 b. Low-speed vehicles operated on the roads and highways of this

1 State shall be properly registered and insured in accordance with the
2 provisions of R.S.39:3-4. All low-speed vehicles operated on the roads
3 and highways of this State shall properly display a license plate issued
4 by the New Jersey Motor Vehicle Commission or issued pursuant to
5 the laws of another state.

6 The driver's license, the registration certificate of a motor vehicle
7 and an insurance identification card shall be in the possession of the
8 driver or operator at all times when he is in charge of a low-speed
9 vehicle on the highways of this State.

10 c. Every person operating a low-speed vehicle upon a public road,
11 street or highway shall be subject to the provisions of chapter 4 of
12 Title 39 of the Revised Statutes, and chapter 11 and chapter 12 of
13 Title 2C of the New Jersey Statutes applicable to the drivers of motor
14 vehicles.

15
16 5. (New section) a. When a new low-speed vehicle is delivered in
17 this State by the manufacturer to his agent or a dealer, or a person
18 purchasing directly from the manufacturer, the manufacturer shall
19 execute and deliver to his agent or a dealer, or a person purchasing
20 directly from the manufacturer, a certificate of origin in the form
21 prescribed by the chief administrator, and no person shall bring into
22 this State any new low-speed vehicle unless he has in his possession
23 the certificate of origin as prescribed by the chief administrator. The
24 certificate of origin shall contain the manufacturer's vehicle
25 identification number and the motor number when used of the vehicle
26 sold, name of the manufacturer, the manufacturer's shipping weight,
27 a general description of the body, if any, the type and model and the
28 gross vehicle weight rating.

29 When a new low-speed vehicle is sold in this State, the
30 manufacturer, his agent or a dealer shall execute and deliver to the
31 purchaser an assignment of the certificate of origin, with the genuine
32 names and business or residence addresses of both stated thereon, and
33 certified to have been executed with full knowledge of the contents
34 and with the consent of both purchaser and seller. If, in connection
35 with such sale, a security interest is taken or retained by the seller to
36 secure all or a part of the purchase price of the vehicle, or is taken by
37 a person who by making an advance or incurring an obligation gives
38 value to enable the purchaser to acquire rights in the motor vehicle,
39 the name and the business or residence address of the secured party or
40 his assignee shall be noted on the manufacturer's certificate of origin.
41 Nothing in this section shall apply to security interests in motor
42 vehicles which constitute inventory held for sale, but such interests
43 shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

44 b. Each purchaser of a new low-speed vehicle in this State shall
45 execute a waiver and certify to have purchased a low-speed vehicle
46 with full knowledge of the potentially hazardous characteristics of

1 such vehicles as detailed by the manufacturer or his agent or dealer.
2 The signing of this waiver by the purchaser shall serve to eliminate any
3 liability of the manufacturer and his agent or dealer of low-speed
4 vehicles.

5

6 6. (New section) No low-speed vehicle shall be subject to a motor
7 vehicle inspection by the New Jersey Motor Vehicle Commission.

8

9 7. This act shall take effect on the 90th day after enactment but
10 such anticipatory action may be taken as necessary to effectuate the
11 purposes of this act.

12

13

14

STATEMENT

15

16 This bill would permit the operation of low-speed vehicles in the
17 State of New Jersey and sets forth a regulatory scheme for these
18 vehicles. A low-speed vehicle is defined as a four-wheeled motor
19 vehicle, other than a truck, whose attainable speed is more than 20
20 miles per hour but less than 25 miles per hour on a paved level surface
21 and complies with federal safety standards as set forth in 49 CFR s.
22 571.500.

23

24 The key provisions of this bill are summarized below:

25

26 - Low-speed vehicles may be operated upon any public road or
27 highway under the jurisdiction of the Department of Transportation
28 with a posted speed limit of 35 miles or less. Low-speed vehicles may
29 also enter an intersection and cross any public road, street, or highway
30 with a posted speed limit in excess of 35 miles per hour.

