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Murphy signs measure permitting operation of electric bikes, scooters
NJBIZ (New Brunswick, NJ) - May 13, 2019

You're about to see a lot more electric scooters in New Jersey, thanks to a new law
northjersey.com (Published as northjersey.com (NJ)) - May 13, 2019

NEW STATE LAW PAVES WAY FOR ELECTRIC BIKES
Record, The (Hackensack, NJ) - May 14, 2019

RWH/CL

P.L. 2019, CHAPTER 121, *approved May 13, 2019*
Senate, No. 731 (*Second Reprint*)

1 AN ACT concerning ¹low-speed¹ electric bicycles ¹and low-speed
2 electric scooters¹, amending R.S.39:1-1 ²**[¹and P.L.1951,**
3 **c.23¹]**², and supplementing Title 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. R.S.39:1-1 is amended to read as follows:

9 39:1-1. As used in this subtitle, unless other meaning is clearly
10 apparent from the language or context, or unless inconsistent with the
11 manifest intention of the Legislature:

12 "Alley" means a public highway wherein the roadway does not
13 exceed 12 feet in width.

14 "Authorized emergency vehicles" means vehicles of the fire
15 department, police vehicles and such ambulances and other vehicles as
16 are approved by the chief administrator when operated in response to
17 an emergency call.

18 "Autocycle" means a three-wheeled motorcycle designed to be
19 controlled with a steering wheel and pedals in which the operator and
20 passenger may ride in a completely or partially enclosed seating area
21 that is equipped with a roll cage or roll hoops, safety seat belts for each
22 occupant, and anti-lock brakes.

23 "Automobile" includes all motor vehicles except motorcycles.

24 "Berm" means that portion of the highway exclusive of roadway
25 and shoulder, bordering the shoulder but not to be used for vehicular
26 travel.

27 "Business district" means that portion of a highway and the
28 territory contiguous thereto, where within any 600 feet along such
29 highway there are buildings in use for business or industrial purposes,
30 including but not limited to hotels, banks, office buildings, railroad
31 stations, and public buildings which occupy at least 300 feet of
32 frontage on one side or 300 feet collectively on both sides of the
33 roadway.

34 "Car pool" means two or more persons commuting on a daily basis
35 to and from work by means of a vehicle with a seating capacity of nine
36 passengers or less.

37 "Chief Administrator" or "Administrator" means the Chief
38 Administrator of the New Jersey Motor Vehicle Commission.

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:

¹Assembly floor amendments adopted December 17, 2018.

²Assembly floor amendments adopted January 31, 2019.

1 "Commercial motor vehicle" includes every type of motor-driven
2 vehicle used for commercial purposes on the highways, such as the
3 transportation of goods, wares and merchandise, excepting such
4 vehicles as are run only upon rails or tracks and vehicles of the
5 passenger car type used for touring purposes or the carrying of farm
6 products and milk, as the case may be.

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

9 "Commissioner" means the Commissioner of Transportation of
10 this State.

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

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

24 "Curb extension" or "bulbout" means a horizontal extension of the
25 sidewalk into the street which results in a narrower roadway section.

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

29 "Deputy Chief Administrator" means the deputy chief
30 administrator of the commission.

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

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

42 "Farm tractor" means every motor vehicle designed and used
43 primarily as a farm implement for drawing plows, mowing machines,
44 and other implements of husbandry.

45 "Flammable liquid" means any liquid having a flash point below
46 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
47 pounds.

- 1 "Gross weight" means the combined weight of a vehicle and a load
2 thereon.
- 3 "High occupancy vehicle" or "HOV" means a vehicle which is
4 used to transport two or more persons and shall include public
5 transportation, car pool, van pool, and other vehicles as determined by
6 regulation of the Department of Transportation.
- 7 "Highway" means the entire width between the boundary lines of
8 every way publicly maintained when any part thereof is open to the
9 use of the public for purposes of vehicular travel.
- 10 "Horse" includes mules and all other domestic animals used as
11 draught animals or beasts of burden.
- 12 "Inside lane" means the lane nearest the center line of the roadway.
- 13 "Intersection" means the area embraced within the prolongation of
14 the lateral curb lines or, if none, the lateral boundary lines of two or
15 more highways which join one another at an angle, whether or not one
16 such highway crosses another.
- 17 "Laned roadway" means a roadway which is divided into two or
18 more clearly marked lanes for vehicular traffic.
- 19 "Leased limousine" means any limousine subject to regulation in
20 the State which:
- 21 a. Is offered for rental or lease, without a driver, to be operated by
22 a limousine service as the lessee, for the purpose of carrying
23 passengers for hire; and
- 24 b. Is leased or rented for a period of one year or more following
25 registration.
- 26 "Leased motor vehicle" means any motor vehicle subject to
27 registration in this State which:
- 28 a. Is offered for rental or lease, without a driver, to be operated by
29 the lessee, his agent or servant, for purposes other than the
30 transportation of passengers for hire; and
- 31 b. Is leased or rented for a period of one year or more following
32 registration.
- 33 "Limited-access highway" means every highway, street, or
34 roadway in respect to which owners or occupants of abutting lands and
35 other persons have no legal right of access to or from the same except
36 at such points only and in such manner as may be determined by the
37 public authority having jurisdiction over such highway, street, or
38 roadway; and includes any highway designated as a "freeway" or
39 "parkway" by authority of law.
- 40 "Local authorities" means every county, municipal and other local
41 board or body having authority to adopt local police regulations under
42 the Constitution and laws of this State, including every county
43 governing body with relation to county roads.
- 44 "Low-speed electric bicycle" means a two or three-wheeled
45 vehicle with fully operable pedals and an electric motor of less than
46 750 watts, ¹[whose maximum speed on a paved level surface, when
47 powered solely by a motor while operated by a person weighing 170
48 pounds, is less than 20 miles per hour] that meets the requirements of

1 one of the following classifications: "class 1 low-speed electric
2 bicycle" which means a low-speed electric bicycle equipped with a
3 motor that provides assistance only when the rider is pedaling, and that
4 ceases to provide assistance when the bicycle reaches the speed of 20
5 miles per hour; or "class 2 low-speed electric bicycle" which means a
6 low-speed electric bicycle equipped with a motor that may be used
7 exclusively to propel the bicycle, and that is not capable of providing
8 assistance when the bicycle reaches the speed of 20 miles per hour¹.

9 "Low-speed electric scooter" means a scooter with a floorboard
10 that can be stood upon by the operator, with handlebars, and an electric
11 motor that is capable of propelling the device with or without human
12 propulsion at a maximum speed of less than 19 miles per hour.¹

13 "Low-speed vehicle" means a four-wheeled low-speed vehicle, as
14 defined in 49 [CFR] C.F.R. s.571.3(b), whose attainable speed is
15 more than 20 miles per hour but not more than 25 miles per hour on a
16 paved level surface and which is not powered by gasoline or diesel
17 fuel and complies with federal safety standards as set forth in 49
18 [CFR] C.F.R. s.571.500.

19 "Magistrate" means any municipal court and the Superior Court,
20 and any officer having the powers of a committing magistrate and the
21 chief administrator.

