

39:4-10.3

**LEGISLATIVE HISTORY CHECKLIST**  
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(Bicycles--sale and rental--posting  
of signs of helmet requirements)

**NJSA:** 39:4-10.3

**LAWS OF:** 1995 **CHAPTER:** 177

**BILL NO:** S1289

**SPONSOR(S):** Cafiero

**DATE INTRODUCED:** June 20, 1994

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 19, 1995

**SENATE:** May 25, 1995

**DATE OF APPROVAL:** July 11, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** Yes 1-23-95 & 5-25-95

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**  
**REPORTS:** No

**HEARINGS:** No

KBG:pp

SENATE, No. 1289

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1994

By Senator CAFIERO

1 AN ACT concerning bicycle helmets and amending P.L.1991,  
2 c.465.

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

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

8 3. a. [A person regularly engaged in the business of selling  
9 bicycles shall provide a purchaser of a bicycle with a written  
10 explanation, either on the receipt of sale or on a separate form,  
11 of the provisions of subsections a., c. and e. of section 1 of this  
12 act and the penalties under section 2 of this act for a violation  
13 and shall obtain the purchaser's signature indicating receipt of  
14 the information.] A person regularly engaged in the business of  
15 selling or renting bicycles shall post a sign at the point where the  
16 sale or rental transaction is completed stating: "STATE LAW  
17 REQUIRES A BICYCLE RIDER UNDER 14 YEARS OF AGE TO  
18 WEAR A HELMET." The size of the sign shall be at a minimum  
19 15 inches in length and 8 inches in width. This notification  
20 requirement shall not apply to a seller when a bicycle is sold  
21 through the use of a catalog or brochure and the purchase and  
22 payment are made by mail, telephone or another  
23 telecommunications or electronic method.

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

40 b. A person regularly engaged in the business of renting  
41 bicycles shall [require each person seeking to rent a bicycle to  
42 provide his signature either on the rental form or on a separate

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 form indicating (1) receipt of a written explanation of the  
2 provisions of subsections a., c. and e. of section 1 of this act and  
3 the penalties under section 2 of this act for a violation and (2)  
4 whether a person under the age of 14 years will operate the  
5 bicycle in an area where the use of a helmet is required. A  
6 helmet shall be provided] provide a helmet to a person under 14  
7 years of age who will operate the bicycle in [such] an area where  
8 a helmet is required, if the person does not already have a helmet  
9 in his possession. A fee may be charged for the helmet rental.

10 c. A person regularly engaged in the business of selling or  
11 renting bicycles who complies with the applicable requirements  
12 [of subsections a. and b.] of this section shall not be liable in a  
13 civil action for damages for any physical injury sustained by a  
14 bicycle operator or passenger who is under the age of 14 years as  
15 a result of the operator's or passenger's failure to wear a helmet  
16 or to wear a properly fitted or fastened helmet in violation of the  
17 requirements of this act.

18 d. Within 60 days after the effective date of this amendatory  
19 act (P.L. , c. )(now pending before the Legislature as this  
20 bill), the Division of Consumer Affairs in the Department of Law  
21 and Public Safety shall make a reasonable effort to notify any  
22 person who is regularly engaged in the business of selling or  
23 renting bicycles of the requirements of this section. The  
24 responsibility of a person under this section shall not be  
25 abrogated or diminished in any manner if the person fails to  
26 receive or become aware of a notice from the division.

27 (cf: P.L.1991, c.456, s.3)

28 2. This act shall take effect immediately.

## 31 STATEMENT

32  
33 This bill requires a person regularly engaged in the business of  
34 selling or renting bicycles to post a sign stating: "STATE LAW  
35 REQUIRES A BICYCLE RIDER UNDER 14 YEARS OF AGE TO  
36 WEAR A HELMET." The size of the sign is to be at a minimum  
37 15 inches in length and 8 inches in width. The bill's requirements  
38 would not be applicable to sales of bicycles by means of a catalog  
39 or brochure.

40 This requirement to post a sign will replace the current law  
41 requiring the bicycle seller or rental agent to provide the  
42 purchaser with a written explanation of the bicycle helmet law  
43 either on the receipt of sale or on a separate form and to obtain  
44 the purchaser's or renter's signature indicating receipt of the  
45 information. A person who fails to post a sign within 60 days  
46 after the bill becomes law would be subject to a penalty not to  
47 exceed \$25 a day for each day the business is open to the public  
48 and the sign is not posted.

49 Under the provisions of the bill, the Division of Consumer  
50 Affairs in the Department of Law and Public Safety is required to  
51 make a reasonable effort to notify all persons regularly engaged  
52 in the business of selling or renting bicycles of the requirement to  
53 post a sign.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1289

STATE OF NEW JERSEY

DATED: JANUARY 23, 1995

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 1289.

This bill requires a person regularly engaged in the business of selling or renting bicycles to post a sign stating: "STATE LAW REQUIRES A BICYCLE RIDER UNDER 14 YEARS OF AGE TO WEAR A HELMET." The size of the sign is to be at a minimum 15 inches in length and 8 inches in width. The bill's requirements would not be applicable to sales of bicycles by means of a catalog or brochure.

This requirement to post a sign will replace the current law requiring the bicycle seller or rental agent to provide the purchaser with a written explanation of the bicycle helmet law either on the receipt of sale or on a separate form and to obtain the purchaser's or renter's signature indicating receipt of the information.

Under the provisions of the bill, a person who fails to post a sign within 60 days after the bill becomes law would be subject to a penalty of up to \$25 per day for each day the business is open to the public and the sign is not posted.

The bill requires the Division of Consumer Affairs in the Department of Law and Public Safety to make a reasonable effort to notify all persons regularly engaged in the business of selling or renting bicycles of the requirement to post a sign.

It is the committee's intent that the term "reasonable effort to notify" in subsection d. of section 1 of the bill means that only general public notice is required, i.e. a notice published in newspapers and trade publications.

SENATE EDUCATION COMMITTEE  
STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1664**  
**STATE OF NEW JERSEY**

DATED: MAY 25, 1995

The Senate Education Committee favorably reports a Senate Committee Substitute for Senate, No. 1664.

This committee substitute revises the statutes which provide for the establishment of a State-operated school district.

Under the provisions of the substitute, several time-lines are changed. The reorganization of the district's central staff would be prepared within one year of takeover, rather than within six months. Building principals would be evaluated 18 months following the take-over rather than six months after the reorganization, and the substitute also includes vice-principals in the evaluation procedure. The date for the implementation of reorganization and for the reestablishment of local control would occur on July 1 in order to avoid disruption of the district during the school year.

The substitute requires the State district superintendent to provide for at least one public meeting in both the fall and spring semesters to advise parents and community members of the district's activities and to provide an opportunity for them to be heard.

With regard to the advisory board, the bill requires the municipal appointments to be made within 60 days, and provides that any vacancy must be filled within 45 days. Training of board members would be done by the New Jersey School Boards Association. Board members are required to attend all board meetings, committee meetings and in-service sessions and may be removed from office for failure to attend at least 80% of them upon the recommendation of the State district superintendent. Beginning in the second year of State operation, the State district superintendent would bring matters of curriculum before the board for a vote; beginning in the third year, the superintendent would bring legal matters before the board, and beginning in the fourth year, the superintendent would bring fiscal matters before the board. The State district superintendent would retain veto power, however, until the reestablishment of local control.

The substitute clarifies that when local control is reestablished, the board of education would assume full responsibility for the operation of the school district. During the transition period, however, the board must act upon matters brought before it by the State district superintendent.