31 - The Commissioner of Transportation may adopt regulations
32 pursuant to the provisions of the "Administrative Procedures Act,"
33 P.L.1968, c.410 (C.52:14B-1 et seq.) prohibiting the operation of
34 low-speed vehicles on any public road, highway or street where the
35 commissioner in his discretion determines that the operation of low-
36 speed vehicles would constitute a hazard.

37 - Municipalities and counties may, by ordinance, subject to the
38 approval of the Commissioner of Transportation, in the case of any
39 street under municipal or county jurisdiction, permit the use of low-
40 speed vehicles where the posted speed limit is 35 miles per hour or less
41 and prohibit the use of low-speed vehicles on any street where the
42 municipality or county determines that the operation of low-speed
43 vehicles would constitute a hazard.

44 - The bill sets forth the apparatus a low-speed vehicle must be
45 equipped with, including a safety information decal to be affixed in a
46 conspicuous place on the rear of the vehicle which shall display in

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13

1 prominent lettering "Slow Moving Vehicle."

2 - Any person operating a low-speed vehicle in this State must be
3 in possession of a valid driver's license.

4 - All low-speed vehicles operated on the roads and highways of
5 this State shall be properly registered and insured. All low-speed
6 vehicles operated on the roads and highways of this State shall
7 properly display a license plate issued by the New Jersey Motor
8 Vehicle Commission or issued pursuant to the laws of another state.

9 - When a new low-speed vehicle is sold or delivered in this State,
10 the manufacturer, his agent or a dealer or a person purchasing directly
11 from the manufacturer, shall execute and deliver to the purchaser an
12 assignment of the certificate of origin, with the genuine names and
13 business or residence addresses of both stated thereon, and certified
14 to have been executed with full knowledge of the contents and with
15 the consent of both purchaser and seller.

16 - Each purchaser of a new low-speed vehicle in this State shall
17 execute a waiver and certify to have purchased a low-speed vehicle
18 with full knowledge of the potentially hazardous characteristics of
19 such vehicles as detailed by the manufacturer or his agent or dealer.
20 The signing of this waiver by the purchaser shall serve to eliminate any
21 liability of the manufacturer and his agent or dealer of low-speed
22 vehicles.

23 - No low-speed vehicle shall be subject to inspection by the New
24 Jersey Motor Vehicle Commission.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1834

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Senate Transportation Committee reports favorably Senate Bill No. 1834 with committee amendments.

This amended bill would permit the operation of low-speed vehicles in the State of New Jersey and sets forth a regulatory scheme for these vehicles. A low-speed vehicle is defined as a four-wheeled motor vehicle, other than a truck, whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 CFR s. 571.500.

The key provisions of the bill are summarized below:

- The Commissioner of Transportation may by order permit the use of low-speed vehicles upon any road or highway under the jurisdiction of the Department of Transportation (DOT) only where the posted speed limit is 35 miles per hour or less except that low-speed vehicles may be prohibited on any street under DOT jurisdiction where the commissioner determines that the operation of low-speed vehicles would constitute a hazard.

- Municipalities and counties may, by ordinance, in the case of any street under municipal or county jurisdiction, permit the use of low-speed vehicles where the posted speed is 35 miles per hour or less, except that they may prohibit the use of low-speed vehicles on any street where the municipality or county determines that the operation of low-speed vehicles would constitute a hazard.

- The bill sets forth the equipment a low-speed vehicle must possess, including a safety information decal provided by the manufacturer affixed in a conspicuous place on the rear of the vehicle which shall display in prominent lettering "Slow Moving Vehicle."

- Any person operating a low-speed vehicle in this State must be in possession of a valid driver's license.

- All low-speed vehicles operated on the roads and highways of this State shall be properly registered and insured. All low-speed vehicles operated on the roads and highways of this State shall properly display a license plate issued by the New Jersey Motor Vehicle Commission or issued pursuant to the laws of another state.

- When a new low-speed vehicle is sold or delivered in this State, the manufacturer, his agent or a dealer or a person purchasing directly from the manufacturer, shall execute and deliver to the purchaser an assignment of the certificate of origin, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller.