22 "Manufacturer" means a person engaged in the business of
23 manufacturing or assembling motor vehicles, who will, under normal
24 business conditions during the year, manufacture or assemble at least
25 10 new motor vehicles.

26 "Metal tire" means every tire the surface of which in contact with
27 the highway is wholly or partly of metal or other hard nonresilient
28 material.

29 "Mid-block crosswalk" means a crosswalk located away from an
30 intersection, distinctly indicated by lines or markings on the surface.

31 "Motorized bicycle" means a pedal bicycle having a helper motor
32 characterized in that either the maximum piston displacement is less
33 than 50 cc. or said motor is rated at no more than 1.5 brake horsepower
34 or is powered by an electric drive motor and said bicycle is capable of
35 a maximum speed of no more than 25 miles per hour on a flat surface
36 ²or a pedal bicycle having an electric motor that is capable of
37 propelling the bicycle in excess of 20 miles per hour with a maximum
38 motor-powered speed of no more than 28 miles per hour on a flat
39 surface². This term shall not include a low-speed electric bicycle¹ or
40 low-speed electric scooter¹ as defined in this section.

41 "Motorcycle" includes motorcycles, autocycles, motor bikes,
42 bicycles with motor attached and all motor-operated vehicles of the
43 bicycle or tricycle type, except motorized bicycles ¹[and] ¹ low-
44 speed electric bicycles¹, and low-speed electric scooters¹ as defined in
45 this section, whether the motive power be a part thereof or attached
46 thereto and having a saddle or seat with driver sitting astride or upon it
47 or a platform on which the driver stands.

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

3 "Motor vehicle" includes all vehicles propelled otherwise than by
4 muscular power, excepting such vehicles as run only upon rails or
5 tracks, low-speed electric bicycles, 'low-speed electric scooters,'¹ and
6 motorized bicycles.

7 "Motorized scooter" means a miniature motor vehicle and
8 includes, but is not limited to, pocket bikes, super pocket bikes,
9 scooters, mini-scooters, sport scooters, mini choppers, mini
10 motorcycles, motorized skateboards and other vehicles with motors
11 not manufactured in compliance with Federal Motor Vehicle Safety
12 Standards and which have no permanent Federal Safety Certification
13 stickers affixed to the vehicle by the original manufacturer. This term
14 shall not include: electric personal assistive mobility devices,
15 motorized bicycles **[or]** , low-speed vehicles, **'[or]'** low-speed
16 electric bicycles ¹, or low-speed electric scooters¹; or motorized
17 wheelchairs, mobility scooters or similar mobility assisting devices
18 used by persons with physical disabilities, or persons whose
19 ambulatory mobility has been impaired by age or illness.

20 "Motorized skateboard" means a skateboard that is propelled
21 otherwise than by muscular power.

22 "Motorized wheelchair" means any motor-driven wheelchair
23 utilized to increase the independent mobility, in the activities of daily
24 living, of an individual who has limited or no ambulation abilities, and
25 includes mobility scooters manufactured specifically for such purposes
26 and designed primarily for indoor use.

27 "Noncommercial truck" means every motor vehicle designed
28 primarily for transportation of property, and which is not a
29 "commercial vehicle."

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

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

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

40 "Outside lane" means the lane nearest the curb or outer edge of the
41 roadway.

42 "Owner" means a person who holds the legal title of a vehicle, or if
43 a vehicle is the subject of an agreement for the conditional sale or
44 lease thereof with the right of purchase upon performance of the
45 conditions stated in the agreement and with an immediate right of
46 possession vested in the conditional vendee or lessee, or if a mortgagor
47 of a vehicle is entitled to possession, then the conditional vendee,

1 lessee or mortgagor shall be deemed the owner for the purpose of this
2 subtitle.

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

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

10 "Pedestrian" means a person afoot.

11 "Person" includes natural persons, firms, copartnerships,
12 associations, and corporations.

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

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

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

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

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

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

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

41 "Right-of-way" means the privilege of the immediate use of the
42 highway.

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

47 "Roadway" means that portion of a highway improved, designed,
48 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 the
11 transportation of children to or from school for secular or religious
12 education, which complies with the regulations of the New Jersey
13 Motor Vehicle Commission 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 designed to transport
16 16 or more passengers, including the driver, used to transport enrolled
17 children, and adults only when serving as chaperones, to or from a
18 school, school connected activity, day camp, summer day camp,
19 summer residence camp, nursery school, child care center, preschool
20 center or other similar places of education. Such vehicle shall comply
21 with the regulations of the New Jersey Motor Vehicle Commission and
22 either the Department of Education or the Department of Human
23 Services, whichever is the appropriate supervising agency.

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

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

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

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

46 "Shipper" means any person who shall deliver, or cause to be
47 delivered, any commodity, produce or article for transportation as the
48 contents or load of a commercial motor vehicle. In the case of a sealed

1 ocean container, "shipper" shall not be construed to include any person
2 whose activities with respect to the shipment are limited to the
3 solicitation or negotiation of the sale, resale, or exchange of the
4 commodity, produce or article within that container.

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

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

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

12 "Slow-moving vehicle" means a vehicle run at a speed less than
13 the 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 that
31 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
37 by electric power obtained from overhead trolley wires but not
38 operated 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
47 being drawn by a motor vehicle and so constructed that no part of its
48 weight rests upon the towing vehicle.

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

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

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

9 "Vehicle" means every device in, upon or by which a person or
10 property is or may be transported upon a highway, excepting devices
11 moved by human power or used exclusively upon stationary rails or
12 tracks or ¹low-speed electric bicycles, low-speed electric scooters, or¹
13 motorized bicycles.

14 (cf: P.L.2016, c.35, s.1)

15

16 2. (New section) a. A low-speed electric bicycle ¹or low-
17 speed electric scooter¹, as defined in R.S.39:1-1, may be operated
18 on the streets, highways, ¹【sidewalks】 roadways¹, and bicycle paths
19 of this State ¹, except as otherwise provided in this section, and may
20 be parked on a sidewalk provided that the low-speed electric
21 bicycle or low-speed electric scooter does not impede the normal
22 movement of pedestrian or other traffic upon the sidewalk¹.

23 b. ¹On and after January 1, 2019, manufacturers and
24 distributors of low-speed electric bicycles shall apply a label that is
25 permanently affixed, in a prominent location, to each low-speed
26 electric bicycle. The label shall contain the classification number,
27 top assisted speed, and motor wattage of the low-speed electric
28 bicycle, and shall be printed in Arial font in at least 9-point type.

29 c. A person shall not tamper with or modify a low-speed electric
30 bicycle so as to change the motor-powered speed capability or
31 engagement of a low-speed electric bicycle, unless that person
32 appropriately replaces the label indicating the classification
33 required in subsection b. of this section.

34 d. A low-speed electric bicycle or low-speed electric scooter
35 may be operated on bicycle paths, except that a local government
36 entity or State agency may prohibit the operation of low-speed
37 electric bicycles or low-speed electric scooters on bicycle paths
38 under its jurisdiction.

39 e. Unless permitted by a local government entity or State agency
40 with jurisdiction, a low-speed electric bicycle or low-speed electric
41 scooter shall not be operated on a trail designated for non-motorized
42 traffic if such trail has a natural surface tread made by clearing and
43 grading the soil and no surfacing materials have been added.

