

39:3C-3

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 39:3C-3 (All terrain vehicles)

LAWS OF: 1991 CHAPTER: 322

Bill No: A3475

Sponsor(s): Cohen and Mullen

Date Introduced: April 30, 1990

Committee: Assembly: Consumer Affairs

Senate: Law, Public Safety

Amended during passage: Yes Committee substitute (IR) enacted

Date of Passage: Assembly: December 3, 1990

Senate: July 25, 1991

Date of Approval: November 22, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

KBG/dgw

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3475

STATE OF NEW JERSEY

ADOPTED MAY 13, 1991

Sponsored by Assemblyman COHEN and
Assemblywoman MULLEN

1 AN ACT concerning all-terrain vehicles and amending P.L.1973,
2 c.307.

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.1973, c.307 (C.39:3C-3) is amended to read
7 as follows:

8 3. Except as otherwise provided, no snowmobile or all-terrain
9 vehicle shall be operated or permitted to be operated on or across
10 a public highway or on public lands or waters of this State unless
11 registered by the owner thereof as provided by this act. The
12 Director of the Division of Motor Vehicles in the Department of
13 Law and Public Safety is authorized to register and assign a
14 registration number to snowmobiles and all-terrain vehicles, upon
15 application and payment of the appropriate fee in accordance
16 with the following schedule:

17 a. For each individual resident snowmobile registration, \$5.00,
18 and for each individual resident all-terrain vehicle registration,
19 \$10.00, annually;

20 b. For each individual nonresident snowmobile registration,
21 \$7.00, and for each individual nonresident all-terrain vehicle
22 registration, \$12.00, annually;

23 c. For replacement of a lost, mutilated or destroyed
24 certificate, \$3.00;

25 d. For a duplicate registration, \$1.00 at the time of issuance.

26 All such registrations shall be issued on or after September 1 in
27 any year and shall be valid through September 30 of the following
28 year, except that the director may suspend or revoke such
29 registration for any violations of this act or of the rules
30 promulgated hereunder.

31 (cf: P.L.1985, c.375, s.4)

32 2. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read
33 as follows:

34 9. a. Every person operating a snowmobile or all-terrain
35 vehicle registered or transferred in accordance with any of the
36 provisions of this act shall, upon demand of any peace officer,
37 law enforcement officer, duly authorized official of the

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:

¹ Senate floor amendments adopted June 13, 1991.

1 Department of Environmental Protection, or a police officer,
2 produce for inspection the certificate of registration and shall
3 furnish to such officer any information necessary for the
4 identification of such snowmobile or all-terrain vehicle and its
5 owner. The failure to produce the certificate of registration
6 when operating a snowmobile or all-terrain vehicle on public
7 lands and waters or when crossing a public highway shall be
8 presumptive evidence in any court of competent jurisdiction of
9 operating a snowmobile or all-terrain vehicle which is not
10 registered as required by this act.

11 b. A person less than 18 years of age who operates an
12 all-terrain vehicle which is registered in this State shall produce
13 upon demand a certificate indicating that person's successful
14 completion of an all-terrain vehicle safety education and training
15 course established or certified by the director in accordance with
16 section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to
17 produce the certificate when operating an all-terrain vehicle on
18 public lands or waters, or when crossing a public highway, shall be
19 presumptive evidence in any court of competent jurisdiction of
20 the operation of the all-terrain vehicle in violation of the
21 requirement in subsection c. of section 16 of P.L.1973, c.307
22 (C.39:3C-16).

23 (cf: P.L.1985, c.375, s.10)

24 3. Section 14 of P.L.1973, c.307 (C.39:3C-14) is amended to
25 read as follows:

26 14. The commissioner, with a view towards minimizing
27 detrimental effects on the environment, shall adopt rules and
28 regulations relating to and including, but not limited to, the
29 following:

30 a. Use of snowmobiles and all-terrain vehicles insofar as fish,
31 wildlife and plantlife resources are affected;

32 b. Use of snowmobiles and all-terrain vehicles on public lands
33 and waters under the jurisdiction of the Department of
34 Environmental Protection.