- Each purchaser of a new low-speed vehicle in this State shall execute a waiver and certify to have purchased a low-speed vehicle with full knowledge of the potentially hazardous characteristics of such vehicles as detailed by the manufacturer or his agent or dealer. The waiver shall be prepared by the manufacturer and kept in the possession of the manufacturer and his agent or dealer. An executed copy shall be provided to the purchaser. The signing of this waiver by the purchaser shall serve to eliminate any liability of the manufacturer and his agent or dealer of low-speed vehicles.

- No low-speed vehicle shall be subject to inspection by the New Jersey Motor Vehicle Commission. However, the registered owner shall be required to maintain the vehicle in proper condition as required by section 3 of the bill.

The committee amended the bill to change the definition of low-speed vehicles, clarify the power of the Commissioner of Transportation to permit or prohibit low-speed vehicles on roads under DOT jurisdiction, change the equipment requirements to reference 49 CFR s.571.500, and require the waiver to be prepared by the manufacturer, a copy of which is to be delivered to the purchaser of the low-speed vehicle. In addition, the owner of a low-speed vehicle would, under the amendments, be required to maintain the vehicle in proper condition as required by section 3 of the bill.

STATEMENT TO
[First Reprint]
SENATE, No. 1834

with Senate Floor Amendments
(Proposed By Senator ADLER)

ADOPTED: JUNE 20, 2005

These amendments alter the definition of low-speed vehicles to reference 49 C.F.R. 571.3(b), delete reference to a truck and change the power of the Commissioner of Transportation and the localities to regulate low-speed vehicles by permitting a low-speed vehicle to operate on any road or highway with a posted speed of 25 miles per hour or less. The commissioner may by order permit low-speed vehicles to operate on roads under Department of Transportation jurisdiction where the posted speed is greater than 25 miles but not greater than 35 miles per hour. In like fashion a county or municipality may permit low-speed vehicles to operate on roads under local jurisdiction where the posted speed is greater than 25 miles but not greater than 35 miles per hour. In both cases, however, the right of the commissioner and the localities, respectively, to prohibit low-speed vehicles on any road is retained where their operation would constitute a hazard.

The amendments further provide that a low-speed vehicle may enter an intersection and cross any public road or highway under DOT jurisdiction where the posted speed is 35 miles per hour or less; however, if the road or highway is more than two lanes or is divided, such crossings shall only occur at signalized intersections or at non-signalized intersections approved by the Commissioner of Transportation in the commissioner's discretion on the commissioner's own motion or at the request of a locality. If such a road or highway has a posted speed in excess of 35 miles per hour crossings may only occur at signalized intersections or a nonsignalized intersections following the above approval procedures.

A low-speed vehicle may enter an intersection and cross any public road or highway under local jurisdiction where the posted speed is 35 miles per hour or less; however, if the road or highway is more than two lanes or is divided, such crossings shall only occur at signalized intersections or at non-signalized intersections as approved by the locality. If such a highway has a posted speed in excess of 35 miles per hour crossings may only occur at signalized intersections or at non-signalized intersections following the local approval procedure.

Persons violating section 2 of the bill would be subject to the general penalties of the chapter which that section is supplementing.

Finally, the amendments change the safety information decal required to be posted on the rear of a low-speed vehicle from "Slow Moving Vehicle" to "25 MPH Vehicle."

ASSEMBLY, No. 3774

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 7, 2005

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Regulates operation of certain low-speed vehicles.

CURRENT VERSION OF TEXT

As introduced.



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

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

6
7 1. 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 "Low-speed vehicle" means a four-wheeled motor vehicle, other
39 than a truck, whose attainable speed is more than 20 miles per hour
40 but less than 25 miles per hour on a paved level surface and which
41 complies with federal safety standards as set forth in 49 CFR s.
42 571.500.

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

1 "Manufacturer" means a person engaged in the business of
2 manufacturing or assembling motor vehicles, who will, under normal
3 business conditions during the year, manufacture or assemble at least
4 10 new motor vehicles.