44 f.¹ The operator of a low-speed electric bicycle ¹or low-speed
45 electric scooter¹ shall not be required to register the low-speed
46 electric bicycle ¹or low-speed electric scooter¹, furnish proof of
47 insurance, or have a driver's license.

1 ¹**[c. All]** g. Except as otherwise provided by this section, all¹
2 statutes, including the provisions of chapter 4 of Title 39 of the
3 Revised Statutes, rules, and regulations applicable to bicycles, as
4 defined in section 1 of P.L.1991, c.465 (C.39:4-10.1), shall apply to
5 low-speed electric bicycles ¹and low-speed electric scooters, except
6 those provisions which by their very nature may have no application
7 to low-speed electric bicycles or low-speed electric scooters¹.

8 ¹h. A low-speed electric bicycle or low-speed electric scooter
9 shall be considered a motor vehicle to the extent required by 23
10 U.S.C. s.154.¹

11
12 ²**[**¹3. Section 16 of P.L.1951, c.23 (C.39:4-14.1) shall be
13 amended to read as follows:

14 16. a. Every person riding a bicycle upon a roadway shall be
15 granted all of the rights and shall be subject to all of the duties
16 applicable to the driver of a vehicle by chapter **[four]** 4 of Title 39
17 of the Revised Statutes and all supplements thereto except as to
18 those provisions thereof which by their nature can have no
19 application.

20 Regulations applicable to bicycles shall apply whenever a
21 bicycle is operated upon any highway or upon any path set aside for
22 the exclusive use of bicycles subject to those exceptions stated
23 herein.

24 b. A law enforcement officer operating a bicycle while in the
25 performance of his duty, and who is engaged in the apprehension of
26 violators of the law or of persons charged with, or suspected of, a
27 violation shall not be subject to the provisions of this section.

28 c. A person shall not operate a bicycle on a sidewalk intended
29 primarily for pedestrian use, except as provided pursuant to
30 subsection b. of section 17 of P.L.1951, c.23 (C.39:4-14.2).¹

31 (cf: P.L.1999, c.283, s.1)**]**²

32

33 ²**[**¹4. Section 17 of P.L.1951, c.23 (C.39:4-14.2) shall be
34 amended to read as follows:

35 17. **[Every]** a. (1) A person operating a bicycle upon a
36 roadway shall ride as near to the right side of the roadway as
37 practicable, exercising due care when passing a standing vehicle or
38 one proceeding in the same direction; provided, however, that
39 **[any]** the person may move to the left under any of the following
40 situations:

41 (a) to make a left turn from a left-turn lane or pocket;

42 (b) to avoid debris, drains or other hazardous conditions that
43 make it impracticable to ride at the right side of the roadway;

44 (c) to pass a slower moving vehicle;

45 (d) to occupy any available lane when traveling at the same
46 speed as other traffic;

1 (e) to travel no more than two abreast when traffic is not
2 impeded.

3 **【Persons riding bicycles】** (2) A person riding a bicycle upon a
4 roadway may travel no more than two abreast when traffic is not
5 impeded, but otherwise shall ride in single file except on paths or
6 parts of roadways set aside for the exclusive use of bicycles.

7 b. (1) A person operating a bicycle shall not operate the
8 bicycle on a sidewalk intended primarily for pedestrian use, except
9 that: a municipality or county having jurisdiction over the sidewalk
10 may pass an ordinance that allows bicycles to be operated on the
11 sidewalk; and a State agency having jurisdiction over the sidewalk
12 may allow the operation of bicycles on the sidewalk.

13 (2) Any State agency, municipality, or county that allows the
14 operation of bicycles on a sidewalk under its jurisdiction shall
15 provide appropriate signage indicating that bicycles may be
16 operated on the sidewalk.¹

17 (cf: P.L.1983, c.257, s.1)²

18

19 ¹**【3.】** ²**【5.1】** 3.² This act shall take effect immediately.

20

21

22

23

24 Regulates operation of low-speed electric bicycles and low-speed
25 electric scooters.

SENATE, No. 731

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits operation of low-speed electric bicycles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning electric bicycles, 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
10 the 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
15 as are approved by the chief administrator when operated in
16 response to an emergency call.

17 "Autocycle" means a three-wheeled motorcycle designed to be
18 controlled with a steering wheel and pedals in which the operator
19 and passenger may ride in a completely or partially enclosed seating
20 area that is equipped with a roll cage or roll hoops, safety seat belts
21 for each occupant, and anti-lock brakes.

22 "Automobile" includes all motor vehicles except motorcycles.

23 "Berm" means that portion of the highway exclusive of roadway
24 and shoulder, bordering the shoulder but not to be used for
25 vehicular travel.

26 "Business district" means that portion of a highway and the
27 territory contiguous thereto, where within any 600 feet along such
28 highway there are buildings in use for business or industrial
29 purposes, including but not limited to hotels, banks, office
30 buildings, railroad stations, and public buildings which occupy at
31 least 300 feet of frontage on one side or 300 feet collectively on
32 both sides of the roadway.

33 "Car pool" means two or more persons commuting on a daily
34 basis to and from work by means of a vehicle with a seating
35 capacity of nine passengers or less.

36 "Chief Administrator" or "Administrator" means the Chief
37 Administrator of the New Jersey Motor Vehicle Commission.

38 "Commercial motor vehicle" includes every type of motor-driven
39 vehicle used for commercial purposes on the highways, such as the
40 transportation of goods, wares and merchandise, excepting such
41 vehicles as are run only upon rails or tracks and vehicles of the
42 passenger car type used for touring purposes or the carrying of farm
43 products and milk, as the case may be.

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 "Commission" means the New Jersey Motor Vehicle
2 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
3 4).

4 "Commissioner" means the Commissioner of Transportation of
5 this State.

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

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

20 "Curb extension" or "bulbout" means a horizontal extension of
21 the sidewalk into the street which results in a narrower roadway
22 section.

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

26 "Deputy Chief Administrator" means the deputy chief
27 administrator of the commission.

28 "Driver" means the rider or driver of a horse, bicycle or
29 motorcycle or the driver or operator of a motor vehicle, unless
30 otherwise specified.

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

40 "Farm tractor" means every motor vehicle designed and used
41 primarily as a farm implement for drawing plows, mowing
42 machines, and other implements of husbandry.

43 "Flammable liquid" means any liquid having a flash point below
44 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
45 pounds.

46 "Gross weight" means the combined weight of a vehicle and a
47 load thereon.

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

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

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

10 "Inside lane" means the lane nearest the center line of the
11 roadway.

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

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

18 "Leased limousine" means any limousine subject to regulation in
19 the State which:

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

23 b. Is leased or rented for a period of one year or more
24 following registration.

25 "Leased motor vehicle" means any motor vehicle subject to
26 registration in this State which:

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

30 b. Is leased or rented for a period of one year or more
31 following registration.

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

39 "Local authorities" means every county, municipal and other
40 local board or body having authority to adopt local police
41 regulations under the Constitution and laws of this State, including
42 every county governing body with relation to county roads.