35 The commissioner may locate, designate and make available by
36 the effective date of this act appropriate areas of public lands
37 upon which all-terrain vehicle safety education and training
38 programs established or certified by the Director of the Division
39 of Motor Vehicles in accordance with section 15 of P.L.1973,
40 c.307 (C.39:3C-15) may be conducted. The commissioner shall
41 report to the Legislature and the Governor within one year after
42 the effective date of this act on the size and location of the
43 public lands located, designated and made available; on the
44 frequency of the use, or the estimated frequency of use, of these
45 public lands for safety education and training programs; and the
46 environmental impact of this use on the lands.

47 (cf: P.L.1985, c.375, s.14)

48 4. Section 15 of P.L.1973, c.307 (C.39:3C-15) is amended to
49 read as follows:

1 15. The Director of the Division of Motor Vehicles shall adopt
2 rules and regulations relating to and including, but not limited to:

3 a. Specifications relating to equipment required for safety as
4 provided herein.

5 b. Establishment of a comprehensive snowmobile and
6 all-terrain vehicle information and safety education and training
7 program.

8 c. The regulations pertaining to and the granting of permits
9 for the conduct of all prearranged special events as provided in
10 this act, except that in the case of those special events
11 conducted on public lands and waters under the jurisdiction of the
12 Department of Environmental Protection any regulations must be
13 approved jointly by the director and the commissioner.

14 In accordance with the requirement in paragraph b. of this
15 section, the director shall establish an all-terrain vehicle safety
16 education and training program to be offered by the division, or
17 shall certify other all-terrain vehicle safety education and
18 training programs to be offered by public or private agencies or
19 organizations, the successful completion of which shall satisfy
20 the training requirements in subsection c. of section 16 of
21 P.L.1973, c.307 (C.39:3C-16). A person less than 16 years of age
22 participating in an all-terrain vehicle safety education and
23 training course established or certified by the director shall
24 operate during the training only an all-terrain vehicle with an
25 engine capacity of 90 cubic centimeters or less.

26 (cf: P.L.1985, c.375, s.15)

27 5. Section 16 of P.L.1973, c.307 (C.39:3C-16) is amended to
28 read as follows:

29 16. [No] a. A person under the age of 14 years shall not
30 operate or be permitted to operate any snowmobile or all-terrain
31 vehicle on public lands or waters or across a public highway.

32 b. A person less than 16 years of age shall not operate on
33 public lands or waters or across a public highway of this State an
34 all-terrain vehicle with an engine capacity greater than 90 cubic
35 centimeters.

36 c. A person less than 18 years of age shall not operate an
37 all-terrain vehicle registered in this State on public lands or
38 waters or across a public highway of this State unless the person
39 has completed an all-terrain vehicle safety education and
40 training course established or certified by the director pursuant
41 to section 15 of P.L.1973, c.307 (C.39:3C-15). At all times
42 during the operation of the all-terrain vehicle, the person shall
43 have in his possession a certificate indicating successful
44 completion of the course.

45 (cf: P.L.1985, c.375, s.16)

46 6. Section 23 of P.L.1973, c.307 (C.39:3C-23) is amended to
47 read as follows:

48 23. Snowmobiles and all-terrain vehicles operated at special
49 events shall be exempt from the provisions of this [act] chapter

1 concerning registration and lights during the time of such
2 operation, including all prerace practice at the location of [said]
3 the meet. In addition, all-terrain vehicles operated at special
4 events shall be exempt from the provisions of subsection c. of
5 section 16 of P.L.1973, c.307 (C.39:3C-16) and subsection b. of
6 section 9 of P.L.1973, c.307 (C.39:3C-6); however, subsection b.
7 of section 16 of P.L.1973, c.307 (C.39:3C-16) shall apply to
8 persons operating all terrain vehicles at special events and
9 prerace practice.

10 (cf P.L.1985, c.375, s.23)

11 7. Section 26 of P.L.1973, c.307 (C.39:3C-26) is amended to
12 read as follows:

13 26. a. No person shall have for sale, sell, or offer for sale in
14 this State any snowmobile or all-terrain vehicle which fails to
15 comply with the provisions of this act or which does not comply
16 with the specifications for such equipment required by the rules
17 and regulations of the director, after the effective date of such
18 rules and regulations.

