

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 33 (Hudson)

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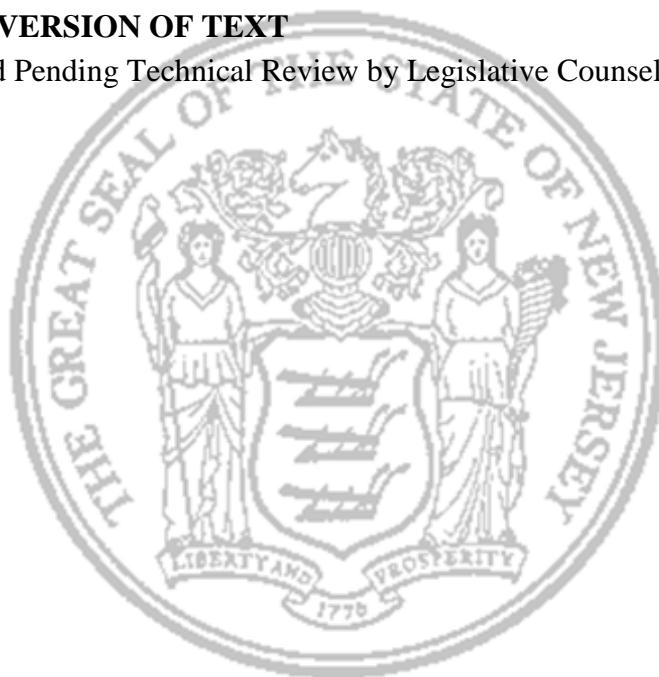
Assemblyman Rooney and Assemblywoman Pinkin

SYNOPSIS

Permits operation of low-speed electric bicycles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/15/2018)

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1 **AN ACT** concerning electric bicycles, amending R.S.39:1-1, and
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly
9 apparent from the language or context, or unless inconsistent with
10 the manifest intention of the Legislature:

11 "Alley" means a public highway wherein the roadway does not
12 exceed 12 feet in width.

13 "Authorized emergency vehicles" means vehicles of the fire
14 department, police vehicles and such ambulances and other vehicles
15 as are approved by the chief administrator when operated in
16 response to an emergency call.

17 "Autocycle" means a three-wheeled motorcycle designed to be
18 controlled with a steering wheel and pedals in which the operator
19 and passenger may ride in a completely or partially enclosed seating
20 area that is equipped with a roll cage or roll hoops, safety seat belts
21 for each occupant, and anti-lock brakes.

22 "Automobile" includes all motor vehicles except motorcycles.

23 "Berm" means that portion of the highway exclusive of roadway
24 and shoulder, bordering the shoulder but not to be used for
25 vehicular travel.

26 "Business district" means that portion of a highway and the
27 territory contiguous thereto, where within any 600 feet along such
28 highway there are buildings in use for business or industrial
29 purposes, including but not limited to hotels, banks, office
30 buildings, railroad stations, and public buildings which occupy at
31 least 300 feet of frontage on one side or 300 feet collectively on
32 both sides of the roadway.

33 "Car pool" means two or more persons commuting on a daily
34 basis to and from work by means of a vehicle with a seating
35 capacity of nine passengers or less.

36 "Chief Administrator" or "Administrator" means the Chief
37 Administrator of the New Jersey Motor Vehicle Commission.

38 "Commercial motor vehicle" includes every type of motor-driven
39 vehicle used for commercial purposes on the highways, such as the
40 transportation of goods, wares and merchandise, excepting such
41 vehicles as are run only upon rails or tracks and vehicles of the
42 passenger car type used for touring purposes or the carrying of farm
43 products and milk, as the case may be.

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.

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1 "Commission" means the New Jersey Motor Vehicle
2 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
3 4).

4 "Commissioner" means the Commissioner of Transportation of
5 this State.

6 "Commuter van" means a motor vehicle having a seating
7 capacity of not less than seven nor more than 15 adult passengers,
8 in which seven or more persons commute on a daily basis to and
9 from work and which vehicle may also be operated by the driver or
10 other designated persons for their personal use.

11 "Crosswalk" means that part of a highway at an intersection,
12 either marked or unmarked existing at each approach of every
13 roadway intersection, included within the connections of the lateral
14 lines of the sidewalks on opposite sides of the highway measured
15 from the curbs or, in the absence of curbs, from the edges of the
16 shoulder, or, if none, from the edges of the roadway; also, any
17 portion of a highway at an intersection or elsewhere distinctly
18 indicated for pedestrian crossing by lines or other marking on the
19 surface.