43 "Low-speed electric bicycle" means a two or three-wheeled
44 vehicle with fully operable pedals and an electric motor of less than
45 750 watts, whose maximum speed on a paved level surface, when
46 powered solely by a motor while operated by a person weighing 170
47 pounds, is less than 20 miles per hour.

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

7 "Magistrate" means any municipal court and the Superior Court,
8 and any officer having the powers of a committing magistrate and
9 the chief administrator.

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

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

17 "Mid-block crosswalk" means a crosswalk located away from an
18 intersection, distinctly indicated by lines or markings on the
19 surface.

20 "Motorized bicycle" means a pedal bicycle having a helper motor
21 characterized in that either the maximum piston displacement is less
22 than 50 cc. or said motor is rated at no more than 1.5 brake
23 horsepower or is powered by an electric drive motor and said
24 bicycle is capable of a maximum speed of no more than 25 miles
25 per hour on a flat surface. This term shall not include a low-speed
26 electric bicycle as defined in this section.

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

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

36 "Motor vehicle" includes all vehicles propelled otherwise than by
37 muscular power, excepting such vehicles as run only upon rails or
38 tracks, low-speed electric bicycles, and motorized bicycles.

39 "Motorized scooter" means a miniature motor vehicle and
40 includes, but is not limited to, pocket bikes, super pocket bikes,
41 scooters, mini-scooters, sport scooters, mini choppers, mini
42 motorcycles, motorized skateboards and other vehicles with motors
43 not manufactured in compliance with Federal Motor Vehicle Safety
44 Standards and which have no permanent Federal Safety
45 Certification stickers affixed to the vehicle by the original
46 manufacturer. This term shall not include: electric personal
47 assistive mobility devices, motorized bicycles [or] , low-speed
48 vehicles, or low-speed electric bicycles; or motorized wheelchairs,

1 mobility scooters or similar mobility assisting devices used by
2 persons with physical disabilities, or persons whose ambulatory
3 mobility has been impaired by age or illness.

4 "Motorized skateboard" means a skateboard that is propelled
5 otherwise than by muscular power.

6 "Motorized wheelchair" means any motor-driven wheelchair
7 utilized to increase the independent mobility, in the activities of
8 daily living, of an individual who has limited or no ambulation
9 abilities, and includes mobility scooters manufactured specifically
10 for such purposes and designed primarily for indoor use.

11 "Noncommercial truck" means every motor vehicle designed
12 primarily for transportation of property, and which is not a
13 "commercial vehicle."

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

18 "Omnibus" includes all motor vehicles used for the
19 transportation of passengers for hire, except commuter vans and
20 vehicles used in ridesharing arrangements and school buses, if the
21 same are not otherwise used in the transportation of passengers for
22 hire.

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

25 "Outside lane" means the lane nearest the curb or outer edge of
26 the roadway.

27 "Owner" means a person who holds the legal title of a vehicle, or
28 if a vehicle is the subject of an agreement for the conditional sale or
29 lease thereof with the right of purchase upon performance of the
30 conditions stated in the agreement and with an immediate right of
31 possession vested in the conditional vendee or lessee, or if a
32 mortgagor of a vehicle is entitled to possession, then the conditional
33 vendee, lessee or mortgagor shall be deemed the owner for the
34 purpose of this subtitle.

35 "Parking" means the standing or waiting on a street, road or
36 highway of a vehicle not actually engaged in receiving or
37 discharging passengers or merchandise, unless in obedience to
38 traffic regulations or traffic signs or signals.

39 "Passenger automobile" means all automobiles used and
40 designed for the transportation of passengers, other than omnibuses
41 and school buses.

42 "Pedestrian" means a person afoot.

43 "Person" includes natural persons, firms, copartnerships,
44 associations, and corporations.

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

47 "Pole trailer" means every vehicle without motive power
48 designed to be drawn by another vehicle and attached to the towing

1 vehicle by means of a reach, or pole, or by being boomed or
2 otherwise secured to the towing vehicle, and ordinarily used for
3 transporting long or irregularly shaped loads, such as poles, pipes,
4 or structural members capable, generally, of sustaining themselves
5 as beams between the supporting connections.

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

8 "Railroad train" means a steam engine, electric or other motor,
9 with or without cars coupled thereto, operated upon rails, except
10 street cars.

11 "Recreation vehicle" means a self-propelled or towed vehicle
12 equipped to serve as temporary living quarters for recreational,
13 camping or travel purposes and used solely as a family or personal
14 conveyance.

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

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

25 "Right-of-way" means the privilege of the immediate use of the
26 highway.

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

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

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

40 "School bus" means every motor vehicle operated by, or under
41 contract with, a public or governmental agency, or religious or other
42 charitable organization or corporation, or privately operated for the
43 transportation of children to or from school for secular or religious
44 education, which complies with the regulations of the New Jersey
45 Motor Vehicle Commission affecting school buses, including
46 "School Vehicle Type I" and "School Vehicle Type II" as defined
47 below:

1 "School Vehicle Type I" means any vehicle designed to transport
2 16 or more passengers, including the driver, used to transport
3 enrolled children, and adults only when serving as chaperones, to or
4 from a school, school connected activity, day camp, summer day
5 camp, summer residence camp, nursery school, child care center,
6 preschool center or other similar places of education. Such vehicle
7 shall comply with the regulations of the New Jersey Motor Vehicle
8 Commission and either the Department of Education or the
9 Department of Human Services, whichever is the appropriate
10 supervising agency.

11 "School Vehicle Type II" means any vehicle designed to
12 transport less than 16 passengers, including the driver, used to
13 transport enrolled children, and adults only when serving as
14 chaperones, to or from a school, school connected activity, day
15 camp, summer day camp, summer residence camp, nursery school,
16 child care center, preschool center or other similar places of
17 education. Such vehicle shall comply with the regulations of the
18 New Jersey Motor Vehicle Commission and either the Department
19 of Education or the Department of Human Services, whichever is
20 the appropriate supervising agency.

21 "School zone" means that portion of a highway which is either
22 contiguous to territory occupied by a school building or is where
23 school crossings are established in the vicinity of a school, upon
24 which are maintained appropriate "school signs" in accordance with
25 specifications adopted by the chief administrator and in accordance
26 with law.

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

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

35 "Shipper" means any person who shall deliver, or cause to be
36 delivered, any commodity, produce or article for transportation as
37 the contents or load of a commercial motor vehicle. In the case of a
38 sealed ocean container, "shipper" shall not be construed to include
39 any person whose activities with respect to the shipment are limited
40 to the solicitation or negotiation of the sale, resale, or exchange of
41 the commodity, produce or article within that container.

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

45 "Sidewalk" means that portion of a highway intended for the use
46 of pedestrians, between the curb line or the lateral line of a
47 shoulder, or if none, the lateral line of the roadway and the adjacent
48 right-of-way line.

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

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

4 "Solid tire" means every tire of rubber or other resilient material
5 which does not depend upon compressed air for the support of the
6 load.

7 "Street" means the same as highway.

8 "Street car" means a car other than a railroad train, for
9 transporting persons or property and operated upon rails principally
10 within a municipality.

11 "Stop," when required, means complete cessation from
12 movement.

