

P.L.2016, CHAPTER 35, *approved August 31, 2016*

Senate, No. 1155 (*Second Reprint*)

1 AN ACT regulating autocycles, amending R.S.39:1-1, P.L.1967,
2 c.237, and P.L.1972, c.70, and supplementing Title 39 of the
3 Revised Statutes.

4

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

7

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

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

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

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

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

23 "Automobile" includes all motor vehicles except motorcycles.

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

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

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

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

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:

¹Assembly ATR committee amendments adopted June 6, 2016.

²Assembly floor amendments adopted June 27, 2016.

1 "Commercial motor vehicle" includes every type of motor-driven
2 vehicle used for commercial purposes on the highways, such as the
3 transportation of goods, wares and merchandise, excepting such
4 vehicles as are run only upon rails or tracks and vehicles of the
5 passenger car type used for touring purposes or the carrying of farm
6 products and milk, as the case may be.

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

9 "Commissioner" means the Commissioner of Transportation of
10 this State.

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

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

25 "Curb extension" or "bulbout" means a horizontal extension of
26 the sidewalk into the street which results in a narrower roadway
27 section.

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

31 "Deputy Chief Administrator" means the deputy chief
32 administrator of the commission.

33 "Driver" means the rider or driver of a horse, bicycle or
34 motorcycle or the driver or operator of a motor vehicle, unless
35 otherwise specified.

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

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

- 1 "Flammable liquid" means any liquid having a flash point below
2 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
3 pounds.
- 4 "Gross weight" means the combined weight of a vehicle and a
5 load thereon.
- 6 "High occupancy vehicle" or "HOV" means a vehicle which is
7 used to transport two or more persons and shall include public
8 transportation, car pool, van pool, and other vehicles as determined
9 by regulation of the Department of Transportation.
- 10 "Highway" means the entire width between the boundary lines of
11 every way publicly maintained when any part thereof is open to the
12 use of the public for purposes of vehicular travel.
- 13 "Horse" includes mules and all other domestic animals used as
14 draught animals or beasts of burden.
- 15 "Inside lane" means the lane nearest the center line of the
16 roadway.
- 17 "Intersection" means the area embraced within the prolongation
18 of the lateral curb lines or, if none, the lateral boundary lines of two
19 or more highways which join one another at an angle, whether or not
20 one such highway crosses another.
- 21 "Laned roadway" means a roadway which is divided into two or
22 more clearly marked lanes for vehicular traffic.
- 23 "Leased limousine" means any limousine subject to regulation in
24 the State which:
- 25 a. Is offered for rental or lease, without a driver, to be operated
26 by a limousine service as the lessee, for the purpose of carrying
27 passengers for hire; and
- 28 b. Is leased or rented for a period of one year or more following
29 registration.
- 30 "Leased motor vehicle" means any motor vehicle subject to
31 registration in this State which:
- 32 a. Is offered for rental or lease, without a driver, to be operated
33 by the lessee, his agent or servant, for purposes other than the
34 transportation of passengers for hire; and
- 35 b. Is leased or rented for a period of one year or more following
36 registration.
- 37 "Limited-access highway" means every highway, street, or
38 roadway in respect to which owners or occupants of abutting lands
39 and other persons have no legal right of access to or from the same
40 except at such points only and in such manner as may be determined
41 by the public authority having jurisdiction over such highway, street,
42 or roadway; and includes any highway designated as a "freeway" or
43 "parkway" by authority of law.
- 44 "Local authorities" means every county, municipal and other local
45 board or body having authority to adopt local police regulations
46 under the Constitution and laws of this State, including every county
47 governing body with relation to county roads.
- 48 "Low-speed vehicle" means a four-wheeled low-speed vehicle, as
49 defined in 49 CFR s.571.3(b), whose attainable speed is more than

1 20 miles per hour but not more than 25 miles per hour on a paved
2 level surface and which is not powered by gasoline or diesel fuel and
3 complies with federal safety standards as set forth in 49 CFR
4 s.571.500.

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

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

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

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

17 "Motorized bicycle" means a pedal bicycle having a helper motor
18 characterized in that either the maximum piston displacement is less
19 than 50 cc. or said motor is rated at no more than 1.5 brake
20 horsepower or is powered by an electric drive motor and said bicycle
21 is capable of a maximum speed of no more than 25 miles per hour
22 on a flat surface.

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

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

31 "Motor vehicle" includes all vehicles propelled otherwise than by
32 muscular power, excepting such vehicles as run only upon rails or
33 tracks and motorized bicycles.