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

8 "Motorized bicycle" means a pedal bicycle having a helper motor
9 characterized in that either the maximum piston displacement is less
10 than 50 cc. or said motor is rated at no more than 1.5 brake
11 horsepower and said bicycle is capable of a maximum speed of no
12 more than 25 miles per hour on 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, except motorized bicycles as defined in this section,
16 whether the motive power be a part thereof or attached thereto and
17 having a saddle or seat with driver sitting astride or upon it or a
18 platform on which the driver stands.

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

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

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

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

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

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

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

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

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

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

8 "Pedestrian" means a person afoot.

9 "Person" includes natural persons, firms, copartnerships,
10 associations, and corporations.

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

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

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

22 "Railroad train" means a steam engine, electric or other motor, with
23 or without cars coupled thereto, operated upon rails, except street
24 cars.

25 "Recreation vehicle" means a self-propelled or towed vehicle
26 equipped to serve as temporary living quarters for recreational,
27 camping or travel purposes and used solely as a family or personal
28 conveyance.

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

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

39 "Right-of-way" means the privilege of the immediate use of the
40 highway.

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

45 "Roadway" means that portion of a highway improved, designed,
46 or ordinarily used for vehicular travel, exclusive of the berm or

1 shoulder. In the event a highway includes two or more separate
2 roadways, the term "roadway" as used herein shall refer to any such
3 roadway separately, but not to all such roadways, collectively.

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

8 "School bus" means every motor vehicle operated by, or under
9 contract with, a public or governmental agency, or religious or other
10 charitable organization or corporation, or privately operated for
11 compensation for the transportation of children to or from school for
12 secular or religious education, which complies with the regulations of
13 the Department of Education affecting school buses, including "School
14 Vehicle Type I" and "School Vehicle Type II" as defined below:

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

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

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

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

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

43 "Shipper" means any person who shall deliver, or cause to be
44 delivered, any commodity, produce or article for transportation as the
45 contents or load of a commercial motor vehicle. In the case of a
46 sealed ocean container, "shipper" shall not be construed to include any

1 person whose activities with respect to the shipment are limited to the
2 solicitation or negotiation of the sale, resale, or exchange of the
3 commodity, produce or article within that container.

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

7 "Sidewalk" means that portion of a highway intended for the use of
8 pedestrians, between the curb line or the lateral line of a shoulder, or
9 if none, the lateral line of the roadway and the adjacent right-of-way
10 line.

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

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

14 "Solid tire" means every tire of rubber or other resilient material
15 which does not depend upon compressed air for the support of the
16 load.

17 "Street" means the same as highway.

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

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

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

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

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

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

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

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

45 "Trailer" means every vehicle with or without motive power, other
46 than a pole trailer, designed for carrying persons or property and for

1 being drawn by a motor vehicle and so constructed that no part of its
2 weight rests upon the towing vehicle.

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

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

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

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

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

16

17 2. (New section) a. Except as provided in subsection c. of this
18 section, a low-speed vehicle may be operated upon any public road or
19 highway under the jurisdiction of the Department of Transportation
20 with a posted speed limit of 35 miles or less. Nothing in this section
21 shall be construed as prohibiting any low-speed vehicle from entering
22 an intersection and crossing a public road, street, or highway with a
23 posted speed limit in excess of 35 miles per hour.

24 b. A municipality or county may, by ordinance, subject to the
25 approval of the Commissioner of Transportation, in the case of any
26 street under municipal or county jurisdiction, do the following:

27 (1) permit the use of low-speed vehicles where the posted speed
28 limit is 35 miles per hour or less; and

29 (2) prohibit the use of low-speed vehicles on any street where the
30 municipality or county determines that the operation of low-speed
31 vehicles would constitute a hazard.

32 c. The commissioner is authorized to adopt regulations pursuant
33 to the provisions of the "Administrative Procedures Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.) prohibiting the operation of low-speed
35 vehicles on any public road, highway or street where the commissioner
36 in his discretion determines that the operation of low-speed vehicles
37 would constitute a hazard.

