

ASSEMBLY, No. 2382

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)

SYNOPSIS

Restricts use of motorized skateboards.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning motorized skateboards, amending R.S.39:1-1,
2 and amending and supplementing P.L.1997, c.411.

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.

44 "Commission" means the New Jersey Motor Vehicle
45 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
46 4).

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.

1 "Commissioner" means the Commissioner of Transportation of
2 this State.

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

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

17 "Curb extension" or "bulbout" means a horizontal extension of
18 the sidewalk into the street which results in a narrower roadway
19 section.

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

23 "Deputy Chief Administrator" means the deputy chief
24 administrator of the commission.

25 "Driver" means the rider or driver of a horse, bicycle or
26 motorcycle or the driver or operator of a motor vehicle, unless
27 otherwise specified.

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

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

40 "Flammable liquid" means any liquid having a flash point below
41 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
42 pounds.

43 "Gross weight" means the combined weight of a vehicle and a
44 load thereon.

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

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

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

6 "Inside lane" means the lane nearest the center line of the
7 roadway.

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

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

14 "Leased limousine" means any limousine subject to regulation in
15 the State which:

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

19 b. Is leased or rented for a period of one year or more
20 following registration.

21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:

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

26 b. Is leased or rented for a period of one year or more
27 following registration.

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

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

39 "Low-speed electric bicycle" means a two or three-wheeled
40 vehicle with fully operable pedals and an electric motor of less than
41 750 watts, that meets the requirements of one of the following
42 classifications: "class 1 low-speed electric bicycle" which means a
43 low-speed electric bicycle equipped with a motor that provides
44 assistance only when the rider is pedaling, and that ceases to
45 provide assistance when the bicycle reaches the speed of 20 miles
46 per hour; or "class 2 low-speed electric bicycle" which means a
47 low-speed electric bicycle equipped with a motor that may be used
48 exclusively to propel the bicycle, and that is not capable of

1 providing assistance when the bicycle reaches the speed of 20 miles
2 per hour.

3 "Low-speed electric scooter" means a scooter with a floorboard
4 that can be stood upon by the operator, with handlebars, and an
5 electric motor that is capable of propelling the device with or
6 without human propulsion at a maximum speed of less than 19
7 miles per hour.

8 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
9 as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more
10 than 20 miles per hour but not more than 25 miles per hour on a
11 paved level surface and which is not powered by gasoline or diesel
12 fuel and complies with federal safety standards as set forth in 49
13 C.F.R. s.571.500.

14 "Magistrate" means any municipal court and the Superior Court,
15 and any officer having the powers of a committing magistrate and
16 the chief administrator.

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

21 "Metal tire" means every tire the surface of which in contact with
22 the highway is wholly or partly of metal or other hard nonresilient
23 material.

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

27 "Motorized bicycle" means a pedal bicycle having a helper motor
28 characterized in that either the maximum piston displacement is less
29 than 50 cc. or said motor is rated at no more than 1.5 brake
30 horsepower or is powered by an electric drive motor and said
31 bicycle is capable of a maximum speed of no more than 25 miles
32 per hour on a flat surface or a pedal bicycle having an electric motor
33 that is capable of propelling the bicycle in excess of 20 miles per
34 hour with a maximum motor-powered speed of no more than 28
35 miles per hour on a flat surface. This term shall not include a low-
36 speed electric bicycle or low-speed electric scooter as defined in
37 this section.

38 "Motorcycle" includes motorcycles, autocycles, motor bikes,
39 bicycles with motor attached and all motor-operated vehicles of the
40 bicycle or tricycle type, except motorized bicycles, low-speed
41 electric bicycles, and low-speed electric scooters as defined in this
42 section, whether the motive power be a part thereof or attached
43 thereto and having a saddle or seat with driver sitting astride or
44 upon it or a platform on which the driver stands.

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

47 "Motor vehicle" includes all vehicles propelled otherwise than by
48 muscular power, excepting such vehicles as run only upon rails or

1 tracks, low-speed electric bicycles, low-speed electric scooters, and
2 motorized bicycles.