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

17 "Suburban business or residential district" means that portion of
18 highway and the territory contiguous thereto, where within any
19 1,320 feet along that highway there is land in use for business or
20 residential purposes and that land occupies more than 660 feet of
21 frontage on one side or collectively more than 660 feet of frontage
22 on both sides of that roadway.

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

27 "Trackless trolley" means every motor vehicle which is propelled
28 by electric power obtained from overhead trolley wires but not
29 operated upon rails.

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

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

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

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

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

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

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

5 (cf: P.L.2016, c.35, s.1)

6
7 2. (New section) a. A low-speed electric bicycle, as defined in
8 R.S.39:1-1, may be operated on the streets, highways, sidewalks,
9 and bicycle paths of this State.

10 b. The operator of a low-speed electric bicycle shall not be
11 required to register the low-speed electric bicycle, furnish proof of
12 insurance, or have a driver's license.

13 c. All statutes, including the provisions of chapter 4 of Title 39
14 of the Revised Statutes, rules, and regulations applicable to
15 bicycles, as defined in section 1 of P.L.1991, c.465 (C.39:4-10.1),
16 shall apply to low-speed electric bicycles.

17
18 3. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 This bill expressly permits the operation of low-speed electric
24 bicycles in this State. Under the bill, low-speed electric bicycles
25 may be operated on streets, highways, sidewalks, and bicycle paths.
26 An operator of a low-speed electric bicycle is not required to
27 register the low-speed electric bicycle, furnish proof of insurance,
28 or have a driver's license.

29 The bill further provides that all statutes, including the
30 provisions of chapter 4 of Title 39 of the Revised Statutes, rules,
31 and regulations that are applicable to bicycles are to apply to low-
32 speed electric bicycles.

33 The bill defines a low-speed electric bicycle as a two or three-
34 wheeled vehicle with fully operable pedals and an electric motor of
35 less than 750 watts, whose maximum speed on a paved level
36 surface, when powered solely by a motor while operated by a
37 person weighing 170 pounds, is less than 20 miles per hour.

38 The bill also clarifies that the definitions of a motor vehicle,
39 motorcycle, motorized bicycle, and motorized scooter do not
40 include a low-speed electric bicycle.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 731

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Transportation Committee reports favorably Senate Bill No. 731.

As reported, this bill permits the operation of low-speed electric bicycles, which may be operated on streets, highways, sidewalks, and bicycle paths in this State. Under the bill, an operator of a low-speed electric bicycle is not required to register the low-speed electric bicycle, furnish proof of insurance, or have a driver's license. The bill further provides that all statutes, including the provisions of chapter 4 of Title 39 of the Revised Statutes, rules, and regulations that are applicable to bicycles are to apply to low-speed electric bicycles.

The bill defines a low-speed electric bicycle as a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, whose maximum speed on a paved level surface, when powered solely by a motor while operated by a person weighing 170 pounds, is less than 20 miles per hour. The bill also clarifies that the definitions of a motor vehicle, motorcycle, motorized bicycle, and motorized scooter do not include a low-speed electric bicycle.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

SENATE, No. 731

with Assembly Floor Amendments
(Proposed by Assemblyman MUKHERJI)

ADOPTED: DECEMBER 17, 2018

These Assembly amendments include low-speed electric scooters under the provisions of the bill and regulate low-speed electric bicycles depending on the classification of the bicycle.

The amendments provide that a low-speed electric scooter is not to be considered a motorized bicycle, motorcycle, motor vehicle, motorized scooter, or vehicle, as those terms are defined in the bill. The amendments also provide that a low-speed electric bicycle is not to be considered a vehicle, as that term is defined in the bill.

The amendments remove authorization for low-speed electric scooters and low-speed electric bicycles to be operated on sidewalks and include a provision allowing them to be operated on roadways and to be parked on a sidewalk so long as doing so does not impede the normal movement of pedestrian or other traffic upon the sidewalk.

The amendments require manufacturers and distributors of low-speed electric bicycles to apply a label that is permanently affixed, in a prominent location, to each low-speed electric bicycle that contains the classification number, top assisted speed, and motor wattage of the low-speed electric bicycle, printed in Arial font in at least 9-point type. The amendments prohibit a person from modifying a low-speed electric bicycle so as to change the motor-powered speed capability or engagement of the bicycle, unless that person replaces the label indicating the classification of the bicycle.

The amendments provide that low-speed electric bicycles and low-speed electric scooters may be operated on bicycle paths, except that a local government entity or State agency may prohibit such operation on bicycle paths under its jurisdiction. The amendments prohibit low-speed electric bicycles and low-speed electric scooters from being operated on a trail designated for non-motorized traffic if the trail has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added, unless a local government entity or State agency with jurisdiction over the trail allows the operation of low-speed electric bicycles or low-speed electric scooters on the trail.

The amendments provide that the operator of a low-speed electric scooter is not required to register the scooter, furnish proof of insurance, or have a driver's license. The amendments provide that all statutes applicable to bicycles are applicable to low-speed electric scooters and low-speed electric bicycles, except those provisions which by their very nature may have no application.

The amendments provide that a low-speed electric bicycle or low-speed electric scooter is to be considered a motor vehicle to the extent required by 23 U.S.C. s.154.

The amendments provide that a person operating a bicycle is only permitted to ride on a sidewalk, intended primarily for pedestrian use, if the municipality or county having jurisdiction over the sidewalk passes an ordinance that allows bicycles to be operated on the sidewalk or the State agency having jurisdiction allows the operation of bicycles on the sidewalk. Any State agency, municipality, or county that allows the operation of bicycles on a sidewalk under its jurisdiction is required to provide appropriate signage indicating that bicycles may be operated on the sidewalk.

The amendments also change the title and synopsis of the bill to reflect the changes made.

STATEMENT TO
[First Reprint]
SENATE, No. 731

with Assembly Floor Amendments
(Proposed by Assemblyman MUKHERJI)

ADOPTED: JANUARY 31, 2019

These floor amendments remove provisions in the bill that establish a default position that operating a bicycle, low-speed electric bicycle, or low-speed electric scooter on a sidewalk is prohibited. The amendments also remove provisions that allow local governments and State agencies to provide exceptions to that general prohibition. Removal of these provisions is intended to leave the permission or prohibition of operation of these vehicles on sidewalks up to the relevant municipality, county, or State agency.

The amendments also provide that any electric bicycle with a motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour on a flat surface is to be treated under State law as a motorized bicycle, commonly referred to as a moped.

The amendments also change the title and synopsis of the bill and renumber the effective date section of the bill to reflect the changes.

