

39:3-76.5 and 39:3-76.7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39: 3-76.5 & 39: 3-76.7

(Motorcycles-passengers-require helmets)

LAWS OF: 1985

CHAPTER: 15

Bill No: A504

Sponsor(s): Doyle

Date Introduced: Pre-filed

Committee: **Assembly:** Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes Substituted for S904 (not attached since identical to A504)

Date of Passage: **Assembly:** July 30, 1984

Senate: Dec. 6, 1984

Date of Approval: January 23, 1985

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

The purpose of this bill is to prohibit a person from operating a motorcycle with a child less than 10 years of age as a passenger.

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ASSEMBLY, No. 504

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman DOYLE

AN ACT concerning motor vehicles and ***[supplementing article 9 of chapter 4 of Title 39 of the Revised Statutes]*** **amending P. L. 1967, c. 237**.

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

1 ***[1. a. No person shall operate a motorcycle with a passenger of**
2 **less than 10 years of age.**

3 b. A person who violates this section shall be fined not less than
4 \$50.00 nor more than \$100.00.]*

1 *1. Section 4 of P. L. 1967, c. 237 (C. 39:3-76.5) is amended to
2 read as follows:

3 4. a. A person operating a motorcycle shall ride only upon the
4 permanent and regular seat attached thereto, and such operator
5 shall not carry any other person nor shall any other person ride on
6 a motorcycle unless such motorcycle is designed to carry more than
7 one person, in which event a passenger may ride upon the perma-
8 nent and regular seat if designed for two persons, or upon another
9 seat firmly attached to the rear or side of the operator. *A passenger*
10 *shall ride astride on a motorcycle only if the feet of that passenger*
11 *rest firmly upon the footrests attached to the motorcycle as re-*
12 *quired by subsection b. of this section. A passenger on a motorcycle,*
13 *whether riding astride or in a side car attached to the motorcycle,*
14 *shall wear a securely fitted helmet of a size proper for that passen-*
15 *ger as required under section 6 of P. L. 1967, c. 237 (C. 39:3-76.7).*

16 *A motorcycle operator who carries a passenger in violation of*
17 *this subsection shall be fined not less than \$50.00 nor more than*
18 *\$100.00.*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted March 15, 1984.

19 *b.* Motorcycles designed to carry more than one person shall be
20 equipped with adequate footrests for each passenger. Seats and
21 footrests shall be of a type approved by the director. Handholds
22 shall be required only in so far as they are necessary to comply with
23 federal regulations.

1 2. Section 6 of P. L. 1967, c. 237 (C. 39:3-76.7) is amended to read
2 as follows:

3 6. No person shall operate or ride upon a motorcycle unless he
4 wears a *securely fitted* protective helmet of a size *proper for that*
5 *person and* of a type approved by the director. Such a helmet
6 must be equipped with either a neck or chin strap and be reflecto-
7 rized on both sides thereof. The director is authorized and empow-
8 ered to adopt rules and regulations covering the types of helmets
9 and the specifications therefor and to establish and maintain a list
10 of approved helmets which meet the specifications as established
11 hereunder.*

1 ***[2.]*** *3.* This act shall take effect immediately.

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 504

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1984

Assembly Bill No. 504, as amended by the Assembly Law, Public Safety and Defense Committee, prohibits a person from operating a motorcycle with a passenger who is riding astride unless the passenger's feet rest firmly on the footrests and the passenger is wearing a securely fitted helmet of a size proper for that passenger. The penalty for a violation is a fine of not less than \$50.00 nor more than \$100.00.

As originally drafted, the bill prohibited operation of a motorcycle with a passenger who is less than 10 years of age. The Assembly Law, Public Safety and Defense Committee amended the bill to eliminate the reference to age and replaced that reference with the prohibition against the operation of a motorcycle with a passenger whose feet are not resting firmly on the motorcycle footrests. The committee amendments are intended to make the provisions of the bill easier to enforce.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 504

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STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 1984

Assembly Bill No. 504 OCR prohibits a person from operating a motorcycle with a passenger who is riding astride, unless the passenger's feet rest firmly on the footrests and the passenger is wearing a securely fitted helmet of a size proper for that passenger. The penalty for a violation is a fine of not less than \$50.00 nor more than \$100.00.