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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"A boy and his scooter drive a new law," The Star-Ledger, January 27, 2007, p.14

RWH 4/8/08

P.L. 2007, CHAPTER 21, *approved January 26, 2007*
Senate, No. 1074 (*Fourth Reprint*)

1 AN ACT authorizing certain use of scooters on public land and
2 amending P.L.2005, c.159 and supplementing chapter 4 of Title
3 39 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.2005, c.159 (C.39:4-14.12) is amended to
9 read as follows:

10 2. a. No person , except for an operator with a mobility-related
11 disability, as authorized by section 2 of P.L. , c. (C.)
12 (pending before the Legislature as this bill), shall operate a
13 motorized scooter upon any public street, highway or sidewalk.

14 b. Except as otherwise provided in section 4 of P.L.2005, c.159
15 (C.39:4-14.14), no person , except for an operator with a mobility-
16 related disability, as authorized by section 2 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), shall operate a
18 motorized scooter upon any public property or lands.

19 c. No person shall operate a motorized scooter on the property
20 of another without the consent of the owner of that property or the
21 person who has a contractual right to the use of that property.
22 (cf: P.L.2005, c.159, s.2)

23
24 2. (New section) a. Upon request, the Chief Administrator of
25 the New Jersey Motor Vehicle Commission shall issue to any
26 holder of a handicapped person identification card, a placard or
27 sticker of such size and design as shall be determined by the chief
28 administrator in consultation with the Division of Vocational
29 Rehabilitation Services in the Department of Labor and Workforce
30 Development and the Division of Disability Services in the
31 Department of Human Services, indicating that a handicapped
32 person identification card has been issued to the person designated
33 therein and that the person so designated may operate the motorized
34 scooter ¹**[in places otherwise prohibited under subsections a. and b.**
35 **of section 2 of P.L.2005, c.159 (C.39:4-14.12)]** on public streets as
36 provided in subsection e. of this section¹. The placard or sticker
37 shall be displayed in such manner as the chief administrator shall
38 determine on the motorized scooter used by the named individual
39 with a mobility-related disability.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted May 11, 2006.

²Senate floor amendments adopted May 18, 2006.

³Senate floor amendments adopted June 22, 2006.

⁴Senate floor amendments adopted June 26, 2006.

1 b. Any motorized scooter operated by a person with a mobility-
2 related disability shall be registered with the municipality in which
3 the operator resides. As a condition for such registration, the owner
4 or operator shall produce or display appropriate proof that a policy
5 of liability insurance is in effect for that motorized scooter. The
6 municipality or county may impose a reasonable fee to cover the
7 costs of registration.

8 c Any person with a mobility-related disability who operates a
9 motorized scooter shall wear a properly fitted and fastened helmet
10 which meets the Consumer Product Safety Commission standard or
11 such other standard, as appropriate.

12 d. Any motorized scooter operated by a person with a mobility-
13 related disability shall be equipped with a brake that will enable the
14 operator to stop the scooter in a safe and effective manner.

15 e. ¹A properly registered motorized scooter may be operated by
16 a properly designated person with a mobility-related disability on
17 any public street with a posted speed limit not exceeding 25 miles
18 per hour. ²If the authority having jurisdiction over the public street
19 determines that a properly registered motorized scooter operated by
20 a properly designated person with a mobility-related disability may
21 be operated on a public street with a posted speed limit in excess of
22 25 miles per hour, but not exceeding 35 miles per hour, or any
23 portion thereof, without posing a danger to the safety and well-
24 being of the operator of the ³[motor] motorized³ scooter or
25 impeding the safe flow and operation of traffic, a properly
26 registered motorized scooter may be operated on that designated
27 public street, or designated portion thereof, by a properly
28 designated person.² ⁴A municipality or county may make such a
29 determination by ordinance or resolution, as appropriate, but such
30 ordinance or resolution shall not require the approval of the
31 Commissioner of Transportation.⁴

32 f. ³[A properly registered motorized scooter shall not be
33 operated in excess of 15 miles per hour on any public street] No
34 motorized scooter that is capable of a maximum speed of more than
35 15 miles per hour shall be registered or operated on a public street
36 under the provisions of this section³.