38

39 3. (New section) Low-speed vehicles operated upon any public
40 road or highway in this State shall be maintained in proper condition
41 and equipped with the following:

42 a. At least two headlamps on the front of the vehicle, an equal
43 number at each side, and with two turn signals, one on each side, and
44 on the rear two tail lamps, two stop lamps, two turn signals and two
45 reflectors, one of each at each side. In addition, every such vehicle
46 shall be equipped with adequate license plate illumination, and with

1 one or more lamps capable of providing parking light as required in
2 R.S.39:3-62.

3 b. Rear view mirrors located and angled as to give the driver
4 adequate rear view vision and an interior mirror and an exterior
5 mirror on the driver's side.

6 c. A windshield equipped with at least one device in good working
7 order for cleaning rain, snow or other moisture from the windshield
8 so as to provide clear vision for the driver, and all such devices shall
9 be so constructed and installed as to be operated or controlled by the
10 driver.

11 d. At least two sets of seat safety belts for the front seat of the
12 low- speed vehicle and the anchorage units necessary for their
13 attachment or other suitable restraining device. Such seat safety belts
14 and anchorage units or such restraining device shall be of a type
15 approved by the chief administrator, and, in making any such approval
16 the chief administrator shall be guided by the specifications of the
17 Society of Automotive Engineers and the standards of the United
18 States Department of Transportation.

19 e. Brakes adequate to control the movement of and to stop and to
20 hold such vehicle, including two separate means of applying the
21 brakes. If these two separate means of applying the brakes are
22 connected in any way, they shall be so constructed that failure of any
23 one part of the operating mechanism shall not leave the vehicle
24 without brakes adequate to stop and to hold such vehicle. One of
25 these means of applying the brakes shall be so constructed that it can
26 be set to hold the vehicle, or any combination of which it forms a part,
27 stationary on any up or down grade upon which it is operated, whether
28 the vehicle or combination is empty or loaded.

29 f. An odometer.

30 g. A speedometer.

31 h. The original manufacturer's vehicle identification number die
32 stamped upon the body, or frame, or either or both of them, of the
33 vehicle or the original manufacturer's vehicle identification number die
34 stamped upon the engine or motor of the vehicle.

35 All low-speed vehicles shall have affixed a safety information decal
36 in a conspicuous place on the rear of the vehicle which shall display in
37 prominent lettering "Slow Moving Vehicle."

38 Any person operating a low-speed vehicle without the equipment
39 prescribed in this section shall, on conviction, be fined as provided in
40 R.S.39:3-79.

41

42 4. (New section) a. Any person operating a low-speed vehicle in
43 this State authorized pursuant to section 2 of P.L. c. (C.) (now
44 before the Legislature as this bill) shall be in possession of a valid
45 driver's license pursuant to the applicable provisions of R.S.39:3-10.

46 b. Low-speed vehicles operated on the roads and highways of this

1 State shall be properly registered and insured in accordance with the
2 provisions of R.S.39:3-4. All low-speed vehicles operated on the roads
3 and highways of this State shall properly display a license plate issued
4 by the New Jersey Motor Vehicle Commission or issued pursuant to
5 the laws of another state.

6 The driver's license, the registration certificate of a motor vehicle
7 and an insurance identification card shall be in the possession of the
8 driver or operator at all times when he is in charge of a low-speed
9 vehicle on the highways of this State.

10 c. Every person operating a low-speed vehicle upon a public road,
11 street or highway shall be subject to the provisions of chapter 4 of
12 Title 39 of the Revised Statutes, and chapter 11 and chapter 12 of
13 Title 2C of the New Jersey Statutes applicable to the drivers of motor
14 vehicles.

15

16 5. (New section) a. When a new low-speed vehicle is delivered in
17 this State by the manufacturer to his agent or a dealer, or a person
18 purchasing directly from the manufacturer, the manufacturer shall
19 execute and deliver to his agent or a dealer, or a person purchasing
20 directly from the manufacturer, a certificate of origin in the form
21 prescribed by the chief administrator, and no person shall bring into
22 this State any new low-speed vehicle unless he has in his possession
23 the certificate of origin as prescribed by the chief administrator. The
24 certificate of origin shall contain the manufacturer's vehicle
25 identification number and the motor number when used of the vehicle
26 sold, name of the manufacturer, the manufacturer's shipping weight,
27 a general description of the body, if any, the type and model and the
28 gross vehicle weight rating.