ASSEMBLY, No. 1810

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

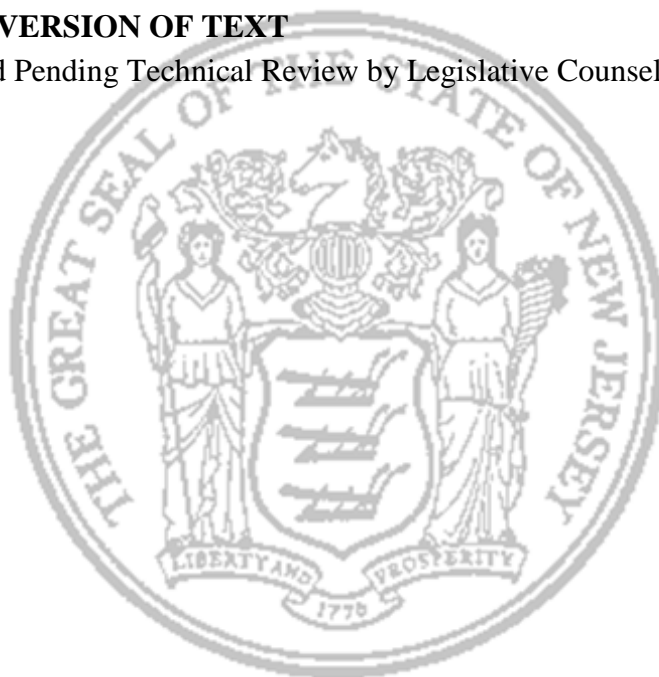
Assemblyman Rooney and Assemblywoman Pinkin

SYNOPSIS

Permits operation of low-speed electric bicycles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/15/2018)

A1810 EUSTACE, VAINIERI HUTTLE

2

1 **AN ACT** concerning electric bicycles, 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
10 the 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
15 as are approved by the chief administrator when operated in
16 response to an emergency call.

17 "Autocycle" means a three-wheeled motorcycle designed to be
18 controlled with a steering wheel and pedals in which the operator
19 and passenger may ride in a completely or partially enclosed seating
20 area that is equipped with a roll cage or roll hoops, safety seat belts
21 for each occupant, and anti-lock brakes.

22 "Automobile" includes all motor vehicles except motorcycles.

23 "Berm" means that portion of the highway exclusive of roadway
24 and shoulder, bordering the shoulder but not to be used for
25 vehicular travel.

26 "Business district" means that portion of a highway and the
27 territory contiguous thereto, where within any 600 feet along such
28 highway there are buildings in use for business or industrial
29 purposes, including but not limited to hotels, banks, office
30 buildings, railroad stations, and public buildings which occupy at
31 least 300 feet of frontage on one side or 300 feet collectively on
32 both sides of the roadway.

33 "Car pool" means two or more persons commuting on a daily
34 basis to and from work by means of a vehicle with a seating
35 capacity of nine passengers or less.

36 "Chief Administrator" or "Administrator" means the Chief
37 Administrator of the New Jersey Motor Vehicle Commission.

38 "Commercial motor vehicle" includes every type of motor-driven
39 vehicle used for commercial purposes on the highways, such as the
40 transportation of goods, wares and merchandise, excepting such
41 vehicles as are run only upon rails or tracks and vehicles of the
42 passenger car type used for touring purposes or the carrying of farm
43 products and milk, as the case may be.

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.

A1810 EUSTACE, VAINIERI HUTTLE

1 "Commission" means the New Jersey Motor Vehicle
2 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
3 4).

4 "Commissioner" means the Commissioner of Transportation of
5 this State.

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

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

20 "Curb extension" or "bulbout" means a horizontal extension of
21 the sidewalk into the street which results in a narrower roadway
22 section.

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

26 "Deputy Chief Administrator" means the deputy chief
27 administrator of the commission.

28 "Driver" means the rider or driver of a horse, bicycle or
29 motorcycle or the driver or operator of a motor vehicle, unless
30 otherwise specified.

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

40 "Farm tractor" means every motor vehicle designed and used
41 primarily as a farm implement for drawing plows, mowing
42 machines, and other implements of husbandry.

43 "Flammable liquid" means any liquid having a flash point below
44 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
45 pounds.

46 "Gross weight" means the combined weight of a vehicle and a
47 load thereon.

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

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

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

10 "Inside lane" means the lane nearest the center line of the
11 roadway.

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

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

18 "Leased limousine" means any limousine subject to regulation in
19 the State which:

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

23 b. Is leased or rented for a period of one year or more
24 following registration.

25 "Leased motor vehicle" means any motor vehicle subject to
26 registration in this State which:

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

30 b. Is leased or rented for a period of one year or more
31 following registration.

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

39 "Local authorities" means every county, municipal and other
40 local board or body having authority to adopt local police
41 regulations under the Constitution and laws of this State, including
42 every county governing body with relation to county roads.

43 "Low-speed electric bicycle" means a two or three-wheeled
44 vehicle with fully operable pedals and an electric motor of less than
45 750 watts, whose maximum speed on a paved level surface, when
46 powered solely by a motor while operated by a person weighing 170
47 pounds, is less than 20 miles per hour.

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

7 "Magistrate" means any municipal court and the Superior Court,
8 and any officer having the powers of a committing magistrate and
9 the chief administrator.

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

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

17 "Mid-block crosswalk" means a crosswalk located away from an
18 intersection, distinctly indicated by lines or markings on the
19 surface.

20 "Motorized bicycle" means a pedal bicycle having a helper motor
21 characterized in that either the maximum piston displacement is less
22 than 50 cc. or said motor is rated at no more than 1.5 brake
23 horsepower or is powered by an electric drive motor and said
24 bicycle is capable of a maximum speed of no more than 25 miles
25 per hour on a flat surface. This term shall not include a low-speed
26 electric bicycle as defined in this section.

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

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

36 "Motor vehicle" includes all vehicles propelled otherwise than by
37 muscular power, excepting such vehicles as run only upon rails or
38 tracks, low-speed electric bicycles, and motorized bicycles.

39 "Motorized scooter" means a miniature motor vehicle and
40 includes, but is not limited to, pocket bikes, super pocket bikes,
41 scooters, mini-scooters, sport scooters, mini choppers, mini
42 motorcycles, motorized skateboards and other vehicles with motors
43 not manufactured in compliance with Federal Motor Vehicle Safety
44 Standards and which have no permanent Federal Safety
45 Certification stickers affixed to the vehicle by the original
46 manufacturer. This term shall not include: electric personal
47 assistive mobility devices, motorized bicycles [or] , low-speed
48 vehicles, or low-speed electric bicycles; or motorized wheelchairs,

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1 mobility scooters or similar mobility assisting devices used by
2 persons with physical disabilities, or persons whose ambulatory
3 mobility has been impaired by age or illness.

4 "Motorized skateboard" means a skateboard that is propelled
5 otherwise than by muscular power.

6 "Motorized wheelchair" means any motor-driven wheelchair
7 utilized to increase the independent mobility, in the activities of
8 daily living, of an individual who has limited or no ambulation
9 abilities, and includes mobility scooters manufactured specifically
10 for such purposes and designed primarily for indoor use.

11 "Noncommercial truck" means every motor vehicle designed
12 primarily for transportation of property, and which is not a
13 "commercial vehicle."

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

18 "Omnibus" includes all motor vehicles used for the
19 transportation of passengers for hire, except commuter vans and
20 vehicles used in ridesharing arrangements and school buses, if the
21 same are not otherwise used in the transportation of passengers for
22 hire.

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

25 "Outside lane" means the lane nearest the curb or outer edge of
26 the roadway.

27 "Owner" means a person who holds the legal title of a vehicle, or
28 if a vehicle is the subject of an agreement for the conditional sale or
29 lease thereof with the right of purchase upon performance of the
30 conditions stated in the agreement and with an immediate right of
31 possession vested in the conditional vendee or lessee, or if a
32 mortgagor of a vehicle is entitled to possession, then the conditional
33 vendee, lessee or mortgagor shall be deemed the owner for the
34 purpose of this subtitle.