37 g.¹ ⁴[No] Neither the State nor any⁴ municipality or county ⁴,
38 nor any agency, official or employee thereof,⁴ shall assume
39 responsibility for or incur liability for any injury to person or
40 property caused by any act of a person with a mobility-related
41 disability who operates a motorized scooter upon its designated
42 municipal ⁴[or] ⁴ county ⁴or State⁴ property.

43 ³h. For the purposes of this section, “motorized scooter” shall
44 mean a gas or electric powered scooter or mini scooter which is
45 capable of a maximum speed of not more than 15 miles per hour on
46 a flat surface. Nothing in this section shall be construed to
47 authorize or permit the registration or operation of any pocket bike.

1 super pocket bike, sport scooter, mini chopper, mini motorcycle, or
2 motorized skateboard on any public street by a person with a
3 mobility-related disability.³

4
5 3. This act shall take effect on the first day of the fourth month
6 following enactment, provided, however, that no person with a
7 mobility-related disability shall be deemed in violation of section 2
8 or 4 of P.L.2005, c.159 (C.39:4-14.12 or (C.39:4-14.14) prior to this
9 effective date, but the Chief Administrator of the Motor Vehicle
10 Commission may take such anticipatory acts in advance of that date
11 as may be necessary for the timely implementation of this act upon
12 its effective date.

13

14

15

16

17 Authorizes people with mobility-related disabilities to operate
18 scooters on public property.

SENATE, No. 1074

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 26, 2006

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator JOSEPH CONIGLIO

District 38 (Bergen)

SYNOPSIS

Authorizes people with mobility-related disabilities to operate scooters on public property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/7/2006)

S1074 LITTELL, CONIGLIO

2

1 AN ACT authorizing certain use of scooters on public land and
2 amending P.L.2005, c.159 and supplementing chapter 4 of Title
3 39 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.2005, c.159 (C.39:4-14.12) is amended to
9 read as follows:

10 2. a. No person , except for an operator with a mobility-related
11 disability, as authorized by section 2 of P.L. , c. (C.)
12 (pending before the Legislature as this bill), shall operate a
13 motorized scooter upon any public street, highway or sidewalk.

14 b. Except as otherwise provided in section 4 of P.L.2005, c.159
15 (C.39:4-14.14), no person , except for an operator with a mobility-
16 related disability, as authorized by section 2 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), shall operate a
18 motorized scooter upon any public property or lands.

19 c. No person shall operate a motorized scooter on the property
20 of another without the consent of the owner of that property or the
21 person who has a contractual right to the use of that property.

22 (cf: P.L.2005, c.159, s.2)

23

24 2. (New section) a. Upon request, the Chief Administrator of
25 the New Jersey Motor Vehicle Commission shall issue to any
26 holder of a handicapped person identification card, a placard or
27 sticker of such size and design as shall be determined by the chief
28 administrator in consultation with the Division of Vocational
29 Rehabilitation Services in the Department of Labor and Workforce
30 Development and the Division of Disability Services in the
31 Department of Human Services, indicating that a handicapped
32 person identification card has been issued to the person designated
33 therein and that the person so designated may operate the motorized
34 scooter in places otherwise prohibited under subsections a. and b. of
35 section 2 of P.L.2005, c.159 (C.39:4-14.12). The placard or sticker
36 shall be displayed in such manner as the chief administrator shall
37 determine on the motorized scooter used by the named individual
38 with a mobility-related disability.

39 b. Any motorized scooter operated by a person with a mobility-
40 related disability shall be registered with the municipality in which
41 the operator resides. As a condition for such registration, the owner
42 or operator shall produce or display appropriate proof that a policy
43 of liability insurance is in effect for that motorized scooter. The
44 municipality or county may impose a reasonable fee to cover the
45 costs of registration.

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

Matter underlined thus is new matter.

1 c Any person with a mobility-related disability who operates a
2 motorized scooter shall wear a properly fitted and fastened helmet
3 which meets the Consumer Product Safety Commission standard or
4 such other standard, as appropriate.

5 d. Any motorized scooter operated by a person with a mobility-
6 related disability shall be equipped with a brake that will enable the
7 operator to stop the scooter in a safe and effective manner.

8 e. No municipality or county shall assume responsibility for or
9 incur liability for any injury to person or property caused by any act
10 of a person with a mobility-related disability who operates a
11 motorized scooter upon its designated municipal or county property.

