

R.S. 39:3 - 76.3 et seq.

May 22, 1969

LEGISLATIVE NOTES ON R.S. 39:3-76.3 et seq.
(Motorcycles - Equipment requirements)

COPY NO. 2

The bill which became law was:

L. 1967, Chapter 237 - S288

February 6 - Introduced by Parsekian & Fernicola.

May 8 - Passed in Senate.

May 8 - Passed in Assembly under emergency resolution.

November 20 - Returned by Governor with recommended amendment.

November 27 - Re-enacted in Senate, amended.

December 4 - Re-enacted in Assembly.

December 5 - Approved, Chapter 237.

Statement: copy attached.

Amendments at Governor's recommendation: copy attached.

No hearings or reports were located.

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SENATE, No. 288

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1967

By Senators PARSEKIAN and FERNICOLA

Referred to Committee on Law and Public Safety

AN ACT concerning the operation and inspection of motorcycles, requiring certain equipment for motorcycles and motorcycle operators and passengers, and amending section 39:8-1 and supplementing chapter 3 of Title 39, of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. Section 39:8-1 of the Revised Statutes is amended to read
4 as follows:

5 39:8-1. The director shall require every motor vehicle registered
6 in this State which is used over the highways of this State, except
7 **[motorcycles and bicycles with motor attached,]** vehicles and
8 traction equipment registered pursuant to section 39:3-24 of this
9 Title, motor vehicles used for the transportation of passengers
10 for hire which are subject to the jurisdiction of the board of public
11 utility commissioners and historic motor vehicles registered as
12 such, to have such motor vehicles inspected with respect to mech-
13 anism, brakes and equipment by designated inspectors or at official
14 inspection stations to be designated by the director.

15 2. No person shall operate on a public highway a motorcycle on
16 which the handle bars or grips are more than 15 inches higher
17 than the seat or saddle for the operator.

18 ***[3.** Motorcycles shall be equipped with crash bars designed espe-
19 cially for motorcycles and of a type approved by the director.]*

20 ***[4.]*** *3.* In addition to the muffler requirements contained in
21 section 39:3-70 of the Revised Statutes, motorcycles shall be
22 equipped with muffler systems designed especially for motorcycles
23 and of a type approved by the director.

24 ***[5.]*** *4.* A person operating a motorcycle shall ride only upon
25 the permanent and regular seat attached thereto, and such operator

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

26 shall not carry any other person nor shall any other person ride on
1 a motorcycle unless such motorcycle is designed to carry more than
2 one person, in which event a passenger may ride upon the per-
3 manent and regular seat if designed for 2 persons, or upon another
4 seat firmly attached to the rear or side of the operator.

5 Motorcycles designed to carry more than one person shall be
6 equipped with adequate hand holds and footrests for each pas-
7 senger. Seats, hand holds and footrests shall be of a type approved
8 by the director.

9 ***[6.]* *5.*** The director is authorized to adopt rules and regula-
10 tions covering the types and specifications of the equipment for
11 motorcycles required by this act.

12 ***[7.]* *6.*** No person shall operate or ride upon a motorcycle un-
13 less he wears a protective helmet of a type approved by the direc-
14 tor. Such a helmet must be equipped with either a neck or chin
15 strap and be reflectorized on both sides thereof. The director is
16 authorized and empowered to adopt rules and regulations covering
17 the types of helmets and the specifications therefor and to establish
18 and maintain a list of approved helmets which meet the specifica-
19 tions as established hereunder.

20 ***[8.]* *7.*** No person shall operate a motorcycle unless he wears
21 goggles or a face shield of a type approved by the director. The
22 director is authorized and empowered to adopt rules and regula-
23 tions covering types of goggles and face shields and the specifica-
24 tions therefor and to establish and maintain a list of approved
25 goggles and face shields which meet the specifications as estab-
25A lished hereunder.

26 ***[9.]* *8.*** The provisions of section 8 of this act with respect to
27 goggles and face shields shall not apply to the operator of a motor-
28 cycle equipped with a wind screen meeting specifications estab-
29 lished by the director.