35 "Parking" means the standing or waiting on a street, road or
36 highway of a vehicle not actually engaged in receiving or
37 discharging passengers or merchandise, unless in obedience to
38 traffic regulations or traffic signs or signals.

39 "Passenger automobile" means all automobiles used and
40 designed for the transportation of passengers, other than omnibuses
41 and school buses.

42 "Pedestrian" means a person afoot.

43 "Person" includes natural persons, firms, copartnerships,
44 associations, and corporations.

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

47 "Pole trailer" means every vehicle without motive power
48 designed to be drawn by another vehicle and attached to the towing

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1 vehicle by means of a reach, or pole, or by being boomed or
2 otherwise secured to the towing vehicle, and ordinarily used for
3 transporting long or irregularly shaped loads, such as poles, pipes,
4 or structural members capable, generally, of sustaining themselves
5 as beams between the supporting connections.

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

8 "Railroad train" means a steam engine, electric or other motor,
9 with or without cars coupled thereto, operated upon rails, except
10 street cars.

11 "Recreation vehicle" means a self-propelled or towed vehicle
12 equipped to serve as temporary living quarters for recreational,
13 camping or travel purposes and used solely as a family or personal
14 conveyance.

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

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

25 "Right-of-way" means the privilege of the immediate use of the
26 highway.

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

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

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

40 "School bus" means every motor vehicle operated by, or under
41 contract with, a public or governmental agency, or religious or other
42 charitable organization or corporation, or privately operated for the
43 transportation of children to or from school for secular or religious
44 education, which complies with the regulations of the New Jersey
45 Motor Vehicle Commission affecting school buses, including
46 "School Vehicle Type I" and "School Vehicle Type II" as defined
47 below:

1 "School Vehicle Type I" means any vehicle designed to transport
2 16 or more passengers, including the driver, used to transport
3 enrolled children, and adults only when serving as chaperones, to or
4 from a school, school connected activity, day camp, summer day
5 camp, summer residence camp, nursery school, child care center,
6 preschool center or other similar places of education. Such vehicle
7 shall comply with the regulations of the New Jersey Motor Vehicle
8 Commission and either the Department of Education or the
9 Department of Human Services, whichever is the appropriate
10 supervising agency.

11 "School Vehicle Type II" means any vehicle designed to
12 transport less than 16 passengers, including the driver, used to
13 transport enrolled children, and adults only when serving as
14 chaperones, to or from a school, school connected activity, day
15 camp, summer day camp, summer residence camp, nursery school,
16 child care center, preschool center or other similar places of
17 education. Such vehicle shall comply with the regulations of the
18 New Jersey Motor Vehicle Commission and either the Department
19 of Education or the Department of Human Services, whichever is
20 the appropriate supervising agency.

21 "School zone" means that portion of a highway which is either
22 contiguous to territory occupied by a school building or is where
23 school crossings are established in the vicinity of a school, upon
24 which are maintained appropriate "school signs" in accordance with
25 specifications adopted by the chief administrator and in accordance
26 with law.

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

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

35 "Shipper" means any person who shall deliver, or cause to be
36 delivered, any commodity, produce or article for transportation as
37 the contents or load of a commercial motor vehicle. In the case of a
38 sealed ocean container, "shipper" shall not be construed to include
39 any person whose activities with respect to the shipment are limited
40 to the solicitation or negotiation of the sale, resale, or exchange of
41 the commodity, produce or article within that container.

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

45 "Sidewalk" means that portion of a highway intended for the use
46 of pedestrians, between the curb line or the lateral line of a
47 shoulder, or if none, the lateral line of the roadway and the adjacent
48 right-of-way line.

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

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

4 "Solid tire" means every tire of rubber or other resilient material
5 which does not depend upon compressed air for the support of the
6 load.

7 "Street" means the same as highway.

8 "Street car" means a car other than a railroad train, for
9 transporting persons or property and operated upon rails principally
10 within a municipality.

11 "Stop," when required, means complete cessation from
12 movement.

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

17 "Suburban business or residential district" means that portion of
18 highway and the territory contiguous thereto, where within any
19 1,320 feet along that highway there is land in use for business or
20 residential purposes and that land occupies more than 660 feet of
21 frontage on one side or collectively more than 660 feet of frontage
22 on both sides of that roadway.

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

27 "Trackless trolley" means every motor vehicle which is propelled
28 by electric power obtained from overhead trolley wires but not
29 operated upon rails.

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

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

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

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

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

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

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

5 (cf: P.L.2016, c.35, s.1)

6

7 2. (New section) a. A low-speed electric bicycle, as defined in
8 R.S.39:1-1, may be operated on the streets, highways, sidewalks,
9 and bicycle paths of this State.

10 b. The operator of a low-speed electric bicycle shall not be
11 required to register the low-speed electric bicycle, furnish proof of
12 insurance, or have a driver's license.

13 c. All statutes, including the provisions of chapter 4 of Title 39
14 of the Revised Statutes, rules, and regulations applicable to
15 bicycles, as defined in section 1 of P.L.1991, c.465 (C.39:4-10.1),
16 shall apply to low-speed electric bicycles.

17

18 3. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill expressly permits the operation of low-speed electric
24 bicycles in this State. Under the bill, low-speed electric bicycles
25 may be operated on streets, highways, sidewalks, and bicycle paths.
26 An operator of a low-speed electric bicycle is not required to
27 register the low-speed electric bicycle, furnish proof of insurance,
28 or have a driver's license.

29 The bill further provides that all statutes, including the
30 provisions of chapter 4 of Title 39 of the Revised Statutes, rules,
31 and regulations that are applicable to bicycles are to apply to low-
32 speed electric bicycles.

33 The bill defines a low-speed electric bicycle as a two or three-
34 wheeled vehicle with fully operable pedals and an electric motor of
35 less than 750 watts, whose maximum speed on a paved level
36 surface, when powered solely by a motor while operated by a
37 person weighing 170 pounds, is less than 20 miles per hour.

38 The bill also clarifies that the definitions of a motor vehicle,
39 motorcycle, motorized bicycle, and motorized scooter do not
40 include a low-speed electric bicycle.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

DATED: JUNE 14, 2018

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 1810.

As reported, this bill permits the operation of low-speed electric bicycles on streets, highways, sidewalks, and bicycle paths in this State. An operator of a low-speed electric bicycle is not required to register the low-speed electric bicycle, furnish proof of insurance, or have a driver's license. The bill further provides that all statutes, rules, and regulations that are applicable to bicycles are to apply to low-speed electric bicycles.

The bill defines a low-speed electric bicycle as a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, whose maximum speed on a paved level surface, when powered solely by a motor while operated by a person weighing 170 pounds, is less than 20 miles per hour.

The bill also clarifies that the definitions of a motor vehicle, motorcycle, motorized bicycle, and motorized scooter do not include a low-speed electric bicycle.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 1810

with Assembly Floor Amendments
(Proposed by Assemblyman MUKHERJI)

ADOPTED: DECEMBER 17, 2018

These Assembly amendments include low-speed electric scooters under the provisions of the bill and regulate low-speed electric bicycles depending on the classification of the bicycle.