12
13 3. This act shall take effect on the first day of the fourth month
14 following enactment, provided, however, that no person with a
15 mobility-related disability shall be deemed in violation of section 2
16 or 4 of P.L.2005, c.159 (C.39:4-14.12 or (C.39:4-14.14) prior to this
17 effective date, but the Chief Administrator of the Motor Vehicle
18 Commission may take such anticipatory acts in advance of that date
19 as may be necessary for the timely implementation of this act upon
20 its effective date.

21
22
23 STATEMENT
24

25 This bill would exempt individuals with a mobility-related
26 disability from the prohibition against operating motorized scooters
27 on public streets, highways, sidewalks, property, or lands.

28 Under the bill, the Chief Administrator of the New Jersey Motor
29 Vehicle Commission would be required to issue a placard or sticker
30 to a holder of a handicapped person identification card, indicating
31 that that the person may operate a motorized scooter in public
32 places otherwise prohibited under current law. The motorized
33 scooter would have to display the placard or sticker and be
34 registered with the municipality in which the operator resides. The
35 bill further specifies that insurance would be required as a condition
36 for registration. In addition, individuals with a mobility-related
37 disability would be required to wear a helmet while riding a
38 motorized scooter, and their scooters would have to be equipped
39 with a brake.

40 Finally, the bill states that no municipality or county would be
41 liable for injuries caused by a person with a mobility-related
42 disability who operates a motorized scooter upon its property.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1074

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1074.

This bill would exempt individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets.

Under the bill, the Chief Administrator of the New Jersey Motor Vehicle Commission would be required to issue a placard or sticker to a holder of a handicapped person identification card, indicating that the person may operate a motorized scooter on public streets with a posted speed limit of up to 25 miles per hour. The motorized scooter would have to display the placard or sticker and be registered with the municipality in which the operator resides. The bill further specifies that insurance would be required as a condition for registration. In addition, individuals with a mobility-related disability would be required to wear a helmet while riding a motorized scooter, and their scooters would have to be equipped with a brake.

Finally, the bill states that no municipality or county would be liable for injuries caused by a person with a mobility-related disability who operates a motorized scooter upon its property.

The committee amendments provide that a motorized scooter may be operated by a person with a mobility-related disability on any public street with a posted speed limit of up to 25 miles per hour. In addition, a motorized scooter may not be operated on a public street at a speed in excess of 15 miles per hour.

As introduced, the bill permitted a person with a mobility related disability to operate a motorized scooter on public streets, highways, sidewalks, property and lands.

STATEMENT TO
[First Reprint]
SENATE No. 1074

with Senate Floor Amendments
(Proposed By Senators LITTELL and CONIGLIO)

ADOPTED: MAY 18, 2006

Senate Bill No. 1074 (1R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets. The Chief Administrator of the New Jersey Motor Vehicle Commission would be required to issue a placard or sticker to a holder of a handicapped person identification card, indicating that the person may operate a motorized scooter on public streets with a posted speed limit of up to 25 miles per hour. The motorized scooter would have to display the placard or sticker and be registered with the municipality in which the operator resides.

As reported by the Senate Law and Public Safety Committee, the bill provides that a motorized scooter may be operated by a person with a mobility-related disability on any public street with a posted speed limit of up to 25 miles per hour. In addition, a motorized scooter may not be operated on a public street at a speed in excess of 15 miles per hour.

This Senate amendment provides that a motorized scooter may be operated by a person with a mobility-related disability on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, if the authority having jurisdiction over the public street authorizes such operation and determines that operating the scooter would not pose a danger to the safety and well-being of the operator or impede the safe flow and operation of traffic.

STATEMENT TO
[Second Reprint]
SENATE, No. 1074

with Senate Floor Amendments
(Proposed By Senator LITTELL)

ADOPTED: JUNE 22, 2006

Senate Bill No. 1074 (2R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets. The bill provides that a motorized scooter may not be operated on a public street at a speed in excess of 15 miles per hour.

This Senate amendment clarifies that the bill authorizes the registration and operation of only motorized scooters capable of a maximum speed of not more than 15 miles per hour and that the bill's provisions are not to be construed to authorize or permit the registration or operation of any pocket bike, super pocket bike, sport scooter, mini chopper, mini motorcycle, or motorized skateboard on any public street by a person with a mobility-related disability.

