

# 27:5F-36

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007      **CHAPTER:** 179  
**NJSA:** 27:5F-36      (Permits certain motorcycle dealers to offer State-approved motorcycle safety education course)  
**BILL NO:** A3385      (Substituted for S2589)

**SPONSOR(S):** Wisniewski and Whelan

**DATE INTRODUCED:** June 26, 2006

**COMMITTEE:**      **ASSEMBLY:** Transportation and Public Works

**SENATE:**

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** June 21, 2007

**SENATE:** June 21, 2007

**DATE OF APPROVAL:** September 27, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (First reprint enacted)

**A3385**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**      [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2589**

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

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

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

IS 5/15/08

P.L. 2007, CHAPTER 179, *approved September 27, 2007*  
Assembly, No. 3385 (*First Reprint*)

1 AN ACT concerning motorcycle safety education courses and  
2 amending P.L.1991, c.452.

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

6  
7 1. Section 1 of P.L.1991, c.452 (C.27:5F-36) is amended to  
8 read as follows:

9 1. a. The <sup>1</sup>**[Director of the Office of Highway Traffic Safety in**  
10 **the Department of Law and Public Safety]** Chief Administrator of  
11 the New Jersey Motor Vehicle Commission<sup>1</sup>, after consultation with  
12 the motorcycle safety education advisory committee established  
13 under section 3 of P.L.1991, c.452 (C.27:5F-38), shall establish a  
14 motorcycle safety education program. The program shall consist of  
15 a course of instruction and training designed to develop and instill  
16 the knowledge, attitudes, habits, and skills necessary for the safe  
17 operation and riding of a motorcycle and shall meet or exceed the  
18 standards and requirements of the rider's course developed by the  
19 Motorcycle Safety Foundation.

20 b. The motorcycle safety education course shall be open to any  
21 applicant for a New Jersey motorcycle license or endorsement and  
22 to any person who has been issued a New Jersey motorcycle license  
23 or endorsement. The course shall be scheduled for such times and  
24 places as the <sup>1</sup>**[director]** chief administrator<sup>1</sup> shall determine are  
25 appropriate to enable interested applicants for and persons with  
26 motorcycle licenses and endorsements to participate.

27 c. The <sup>1</sup>**[director]** chief administrator<sup>1</sup> may assign employees  
28 of the <sup>1</sup>**[Office of Highway Traffic Safety]** Motor Vehicle  
29 Commission<sup>1</sup> to serve as instructors for the course, or may contract  
30 with such other persons who are certified as motorcycle safety  
31 education instructors pursuant to section 2 of P.L.1991, c.452  
32 (C.27:5F-37) to serve as instructors for the course. A person with a  
33 motorcycle safety education instructor endorsement to an  
34 instructor's license issued pursuant to section 5 of P.L.1951, c.216  
35 (C.39:12-5) may also be selected by the <sup>1</sup>**[director]** chief  
36 administrator<sup>1</sup> to serve as an instructor for the course.

37 d. If the moneys deposited in the Motorcycle Safety Education  
38 Fund established pursuant to section 4 of P.L.1991, c.452 (C.27:5F-  
39 39), are not sufficient to cover the costs of the program, the  
40 <sup>1</sup>**[director]** chief administrator<sup>1</sup> may impose a registration fee to be  
41 paid by the participants in the course.

**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:

<sup>1</sup>Assembly ATR committee amendments adopted January 22, 2007.

1 e. The motorcycle safety education course may also be  
2 provided by:

3 (1) public and private educational institutions '[and firms acting  
4 as dealers engaged in the retail sale of new motorcycles.]' which  
5 [are] '[institutions and firms have been] are' approved by the  
6 '[director] chief administrator' to offer the course '[. A firm  
7 acting as a dealer engaged in the retail sale of new motorcycles that  
8 offers such a course shall not restrict enrollment therein to persons  
9 who have purchased or agreed to purchase a motorcycle or other  
10 motor vehicle from that firm, and shall not charge a higher fee for  
11 such enrollment based upon whether an applicant for such  
12 enrollment has made or agreed to make such a purchase]'; '[or]'

13 [by] (2) drivers' schools licensed pursuant to P.L.1951, c.216  
14 (C.39:12-1 et seq.)'; or

15 (3) dealers engaged in the business of selling new motorcycles  
16 and licensed pursuant to R.S.39:10-19 and which are approved by  
17 the chief administrator to offer the course. A dealer approved to  
18 offer the motorcycle safety education course shall not restrict  
19 enrollment therein to persons who have purchased or agreed to  
20 purchase a motorcycle or other vehicle from that dealer, and shall  
21 not charge a higher fee for enrollment therein based upon whether a  
22 person has made or has agreed to make such a purchase'.