3 "Motorized scooter" means a miniature motor vehicle and
4 includes, but is not limited to, pocket bikes, super pocket bikes,
5 scooters, mini-scooters, sport scooters, mini choppers, mini
6 motorcycles, motorized skateboards and other vehicles with motors
7 not manufactured in compliance with Federal Motor Vehicle Safety
8 Standards and which have no permanent Federal Safety
9 Certification stickers affixed to the vehicle by the original
10 manufacturer. This term shall not include: electric personal
11 assistive mobility devices, motorized bicycles, low-speed vehicles,
12 low-speed electric bicycles, or low-speed electric scooters; or
13 motorized wheelchairs, mobility scooters or similar mobility
14 assisting devices used by persons with physical disabilities, or
15 persons whose ambulatory mobility has been impaired by age or
16 illness.

17 "Motorized skateboard" means a skateboard that is propelled
18 otherwise than by muscular power, and includes a two-wheeled,
19 self-balancing electric skateboard.

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

25 "Noncommercial truck" means every motor vehicle designed
26 primarily for transportation of property, and which is not a
27 "commercial vehicle."

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

32 "Omnibus" includes all motor vehicles used for the
33 transportation of passengers for hire, except commuter vans and
34 vehicles used in ridesharing arrangements and school buses, if the
35 same are not otherwise used in the transportation of passengers for
36 hire.

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

39 "Outside lane" means the lane nearest the curb or outer edge of
40 the roadway.

41 "Owner" means a person who holds the legal title of a vehicle, or
42 if a vehicle is the subject of an agreement for the conditional sale or
43 lease thereof with the right of purchase upon performance of the
44 conditions stated in the agreement and with an immediate right of
45 possession vested in the conditional vendee or lessee, or if a
46 mortgagor of a vehicle is entitled to possession, then the conditional
47 vendee, lessee or mortgagor shall be deemed the owner for the
48 purpose of this subtitle.

1 "Parking" means the standing or waiting on a street, road or
2 highway of a vehicle not actually engaged in receiving or
3 discharging passengers or merchandise, unless in obedience to
4 traffic regulations or traffic signs or signals.

5 "Passenger automobile" means all automobiles used and
6 designed for the transportation of passengers, other than omnibuses
7 and school buses.

8 "Pedestrian" means a person afoot.

9 "Person" includes natural persons, firms, copartnerships,
10 associations, and corporations.

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

13 "Pole trailer" means every vehicle without motive power
14 designed to be drawn by another vehicle and attached to the towing
15 vehicle by means of a reach, or pole, or by being boomed or
16 otherwise secured to the towing vehicle, and ordinarily used for
17 transporting long or irregularly shaped loads, such as poles, pipes,
18 or structural members capable, generally, of sustaining themselves
19 as beams between the supporting connections.

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

22 "Railroad train" means a steam engine, electric or other motor,
23 with or without cars coupled thereto, operated upon rails, except
24 street cars.

25 "REAL ID basic driver's license" means a basic driver's license
26 issued by the commission that complies with the provisions of the
27 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
28 supplementary thereto, and any federal regulations adopted
29 thereunder.

30 "REAL ID identification card" means an identification card
31 issued by the commission that complies with the provisions of the
32 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
33 supplementary thereto, and any federal regulations adopted
34 thereunder.

35 "REAL ID license" means any license to operate a motor vehicle
36 issued by the commission that complies with the provisions of the
37 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
38 supplementary thereto, and any federal regulations adopted
39 thereunder.

40 "REAL ID motorcycle license" means a motorcycle license
41 issued by the commission that complies with the provisions of the
42 "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or
43 supplementary thereto, and any federal regulations adopted
44 thereunder.

45 "REAL ID probationary license" means a probationary license
46 issued by the commission that complies with the provisions of the
47 "REAL ID Act of 2005," P.L.109-13, any acts amendatory or
48 supplementary thereto, and any federal regulations adopted
49 thereunder.

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

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

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

15 "Right-of-way" means the privilege of the immediate use of the
16 highway.

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

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

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

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

38 "School Vehicle Type I" means any vehicle designed to transport
39 16 or more passengers, including the driver, used to transport
40 enrolled children, and adults only when serving as chaperones, to or
41 from a school, school connected activity, day camp, summer day
42 camp, summer residence camp, nursery school, child care center,
43 preschool center or other similar places of education. Such vehicle
44 shall comply with the regulations of the New Jersey Motor Vehicle
45 Commission and either the Department of Education or the
46 Department of Human Services, whichever is the appropriate
47 supervising agency.