STATEMENT TO

[Third Reprint]

Senate, No. 1074

with Senate Floor Amendments
(Proposed By Senator LITTELL)

ADOPTED: JUNE 26, 2006

Senate Bill No. 1074 (3R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets.

As amended by the Senate, a motorized scooter may be operated by a person with a mobility-related disability on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, if the authority having jurisdiction over the public street authorizes such operation and determines that operating the scooter would not pose a danger to the safety and well-being of the operator or impede the safe flow and operation of traffic.

This Senate amendment clarifies that a municipality or county may make such a determination by ordinance or resolution, as appropriate, but such ordinance or resolution shall not require the approval of the Commissioner of Transportation. The amendment also includes the State and all State, county and municipal agencies, officials and employees in the immunity from liability currently afforded only to municipalities and counties in the bill.

ASSEMBLY, No. 2069

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 26, 2006

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Authorizes people with mobility-related disabilities to operate scooters on public property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2006)

1 AN ACT authorizing certain use of scooters on public land and
2 amending P.L.2005, c.159 and supplementing chapter 4 of Title
3 39 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.2005, c.159 (C.39:4-14.12) is amended to
9 read as follows:

10 2. a. No person, except for an operator with a mobility-related
11 disability, as authorized by section 2 of P.L. , c. (C.)
12 (pending before the Legislature as this bill), shall operate a
13 motorized scooter upon any public street, highway or sidewalk.

14 b. Except as otherwise provided in section 4 of P.L.2005, c.159
15 (C.39:4-14.14), no person, except for an operator with a mobility-
16 related disability, as authorized by section 2 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), shall operate a
18 motorized scooter upon any public property or lands.

19 c. No person shall operate a motorized scooter on the property
20 of another without the consent of the owner of that property or the
21 person who has a contractual right to the use of that property.

22 (cf: P.L.2005, c.159, s.2)

23

24 2. (New section) a. Upon request, the Chief Administrator of
25 the New Jersey Motor Vehicle Commission shall issue to any
26 holder of a handicapped person identification card, a placard or
27 sticker of such size and design as shall be determined by the chief
28 administrator in consultation with the Division of Vocational
29 Rehabilitation Services in the Department of Labor and Workforce
30 Development and the Division of Disability Services in the
31 Department of Human Services, indicating that a handicapped
32 person identification card has been issued to the person designated
33 therein and that the person so designated may operate the motorized
34 scooter in places otherwise prohibited under subsections a. and b. of
35 section 2 of P.L.2005, c.159 (C.39:4-14.12). The placard or sticker
36 shall be displayed in such manner as the chief administrator shall
37 determine on the motorized scooter used by the named individual
38 with a mobility-related disability.

39 b. Any motorized scooter operated by a person with a mobility-
40 related disability shall be registered with the municipality in which
41 the operator resides. As a condition for such registration, the owner
42 or operator shall produce or display appropriate proof that a policy
43 of liability insurance is in effect for that motorized scooter. The
44 municipality or county may impose a reasonable fee to cover the
45 costs of registration.

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

Matter underlined thus is new matter.

1 c Any person with a mobility-related disability who operates a
2 motorized scooter shall wear a properly fitted and fastened helmet
3 which meets the Consumer Product Safety Commission standard or
4 such other standard, as appropriate.

5 d. Any motorized scooter operated by a person with a mobility-
6 related disability shall be equipped with a brake that will enable the
7 operator to stop the scooter in a safe and effective manner.

8 e. No municipality or county shall assume responsibility for or
9 incur liability for any injury to person or property caused by any act
10 of a person with a mobility-related disability who operates a
11 motorized scooter upon its designated municipal or county property.
12

13 3. This act shall take effect on the first day of the fourth month
14 following enactment, provided, however, that no person with a
15 mobility-related disability shall be deemed in violation of section 2
16 or 4 of P.L.2005, c.159 (C.39:4-14.12 or C.39:4-14.4) prior to this
17 effective date, but the Chief Administrator of the Motor Vehicle
18 Commission may take such anticipatory acts in advance of that date
19 as may be necessary for the timely implementation of this act upon
20 its effective date.
21

22

23

STATEMENT

24

25 This bill would exempt individuals with a mobility-related
26 disability from the prohibition against operating motorized scooters
27 on public streets, highways, sidewalks, property, or lands.