23 'f. Upon and after the effective date of this act, the chief  
24 administrator may impose upon an entity seeking approval to  
25 provide the motorcycle safety education course in accordance with  
26 subsection e. of this section, a course certification fee for each  
27 location at which the entity intends to offer motorcycle range  
28 instruction. The chief administrator shall adopt regulations  
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
30 (C.52:14B-1 et seq.) to fix the amount of the course certification  
31 fee. Moneys collected pursuant to this subsection shall be  
32 deposited in the Motorcycle Safety Education Fund, pursuant to  
33 section 4 of P.L.1991, c.452 (C.27:5F-39).

34 g. Upon and after the effective date of this act, the chief  
35 administrator shall collect from each entity approved to provide the  
36 motorcycle safety education course pursuant to subsection e. of this  
37 section, a road test waiver fee for each student who has successfully  
38 completed the course and has qualified for a waiver of the road test  
39 portion of the examination required pursuant to section 6 of  
40 P.L.1991, c.452 (C.39:3-10.31) to obtain a motorcycle license or  
41 endorsement. The chief administrator shall adopt regulations  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.) to fix the amount of the road test waiver fee.  
44 Moneys collected pursuant to this subsection shall be deposited in  
45 the Motorcycle Safety Education Fund, pursuant to section 4 of  
46 P.L.1991, c.452 (C.27:5F-39).'<sup>1</sup>

47 (cf: P.L.1991, c.452, s.1)

1       2. This act shall take effect **'[immediately]** on the 180th day  
2 after enactment, but the chief administrator may take such  
3 anticipatory administrative action in advance as shall be necessary  
4 for the implementation of the act<sup>1</sup>.

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9       Permits certain motorcycle dealers to offer State-approved  
10 motorcycle safety education course.

# ASSEMBLY, No. 3385

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 26, 2006

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman JIM WHELAN**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Assemblyman Gusciora**

**SYNOPSIS**

Permits certain motorcycle dealers to offer State-approved motorcycle safety education course.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motorcycle safety education courses and  
2 amending P.L.1991, c.452.

3

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

6

7 1. Section 1 of P.L.1991, c.452 (C.27:5F-36) is amended to  
8 read as follows:

9 1. a. The Director of the Office of Highway Traffic Safety in  
10 the Department of Law and Public Safety, after consultation with  
11 the motorcycle safety education advisory committee established  
12 under section 3 of P.L.1991, c.452 (C.27:5F-38), shall establish a  
13 motorcycle safety education program. The program shall consist of  
14 a course of instruction and training designed to develop and instill  
15 the knowledge, attitudes, habits, and skills necessary for the safe  
16 operation and riding of a motorcycle and shall meet or exceed the  
17 standards and requirements of the rider's course developed by the  
18 Motorcycle Safety Foundation.

19 b. The motorcycle safety education course shall be open to any  
20 applicant for a New Jersey motorcycle license or endorsement and  
21 to any person who has been issued a New Jersey motorcycle license  
22 or endorsement. The course shall be scheduled for such times and  
23 places as the director shall determine are appropriate to enable  
24 interested applicants for and persons with motorcycle licenses and  
25 endorsements to participate.

26 c. The director may assign employees of the Office of Highway  
27 Traffic Safety to serve as instructors for the course, or may contract  
28 with such other persons who are certified as motorcycle safety  
29 education instructors pursuant to section 2 of P.L.1991, c.452  
30 (C.27:5F-37) to serve as instructors for the course. A person with a  
31 motorcycle safety education instructor endorsement to an  
32 instructor's license issued pursuant to section 5 of P.L.1951, c.216  
33 (C.39:12-5) may also be selected by the director to serve as an  
34 instructor for the course.

35 d. If the moneys deposited in the Motorcycle Safety Education  
36 Fund established pursuant to section 4 of P.L.1991, c.452 (C.27:5F-  
37 39), are not sufficient to cover the costs of the program, the director  
38 may impose a registration fee to be paid by the participants in the  
39 course.

40 e. The motorcycle safety education course may also be  
41 provided by:

42 (1) public and private educational institutions and firms acting as  
43 dealers engaged in the retail sale of new motorcycles, which [are]  
44 institutions and firms have been approved by the director to offer  
45 the course. A firm acting as a dealer engaged in the retail sale of

**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 new motorcycles that offers such a course shall not restrict  
2 enrollment therein to persons who have purchased or agreed to  
3 purchase a motorcycle or other motor vehicle from that firm, and  
4 shall not charge a higher fee for such enrollment based upon  
5 whether an applicant for such enrollment has made or agreed to  
6 make such a purchase; or

7 **【by】** (2) drivers' schools licensed pursuant to P.L.1951, c.216  
8 (C.39:12-1 et seq.).  
9 (cf: P.L.1991, c.452, s.1)

10

11 2. This act shall take effect immediately.

