

ASSEMBLY, No. 1251

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Co-Sponsored by:

Assemblymen Gusciora, Bramnick and Connors

SYNOPSIS

Prohibits sale of certain bicycles with quick release wheels.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT the prohibiting the sale of certain bicycles with quick
2 release wheels and supplementing P.L.1960, c.39 (C.56:8-1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. The Legislature hereby finds and declares that:

9 Children riding bicycles with quick release wheels have been
10 involved in over 100 accidents;

11 Many of the children involved in these accidents have suffered
12 injuries, including permanent scarring, disfigurement, major bone
13 and dental trauma, severe scraping and bruising, brain injury, and
14 ruptured internal organs;

15 The danger to children caused by bicycles with quick release
16 wheels is unacceptable in light of the fact that safer alternatives
17 exist; and

18 Furthermore, advances in quick release technology make it right
19 and proper that the new mechanisms—which are less prone to
20 assembler and user error—be used in place of the old.

21 It is, therefore, altogether fitting and proper that the State
22 regulate the sale of bicycles with quick release wheels to stem the
23 rash of senseless injuries to children resulting from their use.
24

25 2. a. It shall be an unlawful practice for any person to sell a
26 bicycle with a front wheel diameter of 20 inches or less, which is
27 equipped with a quick release wheel, exclusive of specialty adult
28 bicycles.

29 b. For the purposes of P.L. , c. (C.) (pending before
30 the Legislature as this bill):

31 (1) "quick release wheel" means any bicycle front wheel which
32 does not require the use of any tools for wheel removal;

33 (2) "primary retention device" means a device that keeps the
34 bicycle wheel connected to the bicycle for riding; and

35 (3) "secondary retention device" means a device that retains the
36 bicycle wheel in the bicycle fork when the primary retention device
37 is disengaged.

38 c. (1) It shall be an unlawful practice for any person to sell a
39 bicycle which is equipped with a quick release wheel if:

40 (a) the front wheel diameter is greater than 20 inches; or

41 (b) it is a specialty adult bicycle with a front wheel diameter of
42 20 inches or less.

43 (2) The sale of a bicycle which meets the following conditions
44 shall not be considered an unlawful practice under paragraph (1) of
45 this subsection:

46 (a) The quick release wheel is equipped with both a primary and
47 a secondary retention device; and

- 1 (b) The secondary retention device conforms to the following
2 performance specifications:
3 (i) The secondary retention device activates automatically when
4 the wheel is placed in the fork dropouts;
5 (ii) The secondary retention device does not disengage for wheel
6 removal unless it is actively held in the disengaged position by the
7 user during wheel removal;
8 (iii) The secondary retention device, regardless of the method of
9 manual operation by the user, always prevents wheel separation
10 while the bicycle is ridden; and
11 (iv) During all states of fastening and unfastening of the primary
12 retention device, the secondary retention device, in a hands-off
13 condition, does not allow the wheel to separate from the fork.
14

15 3. This act shall take effect on the first day of the third month
16 after enactment.
17
18

19 STATEMENT
20

21 This bill makes it an unlawful practice for any person to sell
22 certain bicycles equipped with quick release wheels. The bill
23 defines "quick release wheel" as any bicycle front wheel which does
24 not require the use of any tools for wheel removal.

25 Under the bill, it would be an unlawful practice to sell any
26 bicycle equipped with a quick release wheel if it has a front wheel
27 diameter of 20 inches or less and is not a specialty adult bicycle.
28 Further, the bill would make the sale of any other type of bicycle,
29 including specialty adult bicycles with a front wheel diameter of 20
30 inches or less, equipped with a quick release wheel an unlawful
31 practice, unless:

- 32 • the bicycle is equipped with both, a primary and secondary
33 retention device, and
34 • the secondary retention device meets certain standards designed
35 to prevent the accidental separation of the wheel from the
36 bicycle fork.

37 An unlawful practice under the Consumer Fraud Act is
38 punishable by a monetary penalty of not more than \$10,000 for a
39 first offense and not more than \$20,000 for any subsequent offense.
40 In addition, a violation can result in cease and desist orders issued
41 by the Attorney General, the assessment of punitive damages and
42 the awarding of treble damages and costs to the injured.