34 "Motorized scooter" means a miniature motor vehicle and
35 includes, but is not limited to, pocket bikes, super pocket bikes,
36 scooters, mini-scooters, sport scooters, mini choppers, mini
37 motorcycles, motorized skateboards and other vehicles with motors
38 not manufactured in compliance with Federal Motor Vehicle Safety
39 Standards and which have no permanent Federal Safety Certification
40 stickers affixed to the vehicle by the original manufacturer. This
41 term shall not include: electric personal assistive mobility devices,
42 motorized bicycles or low-speed vehicles; or motorized wheelchairs,
43 mobility scooters or similar mobility assisting devices used by
44 persons with physical disabilities, or persons whose ambulatory
45 mobility has been impaired by age or illness.

46 "Motorized skateboard" means a skateboard that is propelled
47 otherwise than by muscular power.

48 "Motorized wheelchair" means any motor-driven wheelchair
49 utilized to increase the independent mobility, in the activities of

1 daily living, of an individual who has limited or no ambulation
2 abilities, and includes mobility scooters manufactured specifically
3 for such purposes and designed primarily for indoor use.

4 "Noncommercial truck" means every motor vehicle designed
5 primarily for transportation of property, and which is not a
6 "commercial vehicle."

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

11 "Omnibus" includes all motor vehicles used for the transportation
12 of passengers for hire, except commuter vans and vehicles used in
13 ridesharing arrangements and school buses, if the same are not
14 otherwise used in the transportation of passengers for hire.

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

17 "Outside lane" means the lane nearest the curb or outer edge of
18 the roadway.

19 "Owner" means a person who holds the legal title of a vehicle, or
20 if a vehicle is the subject of an agreement for the conditional sale or
21 lease thereof with the right of purchase upon performance of the
22 conditions stated in the agreement and with an immediate right of
23 possession vested in the conditional vendee or lessee, or if a
24 mortgagor of a vehicle is entitled to possession, then the conditional
25 vendee, lessee or mortgagor shall be deemed the owner for the
26 purpose of this subtitle.

27 "Parking" means the standing or waiting on a street, road or
28 highway of a vehicle not actually engaged in receiving or
29 discharging passengers or merchandise, unless in obedience to
30 traffic regulations or traffic signs or signals.

31 "Passenger automobile" means all automobiles used and designed
32 for the transportation of passengers, other than omnibuses and
33 school buses.

34 "Pedestrian" means a person afoot.

35 "Person" includes natural persons, firms, copartnerships,
36 associations, and corporations.

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

39 "Pole trailer" means every vehicle without motive power designed
40 to be drawn by another vehicle and attached to the towing vehicle by
41 means of a reach, or pole, or by being boomed or otherwise secured
42 to the towing vehicle, and ordinarily used for transporting long or
43 irregularly shaped loads, such as poles, pipes, or structural members
44 capable, generally, of sustaining themselves as beams between the
45 supporting connections.

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

1 "Railroad train" means a steam engine, electric or other motor,
2 with or without cars coupled thereto, operated upon rails, except
3 street cars.

4 "Recreation vehicle" means a self-propelled or towed vehicle
5 equipped to serve as temporary living quarters for recreational,
6 camping or travel purposes and used solely as a family or personal
7 conveyance.

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

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

18 "Right-of-way" means the privilege of the immediate use of the
19 highway.

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

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

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

33 "School bus" means every motor vehicle operated by, or under
34 contract with, a public or governmental agency, or religious or other
35 charitable organization or corporation, or privately operated for the
36 transportation of children to or from school for secular or religious
37 education, which complies with the regulations of the New Jersey
38 Motor Vehicle Commission affecting school buses, including
39 "School Vehicle Type I" and "School Vehicle Type II" as defined
40 below:

41 "School Vehicle Type I" means any vehicle designed to transport
42 16 or more passengers, including the driver, used to transport
43 enrolled children, and adults only when serving as chaperones, to or
44 from a school, school connected activity, day camp, summer day
45 camp, summer residence camp, nursery school, child care center,
46 preschool center or other similar places of education. Such vehicle
47 shall comply with the regulations of the New Jersey Motor Vehicle
48 Commission and either the Department of Education or the

1 Department of Human Services, whichever is the appropriate
2 supervising agency.

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

13 "School zone" means that portion of a highway which is either
14 contiguous to territory occupied by a school building or is where
15 school crossings are established in the vicinity of a school, upon
16 which are maintained appropriate "school signs" in accordance with
17 specifications adopted by the chief administrator and in accordance
18 with law.