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#### STATEMENT

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16 This bill permits a firm engaged in the retail sale of new  
17 motorcycles to offer the motorcycle safety education course  
18 officially established by the Office of Highway Traffic Safety in the  
19 Department of Law and Public Safety. As in the case of public and  
20 private educational institutions under current law, a retail dealer  
21 wishing to offer the course would have to be approved to do so by  
22 the director of the Office.

23 The bill prohibits the dealer from restricting enrollment in the  
24 course, or setting the fee for such enrollment, based on whether a  
25 person purchased a motorcycle or other motor vehicle from the  
26 dealer.



ASSEMBLY TRANSPORTATION AND PUBLIC WORKS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3385**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 22, 2007

The Assembly Transportation and Public Works Committee reports favorably with committee amendments Assembly Bill No. 3385.

As reported, this amended bill permits a firm engaged in the retail sale of new motorcycles to offer the motorcycle safety education course administered by the New Jersey Motor Vehicle Commission. As in the case of public and private educational institutions under current law, a retail dealer wishing to offer the course would have to be approved to do so by the Chief Administrator of the New Jersey Motor Vehicle Commission.

The bill prohibits the dealer from restricting enrollment in the course, or setting the fee for such enrollment, based on whether a person purchased a motorcycle or other motor vehicle from the dealer.

The bill also provides that the chief administrator may impose upon an entity seeking approval to provide the motorcycle safety education course, a course certification fee for each location at which the entity intends to offer motorcycle range instruction. The chief administrator is to collect from each entity approved to provide the motorcycle safety education course a road test waiver fee for each student who has successfully completed the course and has qualified for a waiver of the road test portion of the examination required to obtain a motorcycle license. The monies collected from the imposition of these fees are to be deposited in the Motorcycle Safety Education Fund and are to be used to help defray the costs associated with the program.

COMMITTEE AMENDMENTS

The committee amendments clarify which entities are eligible to provide the motorcycle safety education course, permit the chief administrator to impose course certification fees, provide that the chief administrator is to collect road test waiver fees from those students

qualified for a waiver of the road test portion of the examination to obtain a motorcycle license, provide for the dispositions of monies collected from the fees imposed, and change the effective date of the bill to allow the commission time to enact pertinent regulations.

# SENATE, No. 2589

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 12, 2007

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Permits certain motorcycle dealers to offer State-approved motorcycle safety education course.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motorcycle safety education courses and  
2 amending P.L.1991, c.452.

3

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

6

7 1. Section 1 of P.L.1991, c.452 (C.27:5F-36) is amended to read  
8 as follows:

9 1. a. The **[**Director of the Office of Highway Traffic Safety in  
10 the Department of Law and Public Safety**]** Chief Administrator of  
11 the New Jersey Motor Vehicle Commission, after consultation with  
12 the motorcycle safety education advisory committee established  
13 under section 3 of P.L.1991, c.452 (C.27:5F-38), shall establish a  
14 motorcycle safety education program. The program shall consist of  
15 a course of instruction and training designed to develop and instill  
16 the knowledge, attitudes, habits, and skills necessary for the safe  
17 operation and riding of a motorcycle and shall meet or exceed the  
18 standards and requirements of the rider's course developed by the  
19 Motorcycle Safety Foundation.

20 b. The motorcycle safety education course shall be open to any  
21 applicant for a New Jersey motorcycle license or endorsement and  
22 to any person who has been issued a New Jersey motorcycle license  
23 or endorsement. The course shall be scheduled for such times and  
24 places as the **[**director**]** chief administrator shall determine are  
25 appropriate to enable interested applicants for and persons with  
26 motorcycle licenses and endorsements to participate.

27 c. The **[**director**]** chief administrator may assign employees of  
28 the **[**Office of Highway Traffic Safety**]** Motor Vehicle Commission  
29 to serve as instructors for the course, or may contract with such  
30 other persons who are certified as motorcycle safety education  
31 instructors pursuant to section 2 of P.L.1991, c.452 (C.27:5F-37) to  
32 serve as instructors for the course. A person with a motorcycle  
33 safety education instructor endorsement to an instructor's license  
34 issued pursuant to section 5 of P.L.1951, c.216 (C.39:12-5) may  
35 also be selected by the **[**director**]** chief administrator to serve as an  
36 instructor for the course.

37 d. If the moneys deposited in the Motorcycle Safety Education  
38 Fund established pursuant to section 4 of P.L.1991, c.452 (C.27:5F-  
39 39), are not sufficient to cover the costs of the program, the  
40 **[**director**]** chief administrator may impose a registration fee to be  
41 paid by the participants in the course.