19 b. A person shall not knowingly sell or offer to sell an
20 all-terrain vehicle with an engine capacity of greater than 90
21 cubic centimeters for use by a person less than 16 years of age.

22 c. Retail dealers and distributors of all-terrain vehicles shall
23 comply with those requirements of the consent decree entered
24 into by all-terrain vehicle distributors and the United States
25 Consumer Product Safety Commission on April 28, 1988 which
26 require the providing of ¹[written]¹ safety information on
27 all-terrain vehicles to either the purchasers or retail dealers of
28 such vehicles, as appropriate.

29 (cf: P.L.1985, c.375, s.26)

30 8. Section 28 of P.L.1973, c.307 (C.39:3C-28) is amended to
31 read as follows:

32 28. Any person who shall violate any provisions of this act, if
33 no other penalty is specifically provided, or any rule or regulation
34 promulgated pursuant to this act shall be punished by a fine of
35 not less than \$100 or more than [\$100.00] \$200. For a second or
36 subsequent violation of section 26 of P.L.1973, c.307
37 (C.39:3C-26), a fine of not less than \$200 or more than \$500 shall
38 be imposed.

39 (cf: P.L.1973, c.307, s.28)

40 9. Section 29 of P.L.1985, c.375 (C.39:3C-30.1) is amended to
41 read as follows:

42 29. a. The provisions of this 1985 amendatory and
43 supplementary act and this 1991 amendatory act insofar as they
44 pertain to all-terrain vehicles shall not be applicable to their
45 operation and use on golf courses in this State, except that,
46 subsection b. of section 16 of P.L.1973, c.307 (C.39:3C-16) and
47 subsection b. of section 26 of P.L.1973, c.307 (C.39:3C-26) shall
48 be applicable to the operation and use of all-terrain vehicles on
49 the golf courses of this State.

1 b. The requirements of subsection b. of section 9 of P.L.1973,
2 c.307 (C.39:3C-9) and subsection c. of section 16 of P.L.1973,
3 c.307 (C.39:3C-16) shall not apply to a person less than 18 years
4 of age when the person operates an all-terrain vehicle on public
5 lands or waters or across a public highway as an incident to or in
6 the actual performance of the operations of a farm adjacent to
7 the public land or water or the public highway upon which the
8 vehicle is being operated. As used in this section, "farm" means
9 land used for commercial raising, growing and producing of any
10 crop, livestock, or fur products on land not less than five acres in
11 area and which is not used in the business of buying farm products
12 for resale.

13 (cf: P.L.1985, c.375, s.29)

14 10. Section 29 of P.L.1973, c.307 (C.39:3C-29) is amended to
15 read as follows:

16 29. The director shall deposit all moneys received by him from
17 the registration of snowmobiles and all-terrain vehicles, the sale
18 of registration information, publications and other services
19 provided by the department and all fees collected by him under
20 this act to the credit of the General Treasury, except that \$5 of a
21 registration fee paid by a resident or nonresident of this State
22 shall be allocated to the division to defray the cost of providing
23 all-terrain vehicle safety education and training manuals or
24 all-terrain vehicle safety education and training programs in
25 accordance with section 15 of P.L.1973, c.307 (C.39:3C-15), or
26 both.

27 (cf: P.L.1985, c.375, s.27)

28 11. This act shall take effect 180 days after enactment,
29 except that sections 3, 4, 7, 8 and 10 shall take effect
30 immediately.

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MOTOR VEHICLES

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Establishes standards for safe use of all-terrain vehicles.

ASSEMBLY, No. 3475

STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1990

By Assemblyman COHEN and Assemblywoman MULLEN

1 AN ACT concerning all-terrain vehicles, amending and
2 supplementing P.L.1973, c.307.

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.1973, c.307 (C.39:3C-3) is amended to read
7 as follows:

8 3. Except as otherwise provided, no snowmobile or all-terrain
9 vehicle shall be operated or permitted to be operated on or across
10 a public highway or on public lands or waters of this State unless
11 registered by the owner thereof as provided by this act. The
12 Director of the Division of Motor Vehicles in the Department of
13 Law and Public Safety is authorized to register and assign a
14 registration number to snowmobiles and all-terrain vehicles, upon
15 application and payment of the appropriate fee in accordance
16 with the following schedule:

17 a. For each individual resident snowmobile registration, \$5.00,
18 and for each individual resident all-terrain vehicle registration,
19 \$10.00, annually;

20 b. For each individual nonresident snowmobile registration,
21 \$7.00, and for each individual nonresident all-terrain vehicle
22 registration, \$12.00, annually;

23 c. For replacement of a lost, mutilated or destroyed
24 certificate, \$3.00;

25 d. For a duplicate registration, \$1.00 at the time of issuance.