28 Under the bill, the Chief Administrator of the New Jersey Motor
29 Vehicle Commission would be required to issue a placard or sticker
30 to a holder of a handicapped person identification card, indicating
31 that that the person may operate a motorized scooter in public
32 places otherwise prohibited under current law. The motorized
33 scooter would have to display the placard or sticker and be
34 registered with the municipality in which the operator resides. The
35 bill further specifies that insurance would be required as a condition
36 for registration. In addition, individuals with a mobility-related
37 disability would be required to wear a helmet while riding a
38 motorized scooter, and their scooters would have to be equipped
39 with a brake.

40 Finally, the bill states that no municipality or county would be
41 liable for injuries caused by a person with a mobility-related
42 disability who operates a motorized scooter upon its property.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2069

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2069.

As amended and reported by the committee, Assembly Bill No. 2069 provides a limited exemption to persons with a mobility-related disability from the State's general prohibition against operating motorized scooters on public streets.

Under the amended bill, these persons would be authorized to operate motorized scooters on any public street with a posted speed limit of up to 25 miles per hour. The amended bill prohibits the scooter from being operated in excess of 15 miles per hour.

The amended bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission to issue a placard or sticker to a holder of a handicapped person identification card, indicating that that the person may operate a motorized scooter on public streets. The motorized scooter would have to display the placard or sticker and be registered with the municipality in which the operator resides. The amended bill further specifies that insurance would be required as a condition for registration. In addition, individuals with a mobility-related disability would be required to wear a helmet while riding a motorized scooter, and their scooters would have to be equipped with a brake.

Further, the amended bill states that no municipality or county would be liable for injuries caused by a person with a mobility-related disability who operates a motorized scooter upon its property.

COMMITTEE AMENDMENTS:

The committee amendments:

- 1) provide that a motorized scooter may be operated by a person with a mobility-related disability on any public street with a posted speed limit of up to 25 miles per hour; and
- 2) prohibit the scooter from being operated in excess of 15 miles per hour.

STATEMENT TO
[First Reprint]
ASSEMBLY No. 2069

with Assembly Floor Amendments
(Proposed By Assemblywoman MCHOSE)

ADOPTED: MAY 22, 2006

Assembly Bill No. 2069 (1R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets. A person who is properly registered to operate a motorized scooter under the bill's provisions would be able to do so on public streets with a posted speed limit of up to 25 miles per hour.

This Assembly amendment provides that a motorized scooter also may be operated by a person with a mobility-related disability on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, if the authority having jurisdiction over the public street authorizes such operation and determines that operating the scooter would not pose a danger to the safety and well-being of the operator or impede the safe flow and operation of traffic.

These Assembly amendments make this bill identical to Senate Bill No. 1074 (2R).

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2069

with Assembly Floor Amendments
(Proposed By Assemblywoman MCHOSE)

ADOPTED: JUNE 22, 2006

Assembly Bill No. 2069 (2R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets. The bill provides that a motorized scooter may not be operated on a public street at a speed in excess of 15 miles per hour.

This Assembly amendment clarifies that the bill authorizes the registration and operation of only motorized scooters capable of a maximum speed of not more than 15 miles per hour and that the bill's provisions are not to be construed to authorize or permit the registration or operation of any pocket bike, super pocket bike, sport scooter, mini chopper, mini motorcycle, or motorized skateboard on any public street by a person with a mobility-related disability.

STATEMENT TO
[Third Reprint]
ASSEMBLY, No. 2069

with Assembly Floor Amendments
(Proposed By Assemblywoman MCHOSE)

ADOPTED: JUNE 26, 2006

Assembly Bill No. 2069 (3R) exempts individuals with a mobility-related disability from the prohibition against operating motorized scooters on public streets.

As amended by the Assembly, a motorized scooter may be operated by a person with a mobility-related disability on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, if the authority having jurisdiction over the public street authorizes such operation and determines that operating the scooter would not pose a danger to the safety and well-being of the operator or impede the safe flow and operation of traffic.

This Assembly amendment clarifies that a municipality or county may make such a determination by ordinance or resolution, as appropriate, but such ordinance or resolution shall not require the approval of the Commissioner of Transportation. The amendment also includes the State and all State, county and municipal agencies, officials and employees in the immunity from liability currently afforded only to municipalities and counties in the bill.