29 When a new low-speed vehicle is sold in this State, the
30 manufacturer, his agent or a dealer shall execute and deliver to the
31 purchaser an assignment of the certificate of origin, with the genuine
32 names and business or residence addresses of both stated thereon, and
33 certified to have been executed with full knowledge of the contents
34 and with the consent of both purchaser and seller. If, in connection
35 with such sale, a security interest is taken or retained by the seller to
36 secure all or a part of the purchase price of the vehicle, or is taken by
37 a person who by making an advance or incurring an obligation gives
38 value to enable the purchaser to acquire rights in the motor vehicle,
39 the name and the business or residence address of the secured party or
40 his assignee shall be noted on the manufacturer's certificate of origin.
41 Nothing in this section shall apply to security interests in motor
42 vehicles which constitute inventory held for sale, but such interests
43 shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

44 b. Each purchaser of a new low-speed vehicle in this State shall
45 execute a waiver and certify to have purchased a low-speed vehicle
46 with full knowledge of the potentially hazardous characteristics of

1 such vehicles as detailed by the manufacturer or his agent or dealer.
2 The signing of this waiver by the purchaser shall serve to eliminate any
3 liability of the manufacturer and his agent or dealer of low-speed
4 vehicles.

5
6 6. (New section) No low-speed vehicle shall be subject to a motor
7 vehicle inspection by the New Jersey Motor Vehicle Commission.

8
9 7. This act shall take effect on the 90th day after enactment but
10 such anticipatory action may be taken as necessary to effectuate the
11 purposes of this act.

12
13
14 STATEMENT

15
16 This bill would permit the operation of low-speed vehicles in the
17 State of New Jersey and sets forth a regulatory scheme for these
18 vehicles. A low-speed vehicle is defined as a four-wheeled motor
19 vehicle, other than a truck, whose attainable speed is more than 20
20 miles per hour but less than 25 miles per hour on a paved level surface
21 and complies with federal safety standards as set forth in 49 CFR s.
22 571.500.

23
24 The key provisions of this bill are summarized below:

25
26 - Low-speed vehicles may be operated upon any public road or
27 highway under the jurisdiction of the Department of Transportation
28 with a posted speed limit of 35 miles or less. Low-speed vehicles may
29 also enter an intersection and cross any public road, street, or highway
30 with a posted speed limit in excess of 35 miles per hour.

31 - The Commissioner of Transportation may adopt regulations
32 pursuant to the provisions of the "Administrative Procedures Act,"
33 P.L.1968, c.410 (C.52:14B-1 et seq.) prohibiting the operation of
34 low-speed vehicles on any public road, highway or street where the
35 commissioner in his discretion determines that the operation of low-
36 speed vehicles would constitute a hazard.

37 - Municipalities and counties may, by ordinance, subject to the
38 approval of the Commissioner of Transportation, in the case of any
39 street under municipal or county jurisdiction, permit the use of low-
40 speed vehicles where the posted speed limit is 35 miles per hour or less
41 and prohibit the use of low-speed vehicles on any street where the
42 municipality or county determines that the operation of low-speed
43 vehicles would constitute a hazard.

44 - The bill sets forth the apparatus a low-speed vehicle must be
45 equipped with, including a safety information decal to be affixed in a
46 conspicuous place on the rear of the vehicle which shall display in