26 e. Of each fee for resident and nonresident all-terrain vehicle
27 registration, \$5.00 shall be allocated to the division to defray the
28 cost of providing all terrain-vehicle safety training manuals and
29 training pursuant to P.L.1973, c.307 (C.39:3C-26).

30 All such registrations shall be issued on or after September 1 in
31 any year and shall be valid through September 30 of the following
32 year, except that the director may suspend or revoke such
33 registration for any violations of this act or of the rules
34 promulgated hereunder.

35 (cf: P.L.1985, c.375, s.4)

36 2. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read
37 as follows:

38 9. Every person operating a snowmobile or all-terrain vehicle
39 registered or transferred in accordance with any of the provisions
40 of this act shall, upon demand of any peace officer, law

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 enforcement officer, duly authorized official of the Department
2 of Environmental Protection, or a police officer, produce for
3 inspection the certificate of registration and shall furnish to such
4 officer any information necessary for the identification of such
5 snowmobile or all-terrain vehicle and its owner. The failure to
6 produce the certificate of registration when operating a
7 snowmobile or all-terrain vehicle on public lands and waters or
8 when crossing a public highway shall be presumptive evidence in
9 any court of competent jurisdiction of operating a snowmobile or
10 all-terrain vehicle which is not registered as required by this
11 act. A person 18 years of age or younger also shall produce upon
12 demand a certificate indicating that person's successful
13 completion of an all-terrain vehicle safety course approved by
14 the director.

15 (cf: P.L.1985, c.375, s.10)

16 3. Section 26 of P.L.1973, c.307 (C.39:3C-26) is amended to
17 read as follows:

18 26. a. No person shall have for sale, sell, or offer for sale in
19 this State any snowmobile or all-terrain vehicle which fails to
20 comply with the provisions of this act or which does not comply
21 with the specifications for such equipment required by the rules
22 and regulations of the director, after the effective date of such
23 rules and regulations.

24 b. No person shall sell or offer to sell an all-terrain vehicle
25 with an engine capacity of greater than 90 cubic centimeters for
26 use by a person under 16 years of age.

27 c. No person shall sell an all-terrain vehicle with an engine
28 capacity greater than 90 cubic centimeters unless the purchaser
29 has been informed of the risks inherent in the use of such vehicles
30 by persons under 16 years of age and has signed a statement, of
31 standard form and content as approved by the director, indicating
32 he has been so informed.

33 d. A seller of all-terrain vehicles shall provide at no cost to
34 each purchaser of an all-terrain vehicle a copy of the New Jersey
35 ATV Safety Training Manual issued by the Division of Motor
36 Vehicles. The division shall supply sellers of all-terrain vehicles
37 with a sufficient number of these manuals at no cost for
38 distribution to purchasers.

39 e. A violation of this section shall be subject to a fine of not
40 less than \$100 or more than \$200 for a first offense and a fine of
41 not less than \$200 or more than \$500 for a second or subsequent
42 offense.

43 (cf: P.L.1985, c.375, s.26)

44 4. Section 28 of P.L.1973, c.307 (C.39:3C-28) is amended to
45 read as follows:

46 28. Any person who shall violate any provisions of this act,
47 where no other penalty is provided, or any rule or regulation
48 promulgated pursuant to this act shall be punished by a fine of

1 not less than \$100 or more than [~~\$100.00~~] \$200.
2 (cf: P.L.1973, c.307, s.28)

3 5. (New section) a. No person 18 years of age or younger shall
4 operate an all-terrain vehicle on or across a public highway or on
5 public lands or waters of this State without having completed an
6 all-terrain vehicle safety course approved by the director. While
7 operating the all-terrain vehicle, the person shall have in his
8 possession a certificate indicating successful completion of the
9 course. The certificate shall be displayed upon the request of a
10 peace officer, law enforcement officer, duly authorized official
11 of the Department of Environmental Protection, or a police
12 officer.