20 "Curb extension" or "bulbout" means a horizontal extension of
21 the sidewalk into the street which results in a narrower roadway
22 section.

23 "Dealer" includes every person actively engaged in the business
24 of buying, selling or exchanging motor vehicles or motorcycles and
25 who has an established place of business.

26 "Deputy Chief Administrator" means the deputy chief
27 administrator of the commission.

28 "Driver" means the rider or driver of a horse, bicycle or
29 motorcycle or the driver or operator of a motor vehicle, unless
30 otherwise specified.

31 "Explosives" means any chemical compound or mechanical
32 mixture that is commonly used or intended for the purpose of
33 producing an explosion and which contains any oxidizing and
34 combustive units or other ingredients in such proportions, quantities
35 or packing that an ignition by fire, friction, by concussion, by
36 percussion, or by detonator of any part of the compound or mixture
37 may cause such a sudden generation of highly heated gases that the
38 resultant gaseous pressures are capable of producing destructive
39 effects on contiguous objects or of destroying life or limb.

40 "Farm tractor" means every motor vehicle designed and used
41 primarily as a farm implement for drawing plows, mowing
42 machines, and other implements of husbandry.

43 "Flammable liquid" means any liquid having a flash point below
44 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
45 pounds.

46 "Gross weight" means the combined weight of a vehicle and a
47 load thereon.

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1 "High occupancy vehicle" or "HOV" means a vehicle which is
2 used to transport two or more persons and shall include public
3 transportation, car pool, van pool, and other vehicles as determined
4 by regulation of the Department of Transportation.

5 "Highway" means the entire width between the boundary lines of
6 every way publicly maintained when any part thereof is open to the
7 use of the public for purposes of vehicular travel.

8 "Horse" includes mules and all other domestic animals used as
9 draught animals or beasts of burden.

10 "Inside lane" means the lane nearest the center line of the
11 roadway.

12 "Intersection" means the area embraced within the prolongation
13 of the lateral curb lines or, if none, the lateral boundary lines of two
14 or more highways which join one another at an angle, whether or
15 not one such highway crosses another.

16 "Laned roadway" means a roadway which is divided into two or
17 more clearly marked lanes for vehicular traffic.

18 "Leased limousine" means any limousine subject to regulation in
19 the State which:

20 a. Is offered for rental or lease, without a driver, to be operated
21 by a limousine service as the lessee, for the purpose of carrying
22 passengers for hire; and

23 b. Is leased or rented for a period of one year or more
24 following registration.

25 "Leased motor vehicle" means any motor vehicle subject to
26 registration in this State which:

27 a. Is offered for rental or lease, without a driver, to be operated
28 by the lessee, his agent or servant, for purposes other than the
29 transportation of passengers for hire; and

30 b. Is leased or rented for a period of one year or more
31 following registration.

32 "Limited-access highway" means every highway, street, or
33 roadway in respect to which owners or occupants of abutting lands
34 and other persons have no legal right of access to or from the same
35 except at such points only and in such manner as may be
36 determined by the public authority having jurisdiction over such
37 highway, street, or roadway; and includes any highway designated
38 as a "freeway" or "parkway" by authority of law.

39 "Local authorities" means every county, municipal and other
40 local board or body having authority to adopt local police
41 regulations under the Constitution and laws of this State, including
42 every county governing body with relation to county roads.

43 "Low-speed electric bicycle" means a two or three-wheeled
44 vehicle with fully operable pedals and an electric motor of less than
45 750 watts, whose maximum speed on a paved level surface, when
46 powered solely by a motor while operated by a person weighing 170
47 pounds, is less than 20 miles per hour.

1 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
2 as defined in 49 [CFR] C.F.R. s.571.3(b), whose attainable speed is
3 more than 20 miles per hour but not more than 25 miles per hour on
4 a paved level surface and which is not powered by gasoline or
5 diesel fuel and complies with federal safety standards as set forth in
6 49 [CFR] C.F.R. s.571.500.

7 "Magistrate" means any municipal court and the Superior Court,
8 and any officer having the powers of a committing magistrate and
9 the chief administrator.

10 "Manufacturer" means a person engaged in the business of
11 manufacturing or assembling motor vehicles, who will, under
12 normal business conditions during the year, manufacture or
13 assemble at least 10 new motor vehicles.

14 "Metal tire" means every tire the surface of which in contact with
15 the highway is wholly or partly of metal or other hard nonresilient
16 material.

