

SENATE, No. 529

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:
Senator LOUIS F. KOSCO
District 38 (Bergen)

SYNOPSIS

Requires DEP to designate one site in a State park or forest in northern NJ for use of off-road motorcycles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the use of off-road motorcycles and
2 supplementing Title 13 and Title 39 of the Revised Statutes.

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

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7 1. The Legislature finds and declares that:

8 a. Off-road motorcycles are enjoying increasing popularity in this
9 State, but virtually no areas in State parks or forests are set aside for
10 their use;

11 b. Indiscriminate and uncontrolled use of these vehicles may have
12 a deleterious impact on the environment, wildlife habitats, native
13 wildlife and native flora;

14 c. It is essential to ensure that effectively managed areas and
15 adequate facilities for the use of off-road motorcycles are combined
16 with proper enforcement for the benefit of ecologically balanced
17 recreation; and

18 d. It is appropriate that areas of at least some State parks or forests
19 be designated, maintained and managed in order to ensure that use by
20 off-road motorcycles is permitted consistent with good environmental
21 practices.

22
23 2. As used in this act:

24 "Off-road motorcycle" means a motorized two-wheel vehicle,
25 including dirt bikes as defined in section 5 of P.L.1991, c.496
26 (C.2A:42A-6.1), which is capable of travel on the entire width of a
27 roadway, path or trail, including banks, ditches, shoulders and
28 medians; and

29 "State park or forest" means a State park or forest as defined
30 pursuant to section 3 of P.L.1983, c.324 (C.13:1L-3).

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32 3. Within one year after the date of enactment of this act, the
33 Director of the Division of Motor Vehicles in the Department of
34 Transportation, after consultation with the Commissioner of
35 Environmental Protection, shall establish a program which serves the
36 interests of legitimate off-road motorcycle usage while minimizing
37 temporary detrimental effects on the environment and preventing
38 impacts that are irreversible. This program shall provide for:

39 a. Registration of off-road motorcycles for persons age 17 or older
40 for use in areas of State parks and forests designated by the
41 Commissioner of Environmental Protection, upon application and
42 payment of a fee of \$15 annually, in addition to the fees otherwise
43 prescribed by law for the registration of motor vehicles. No
44 registration fee shall be charged for an off-road motorcycle owned by
45 the federal government, the State or a county or municipal government
46 or subdivision thereof;

1 b. Visible display of special markings on the vehicles signifying
2 registration and the production of registration certificates for
3 inspection, upon demand of any peace officer, law enforcement officer,
4 or duly authorized official of the Department of Environmental
5 Protection;

6 c. Conditions for the use of these off-road motorcycles in
7 designated areas of State parks and forests, including specifications for
8 noise reduction and for minimizing the impact of these vehicles on
9 affected fish, wildlife and plant life;

10 d. Restrictions on additional licensing or registration by political
11 subdivisions of the State;

12 e. Requirements for liability insurance coverage as determined by
13 the Commissioner of Banking and Insurance;

14 f. Reporting of accidents resulting in injuries or death of any
15 person or property damage;

16 g. Inspection and testing of off-road motorcycles; and

17 h. Enumeration of the provisions of Title 39 deemed applicable to
18 the operation of off-road motorcycles in designated areas of State
19 parks and forests.

20

21 4. Within one year after the date of enactment of this act, the
22 Commissioner of Environmental Protection shall:

23 a. Within the limits of appropriations made available, designate and
24 make available one site for off-road motorcycle trails in a State park
25 or forest located in the northern region of the State. This site shall
26 consist of 30 miles of trail upon which registered off-road motorcycles
27 may operate. The municipality or municipalities within which the
28 designated site is located may offer suggestions to the commissioner
29 for the siting of the trails, which suggestions the commissioner may
30 accept, accept with modifications, or reject;

31 b. Report to the Legislature and the Governor at such time on the
32 location and acreage of the State park or forest designated for off-road
33 motorcycle use pursuant to subsection a. of this section and any other
34 existing sites for off-road motorcycle use within State parks or forests;
35 and

36 c. Submit a plan to the Legislature and the Governor designed to
37 maintain, manage and ensure continued long-term use of the sites
38 included in the report required by subsection b. of this section,
39 consistent with good environmental practices.

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41 5. Within one year after the date of enactment of this act, the
42 Director of the Division of Motor Vehicles, shall adopt, pursuant to
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), rules and regulations relating to and including, but not limited
45 to:

46 a. Specifications relating to personal and vehicular equipment

1 required for the safe use of off-road motorcycles;

2 b. Establishment of a comprehensive off-road motorcycle
3 information, safety and training program;

4 c. Granting of permits for the conduct of prearranged special
5 events;

6 d. Procedures for obtaining consent of owners of real property and
7 persons with a contractual right to the use of the property for
8 operation of off-road motorcycles on that property; and

9 e. Restrictions on off-road motorcycle operators under the age of
10 17 without supervision by registered off-road motorcycle operators
11 age 18 or over.

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13 6. The Director of the Division of Motor Vehicles shall deposit all
14 moneys received from the registration of off-road motorcycles and any
15 other fees or penalties under this act to the credit of the State General
16 Fund, except that \$5 of the registration fee paid shall be allocated to
17 the division to defray the cost of providing off-road motorcycle safety
18 education and training manuals or programs in accordance with section
19 5 of this act. The balance of fees and penalties collected shall be
20 allocated to the Division of Parks and Forestry in the Department of
21 Environmental Protection for trail and trail head development and
22 maintenance.

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24 7. If no other penalty is specifically provided, a person who
25 violates any rule or regulation adopted pursuant to this act shall be
26 liable to a civil penalty of not less than \$100 or more than \$500. For
27 a second or subsequent violation, a civil penalty of not less than \$500
28 or more than \$1,000 shall be imposed. Any penalty imposed pursuant
29 to this section may be collected, and any costs incurred in connection
30 therewith may be recovered, in a summary proceeding pursuant to "the
31 penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior
32 Court and the municipal court shall have the jurisdiction to enforce the
33 "penalty enforcement law."

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35 8. This act shall take effect immediately.

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STATEMENT

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40 This bill requires the Division of Motor Vehicles (DMV) in the
41 Department of Transportation to establish registration and
42 enforcement procedures for off-road motorcycles and conditions for
43 their use, including personal and vehicular equipment, insurance,
44 inspections, testing and safety training. The Department of
45 Environmental Protection (DEP) is required to designate and make
46 available one site in a State park or forest in the northern part of the

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1 State for off-road motorcycle use, report to the Legislature and
2 Governor on the acreage and location of this site and any other
3 existing sites, and submit a plan to the Legislature and Governor for
4 environmental maintenance and management of the designated sites.
5 The bill provides that the site designated pursuant to the provisions of
6 the bill consist of 30 miles of trails.

7 The bill defines an "off-road motorcycle" as a motorized two-wheel
8 vehicle, including dirt bikes as defined in section 5 of P.L.1991, c.496
9 (C.2A:42A-6.1), which is capable of travel on the entire width of a
10 roadway, path or trail, including banks, ditches, shoulders and
11 medians.

12 The bill provides for a \$15 registration fee, and provides that \$5 of
13 the registration fee be dedicated for the use of the DMV to provide for
14 safety education programs, with the balance of registration fees and
15 penalties allocated to the Division of Parks and Forestry in DEP to
16 provide for trail and trail head development and maintenance.

17 If no other penalty is otherwise specifically provided, the civil
18 penalty for a violation would range from \$100 to \$500 for a first
19 offense and from \$500 to \$1,000 for a second or subsequent offense.