- 1 prominent lettering "Slow Moving Vehicle."
- 2 - Any person operating a low-speed vehicle in this State must be
3 in possession of a valid driver's license.
- 4 - All low-speed vehicles operated on the roads and highways of
5 this State shall be properly registered and insured. All low-speed
6 vehicles operated on the roads and highways of this State shall
7 properly display a license plate issued by the New Jersey Motor
8 Vehicle Commission or issued pursuant to the laws of another state.
- 9 - When a new low-speed vehicle is sold or delivered in this State,
10 the manufacturer, his agent or a dealer or a person purchasing directly
11 from the manufacturer, shall execute and deliver to the purchaser an
12 assignment of the certificate of origin, with the genuine names and
13 business or residence addresses of both stated thereon, and certified
14 to have been executed with full knowledge of the contents and with
15 the consent of both purchaser and seller.
- 16 - Each purchaser of a new low-speed vehicle in this State shall
17 execute a waiver and certify to have purchased a low-speed vehicle
18 with full knowledge of the potentially hazardous characteristics of
19 such vehicles as detailed by the manufacturer or his agent or dealer.
20 The signing of this waiver by the purchaser shall serve to eliminate any
21 liability of the manufacturer and his agent or dealer of low-speed
22 vehicles.
- 23 - No low-speed vehicle shall be subject to inspection by the New
24 Jersey Motor Vehicle Commission.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3774

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 2005

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 3774.

As reported, this amended bill would permit the operation of low-speed vehicles in the State of New Jersey and sets forth a regulatory scheme for these vehicles. A low-speed vehicle is defined as a four-wheeled motor vehicle whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 CFR s. 571.500.

The key provisions of the bill are summarized below:

- The Commissioner of Transportation may by order permit the use of low-speed vehicles upon any road or highway under the jurisdiction of the Department of Transportation (DOT) only where the posted speed limit is 35 miles per hour or less except that low-speed vehicles may be prohibited on any street under DOT jurisdiction where the commissioner determines that the operation of low-speed vehicles would constitute a hazard.

- Municipalities and counties may, by ordinance, in the case of any street under municipal or county jurisdiction, permit the use of low-speed vehicles where the posted speed is 35 miles per hour or less, except that they may prohibit the use of low-speed vehicles on any street where the municipality or county determines that the operation of low-speed vehicles would constitute a hazard. However, low-speed vehicles are permitted to cross roads or highways where the posted speed limit is 35 miles per hour or less, except that if the road is multi-laned or divided or the speed limit is in excess of 35 miles per hour, crossings must occur at a signalized intersection.

- The bill sets forth the equipment a low-speed vehicle must possess, including a safety information decal provided by the manufacturer affixed in a conspicuous place on the rear of the vehicle which shall display in prominent lettering "Slow Moving Vehicle."

- Any person operating a low-speed vehicle in this State must be in possession of a valid driver's license.

- All low-speed vehicles operated on the roads and highways of

this State shall be properly registered and insured. All low-speed vehicles operated on the roads and highways of this State shall properly display a license plate issued by the New Jersey Motor Vehicle Commission or issued pursuant to the laws of another state.

- When a new low-speed vehicle is sold or delivered in this State, the manufacturer, his agent or a dealer or a person purchasing directly from the manufacturer, shall execute and deliver to the purchaser an assignment of the certificate of origin, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller.

- Each purchaser of a new low-speed vehicle in this State shall execute a waiver and certify to have purchased a low-speed vehicle with full knowledge of the potentially hazardous characteristics of such vehicles as detailed by the manufacturer or his agent or dealer. The waiver shall be prepared by the manufacturer and kept in the possession of the manufacturer and his agent or dealer. An executed copy shall be provided to the purchaser. The signing of this waiver by the purchaser shall serve to eliminate any liability of the manufacturer and his agent or dealer of low-speed vehicles.

- No low-speed vehicle shall be subject to inspection by the New Jersey Motor Vehicle Commission. However, the registered owner shall be required to maintain the vehicle in proper condition as required by section 3 of the bill.

COMMITTEE AMENDMENTS

The committee amended the bill to change the definition of low-speed vehicles, clarify the power of the Commissioner of Transportation to permit or prohibit low-speed vehicles on roads under DOT jurisdiction, change the equipment requirements to reference 49 CFR s.571.500, and require the waiver to be prepared by the manufacturer, a copy of which is to be delivered to the purchaser of the low-speed vehicle. In addition, the owner of a low-speed vehicle would, under the amendments, be required to maintain the vehicle in proper condition as required by section 3 of the bill. The amendments also permit crossing of roads by low-speed vehicles under certain conditions.