17 "Mid-block crosswalk" means a crosswalk located away from an
18 intersection, distinctly indicated by lines or markings on the
19 surface.

20 "Motorized bicycle" means a pedal bicycle having a helper motor
21 characterized in that either the maximum piston displacement is less
22 than 50 cc. or said motor is rated at no more than 1.5 brake
23 horsepower or is powered by an electric drive motor and said
24 bicycle is capable of a maximum speed of no more than 25 miles
25 per hour on a flat surface. This term shall not include a low-speed
26 electric bicycle as defined in this section.

27 "Motorcycle" includes motorcycles, autocycles, motor bikes,
28 bicycles with motor attached and all motor-operated vehicles of the
29 bicycle or tricycle type, except motorized bicycles and low-speed
30 electric bicycles as defined in this section, whether the motive
31 power be a part thereof or attached thereto and having a saddle or
32 seat with driver sitting astride or upon it or a platform on which the
33 driver stands.

34 "Motor-drawn vehicle" includes trailers, semitrailers, or any
35 other type of vehicle drawn by a motor-driven vehicle.

36 "Motor vehicle" includes all vehicles propelled otherwise than by
37 muscular power, excepting such vehicles as run only upon rails or
38 tracks, low-speed electric bicycles, and motorized bicycles.

39 "Motorized scooter" means a miniature motor vehicle and
40 includes, but is not limited to, pocket bikes, super pocket bikes,
41 scooters, mini-scooters, sport scooters, mini choppers, mini
42 motorcycles, motorized skateboards and other vehicles with motors
43 not manufactured in compliance with Federal Motor Vehicle Safety
44 Standards and which have no permanent Federal Safety
45 Certification stickers affixed to the vehicle by the original
46 manufacturer. This term shall not include: electric personal
47 assistive mobility devices, motorized bicycles [or] , low-speed
48 vehicles, or low-speed electric bicycles; or motorized wheelchairs,

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1 mobility scooters or similar mobility assisting devices used by
2 persons with physical disabilities, or persons whose ambulatory
3 mobility has been impaired by age or illness.

4 "Motorized skateboard" means a skateboard that is propelled
5 otherwise than by muscular power.

6 "Motorized wheelchair" means any motor-driven wheelchair
7 utilized to increase the independent mobility, in the activities of
8 daily living, of an individual who has limited or no ambulation
9 abilities, and includes mobility scooters manufactured specifically
10 for such purposes and designed primarily for indoor use.

11 "Noncommercial truck" means every motor vehicle designed
12 primarily for transportation of property, and which is not a
13 "commercial vehicle."

14 "Official traffic control devices" means all signs, signals,
15 markings, and devices not inconsistent with this subtitle placed or
16 erected by authority of a public body or official having jurisdiction
17 for the purpose of regulating, warning, or guiding traffic.

18 "Omnibus" includes all motor vehicles used for the
19 transportation of passengers for hire, except commuter vans and
20 vehicles used in ridesharing arrangements and school buses, if the
21 same are not otherwise used in the transportation of passengers for
22 hire.

23 "Operator" means a person who is in actual physical control of a
24 vehicle or street car.

25 "Outside lane" means the lane nearest the curb or outer edge of
26 the roadway.

27 "Owner" means a person who holds the legal title of a vehicle, or
28 if a vehicle is the subject of an agreement for the conditional sale or
29 lease thereof with the right of purchase upon performance of the
30 conditions stated in the agreement and with an immediate right of
31 possession vested in the conditional vendee or lessee, or if a
32 mortgagor of a vehicle is entitled to possession, then the conditional
33 vendee, lessee or mortgagor shall be deemed the owner for the
34 purpose of this subtitle.

35 "Parking" means the standing or waiting on a street, road or
36 highway of a vehicle not actually engaged in receiving or
37 discharging passengers or merchandise, unless in obedience to
38 traffic regulations or traffic signs or signals.

39 "Passenger automobile" means all automobiles used and
40 designed for the transportation of passengers, other than omnibuses
41 and school buses.

42 "Pedestrian" means a person afoot.

43 "Person" includes natural persons, firms, copartnerships,
44 associations, and corporations.

45 "Pneumatic tire" means every tire in which compressed air is
46 designed to support the load.

47 "Pole trailer" means every vehicle without motive power
48 designed to be drawn by another vehicle and attached to the towing

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1 vehicle by means of a reach, or pole, or by being boomed or
2 otherwise secured to the towing vehicle, and ordinarily used for
3 transporting long or irregularly shaped loads, such as poles, pipes,
4 or structural members capable, generally, of sustaining themselves
5 as beams between the supporting connections.