30 ***[10.]* *9.*** No person shall sell, offer for sale or distribute any
31 protective helmets, goggles or face shields for use by the operators
32 of motorcycles, or protective helmets for the use of passengers
33 thereon, unless they are of a type and specifications approved by
34 the director and appear on the list of approved devices maintained
35 by the director.

36 ***[11.]* *10.*** This act shall take effect January 1, 1968.

STATE OF NEW JERSEY

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AN ACT concerning the operation and inspection of motorcycles, requiring certain equipment for motorcycles and motorcycle operators and passengers, and amending section 39:8-1 and supplementing chapter 3 of Title 39, of the Revised Statutes.

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9 Title, motor vehicles used for the transportation of passengers
10 for hire which are subject to the jurisdiction of the board of public
11 utility commissioners and historic motor vehicles registered as
12 such, to have such motor vehicles inspected with respect to mech-
13 anism, brakes and equipment by designated inspectors or at official
14 inspection stations to be designated by the director.

15 2. No person shall operate on a public highway a motorcycle on
16 which the handle bars or grips are more than 15 inches higher
17 than the seat or saddle for the operator.

18 3. Motorcycles shall be equipped with crash bars designed espe-
19 cially for motorcycles and of a type approved by the director.

20 4. In addition to the muffler requirements contained in section
21 39:3-70 of the Revised Statutes, motorcycles shall be equipped
22 with muffler systems designed especially for motorcycles and of a
23 type approved by the director.

24 5. A person operating a motorcycle shall ride only upon the
25 permanent and regular seat attached thereto, and such operator
26 shall not carry any other person nor shall any other person ride on

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
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1 a motorcycle unless such motorcycle is designed to carry more than
2 one person, in which event a passenger may ride upon the per-
3 manent and regular seat if designed for 2 persons, or upon another
4 seat firmly attached to the rear or side of the operator.

5 Motorcycles designed to carry more than one person shall be
6 equipped with adequate hand holds and footrests for each pas-
7 senger. Seats, hand holds and footrests shall be of a type approved
8 by the director.

9 6. The director is authorized to adopt rules and regulations
10 covering the types and specifications of the equipment for motor-
11 cycles required by this act.

12 7. No person shall operate or ride upon a motorcycle unless he
13 wears a protective helmet of a type approved by the director. Such
14 a helmet must be equipped with either a neck or chin strap and be
15 reflectorized on both sides thereof. The director is authorized and
16 empowered to adopt rules and regulations covering the types of
17 helmets and the specifications therefor and to establish and main-
18 tain a list of approved helmets which meet the specifications as
19 established hereunder.

20 8. No person shall operate a motorcycle unless he wears goggles
21 or a face shield of a type approved by the director. The director
22 is authorized and empowered to adopt rules and regulations cover-
23 ing types of goggles and face shields and the specifications therefor
24 and to establish and maintain a list of approved goggles and face
25 shields which meet the specifications as established hereunder.

26 9. The provisions of section 8 of this act with respect to goggles
27 and face shields shall not apply to the operator of a motorcycle
28 equipped with a wind screen meeting specifications established
29 by the director.

30 10. No person shall sell, offer for sale or distribute any protective
31 helmets, goggles or face shields for use by the operators of motor-
32 cycles, or protective helmets for the use of passengers thereon,
33 unless they are of a type and specifications approved by the direc-
34 tor and appear on the list of approved devices maintained by the
35 director.

36 11. This act shall take effect January 1, 1968.

STATEMENT

The purpose of this bill is to protect the driving public in general, and motorcycle operators and passengers in particular, from death or serious injury sustained in motorcycle accidents. This bill would make mandatory the use of safety equipment such as goggles, helmets, specially designed mufflers, crash-bars and proper seats; it would authorize the Director of the Division of Motor Vehicles to adopt rules and regulations covering the types and specifications of the required equipment; it would require inspection of motorcycles similar to the inspection required for other motor vehicles.