13 b. The director shall establish an all-terrain vehicle safety
14 training program or certify other training programs as may be
15 required pursuant to this section.

16 6. This act shall take effect in 60 days, with the exception of
17 section 2 and subsection a. of section 5, which shall take effect in
18 180 days.

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21 STATEMENT

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23 This bill is intended promote the safe operation of all-terrain
24 vehicles (ATV), particularly by persons 18 years of age and
25 younger. ATVs are gasoline-powered vehicles with three or more
26 balloon tires designed for off-road use. These vehicles are
27 unstable under certain circumstances and may present a risk of
28 severe injury or death, according to the U.S. Consumer Product
29 Safety Commission (CPSC).

30 Recognizing the potential dangers of these vehicles, the CPSC
31 entered into a consent decree with ATV manufacturers. The
32 decree required the recall of three-wheel ATVs, prohibited sales
33 of adult-size ATVs for use by persons under 16 years of age, and
34 required the manufacturers to offer ATV safety training
35 programs. However, questions have been raised concerning the
36 compliance of ATV manufacturers and dealers with the consent
37 decree.

38 This bill broadens the State law concerning the registration and
39 use of ATVs and snowmobiles (C.39:3C-1 et seq.) to insure that
40 ATV riders receive appropriate safety information and training.
41 The bill requires ATV dealers to (1) refrain from selling
42 adult-size ATVs (engine capacity over 90 cubic centimeters) for
43 use by persons under 16, (2) inform adult ATV purchasers of the
44 risks inherent in the use of their vehicles by persons under 16, and
45 (3) provide each ATV purchaser with a safety training manual.

46 The bill also requires persons 18 years of age and younger who
47 operate ATVs on or across a public highway or on public lands or
48 waters to complete an ATV safety training course approved by

1 the Director of the Division of Motor Vehicles. The director
2 would be required to establish or certify appropriate programs for
3 the provision of ATV safety training. The bill increases the ATV
4 annual registration fee by \$5 to defray the division's additional
5 administrative costs.

6 The bill provides a penalty for violations of its provisions by
7 sellers of ATVs of not less than \$100 or more than \$200 for a
8 first offense and of not less than \$200 or more than \$500 for
9 subsequent offenses. The penalty for violations of other
10 provisions of the law is increased from a maximum fine of \$100
11 to a minimum fine of \$100 with a maximum of \$200.

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14 MOTOR VEHICLES

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16 Establishes standards concerning safe use of all-terrain vehicles.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3475

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1990

The Assembly Consumer Affairs Committee favorably reports Assembly Bill No. 3475 with committee amendments.

Assembly Bill No. 3475 amends and supplements P.L.1973, c.307 (C.39:3C-1 et seq.) to promote the safe operation of all-terrain vehicles (ATVs).

As amended by the committee, the bill prohibits persons under the age of 16 from operating all-terrain vehicles on the public lands or waters or across a public highway. Currently, any person 14 years of age or older may operate ATVs on the public lands or across the public highways of this State.

Under the amended version of the bill, dealers are (1) prohibited from selling ATVs for use by persons under the age of 16; (2) required to inform adult purchasers of ATVs of the risks inherent in the use of those vehicles by persons under 16; and (3) provide each ATV purchaser with a safety training manual.

The committee also amended the bill to require all persons who operate ATVs on or across a public highway or on public lands or waters to complete an ATV safety training course approved by the Director of the Division of Motor Vehicles. The director, however, may waive this course requirement for persons who registered ATVs in the year preceeding the effective date of this bill and who pass an examination designed to indicate their knowledge of ATV safety and safe operational practices.

To defray any additional costs the division must assume in providing dealers with the necessary safety training manuals, in establishing an ATV safety training program, and in preparing an appropriate safety examination for those not required to take the safety course program, the annual registration fee for ATVs is increased \$5.