6 "Private road or driveway" means every road or driveway not
7 open to the use of the public for purposes of vehicular travel.

8 "Railroad train" means a steam engine, electric or other motor,
9 with or without cars coupled thereto, operated upon rails, except
10 street cars.

11 "Recreation vehicle" means a self-propelled or towed vehicle
12 equipped to serve as temporary living quarters for recreational,
13 camping or travel purposes and used solely as a family or personal
14 conveyance.

15 "Residence district" means that portion of a highway and the
16 territory contiguous thereto, not comprising a business district,
17 where within any 600 feet along such highway there are buildings
18 in use for business or residential purposes which occupy 300 feet or
19 more of frontage on at least one side of the highway.

20 "Ridesharing" means the transportation of persons in a motor
21 vehicle, with a maximum carrying capacity of not more than 15
22 passengers, including the driver, where such transportation is
23 incidental to the purpose of the driver. The term shall include such
24 ridesharing arrangements known as car pools and van pools.

25 "Right-of-way" means the privilege of the immediate use of the
26 highway.

27 "Road tractor" means every motor vehicle designed and used for
28 drawing other vehicles and not so constructed as to carry any load
29 thereon either independently or any part of the weight of a vehicle
30 or load so drawn.

31 "Roadway" means that portion of a highway improved, designed,
32 or ordinarily used for vehicular travel, exclusive of the berm or
33 shoulder. In the event a highway includes two or more separate
34 roadways, the term "roadway" as used herein shall refer to any such
35 roadway separately, but not to all such roadways, collectively.

36 "Safety zone" means the area or space officially set aside within
37 a highway for the exclusive use of pedestrians, which is so plainly
38 marked or indicated by proper signs as to be plainly visible at all
39 times while set apart as a safety zone.

40 "School bus" means every motor vehicle operated by, or under
41 contract with, a public or governmental agency, or religious or other
42 charitable organization or corporation, or privately operated for the
43 transportation of children to or from school for secular or religious
44 education, which complies with the regulations of the New Jersey
45 Motor Vehicle Commission affecting school buses, including
46 "School Vehicle Type I" and "School Vehicle Type II" as defined
47 below:

1 "School Vehicle Type I" means any vehicle designed to transport
2 16 or more passengers, including the driver, used to transport
3 enrolled children, and adults only when serving as chaperones, to or
4 from a school, school connected activity, day camp, summer day
5 camp, summer residence camp, nursery school, child care center,
6 preschool center or other similar places of education. Such vehicle
7 shall comply with the regulations of the New Jersey Motor Vehicle
8 Commission and either the Department of Education or the
9 Department of Human Services, whichever is the appropriate
10 supervising agency.

11 "School Vehicle Type II" means any vehicle designed to
12 transport less than 16 passengers, including the driver, used to
13 transport enrolled children, and adults only when serving as
14 chaperones, to or from a school, school connected activity, day
15 camp, summer day camp, summer residence camp, nursery school,
16 child care center, preschool center or other similar places of
17 education. Such vehicle shall comply with the regulations of the
18 New Jersey Motor Vehicle Commission and either the Department
19 of Education or the Department of Human Services, whichever is
20 the appropriate supervising agency.

21 "School zone" means that portion of a highway which is either
22 contiguous to territory occupied by a school building or is where
23 school crossings are established in the vicinity of a school, upon
24 which are maintained appropriate "school signs" in accordance with
25 specifications adopted by the chief administrator and in accordance
26 with law.

27 "School crossing" means that portion of a highway where school
28 children are required to cross the highway in the vicinity of a
29 school.

30 "Semitrailer" means every vehicle with or without motive power,
31 other than a pole trailer, designed for carrying persons or property
32 and for being drawn by a motor vehicle and so constructed that
33 some part of its weight and that of its load rests upon or is carried
34 by another vehicle.

35 "Shipper" means any person who shall deliver, or cause to be
36 delivered, any commodity, produce or article for transportation as
37 the contents or load of a commercial motor vehicle. In the case of a
38 sealed ocean container, "shipper" shall not be construed to include
39 any person whose activities with respect to the shipment are limited
40 to the solicitation or negotiation of the sale, resale, or exchange of
41 the commodity, produce or article within that container.

42 "Shoulder" means that portion of the highway, exclusive of and
43 bordering the roadway, designed for emergency use but not
44 ordinarily to be used for vehicular travel.

