

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:**

<sup>1</sup>Assembly ATR committee amendments adopted June 6, 2016.

<sup>2</sup>Assembly 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. <sup>2</sup>A 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.<sup>2</sup> 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 <sup>2</sup>[e.] f.<sup>2</sup> 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. <sup>2</sup>The chief  
20 administrator may include information on autocycles in the  
21 commission's driver's manual and on its Internet website.<sup>2</sup>

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.

1       b. The **【director】** chief administrator shall not assess motor  
2 vehicle points for the failure of a motorcycle operator or rider to  
3 wear a protective helmet.

4 (cf: P.L.1992, c.153, s.1)

5

6       5. Section 8 of P.L.1967, c.237 (C.39:3-76.9) is amended to  
7 read as follows:

8       8. The provisions of section 7 of **【this act】** P.L.1967, c.237  
9 (C.39:3-76.8) with respect to goggles and face shields shall not  
10 apply to the operator of a motorcycle equipped with a wind screen  
11 **【meeting】** or an autocycle that meets the specifications established  
12 by the **【director】** chief administrator.

13 (cf: P.L.1967, c.237, s.8)

14

15       6. Section 14 of P.L.1972, c.70 (C.39:6A-14) is amended to  
16 read as follows:

17       14. Every owner or registrant of an automobile or autocycle  
18 registered or principally garaged in this State shall maintain  
19 uninsured motorist coverage as provided in P.L.1968, c.385  
20 (C.17:28-1.1).

21 (cf: P.L.1972, c.70, s.14)

22

23       7. This act shall take effect immediately <sup>1</sup>, except that  
24 subsection a. of section 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before  
25 the Legislature as this bill) shall remain inoperative until six months  
26 following the date of enactment, provided, however, that the Chief  
27 Administrator of the New Jersey Motor Vehicle Commission may  
28 take such anticipatory actions as may be necessary for the timely  
29 implementation of the provisions of that subsection<sup>1</sup>

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Regulates autocycles as motorcycles.