

P.L. 2001, CHAPTER 430, *approved January 8, 2002*
Assembly, No. 3984 (*Second Reprint*)

1 **AN ACT** concerning electric personal assistive mobility devices,
2 amending P.L.1977, c.411 and supplementing chapter 4 of Title 39
3 of the Revised Statutes.

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

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8 1. (New section) a. As used in this act, "electric personal assistive
9 mobility device" means a self-balancing non-tandem two wheeled
10 device designed to transport one person which uses an electric
11 propulsion system ¹[of less than] with average power of¹ 750 watts
12 (one horsepower), whose maximum speed on a paved level surface,
13 when powered solely by such a propulsion system while operated by
14 a person weighing 170 pounds is less than 20 miles per hour. The
15 device shall not be considered a ²motorized wheelchair,² motorized
16 bicycle, motorcycle, motorized scooter, motorized skateboard,
17 ²[¹motorized wheelchair, ¹]² vehicle or motor vehicle.

18 b. An electric personal assistive mobility device may be operated
19 on the public highways, sidewalks and bicycle paths of the State.
20 Every person operating such a device shall be granted all of the rights
21 and be subject to all of the duties applicable to the driver of a bicycle
22 by chapter four of Title 39 of the Revised Statutes except as to those
23 provisions thereof which by their nature can have no application.

24 c. The operator of an electric personal assistive mobility device
25 shall not be required to obtain a ¹driver's¹ license therefor or to
26 register the device. The operator shall not be required to furnish proof
27 of having liability insurance for the device or other proof of financial
28 responsibility.

29 d. The governing body of any municipality may, by ordinance,
30 regulate the operation of electric personal assistive mobility ¹[device]
31 devices¹ upon the roadways and public properties under municipal
32 jurisdiction ¹[and]. The State or the governing body of any county or
33 municipality¹ may prohibit their operation on ¹[its] any¹ public
34 ¹[highways] highway under its jurisdiction¹ where the speed limit is
35 greater than 25 miles per hour.

36 ²e. Notwithstanding the other provisions of this section, an
37 operator of an electric personal assistive mobility device shall:

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:

¹ Assembly ALP committee amendments adopted December 13, 2001.

² Assembly floor amendments adopted December 17, 2001.

- 1 (1) wear a helmet while operating that device;
2 (2) be 16 years of age or older, except for an operator with a
3 mobility-related disability; and
4 (3) only be a government employee or employee of a commercial
5 establishment performing his assigned duties or an operator with a
6 mobility-related disability.²

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8 2. Section 4 of P.L.1977, c.411 (C.39:4-10.8) is amended to read
9 as follows:

10 4. a. It shall be unlawful to manufacture, assemble, sell, offer to
11 sell or distribute roller skates [~~or~~], skateboards or electric personal
12 assistive mobility devices unless such roller skates [~~or~~], skateboards
13 or electric personal assistive mobility devices contain a warning notice
14 consistent with the requirements of this section.

15 b. The warning notice required by subsection a. of this section shall
16 be placed in at least one of the following locations and shall be clearly
17 visible to the consumer: (1) on one roller skate in each pair of roller
18 skates or on the skateboard; (2) on the outside of the box or other
19 container in which the roller skates [~~or the~~], skateboard or electric
20 personal assistive mobility device are offered for sale at retail; or (3)
21 on any user's guide or instruction manual provided with the roller
22 skates [~~or the~~], skateboard or electric personal assistive mobility
23 device.

24 c. The warning notice required by subsection a. of this section must
25 be printed in clear and conspicuous type and be substantially similar to
26 the following notice: "WARNING! REDUCE THE RISK OF
27 SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
28 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
29 PADS AND KNEE PADS."

30 d. A person, firm, corporation or other legal entity regularly
31 engaged in the business of manufacturing or assembling roller skates
32 [~~or~~], skateboards or electric personal assistive mobility devices who
33 complies with the requirements of this section shall not be liable in a
34 civil action for damages for any physical injury sustained by a user of
35 roller skates [~~or~~], a skateboard or an electric personal assistive
36 mobility device as a result of that user's failure to wear a helmet in
37 accordance with the provisions of this act.

38 (cf: P.L.1997, c.411, s.4)

39
40 3. (New section) An operator who fails to comply with the
41 requirements of this act shall receive a warning for the first offense.
42 For a second offense, the operator shall be fined \$10. For a
43 subsequent offense, the device shall be impounded for not more than
44 30 days. A person who fails to comply with the requirements
45 governing warning notices shall be fined not ¹[less] more¹ than \$100
46 ¹[or more than \$1,000]¹ for each violation.

1 4. This act shall take effect ¹ [on the first day of the sixth month
2 after enactment] immediately¹.

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7 Regulates operation of electric personal assistance mobility devices.