45 "Sidewalk" means that portion of a highway intended for the use
46 of pedestrians, between the curb line or the lateral line of a
47 shoulder, or if none, the lateral line of the roadway and the adjacent
48 right-of-way line.

1 "Sign." See "Official traffic control devices."

2 "Slow-moving vehicle" means a vehicle run at a speed less than
3 the maximum speed then and there permissible.

4 "Solid tire" means every tire of rubber or other resilient material
5 which does not depend upon compressed air for the support of the
6 load.

7 "Street" means the same as highway.

8 "Street car" means a car other than a railroad train, for
9 transporting persons or property and operated upon rails principally
10 within a municipality.

11 "Stop," when required, means complete cessation from
12 movement.

13 "Stopping or standing," when prohibited, means any cessation of
14 movement of a vehicle, whether occupied or not, except when
15 necessary to avoid conflict with other traffic or in compliance with
16 the directions of a police officer or traffic control sign or signal.

17 "Suburban business or residential district" means that portion of
18 highway and the territory contiguous thereto, where within any
19 1,320 feet along that highway there is land in use for business or
20 residential purposes and that land occupies more than 660 feet of
21 frontage on one side or collectively more than 660 feet of frontage
22 on both sides of that roadway.

23 "Through highway" means every highway or portion thereof at
24 the entrances to which vehicular traffic from intersecting highways
25 is required by law to stop before entering or crossing the same and
26 when stop signs are erected as provided in this chapter.

27 "Trackless trolley" means every motor vehicle which is propelled
28 by electric power obtained from overhead trolley wires but not
29 operated upon rails.

30 "Traffic" means pedestrians, ridden or herded animals, vehicles,
31 street cars, and other conveyances either singly, or together, while
32 using any highway for purposes of travel.

33 "Traffic control signal" means a device, whether manually,
34 electrically, mechanically, or otherwise controlled, by which traffic
35 is alternately directed to stop and to proceed.

36 "Trailer" means every vehicle with or without motive power,
37 other than a pole trailer, designed for carrying persons or property
38 and for being drawn by a motor vehicle and so constructed that no
39 part of its weight rests upon the towing vehicle.

40 "Truck" means every motor vehicle designed, used, or
41 maintained primarily for the transportation of property.

42 "Truck tractor" means every motor vehicle designed and used
43 primarily for drawing other vehicles and not so constructed as to
44 carry a load other than a part of the weight of the vehicle and load
45 so drawn.

46 "Van pooling" means seven or more persons commuting on a
47 daily basis to and from work by means of a vehicle with a seating
48 arrangement designed to carry seven to 15 adult passengers.

1 "Vehicle" means every device in, upon or by which a person or
2 property is or may be transported upon a highway, excepting
3 devices moved by human power or used exclusively upon stationary
4 rails or tracks or motorized bicycles.

5 (cf: P.L.2016, c.35, s.1)

6
7 2. (New section) a. A low-speed electric bicycle, as defined in
8 R.S.39:1-1, may be operated on the streets, highways, sidewalks,
9 and bicycle paths of this State.

10 b. The operator of a low-speed electric bicycle shall not be
11 required to register the low-speed electric bicycle, furnish proof of
12 insurance, or have a driver's license.

13 c. All statutes, including the provisions of chapter 4 of Title 39
14 of the Revised Statutes, rules, and regulations applicable to
15 bicycles, as defined in section 1 of P.L.1991, c.465 (C.39:4-10.1),
16 shall apply to low-speed electric bicycles.

17
18 3. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 This bill expressly permits the operation of low-speed electric
24 bicycles in this State. Under the bill, low-speed electric bicycles
25 may be operated on streets, highways, sidewalks, and bicycle paths.
26 An operator of a low-speed electric bicycle is not required to
27 register the low-speed electric bicycle, furnish proof of insurance,
28 or have a driver's license.

29 The bill further provides that all statutes, including the
30 provisions of chapter 4 of Title 39 of the Revised Statutes, rules,
31 and regulations that are applicable to bicycles are to apply to low-
32 speed electric bicycles.

33 The bill defines a low-speed electric bicycle as a two or three-
34 wheeled vehicle with fully operable pedals and an electric motor of
35 less than 750 watts, whose maximum speed on a paved level
36 surface, when powered solely by a motor while operated by a
37 person weighing 170 pounds, is less than 20 miles per hour.

38 The bill also clarifies that the definitions of a motor vehicle,
39 motorcycle, motorized bicycle, and motorized scooter do not
40 include a low-speed electric bicycle.