Finally, the bill increases the general penalty provisions of P.L.1973, c.307 (C.39:3C-1 et seq.). Currently, violators are subject to a maximum fine of \$100. Under the bill, \$100 would be the minimum fine, with a maximum fine of \$200. The bill also authorizes a separate fine scale for sellers of ATVs who violate the provisions of the bill. Sellers who violate the provisions of the bill may be subject to a penalty of not less than \$100 or more than \$200 for a first offense and not less than \$200 or more than \$500 for each subsequent offense.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3475

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Law, Public Safety and Defense Committee favorably reports this Senate Committee Substitute for Assembly Bill No. 3475.

This committee substitute amends various provisions of P.L.1973, c.307 (C.39:3C-1 et seq.), the statutes regulating the registration and use of snowmobiles and all-terrain vehicles, in order to promote and ensure the safe operation of all-terrain vehicles (ATVs).

Under current law, no person under 14 years of age may operate an ATV on the public lands or across the public highways of this State. This bill would prohibit a person between the ages of 14 and 16 years from operating an all-terrain vehicle with an engine capacity greater than 90 cubic centimeters on any public lands or across any public highways of this State. In addition, the bill requires all persons under 18 years of age who operate ATVs registered in this State to complete an ATV safety education and training course certified by the Division of Motor Vehicles. A certificate of successful completion of such a course would have to be carried by the person at all times while operating an ATV and would be subject to inspection by a law enforcement officer.

A seller of ATVs would be prohibited from knowingly selling an ATV with an engine capacity of greater than 90 cubic centimeters for use by a person who is under the age of 16. In addition, the sellers and distributors of ATVs are required by the bill to comply with the provision of the consent decree entered into by all-terrain vehicle distributors and the United State Consumer Products Safety Commission on April 28, 1988 which requires the providing of written safety information on all-terrain vehicles to either the purchasers or retail dealers of such vehicles, as appropriate.

The Director of the Division of Motor Vehicles is required to establish and offer safety education and training programs for ATV operators, or to certify such courses offered by public or private organizations.

To defray any additional costs the division may incur in distributing ATV safety education and training manuals, in establishing an ATV safety education and training program, or both, the annual registration fee for both resident and nonresident ATV owners is increased by \$5.

Under current law, ATVs operated on golf courses located in this State are exempt from all the registration and regulatory provisions of P.L.1973, c.307. This bill would make persons who operate ATVs on golf courses located in this State subject to the vehicle size limitations for persons under 16 years of age, but exempt from the training requirements in the bill.

Participants in special events, such as ATV riding competitions, would be exempt from the training requirements for persons under 18 years of age, but would be required to comply with the vehicle size limitations for persons under 16 years of age. Finally, persons under 18 years of age who operate ATVs incidentally on public lands or across public highways in the performance of farm operations would be exempt from the training requirements of the bill, but not from the vehicle size limitations.

The bill provides the Department of Environmental Protection with the discretionary authority to locate, designate and make available appropriate areas of public lands upon which ATV safety education and training courses may be conducted.

Finally, the bill increases the fines for violations of P.L.1973, c.307 (C.39:3C-1 et seq.). Currently, violators are subject to a maximum fine of \$100. Under the bill, \$100 would be the minimum fine, with a maximum fine of \$200. The bill also creates a separate fine scale for sellers of ATVs who violate the provisions of the bill. Sellers who violate the provisions of the bill would be subject to a fine of not less than \$200 or more than \$500 for a second or subsequent offense.

FISCAL NOTE TO
[FIRST REPRINT]
ASSEMBLY, No. 3475
STATE OF NEW JERSEY

DATED: November 28, 1990

Assembly Bill No. 3475 [1R] of 1990 amends existing law concerning the registration and use of all-terrain vehicles (ATVs) to insure that ATV riders receive appropriate safety information and training. The bill requires ATV dealers to (1) refrain from selling adult-size ATVs for use by persons under 16, (2) inform adult ATV purchasers of the risks inherent in the use of these vehicles by persons under 16 years of age, and (3) provide each ATV purchaser with a safety training manual.