48 "School Vehicle Type II" means any vehicle designed to
49 transport less than 16 passengers, including the driver, used to

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

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

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

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

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

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

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

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

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

40 "Solid tire" means every tire of rubber or other resilient material
41 which does not depend upon compressed air for the support of the
42 load.

43 "Standard" means, when used to describe any license to operate a
44 motor vehicle or any identification card issued by the commission
45 under the provisions of this Title, that the issuance of the license or
46 identification card does not require proof of lawful presence in the
47 United States.

48 "Street" means the same as highway.

1 "Street car" means a car other than a railroad train, for
2 transporting persons or property and operated upon rails principally
3 within a municipality.

4 "Stop," when required, means complete cessation from
5 movement.

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

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

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

20 "Trackless trolley" means every motor vehicle which is propelled
21 by electric power obtained from overhead trolley wires but not
22 operated upon rails.

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

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

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

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

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

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

42 "Vehicle" means every device in, upon or by which a person or
43 property is or may be transported upon a highway, excepting
44 devices moved by human power or used exclusively upon stationary
45 rails or tracks or low-speed electric bicycles, low-speed electric
46 scooters, or motorized bicycles.

47 (cf: P.L.2019, c.271, s.1)

1 2. Section 1 of P.L.1997, c.411 (C.39:4-10.5) is amended to
2 read as follows:

3 1. a. As used in **【this act】** P.L.1997, c.411 (C.39:4-10.5 et
4 seq.):

5 "Director" means the Director of Consumer Affairs in the
6 Department of Law and Public Safety.

7 "Motorized skateboard" means the same as defined in R.S.39:1-
8 1.

9 "Roller skates" means a pair of devices worn on the feet with a
10 set of wheels attached, regardless of the number or placement of
11 those wheels, and used to glide or propel the user over the ground.

12 b. A person under 17 years of age shall not operate any roller
13 skates or skateboard , and a person of any age shall not operate a
14 motorized skateboard, unless that person is wearing a properly
15 fitted and fastened helmet which meets the standards of the
16 American National Standards Institute (ANSI Z90.4 bicycle helmet
17 standard), the Snell Memorial Foundation's 1990 Standard for
18 Protective Headgear for Use in Bicycling, the American Society for
19 Testing and Materials (ASTM) standard or other such standard, as
20 appropriate.

21 c. The requirement in subsection b. of this section shall apply
22 at all times while a person subject to the provisions of this act is
23 operating roller skates or skateboarding on any property open to the
24 public or used by the public for roller skating or skateboarding.

25 d. No person under 16 years of age shall operate a motorized
26 skateboard.

27 (cf: P.L.2005, c.208, s.3)

28

29 3. Section 2 of P.L.1997, c.411 (C.39:4-10.6) is amended to
30 read as follows:

31 2. a. (1) A person who violates 【the provisions】 subsections
32 b. and c. of section 1 of 【this act】 P.L.1997, c.411 (C.39:4-10.5) by
33 failing to wear an approved helmet shall be warned of the violation
34 by the enforcing official. The parent or legal guardian of the
35 violation may be fined a maximum of \$25 for a first offense and a
36 maximum of \$100 for a subsequent offense. The penalties provided
37 under the provisions of this subsection for failing to wear an
38 approved helmet may be waived if the parent or legal guardian of
39 the violator presents suitable proof that an approved helmet or
40 appropriate personal protection equipment has been purchased since
41 the violation occurred.

42 (2) A person under 16 years of age who violates subsection d. of
43 section 1 of P.L.1997, c.411 (C.39:4-10.5) by operating a motorized
44 skateboard shall be warned of the violation by the enforcing
45 official. The parent or legal guardian of the violator may be fined a
46 maximum of \$25 for a first offense and a maximum of \$100 for a
47 subsequent offense.

1 b. All moneys collected as fines under subsection a. of this
2 section shall be deposited in the "Bicycle and Skating Safety Fund"
3 pursuant to section 2 of P.L.1991, c.465 (C.39:4-10.2).
4 (cf: P.L.1997, c.411, s.2)

5
6 4. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to
7 read as follows:

8 5. a. A person, firm, corporation or other legal entity regularly
9 engaged in the business of selling or renting roller skates or
10 skateboards shall post a sign at the point where the sale or rental
11 transaction is completed stating: "STATE LAW REQUIRES A
12 PERSON UNDER 17 YEARS OF AGE TO WEAR A HELMET
13 WHEN ROLLER SKATING OR SKATEBOARDING. STATE
14 LAW PROHIBITS ANY PERSON UNDER 16 YEARS OF AGE
15 FROM OPERATING A MOTORIZED SKATEBOARD AND
16 REQUIRES A PERSON TO WEAR A HELMET WHEN USING A
17 MOTORIZED SKATEBOARD."