Between 1964 and 1965, the number of motorcycles registered in New Jersey increased from 18,382 to 28,151. The number of motorcycle dealers in the same period increased from 77 to 102. If the present trend continues, by the year 1968, there will be 100,000 motorcycles registered in this State. The great and ever-increasing number of motorcycles using the public roads necessitates mandatory safety regulations and equipment standards such as those provided in this bill in order to protect the public as well as the operators and passengers of motorcycles themselves. Although the Division of Motor Vehicles has the authority to provide for the mandatory use of much of this equipment by regulation, it has not yet done so. Because the mandatory use of specially designed and approved safety equipment would result in the saving of lives and the prevention of serious injuries, the Legislature must take the initiative by providing for the inspection of motorcycles and requiring the Director of the Division of Motor Vehicles to adopt rules and regulations covering the various types of equipment necessary.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 20, 1967

SENATE BILL NO. 288

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I herewith return Senate Bill No. 288, with my objections, for reconsideration.

This bill would require the inspection of motorcycles by the Division of Motor Vehicles and would mandate the use of certain safety devices in the operation of motorcycles. The provisions of the bill would take effect on January 1, 1968.

The need for such legislation is becoming increasingly apparent. There has been, in the last few years, a rapid growth in the popularity of motorcycles. Between 1965 and 1966 the number of motorcycles registered in this State increased from 28,828 to 40,555 and the indications are that this trend will continue. Unfortunately, however, the number of accidents involving motorcycles has also increased, and at an alarming rate. According to the 1966 statistics there was a 43% increase in the number of accidents involving motorcycles as compared with similar accidents in the previous year, and there was a 104% increase in the number of such accidents resulting in a fatality. Adequate steps, therefore, must be taken to protect motorcycle operators and their passengers, as well as the public in general. This bill which includes the recommended standards of the Federal Highway Safety Program for motorcycles, along with a companion measure, Senate Bill No. 447, which deals with the licensing of motorcycle operators, will permit only capable and adequately protected persons to operate motorcycles in this State and this, hopefully, will result in a reduction of accidents involving motorcycles.

There has been, however, some question raised regarding the safety value of one of the requirements contained in Senate Bill No. 288, which requirement was not included in the recommended Federal Standards for motorcycles. Pursuant to section 3 of Senate Bill No. 288 all motor operated bicycles, tricycles and

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Senate Bill No. 288

and scooters included within the legal definition of motorcycle would have to be equipped with a crash bar. At my request the Division of Motor Vehicles reviewed the provisions requiring crash bars and has recommended its deletion. It would appear from the Division's investigation that it is not practical to install crash bars on all vehicles within the motorcycle classification and that the presence of crash bars does not improve the safety of motorcycles and, in certain cases, could prove to be a hazard. Therefore, I recommend that the crash bar requirement be deleted.

For this reason, I, herewith, return Senate Bill No. 288 for reconsideration and recommend that it be amended as follows:

On page 1, section 3, lines 18 and 19, delete the section in its entirety.

On page 1, section 4, line 20, delete "4" and insert in lieu thereof "3".

On page 1, section 5, line 24, delete "5" and insert in lieu thereof "4".

On page 2, section 6, line 9, delete "6" and insert in lieu thereof "5".

On page 2, section 7, line 12, delete "7" and insert in lieu thereof "6".

On page 2, section 8, line 20, delete "8" and insert in lieu thereof "7".

On page 2, section 9, line 26, delete "9" and insert in lieu thereof "8".

On page 2, section 10, line 30, delete "10" and insert in lieu thereof "9".

On page 2, section 11, line 36, delete "11" and insert in lieu thereof "10".

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

[Seal]

Attest:

/S/ LAWRENCE BILDER

Secretary to the Governor

SENATE AMENDMENTS TO

SENATE, No. 288

STATE OF NEW JERSEY

ADOPTED NOVEMBER 20, 1967

Amend page 1, section 3, lines 18 and 19, delete the section in its entirety.

Amend page 1, section 4, line 20, delete "4", and insert in lieu thereof "3".

Amend page 1, section 5, line 24, delete "5", and insert in lieu thereof "4".

Amend page 2, section 6, line 9, delete "6", and insert in lieu thereof "5".

Amend page 2, section 7, line 12, delete "7", and insert in lieu thereof "6".

Amend page 2, section 8, line 20, delete "8", and insert in lieu thereof "7".

Amend page 2, section 9, line 26, delete "9", and insert in lieu thereof "8".

Amend page 2, section 10, line 30, delete "10", and insert in lieu thereof "9".

Amend page 2, section 11, line 36, delete "11", and insert in lieu thereof "10".