The bill also requires persons who operate ATVs on or across a public highway or on public lands or waters to complete an ATV safety training course approved by the Director of the Division of Motor Vehicles (DMV) in the Department of Law and Public Safety. However, the bill allows the director to waive the training requirement for a person who has registered an ATV in the year immediately preceding the bill's effective date and successfully passes an ATV knowledge and safety examination. The director would be required to establish or certify appropriate programs for the provision of ATV safety training. The bill raises the ATV annual registration fee from \$5 to \$10 and dedicates the increase to defray the division's additional administrative costs.

The bill subjects a seller of ATVs who violates its provisions to a penalty of not less than \$100 or more than \$200 for a first offense and of not less than \$200 or more than \$500 for subsequent offenses. Additionally, the bill increases penalties for other violators to a fine between \$100 and \$200. Currently, violators are subject to a \$100 maximum fine.

DMV estimates the cost of implementing this bill at \$47,299 during the first year following its enactment. This amount includes: \$39,875 for part-time salaries of a principal training technician, a training technician and a service support representative; \$3,000 for manuals and certificates; and \$4,424 for related administrative costs. In its estimate, DMV assumes that 200 ATVs are registered to persons under 19 years of age and that annually, 50 persons under 19 years of age will register their ATVs for the first time. DMV estimates staff salaries at 40 percent of full-time in the first year and 10 percent in subsequent years. DMV estimates the second and third year implementation costs of this bill at \$14,075 annually, assuming no inflation.

DMV estimates that registration fee revenues would increase by \$5,000 annually following the bill's enactment (a \$5 fee increase for an estimated 1,000 ATV registrants). DMV does not assume any change in number of registrations for subsequent years. Therefore,

the net fiscal impact of this bill would be deficits of \$42,299, \$9,075 and \$9,075 in the first three years following enactment, respectively, according to DMV.

DMV has not estimated the amount of revenue that would be generated from fines because of the unpredictability of the number of violators and fines assessed.

The Office of Legislative Services (OLS) concurs with DMV's estimate of revenues but observes that its estimate of costs may be overstated. The bill requires DMV to establish an ATV safety training program or certify other training programs. Therefore, DMV might reduce its estimated cost by certifying private training programs rather than establishing its own.

DMV's estimate of the number of ATV users who require training also appears to be excessive. The bill allows the director to waive the training requirement for persons who have had an ATV registered for a year and pass a knowledge and safety test. The cost of administering this test might be lower than that of training such persons as estimated by DMV. Furthermore, the bill does not preclude the DMV director from establishing a training fee to help offset the cost of the training.

This fiscal note has been prepared pursuant to P.L.1980, c.67.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

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GOVERNOR SIGNS YOUTH SAFETY MEASURES

Governor Jim Florio today signed a law today designed to reduce the chance of youths being injured in accidents involving all terrain vehicles.

Gov. Florio also signed a law promoting the use of bicycle helmets.

"Our young people are New Jersey's most precious resource, and we should take any precautions we can to make sure their childhoods are safe. Both these laws encourage safety and help protect our youngsters from harm," Gov. Florio said.

The new law concerning ATVs prohibits youngsters under 16 years of age from operating ATVs with an engine capacity greater than 90 cubic centimeters on public lands or waters or across public highways. The law, A-3475 was sponsored by Assemblyman Neil Cohen and Assemblywoman Anne Mullen.

The law also prohibits teenagers under 18 years of age from operating ATVs unless they have completed an education and training program certified by Motor Vehicles Services. The law requires Motor Vehicles to establish safety and training programs for ATV operators.

The law also creates penalties -- up to \$200 for first violations and up to \$500 for subsequent violations -- for sellers who knowingly sell ATVs with engine capacities greater than 90 cubic centimeters to youngsters under 16.

"We want to do everything possible to prevent young people from suffering serious injuries from ATVs," Gov. Florio said. "No youngster should suffer an injury simply because he didn't have the training and safety education needed to know how to operate his vehicle safely."

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The bicycle helmet law requires bicycle sellers to affix every bicycle offered for sale with a statement promoting the use of bicycle helmets by bicycles riders.

As part of the notice, it must state, "This Bike Is Missing One Part," and explain the benefits of using bicycles helmets. A-3305 was sponsored by Assemblymen Skip Cimino and Joe Mecca.

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