18 The size of the sign shall be at a minimum 15 inches in length
19 and 8 inches in width. This notification requirement shall not apply
20 to a seller when roller skates or motorized skateboards are sold
21 through the use of a mail order catalog or brochure where the
22 purchase and payment are made by mail, telephone or another
23 telecommunications or electronic method.

24 b. A person, firm, corporation or other legal entity who fails to
25 post the sign required by subsection a. of this section shall be
26 subject to a penalty not to exceed \$25 a day for each day the
27 business is open to the public and the sign is not posted. The
28 enforcement of this subsection shall be vested in the director, the
29 inspectors appointed under his authority and the police or peace
30 officers of, or inspectors duly appointed for this purpose by, any
31 municipality or county or the State. Jurisdiction of proceedings to
32 collect the penalties prescribed by this act is vested in the Superior
33 Court and the municipal court in any municipality where the
34 defendant resides. Process shall be either a summons or warrant
35 and shall be executed in a summary manner pursuant to the "Penalty
36 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

37 c. A person, firm, corporation or other legal entity regularly
38 engaged in the business of renting roller skates or skateboards shall
39 make available an approved helmet to a person under 17 years of
40 age who rents the roller skates or skateboards , or any person who
41 rents a motorized skateboard, for use in an area where a helmet is
42 required, if the person does not already have a helmet in his
43 possession. A fee may be charged for the helmet rental.

44 d. A person, firm, corporation or other legal entity regularly
45 engaged in the business of selling or renting roller skates or
46 skateboards who complies with the applicable requirements of this
47 section shall not be liable in a civil action for damages for any
48 physical injury sustained by a user of roller skates or a skateboard
49 who is under the age of 17 years , or a user of a motorized

1 skateboard, as a result of that person's failure to wear a helmet in
2 accordance with the provisions of this act.

3 e. Sixty days before the effective date of this act, the Division
4 of Consumer Affairs in the Department of Law and Public Safety
5 shall make a reasonable effort to notify any person, firm,
6 corporation or other legal entity who is regularly engaged in the
7 business of selling or renting roller skates or skateboards of the
8 requirements of this section. The responsibility of a person, firm,
9 corporation or other legal entity under this section shall not be
10 abrogated or diminished in any manner if the person fails to receive
11 or become aware of a notice from the division.

12 (cf: P.L.2005, c.208, s.4)

13

14 5. (New section) A person shall not operate a motorized
15 skateboard at a speed greater than 10 miles per hour.

16

17 6. This act shall take effect immediately.

18

19 STATEMENT

20

21 This bill restricts the use of motorized skateboards, including
22 “hoverboards.”

23 A “motorized skateboard” is defined in current law, at
24 N.J.S.A.39:1-1, as a skateboard that is propelled otherwise than by
25 muscular power. The bill revises this definition to clarify that a
26 motorized skateboard includes a two-wheeled, self-balancing
27 electric skateboard, commonly known as a “hoverboard.”

28 The bill also requires a person operating a motorized skateboard
29 to wear a properly fitted and fastened helmet and to be at least 16
30 years of age. The bill prohibits a person from operating a motorized
31 skateboard at a speed greater than 10 miles per hour.

32 A person under the age of 16 who operates a motorized
33 skateboard in violation of the bill’s provisions would be warned of
34 the violation by the enforcing official. The parent or legal guardian
35 of the violator may be fined a maximum of \$25 for a first offense
36 and a maximum of \$100 for a subsequent offense.

37 In addition to the requirements under current law, a business
38 selling or renting motorized skateboards would be required to post a
39 sign at the point where the sale or rental transaction is completed
40 stating: “STATE LAW PROHIBITS ANY PERSON UNDER 16
41 YEARS OF AGE FROM OPERATING A MOTORIZED
42 SKATEBOARD AND REQUIRES A PERSON TO WEAR A
43 HELMET WHEN USING A MOTORIZED SKATEBOARD.”

44 This bill is similar to a California law that regulates the use of
45 motorized skateboards.