The amendments provide that a low-speed electric scooter is not to be considered a motorized bicycle, motorcycle, motor vehicle, motorized scooter, or vehicle, as those terms are defined in the bill. The amendments also provide that a low-speed electric bicycle is not to be considered a vehicle, as that term is defined in the bill.

The amendments remove authorization for low-speed electric scooters and low-speed electric bicycles to be operated on sidewalks and include a provision allowing them to be operated on roadways and to be parked on a sidewalk so long as doing so does not impede the normal movement of pedestrian or other traffic upon the sidewalk.

The amendments require manufacturers and distributors of low-speed electric bicycles to apply a label that is permanently affixed, in a prominent location, to each low-speed electric bicycle that contains the classification number, top assisted speed, and motor wattage of the low-speed electric bicycle, printed in Arial font in at least 9-point type. The amendments prohibit a person from modifying a low-speed electric bicycle so as to change the motor-powered speed capability or engagement of the bicycle, unless that person replaces the label indicating the classification of the bicycle.

The amendments provide that low-speed electric bicycles and low-speed electric scooters may be operated on bicycle paths, except that a local government entity or State agency may prohibit such operation on bicycle paths under its jurisdiction. The amendments prohibit low-speed electric bicycles and low-speed electric scooters from being operated on a trail designated for non-motorized traffic if the trail has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added, unless a local government entity or State agency with jurisdiction over the trail allows the operation of low-speed electric bicycles or low-speed electric scooters on the trail.

The amendments provide that the operator of a low-speed electric scooter is not required to register the scooter, furnish proof of insurance, or have a driver's license. The amendments provide that all statutes applicable to bicycles are applicable to low-speed electric scooters and low-speed electric bicycles, except those provisions which by their very nature may have no application.

The amendments provide that a low-speed electric bicycle or low-speed electric scooter is to be considered a motor vehicle to the extent required by 23 U.S.C. s.154.

The amendments provide that a person operating a bicycle is only permitted to ride on a sidewalk, intended primarily for pedestrian use, if the municipality or county having jurisdiction over the sidewalk passes an ordinance that allows bicycles to be operated on the sidewalk or the State agency having jurisdiction allows the operation of bicycles on the sidewalk. Any State agency, municipality, or county that allows the operation of bicycles on a sidewalk under its jurisdiction is required to provide appropriate signage indicating that bicycles may be operated on the sidewalk.

The amendments also change the title and synopsis of the bill to reflect the changes made.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1810

with Assembly Floor Amendments
(Proposed by Assemblyman MUKHERJI)

ADOPTED: JANUARY 31, 2019

These floor amendments remove provisions in the bill that establish a default position that operating a bicycle, low-speed electric bicycle, or low-speed electric scooter on a sidewalk is prohibited. The amendments also remove provisions that allow local governments and State agencies to provide exceptions to that general prohibition. Removal of these provisions is intended to leave the permission or prohibition of operation of these vehicles on sidewalks up to the relevant municipality, county, or State agency.

The amendments also provide that any electric bicycle with a motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour on a flat surface is to be treated under State law as a motorized bicycle, commonly referred to as a moped.

The amendments also change the title of the bill and renumber the effective date section of the bill to reflect the changes.



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Newark, N.J.

Governor Murphy Signs Legislation Permitting Operation of Low Speed E-Bikes and Motorized Scooters

05/13/2019

Automobile alternatives will help curb emissions and congestion in New Jersey

TRENTON - As Governor Phil Murphy continues working to bolster New Jersey's innovation economy, he signed legislation today (S731) that outlines regulations governing the use of low speed electric scooters and e-bikes.

The bill calls for motorized scooters and e-bikes capable of traveling 20 miles per hour or slower to be regulated much the same as ordinary bicycles, allowing their operation on streets, highways, and bicycle paths in this State. An operator of a low-speed electric bicycle or motorized scooter is not required to register the scooter or e-bike, furnish proof of insurance, or have a driver's license. The bill further provides that all statutes, rules, and regulations that apply to ordinary bicycles will apply to low-speed electric bicycles and motorized scooters.

This legislation will help encourage the use of sharing platforms that enable individuals to rent motorized scooters and e-bikes for short intervals as an alternative to an automobile trip.

Primary sponsors of the bill were Senator Linda Greenstein, Senator Shirley Turner, Assemblyman Raj Mukherji, and Assemblyman Jamel Holley.

"Electric bicycles and motorized scooters offer a fantastic alternative to cars and their use will serve to cut both emissions and congestion in our cities," **said Governor Murphy**. "As we seek to support New Jersey's Innovation Economy, this bill will help encourage a true reimagining of urban commuting."

"E-Bikes continue to grow in popularity around the country with many electing this green means of transportation as an alternative to getting behind the wheel," **said Senator Greenstein**. "They are easy to operate, affordable and allow riders greater mobility. They are environmentally responsible and alleviate roadway congestion. This law reinforces New Jersey's continued commitment to a healthy environment."

"This will help to bring transportation in New Jersey into the 21st Century. Especially in our urban centers, electric bikes and scooters can offer a means of transportation that is much more affordable than a car," **said Senator Turner**. "Additionally, e-bikes and e-scooters align with our efforts to become a more sustainable and environmentally conscious state."

"Permitting the use of low-speed electric bikes supports our efforts to protect the environment by reducing our greenhouse gas emissions," **said Assemblyman Mukherji**. "By bringing our motor vehicle laws into the 21st century, we will enable the rollout of e-bikes in Jersey City's bike share program and expand the transportation

options available to New Jerseyans.”

“We can make room for all vehicles can share the road with the proper guidelines in place,” **said Assemblyman Holley**. “For the residents who must use electric scooters or those who borrow an electric bike from a bike share, regulations will provide for their safety on New Jersey.”

“Today, New Jersey’s governor and legislature took a significant step forward to combat climate change, traffic congestion, and the high cost of commuting by enacting statewide rules encouraging the adoption of shared e-scooters and e-bikes,” **said David Estrada, Chief Policy Officer at Bird**. “We look forward to providing the residents and visitors of New Jersey an equitable, reliable and efficient clean mode of transportation that ultimately helps achieve our shared mission of making cities more livable for all.”

“Lyft aims to improve people’s lives with the world’s best transportation, and we believe that shared electric vehicles like bikes and scooters are key to this mission. We applaud Governor Murphy and our partners in the New Jersey Legislature for taking this important step that will bring additional affordable, sustainable, and fun transportation options to residents across the Garden State,” **said Caroline Samponaro, Head of Bike, Scooter & Pedestrian Policy at Lyft**.

“Today’s decision by Governor Murphy and the New Jersey State Legislature permitting the use of electric scooters brings us all closer to providing safe, sustainable mobility solutions,” **said B. Sarah Haynes, Chairwoman of Bolt Mobility Corporation**. “Bolt Mobility shares the Governor’s and the legislature’s commitment to reducing traffic congestion and pollution. Our Bolt Mobility team looks forward to the opportunity to provide the people of New Jersey access to the best in class, carbon free electric scooters that we custom designed from the ground up for stability and safety for all genders and backgrounds to enjoy.”

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