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

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

26 "Shipper" means any person who shall deliver, or cause to be
27 delivered, any commodity, produce or article for transportation as
28 the contents or load of a commercial motor vehicle. In the case of a
29 sealed ocean container, "shipper" shall not be construed to include
30 any person whose activities with respect to the shipment are limited
31 to the solicitation or negotiation of the sale, resale, or exchange of
32 the commodity, produce or article within that container.

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

36 "Sidewalk" means that portion of a highway intended for the use
37 of pedestrians, between the curb line or the lateral line of a shoulder,
38 or if none, the lateral line of the roadway and the adjacent right-of-
39 way line.

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

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

43 "Solid tire" means every tire of rubber or other resilient material
44 which does not depend upon compressed air for the support of the
45 load.

46 "Street" means the same as highway.

47 "Street car" means a car other than a railroad train, for
48 transporting persons or property and operated upon rails principally
49 within a municipality.

1 "Stop," when required, means complete cessation from
2 movement.

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

7 "Suburban business or residential district" means that portion of
8 highway and the territory contiguous thereto, where within any
9 1,320 feet along that highway there is land in use for business or
10 residential purposes and that land occupies more than 660 feet of
11 frontage on one side or collectively more than 660 feet of frontage
12 on both sides of that roadway.

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

17 "Trackless trolley" means every motor vehicle which is propelled
18 by electric power obtained from overhead trolley wires but not
19 operated upon rails.

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

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

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

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

32 "Truck tractor" means every motor vehicle designed and used
33 primarily for drawing other vehicles and not so constructed as to
34 carry a load other than a part of the weight of the vehicle and load so
35 drawn.

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

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

43 (cf: P.L.2009, c.107, s.1.)

44

45 2. (New section) a. An autocycle shall be registered as a
46 motorcycle pursuant to R.S.39:3-4.

47 b. A person shall not be required to hold a motorcycle license or a
48 motorcycle endorsement to operate an autocycle if the person holds a

1 basic driver's license to operate a motor vehicle pursuant to R.S.39:3-
2 10.

3 c. A person shall not drive, operate, or ride as a passenger in an
4 autocycle without: (1) sitting on a seat; (2) properly using a safety seat
5 belt; and (3) wearing a securely fitted protective helmet pursuant to
6 section 6 of P.L.1967, c.237 (C.39:3-76.7) if required.

7 d. ²A person operating an autocycle shall not permit a child to be a
8 passenger in the autocycle if the child would be required to be secured
9 in a child passenger restraint system, pursuant to section 1 of P.L.1983,
10 c.128 (C.39:3-76.2a).

11 e.² An owner or registered owner of an autocycle registered or
12 principally garaged in this State shall maintain motor vehicle liability
13 insurance coverage pursuant to section 1 of P.L.1972, c.197 (C.39:6B-
14 1), personal injury protection coverage pursuant to section 4 of
15 P.L.1972, c.70 (C.39:6A-4), and uninsured motorist coverage pursuant
16 to section 14 of P.L.1972, c.70 (C.39:6A-14).

17 ²[e.] f.² The chief administrator shall adopt rules and regulations
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), as are necessary to implement this act. ²The chief
20 administrator may include information on autocycles in the
21 commission's driver's manual and on its Internet website.²

22

23 3. Section 2 of P.L.1967, c.237 (C.39:3-76.3) is amended to
24 read as follows:

25 2. No person shall operate on a public highway a motorcycle on
26 which the handle bar grips are higher than the shoulder height of the
27 operator when seated. For the purposes of this section, a motorcycle
28 shall not include an autocycle.

29 (cf: P.L.1979, c.434, s.1)

30

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

33 6. a. **[No]** A person shall not operate or ride upon a
34 motorcycle unless **[he wears]** the person is wearing a securely fitted
35 protective helmet of a size proper for that person and of a type
36 approved by the **[director]** chief administrator. **[Such a]** A helmet
37 **[must]** shall be equipped with either a neck or chin strap and be
38 reflectorized on both sides thereof. The **[director]** chief
39 administrator is authorized and empowered to adopt rules and
40 regulations covering the types of helmets and the specifications
41 therefor and to establish and maintain a list of approved helmets
42 which meet the specifications as established hereunder. For the
43 purposes of this section, a motorcycle shall not include an autocycle
44 that is completely enclosed or any three-wheeled motor vehicle
45 equipped with a single cab with glazing enclosing the occupant,
46 seats similar to those of a passenger vehicle or truck, seat belts and
47 automotive steering.