42 e. The motorcycle safety education course may also be provided  
43 by:

**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       (1) public and private educational institutions which are  
2 approved by the **[director]** chief administrator to offer the course  
3 **[or by]**;

4       (2) drivers' schools licensed pursuant to P.L.1951, c.216  
5 (C.39:12-1 et seq.); or

6       (3) dealers engaged in the business of selling new motorcycles  
7 and licensed pursuant to R.S.39:10-19 and which are approved by  
8 the chief administrator to offer the course. A dealer approved to  
9 offer the motorcycle safety education course shall not restrict  
10 enrollment therein to persons who have purchased or agreed to  
11 purchase a motorcycle or other vehicle from that dealer, and shall  
12 not charge a higher fee for enrollment therein based upon whether a  
13 person has made or has agreed to make such a purchase.

14       f. Upon and after the effective date of this act, the chief  
15 administrator may impose upon an entity seeking approval to  
16 provide the motorcycle safety education course in accordance with  
17 subsection e. of this section, a course certification fee for each  
18 location at which the entity intends to offer motorcycle range  
19 instruction. The chief administrator shall adopt regulations  
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
21 (C.52:14B-1 et seq.) to fix the amount of the course certification  
22 fee. Moneys collected pursuant to this subsection shall be  
23 deposited in the Motorcycle Safety Education Fund, pursuant to  
24 section 4 of P.L.1991, c.452 (C.27:5F-39).

25       g. Upon and after the effective date of this act, the chief  
26 administrator shall collect from each entity approved to provide the  
27 motorcycle safety education course pursuant to subsection e. of this  
28 section, a road test waiver fee for each student who has successfully  
29 completed the course and has qualified for a waiver of the road test  
30 portion of the examination required pursuant to section 6 of  
31 P.L.1991, c.452 (C.39:3-10.31) to obtain a motorcycle license or  
32 endorsement. The chief administrator shall adopt regulations  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.) to fix the amount of the road test waiver fee.  
35 Moneys collected pursuant to this subsection shall be deposited in  
36 the Motorcycle Safety Education Fund, pursuant to section 4 of  
37 P.L.1991, c.452 (C.27:5F-39).

38 (cf: P.L.1991, c.452, s.1)

39

40       2. This act shall take effect on the 180th day after enactment, but  
41 the chief administrator may take such anticipatory administrative  
42 action in advance as shall be necessary for the implementation of  
43 the act.

STATEMENT

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This bill permits a firm engaged in the retail sale of new motorcycles to offer the motorcycle safety education course administered by the New Jersey Motor Vehicle Commission. As in the case of public and private educational institutions under current law, a retail dealer wishing to offer the course would have to be approved to do so by the Chief Administrator of the New Jersey Motor Vehicle Commission.

The bill prohibits the dealer from restricting enrollment in the course, or setting the fee for such enrollment, based on whether a person purchased a motorcycle or other motor vehicle from the dealer.

The bill also provides that the chief administrator may impose upon an entity seeking approval to provide the motorcycle safety education course, a course certification fee for each location at which the entity intends to offer motorcycle range instruction. The chief administrator is to collect from each entity approved to provide the motorcycle safety education course a road test waiver fee for each student who has successfully completed the course and has qualified for a waiver of the road test portion of the examination required to obtain a motorcycle license. The monies collected from the imposition of these fees are to be deposited in the Motorcycle Safety Education Fund and are to be used to help defray the costs associated with the program.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2589

# STATE OF NEW JERSEY

DATED: MAY 24, 2007

The Senate Transportation Committee reports favorably Senate Bill No. 2589.

This bill permits a firm engaged in the retail sale of new motorcycles to offer the motorcycle safety education course administered by the New Jersey Motor Vehicle Commission. As in the case of public and private educational institutions under current law, a retail dealer wishing to offer the course would have to be approved to do so by the Chief Administrator of the New Jersey Motor Vehicle Commission.

The bill prohibits the dealer from restricting enrollment in the course, or setting the fee for such enrollment, based on whether a person purchased a motorcycle or other motor vehicle from the dealer.

The bill also provides that the chief administrator may impose upon an entity seeking approval to provide the motorcycle safety education course, a course certification fee for each location at which the entity intends to offer motorcycle range instruction. The chief administrator is to collect from each entity approved to provide the motorcycle safety education course a road test waiver fee for each student who has successfully completed the course and has qualified for a waiver of the road test portion of the examination required to obtain a motorcycle license. The monies collected from the imposition of these fees are to be deposited in the Motorcycle Safety Education Fund and are to be used to help defray the costs associated with the program.